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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 1939

03/04/2019 Authored by Kunesh-Podein, Richardson, Baker, Mariani and Huot
The bill was read for the first time and referred to the Committee on Health and Human Services Policy

1.1 A bill for an act
1.2 relating to human services; requiring the commissioner of human services to ensure
1.3 certain protections for children in foster care; amending Minnesota Statutes 2018,
1.4 section 260C.215, subdivision 4.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2018, section 260C.215, subdivision 4, is amended to read:

1.7 Subd. 4. Duties of commissioner. (a) The commissioner of human services shall:

1.8 (1) provide practice guidance to responsible social services agencies and licensed
1.9 child-placing agencies that reflect federal and state laws and policy direction on placement
1.10 of children;

1.11 (2) develop criteria for determining whether a prospective adoptive or foster family has
1.12 the ability to understand and validate the child's cultural background;

1.13 (3) provide a standardized training curriculum for adoption and foster care workers and
1.14 administrators who work with children. Training must address the following objectives:

1.15 (i) developing and maintaining sensitivity to all cultures;

1.16 (ii) assessing values and their cultural implications;

1.17 (iii) making individualized placement decisions that advance the best interests of a
1.18 particular child under section 260C.212, subdivision 2; and

1.19 (iv) issues related to cross-cultural placement;

1.20 (4) provide a training curriculum for all prospective adoptive and foster families that
1.21 prepares them to care for the needs of adoptive and foster children taking into consideration

2.1 the needs of children outlined in section 260C.212, subdivision 2, paragraph (b), and, as
2.2 necessary, preparation is continued after placement of the child and includes the knowledge
2.3 and skills related to reasonable and prudent parenting standards for the participation of the
2.4 child in age or developmentally appropriate activities, according to section 260C.212,
2.5 subdivision 14;

2.6 (5) develop and provide to responsible social services agencies and licensed child-placing
2.7 agencies a home study format to assess the capacities and needs of prospective adoptive
2.8 and foster families. The format must address problem-solving skills; parenting skills; evaluate
2.9 the degree to which the prospective family has the ability to understand and validate the
2.10 child's cultural background, and other issues needed to provide sufficient information for
2.11 agencies to make an individualized placement decision consistent with section 260C.212,
2.12 subdivision 2. For a study of a prospective foster parent, the format must also address the
2.13 capacity of the prospective foster parent to provide a safe, healthy, smoke-free home
2.14 environment. If a prospective adoptive parent has also been a foster parent, any update
2.15 necessary to a home study for the purpose of adoption may be completed by the licensing
2.16 authority responsible for the foster parent's license. If a prospective adoptive parent with
2.17 an approved adoptive home study also applies for a foster care license, the license application
2.18 may be made with the same agency which provided the adoptive home study; and

2.19 (6) consult with representatives reflecting diverse populations from the councils
2.20 established under sections 3.922 and 15.0145, and other state, local, and community
2.21 organizations.

2.22 (b) The commissioner shall ensure that each child placed in foster care is entitled to
2.23 certain rights and protections while in foster care. Each child placed in foster care shall
2.24 receive notification of these rights and protections immediately upon out-of-home placement
2.25 or during the child's first meeting with a county social worker, in a document that is age
2.26 and developmentally appropriate. A child's social worker must review the document annually
2.27 with the child in an age and developmentally appropriate manner. The commissioner shall
2.28 issue a bulletin listing these rights and the requirements for responsible social services
2.29 agencies as soon as is practicable and shall include the rights and procedures required under
2.30 this paragraph in adoption and foster care workers and administrator training materials. The
2.31 commissioner shall ensure that a child in foster care:

2.32 (1) has access to a county and state-level designated phone number or e-mail, available
2.33 before and after standard business hours, to submit complaints of noncompliance with these
2.34 rights;

- 3.1 (2) maintains relationships with relatives, as defined in section 260C.007, subdivision
3.2 27, if the child chooses to do so, unless the responsible social services agency has documented
3.3 that contact with a relative is not in the best interest of the child;
- 3.4 (3) meets with a family facilitator within the first week in an out-of-home placement;
- 3.5 (4) has a preplacement visit with any potential foster family;
- 3.6 (5) is not placed in a secure detention facility for respite care or temporary emergency
3.7 placement;
- 3.8 (6) receives notice of case proceedings as far in advance as possible, and receives copies
3.9 of all court orders and reports pertaining to the child's case;
- 3.10 (7) receives timely notice of case plan changes;
- 3.11 (8) is able to easily and regularly contact the child's attorney or guardian ad litem;
- 3.12 (9) may share certain information with the child's social worker on a confidential basis,
3.13 as indicated by the child, unless the information shared indicates a safety concern for the
3.14 child or foster care family;
- 3.15 (10) is placed in a safe environment, with the child's own bed;
- 3.16 (11) has a right to privacy and personal space, absent documented safety concerns;
- 3.17 (12) has a key to the home where the child resides, if the child is over ten years of age;
- 3.18 (13) has access to a working telephone or mobile phone;
- 3.19 (14) receives mail addressed to the child, promptly and without restriction;
- 3.20 (15) has access to transportation, as needed;
- 3.21 (16) has necessary personal hygiene products;
- 3.22 (17) has access to nutritious food;
- 3.23 (18) has sufficient luggage to transport belongings when moving;
- 3.24 (19) has at least three days' supply of clean and appropriate clothing upon entering foster
3.25 care;
- 3.26 (20) is able to retrieve belongings from the child's previous home and keep gifts received
3.27 while in foster care;
- 3.28 (21) is disciplined in an appropriate manner;

4.1 (22) may practice the religion of the child's choice, facilitated by the child's foster family,
4.2 as necessary;

4.3 (23) has the freedom to express the child's sexual orientation or gender identity, without
4.4 punishment or reproach;

4.5 (24) has access to culturally significant events, celebrations, and customs, and access to
4.6 the child's cultural community;

4.7 (25) receives assistance with tribal enrollment, if applicable;

4.8 (26) is permitted to participate in school activities, sports, and other extracurricular
4.9 activities;

4.10 (27) is included in family vacations with the child's foster family, if possible;

4.11 (28) may spend overnights outside the family child foster care home, at the discretion
4.12 of the foster parents and without prior approval by the county social worker, once a child
4.13 is 16 years of age;

4.14 (29) may meet regularly with a peer support group or peer mentor;

4.15 (30) receives assistance with obtaining employment and post-secondary education, and
4.16 assistance with independent living skills, as appropriate;

4.17 (31) receives information about and assistance with obtaining automobile insurance and
4.18 a driver's license;

4.19 (32) receives information about and assistance with establishing a bank account; and

4.20 (33) receives an annual credit report, if applicable.

4.21 **EFFECTIVE DATE.** This section is effective for each child in foster care on or after
4.22 August 1, 2019, regardless of when the child entered foster care.