

1.1 CONFERENCE COMMITTEE REPORT ON S.F. No. 1503

1.2 A bill for an act

1.3 relating to human services; changing child welfare provisions; modifying  
1.4 provisions governing adoption records; amending Minnesota Statutes 2008,  
1.5 sections 13.46, subdivision 2; 256.01, subdivision 14b; 259.52, subdivisions  
1.6 2, 6; 259.89, subdivisions 1, 2, 4, by adding a subdivision; 260.012; 260.93;  
1.7 260B.007, subdivision 7; 260B.157, subdivision 3; 260B.198, subdivision 1;  
1.8 260C.007, subdivisions 18, 25; 260C.151, subdivisions 1, 2, 3, by adding a  
1.9 subdivision; 260C.163, by adding a subdivision; 260C.175, subdivision 1;  
1.10 260C.176, subdivision 1; 260C.178, subdivisions 1, 3; 260C.201, subdivisions  
1.11 1, 3, 5, 11; 260C.209, subdivision 3; 260C.212, subdivisions 1, 2, 4, 4a, 5, 7;  
1.12 260D.02, subdivision 5; 260D.03, subdivision 1; 260D.07; 484.76, subdivision  
1.13 2; Laws 2008, chapter 361, article 6, section 58; proposing coding for new law in  
1.14 Minnesota Statutes, chapter 260C; repealing Minnesota Statutes 2008, section  
1.15 260C.209, subdivision 4.

1.16 May 18, 2009

1.17 The Honorable James P. Metzen  
1.18 President of the Senate

1.19 The Honorable Margaret Anderson Kelliher  
1.20 Speaker of the House of Representatives

1.21 We, the undersigned conferees for S.F. No. 1503 report that we have agreed upon  
1.22 the items in dispute and recommend as follows:

1.23 That the Senate recede from its amendments and that S.F. No. 1503 be further  
1.24 amended as follows:

1.25 Delete everything after the enacting clause and insert:

1.26 "ARTICLE 1  
1.27 CHILD WELFARE TECHNICAL

1.28 Section 1. Minnesota Statutes 2008, section 260.93, is amended to read:

1.29 **260.93 INTERSTATE COMPACT FOR THE PLACEMENT OF CHILDREN.**

1.30 ARTICLE I. PURPOSE

1.31 The purpose of this Interstate Compact for the Placement of Children is to:

2.1 A. Provide a process through which children subject to this compact are placed in  
2.2 safe and suitable homes in a timely manner.

2.3 B. Facilitate ongoing supervision of a placement, the delivery of services, and  
2.4 communication between the states.

2.5 C. Provide operating procedures that will ensure that children are placed in safe and  
2.6 suitable homes in a timely manner.

2.7 D. Provide for the promulgation and enforcement of administrative rules  
2.8 implementing the provisions of this compact and regulating the covered activities of  
2.9 the member states.

2.10 E. Provide for uniform data collection and information sharing between member  
2.11 states under this compact.

2.12 F. Promote coordination between this compact, the Interstate Compact for Juveniles,  
2.13 the Interstate Compact on Adoption and Medical Assistance, and other compacts affecting  
2.14 the placement of and which provide services to children otherwise subject to this compact.

2.15 G. Provide for a state's continuing legal jurisdiction and responsibility for placement  
2.16 and care of a child that it would have had if the placement were intrastate.

2.17 H. Provide for the promulgation of guidelines, in collaboration with Indian tribes,  
2.18 for interstate cases involving Indian children as is or may be permitted by federal law.

## 2.19 ARTICLE II. DEFINITIONS

2.20 As used in this compact,

2.21 A. "Approved placement" means the public child-placing agency in the receiving  
2.22 state has determined that the placement is both safe and suitable for the child.

2.23 B. "Assessment" means an evaluation of a prospective placement by a public  
2.24 child-placing agency to determine whether the placement meets the individualized needs  
2.25 of the child, including but not limited to the child's safety and stability, health and  
2.26 well-being, and mental, emotional, and physical development. An assessment is only  
2.27 applicable to a placement by a public child-placing agency.

2.28 C. "Child" means an individual who has not attained the age of eighteen (18).

2.29 D. "Certification" means ~~to attest, declare, or be sworn to~~ attesting, declaring, or  
2.30 swearing before a judge or notary public.

2.31 E. "Default" means the failure of a member state to perform the obligations or  
2.32 responsibilities imposed upon it by this compact, the bylaws or rules of the Interstate  
2.33 Commission.

2.34 F. "Home study" means an evaluation of a home environment conducted according  
2.35 to the applicable requirements of the state in which the home is located, and documents

3.1 the preparation and the suitability of the placement resource for placement of a child  
3.2 according to the laws and requirements of the state in which the home is located.

3.3 G. "Indian tribe" means any Indian tribe, band, nation, or other organized group  
3.4 or community of Indians recognized as eligible for services provided to Indians by the  
3.5 Secretary of the Interior because of their status as Indians, including any Alaskan native  
3.6 village as defined in section 3(c) of the Alaska Native Claims Settlement Act at United  
3.7 States Code, title 43, chapter 33, section 1602(c).

3.8 H. "Interstate Commission for the Placement of Children" means the commission  
3.9 that is created under Article VIII of this compact and which is generally referred to as the  
3.10 Interstate Commission.

3.11 I. "Jurisdiction" means the power and authority of a court to hear and decide matters.

3.12 J. "Legal risk placement" ("Legal risk adoption") means a placement made  
3.13 preliminary to an adoption where the prospective adoptive parents acknowledge in writing  
3.14 that a child can be ordered returned to the sending state or the birth mother's state of  
3.15 residence, if different from the sending state and a final decree of adoption shall not be  
3.16 entered in any jurisdiction until all required consents are obtained or are dispensed with  
3.17 according to applicable law.

3.18 K. "Member state" means a state that has enacted this compact.

3.19 L. "Noncustodial parent" means a person who, at the time of the commencement  
3.20 of court proceedings in the sending state, does not have sole legal custody of the child  
3.21 or has joint legal custody of a child, and who is not the subject of allegations or findings  
3.22 of child abuse or neglect.

3.23 M. "Nonmember state" means a state which has not enacted this compact.

3.24 N. "Notice of residential placement" means information regarding a placement  
3.25 into a residential facility provided to the receiving state including, but not limited to the  
3.26 name, date and place of birth of the child, the identity and address of the parent or legal  
3.27 guardian, evidence of authority to make the placement, and the name and address of  
3.28 the facility in which the child will be placed. Notice of residential placement shall also  
3.29 include information regarding a discharge and any unauthorized absence from the facility.

3.30 O. "Placement" means the act by a public or private child-placing agency intended  
3.31 to arrange for the care or custody of a child in another state.

3.32 P. "Private child-placing agency" means any private corporation, agency, foundation,  
3.33 institution, or charitable organization, or any private person or attorney that facilitates,  
3.34 causes, or is involved in the placement of a child from one state to another and that is not  
3.35 an instrumentality of the state or acting under color of state law.

4.1 Q. "Provisional placement" means a determination made by the public child-placing  
4.2 agency in the receiving state that the proposed placement is safe and suitable, and, to the  
4.3 extent allowable, the receiving state has temporarily waived its standards or requirements  
4.4 otherwise applicable to prospective foster or adoptive parents so as to not delay the  
4.5 placement. Completion of an assessment and the receiving state requirements regarding  
4.6 training for prospective foster or adoptive parents shall not delay an otherwise safe and  
4.7 suitable placement.

4.8 R. "Public child-placing agency" means any government child welfare agency or  
4.9 child protection agency or a private entity under contract with such an agency, regardless  
4.10 of whether they act on behalf of a state, county, municipality, or other governmental  
4.11 unit and which facilitates, causes, or is involved in the placement of a child from one  
4.12 state to another.

4.13 S. "Receiving state" means the state to which a child is sent, brought, or caused to  
4.14 be sent or brought.

4.15 T. "Relative" means someone who is related to the child as a parent, stepparent,  
4.16 sibling by half or whole blood or by adoption, grandparent, aunt, uncle, or first cousin or a  
4.17 ~~non-relative~~ nonrelative with such significant ties to the child that they may be regarded as  
4.18 relatives as determined by the court in the sending state.

4.19 U. "Residential facility" means a facility providing a level of care that is sufficient  
4.20 to substitute for parental responsibility or foster care, and is beyond what is needed for  
4.21 assessment or treatment of an acute condition. For purposes of the compact, residential  
4.22 facilities do not include institutions primarily educational in character, hospitals, or other  
4.23 medical facilities.

4.24 V. "Rule" means a written directive, mandate, standard, or principle issued by the  
4.25 Interstate Commission promulgated pursuant to Article XI of this compact that is of  
4.26 general applicability and that implements, interprets, or prescribes a policy or provision of  
4.27 the compact. Rule has the force and effect of an administrative rule in a member state, and  
4.28 includes the amendment, repeal, or suspension of an existing rule.

4.29 W. "Sending state" means the state from which the placement of a child is initiated.

4.30 X. "Service member's permanent duty station" means the military installation where  
4.31 an active duty Armed Services member is currently assigned and is physically located  
4.32 under competent orders that do not specify the duty as temporary.

4.33 Y. "Service member's state of legal residence" means the state in which the active  
4.34 duty Armed Services member is considered a resident for tax and voting purposes.

5.1 Z. "State" means a state of the United States, the District of Columbia, the  
5.2 Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the  
5.3 Northern Marianas Islands, and any other territory of the United States.

5.4 AA. "State court" means a judicial body of a state that is vested by law with  
5.5 responsibility for adjudicating cases involving abuse, neglect, deprivation, delinquency, or  
5.6 status offenses of individuals who have not attained the age of eighteen (18).

5.7 BB. "Supervision" means monitoring provided by the receiving state once a child  
5.8 has been placed in a receiving state pursuant to this compact.

### 5.9 ARTICLE III. APPLICABILITY

5.10 A. Except as otherwise provided in Article III, Section B, this compact shall apply to:

5.11 1. The interstate placement of a child subject to ongoing court jurisdiction in the  
5.12 sending state, due to allegations or findings that the child has been abused, neglected, or  
5.13 deprived as defined by the laws of the sending state, provided, however, that the placement  
5.14 of such a child into a residential facility shall only require notice of residential placement  
5.15 to the receiving state prior to placement.

5.16 2. The interstate placement of a child adjudicated delinquent or unmanageable  
5.17 based on the laws of the sending state and subject to ongoing court jurisdiction of the  
5.18 sending state if:

5.19 a. the child is being placed in a residential facility in another member state and  
5.20 is not covered under another compact; or

5.21 b. the child is being placed in another member state and the determination of safety  
5.22 and suitability of the placement and services required is not provided through another  
5.23 compact.

5.24 3. The interstate placement of any child by a public child-placing agency or private  
5.25 child-placing agency as defined in this compact as a preliminary step to a possible  
5.26 adoption.

5.27 B. The provisions of this compact shall not apply to:

5.28 1. The interstate placement of a child in a custody proceeding in which a public  
5.29 child-placing agency is not a party, provided the placement is not intended to effectuate an  
5.30 adoption.

5.31 2. The interstate placement of a child with a ~~non-relative~~ nonrelative in a receiving  
5.32 state by a parent with the legal authority to make such a placement provided, however,  
5.33 that the placement is not intended to effectuate an adoption.

5.34 3. The interstate placement of a child by one relative with the lawful authority to  
5.35 make such a placement directly with a relative in a receiving state.

6.1 4. The placement of a child, not subject to Article III, Section A, into a residential  
6.2 facility by the child's parent.

6.3 5. The placement of a child with a noncustodial parent provided that:

6.4 a. The noncustodial parent proves to the satisfaction of a court in the sending state a  
6.5 substantial relationship with the child; ~~and~~

6.6 b. The court in the sending state makes a written finding that placement with the  
6.7 noncustodial parent is in the best interests of the child; and

6.8 c. The court in the sending state dismisses its jurisdiction ~~over the child's case.~~ in  
6.9 interstate placements in which the public child-placing agency is a party to the proceedings.

6.10 6. A child entering the United States from a foreign country for the purpose of  
6.11 adoption or leaving the United States to go to a foreign country for the purpose of  
6.12 adoption in that country.

6.13 7. Cases in which a U.S. citizen child living overseas with the child's family, at  
6.14 least one of whom is in the United States armed services, and who is stationed overseas,  
6.15 is removed and placed in a state.

6.16 8. The sending of a child by a public child-placing agency or a private child-placing  
6.17 agency for a visit as defined by the rules of the Interstate Commission.

6.18 C. For purposes of determining the applicability of this compact to the placement  
6.19 of a child with a family in the armed services, the public child-placing agency or private  
6.20 child-placing agency may choose the state of the service member's permanent duty station  
6.21 or the service member's declared legal residence.

6.22 D. Nothing in this compact shall be construed to prohibit the concurrent application  
6.23 of the provisions of this compact with other applicable interstate compacts including the  
6.24 Interstate Compact for Juveniles and the Interstate Compact on Adoption and Medical  
6.25 Assistance. The Interstate Commission may in cooperation with other interstate compact  
6.26 commissions having responsibility for the interstate movement, placement, or transfer of  
6.27 children, promulgate like rules to ensure the coordination of services, timely placement  
6.28 of children, and the reduction of unnecessary or duplicative administrative or procedural  
6.29 requirements.

#### 6.30 ARTICLE IV. JURISDICTION

6.31 A. Except as provided in article IV, section ~~G~~ H and article V, section B, paragraphs 2  
6.32 and 3, concerning private and independent adoptions and in interstate placements in which  
6.33 the public child-placing agency is not a party to a custody proceeding, the sending state  
6.34 shall retain jurisdiction over a child with respect to all matters of custody and disposition  
6.35 of the child which it would have had if the child had remained in the sending state. Such  
6.36 jurisdiction shall also include the power to order the return of the child to the sending state.

7.1 B. When an issue of child protection or custody is brought before a court in the  
7.2 receiving state, such court shall confer with the court of the sending state to determine the  
7.3 most appropriate forum for adjudication.

7.4 C. In cases that are before courts and subject to this compact, the taking of  
7.5 testimony for hearings before any judicial officer may occur in person or by telephone;  
7.6 by audio-video conference; or by other means as approved by the rules of the Interstate  
7.7 Commission. Judicial officers may communicate with other judicial officers and persons  
7.8 involved in the interstate process as may be permitted by their Canons of Judicial Conduct  
7.9 and any rules promulgated by the Interstate Commission.

7.10 ~~E. D.~~ In accordance with its own laws, the court in the sending state shall have  
7.11 authority to terminate its jurisdiction if:

7.12 1. The child is reunified with the parent in the receiving state who is the subject  
7.13 of allegations or findings of abuse or neglect, only with the concurrence of the public  
7.14 child-placing agency in the receiving state; or

7.15 2. The child is adopted;

7.16 3. The child reaches the age of majority under the laws of the sending state; or

7.17 4. The child achieves legal independence pursuant to the laws of the sending state; or

7.18 5. A guardianship is created by a court in the receiving state with the concurrence of  
7.19 the court in the sending state; or

7.20 6. An Indian tribe has petitioned for and received jurisdiction from the court in  
7.21 the sending state; or

7.22 7. The public child-placing agency of the sending state requests termination and has  
7.23 obtained the concurrence of the public child-placing agency in the receiving state.

7.24 ~~D. E.~~ When a sending state court terminates its jurisdiction, the receiving state  
7.25 child-placing agency shall be notified.

7.26 ~~E. F.~~ Nothing in this article shall defeat a claim of jurisdiction by a receiving state  
7.27 court sufficient to deal with an act of truancy, delinquency, crime, or behavior involving a  
7.28 child as defined by the laws of the receiving state committed by the child in the receiving  
7.29 state which would be a violation of its laws.

7.30 ~~F. G.~~ Nothing in this article shall limit the receiving state's ability to take emergency  
7.31 jurisdiction for the protection of the child.

7.32 ~~G. H.~~ The substantive laws of the state in which an adoption will be finalized shall  
7.33 solely govern all issues relating to the adoption of the child and the court in which the  
7.34 adoption proceeding is filed shall have subject matter jurisdiction regarding all substantive  
7.35 issues relating to the adoption, except:

- 8.1 1. when the child is a ward of another court that established jurisdiction over the  
8.2 child prior to the placement;
- 8.3 2. when the child is in the legal custody of a public agency in the sending state; or
- 8.4 3. when the court in the sending state has otherwise appropriately assumed  
8.5 jurisdiction over the child, prior to the submission of the request for approval of placement.

8.6 ARTICLE V. PLACEMENT EVALUATION

8.7 A. Prior to sending, bringing, or causing a child to be sent or brought into a receiving  
8.8 state, the public child-placing agency shall provide a written request for assessment to  
8.9 the receiving state.

8.10 B. For placements by a private child-placing agency, a child may be sent or brought,  
8.11 or caused to be sent or brought, into a receiving state, upon receipt and immediate review  
8.12 of the required content in a request for approval of a placement in both the sending and  
8.13 receiving state's public child-placing agency. The required content to accompany a request  
8.14 for provisional approval shall include all of the following:

8.15 1. A request for approval identifying the child, birth parents, the prospective adoptive  
8.16 parents, and the supervising agency, signed by the person requesting approval; and

8.17 2. The appropriate consents or relinquishments signed by the birthparents in  
8.18 accordance with the laws of the sending state or, where permitted, the laws of the state  
8.19 where the adoption will be finalized; and

8.20 3. Certification by a licensed attorney or other authorized agent of a private adoption  
8.21 agency that the consent or relinquishment is in compliance with the applicable laws of the  
8.22 sending state, or where permitted the laws of the state where finalization of the adoption  
8.23 will occur; and

8.24 4. A home study; and

8.25 5. An acknowledgment of legal risk signed by the prospective adoptive parents.

8.26 C. The sending state and the receiving state may request additional information or  
8.27 documents prior to finalization of an approved placement, but they may not delay travel  
8.28 by the prospective adoptive parents with the child if the required content for approval  
8.29 has been submitted, received, and reviewed by the public child-placing agency in both  
8.30 the sending state and the receiving state.

8.31 D. Approval from the public child-placing agency in the receiving state for a  
8.32 provisional or approved placement is required as provided for in the rules of the Interstate  
8.33 Commission.

8.34 E. The procedures for making, and the request for an assessment, shall contain all  
8.35 information and be in such form as provided for in the rules of the Interstate Commission.

9.1 F. Upon receipt of a request from the public child-placing agency of the sending  
9.2 state, the receiving state shall initiate an assessment of the proposed placement to  
9.3 determine its safety and suitability. If the proposed placement is a placement with a  
9.4 relative, the public child-placing agency of the sending state may request a determination  
9.5 for a provisional placement.

9.6 G. The public child-placing agency in the receiving state may request from the  
9.7 public child-placing agency or the private child-placing agency in the sending state, and  
9.8 shall be entitled to receive supporting or additional information necessary to complete  
9.9 the assessment.

#### 9.10 ARTICLE VI. PLACEMENT AUTHORITY

9.11 A. Except as otherwise provided in this compact, no child subject to this compact  
9.12 shall be placed into a receiving state until approval for such placement is obtained.

9.13 B. If the public child-placing agency in the receiving state does not approve  
9.14 the proposed placement then the child shall not be placed. The receiving state shall  
9.15 provide written documentation of any such determination in accordance with the rules  
9.16 promulgated by the Interstate Commission. Such determination is not subject to judicial  
9.17 review in the sending state.

9.18 C. If the proposed placement is not approved, any interested party shall have  
9.19 standing to seek an administrative review of the receiving state's determination.

9.20 1. The administrative review and any further judicial review associated with  
9.21 the determination shall be conducted in the receiving state pursuant to its applicable  
9.22 ~~Administrative procedures~~ Procedure Act.

9.23 2. If a determination not to approve the placement of the child in the receiving state  
9.24 is overturned upon review, the placement shall be deemed approved, provided however  
9.25 that all administrative or judicial remedies have been exhausted or the time for such  
9.26 remedies has passed.

#### 9.27 ARTICLE VII. PLACING AGENCY RESPONSIBILITY

9.28 A. For the interstate placement of a child made by a public child-placing agency  
9.29 or state court:

9.30 1. The public child-placing agency in the sending state shall have financial  
9.31 responsibility for:

9.32 a. the ongoing support and maintenance for the child during the period of the  
9.33 placement, unless otherwise provided for in the receiving state; and

9.34 b. as determined by the public child-placing agency in the sending state, services for  
9.35 the child beyond the public services for which the child is eligible in the receiving state.

9.36 2. The receiving state shall only have financial responsibility for:

10.1 a. any assessment conducted by the receiving state; and  
10.2 b. supervision conducted by the receiving state at the level necessary to support  
10.3 the placement as agreed upon by the public child-placing agencies of the receiving and  
10.4 sending state.

10.5 3. Nothing in this provision shall prohibit public child-placing agencies in the  
10.6 sending state from entering into agreements with licensed agencies or persons in the  
10.7 receiving state to conduct assessments and provide supervision.

10.8 B. For the placement of a child by a private child-placing agency preliminary to a  
10.9 possible adoption, the private child-placing agency shall be:

10.10 1. Legally responsible for the child during the period of placement as provided for in  
10.11 the law of the sending state until the finalization of the adoption.

10.12 2. Financially responsible for the child absent a contractual agreement to the  
10.13 contrary.

10.14 C. The public child-placing agency in the receiving state shall provide timely  
10.15 assessments, as provided for in the rules of the Interstate Commission.

10.16 D. The public child-placing agency in the receiving state shall provide, or arrange  
10.17 for the provision of, supervision and services for the child, including timely reports,  
10.18 during the period of the placement.

10.19 E. Nothing in this compact shall be construed as to limit the authority of the public  
10.20 child-placing agency in the receiving state from contracting with a licensed agency or  
10.21 person in the receiving state for an assessment or the provision of supervision or services  
10.22 for the child or otherwise authorizing the provision of supervision or services by a licensed  
10.23 agency during the period of placement.

10.24 F. Each member state shall provide for coordination among its branches of  
10.25 government concerning the state's participation in, and compliance with, the compact and  
10.26 Interstate Commission activities, through the creation of an advisory council or use of an  
10.27 existing body or board.

10.28 G. Each member state shall establish a central state compact office, which shall  
10.29 be responsible for state compliance with the compact and the rules of the Interstate  
10.30 Commission.

10.31 H. The public child-placing agency in the sending state shall oversee compliance  
10.32 with the provisions of the Indian Child Welfare Act (United States Code, title 25, chapter  
10.33 21, section 1901 et seq.) for placements subject to the provisions of this compact, prior  
10.34 to placement.

11.1 I. With the consent of the Interstate Commission, states may enter into limited  
11.2 agreements that facilitate the timely assessment and provision of services and supervision  
11.3 of placements under this compact.

11.4 ARTICLE VIII. INTERSTATE COMMISSION FOR THE  
11.5 PLACEMENT OF CHILDREN

11.6 The member states hereby establish, by way of this compact, a commission known  
11.7 as the "Interstate Commission for the Placement of Children." The activities of the  
11.8 Interstate Commission are the formation of public policy and are a discretionary state  
11.9 function. The Interstate Commission shall:

11.10 A. Be a joint commission of the member states and shall have the responsibilities,  
11.11 powers and duties set forth herein, and such additional powers as may be conferred upon it  
11.12 by subsequent concurrent action of the respective legislatures of the member states.

11.13 B. Consist of one commissioner from each member state who shall be appointed by  
11.14 the executive head of the state human services administration with ultimate responsibility  
11.15 for the child welfare program. The appointed commissioner shall have the legal authority  
11.16 to vote on policy-related matters governed by this compact binding the state.

11.17 1. Each member state represented at a meeting of the Interstate Commission is  
11.18 entitled to one vote.

11.19 2. A majority of the member states shall constitute a quorum for the transaction of  
11.20 business, unless a larger quorum is required by the bylaws of the Interstate Commission.

11.21 3. A representative shall not delegate a vote to another member state.

11.22 4. A representative may delegate voting authority to another person from their state  
11.23 for a specified meeting.

11.24 C. In addition to the commissioners of each member state, the Interstate Commission  
11.25 shall include persons who are members of interested organizations as defined in the bylaws  
11.26 or rules of the Interstate Commission. Such members shall be ex officio and shall not be  
11.27 entitled to vote on any matter before the Interstate Commission.

11.28 D. Establish an executive committee which shall have the authority to administer  
11.29 the day-to-day operations and administration of the Interstate Commission. It shall not  
11.30 have the power to engage in rulemaking.

11.31 ARTICLE IX. POWERS AND DUTIES OF  
11.32 THE INTERSTATE COMMISSION

11.33 The Interstate Commission shall have the following powers:

11.34 A. To promulgate rules and take all necessary actions to effect the goals, purposes  
11.35 and obligations as enumerated in this compact.

11.36 B. To provide for dispute resolution among member states.

12.1 C. To issue, upon request of a member state, advisory opinions concerning the  
12.2 meaning or interpretation of the interstate compact, its bylaws, rules or actions.

12.3 D. To enforce compliance with this compact or the bylaws or rules of the Interstate  
12.4 Commission pursuant to Article XII.

12.5 E. Collect standardized data concerning the interstate placement of children subject  
12.6 to this compact as directed through its rules which shall specify the data to be collected,  
12.7 the means of collection and data exchange and reporting requirements.

12.8 F. To establish and maintain offices as may be necessary for the transacting of its  
12.9 business.

12.10 G. To purchase and maintain insurance and bonds.

12.11 H. To hire or contract for services of personnel or consultants as necessary to  
12.12 carry out its functions under the compact and establish personnel qualification policies,  
12.13 and rates of compensation.

12.14 I. To establish and appoint committees and officers including, but not limited to, an  
12.15 executive committee as required by Article X.

12.16 J. To accept any and all donations and grants of money, equipment, supplies,  
12.17 materials, and services, and to receive, utilize, and dispose thereof.

12.18 K. To lease, purchase, accept contributions or donations of, or otherwise to own,  
12.19 hold, improve, or use any property, real, personal, or mixed.

12.20 L. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose  
12.21 of any property, real, personal, or mixed.

12.22 M. To establish a budget and make expenditures.

12.23 N. To adopt a seal and bylaws governing the management and operation of the  
12.24 Interstate Commission.

12.25 O. To report annually to the legislatures, governors, the judiciary, and state advisory  
12.26 councils of the member states concerning the activities of the Interstate Commission  
12.27 during the preceding year. Such reports shall also include any recommendations that may  
12.28 have been adopted by the Interstate Commission.

12.29 P. To coordinate and provide education, training, and public awareness regarding the  
12.30 interstate movement of children for officials involved in such activity.

12.31 Q. To maintain books and records in accordance with the bylaws of the Interstate  
12.32 Commission.

12.33 R. To perform such functions as may be necessary or appropriate to achieve the  
12.34 purposes of this compact.

12.35 ARTICLE X. ORGANIZATION AND OPERATION OF THE  
12.36 INTERSTATE COMMISSION

13.1 A. Bylaws

13.2 1. Within 12 months after the first Interstate Commission meeting, the Interstate  
13.3 Commission shall adopt bylaws to govern its conduct as may be necessary or appropriate  
13.4 to carry out the purposes of the compact.

13.5 2. The Interstate Commission's bylaws and rules shall establish conditions and  
13.6 procedures under which the Interstate Commission shall make its information and official  
13.7 records available to the public for inspection or copying. The Interstate Commission may  
13.8 exempt from disclosure information or official records to the extent they would adversely  
13.9 affect personal privacy rights or proprietary interests.

13.10 B. Meetings

13.11 1. The Interstate Commission shall meet at least once each calendar year. The  
13.12 chairperson may call additional meetings and, upon the request of a simple majority of the  
13.13 member states shall call additional meetings.

13.14 2. Public notice shall be given by the Interstate Commission of all meetings and  
13.15 all meetings shall be open to the public, except as set forth in the rules or as otherwise  
13.16 provided in the compact. The Interstate Commission and its committees may close a  
13.17 meeting, or portion thereof, where it determines by two-thirds vote that an open meeting  
13.18 would be likely to:

13.19 a. relate solely to the Interstate Commission's internal personnel practices and  
13.20 procedures; or

13.21 b. disclose matters specifically exempted from disclosure by federal law; or

13.22 c. disclose financial or commercial information which is privileged, proprietary or  
13.23 confidential in nature; or

13.24 d. involve accusing a person of a crime, or formally censuring a person; or

13.25 e. disclose information of a personal nature where disclosure would constitute  
13.26 a clearly unwarranted invasion of personal privacy or physically endanger one or more  
13.27 persons; or

13.28 f. disclose investigative records compiled for law enforcement purposes; or

13.29 g. specifically relate to the Interstate Commission's participation in a civil action  
13.30 or other legal proceeding.

13.31 3. For a meeting, or portion of a meeting, closed pursuant to this provision, the  
13.32 Interstate Commission's legal counsel or designee shall certify that the meeting may be  
13.33 closed and shall reference each relevant exemption provision. The Interstate Commission  
13.34 shall keep minutes which shall fully and clearly describe all matters discussed in a meeting  
13.35 and shall provide a full and accurate summary of actions taken, and the reasons therefore,  
13.36 including a description of the views expressed and the record of a roll call vote. All

14.1 documents considered in connection with an action shall be identified in such minutes. All  
14.2 minutes and documents of a closed meeting shall remain under seal, subject to release by a  
14.3 majority vote of the Interstate Commission or by court order.

14.4 4. The bylaws may provide for meetings of the Interstate Commission to be  
14.5 conducted by telecommunication or other electronic communication.

14.6 C. Officers and Staff

14.7 1. The Interstate Commission may, through its executive committee, appoint or  
14.8 retain a staff director for such period, upon such terms and conditions and for such  
14.9 compensation as the Interstate Commission may deem appropriate. The staff director shall  
14.10 serve as secretary to the Interstate Commission, but shall not have a vote. The staff director  
14.11 may hire and supervise such other staff as may be authorized by the Interstate Commission.

14.12 2. The Interstate Commission shall elect, from among its members, a chairperson  
14.13 and a vice chairperson of the executive committee and other necessary officers, each of  
14.14 whom shall have such authority and duties as may be specified in the bylaws.

14.15 D. Qualified Immunity, Defense and Indemnification

14.16 1. The Interstate Commission's staff director and its employees shall be immune  
14.17 from suit and liability, either personally or in their official capacity, for a claim for damage  
14.18 to or loss of property or personal injury or other civil liability caused or arising out of or  
14.19 relating to an actual or alleged act, error, or omission that occurred, or that such person had  
14.20 a reasonable basis for believing occurred within the scope of commission employment,  
14.21 duties, or responsibilities; provided, that such person shall not be protected from suit or  
14.22 liability for damage, loss, injury, or liability caused by a criminal act or the intentional or  
14.23 willful and wanton misconduct of such person.

14.24 a. The liability of the Interstate Commission's staff director and employees  
14.25 or Interstate Commission representatives, acting within the scope of such person's  
14.26 employment or duties for acts, errors, or omissions occurring within such person's state  
14.27 may not exceed the limits of liability set forth under the Constitution and laws of that state  
14.28 for state officials, employees, and agents. The Interstate Commission is considered to  
14.29 be an instrumentality of the states for the purposes of any such action. Nothing in this  
14.30 subsection shall be construed to protect such person from suit or liability for damage,  
14.31 loss, injury, or liability caused by a criminal act or the intentional or willful and wanton  
14.32 misconduct of such person.

14.33 b. The Interstate Commission shall defend the staff director and its employees and,  
14.34 subject to the approval of the Attorney General or other appropriate legal counsel of the  
14.35 member state shall defend the commissioner of a member state in a civil action seeking to  
14.36 impose liability arising out of an actual or alleged act, error, or omission that occurred

15.1 within the scope of Interstate Commission employment, duties or responsibilities, or that  
15.2 the defendant had a reasonable basis for believing occurred within the scope of Interstate  
15.3 Commission employment, duties, or responsibilities, provided that the actual or alleged  
15.4 act, error, or omission did not result from intentional or willful and wanton misconduct on  
15.5 the part of such person.

15.6 c. To the extent not covered by the state involved, member state, or the Interstate  
15.7 Commission, the representatives or employees of the Interstate Commission shall be  
15.8 held harmless in the amount of a settlement or judgment, including attorney's fees and  
15.9 costs, obtained against such persons arising out of an actual or alleged act, error, or  
15.10 omission that occurred within the scope of Interstate Commission employment, duties, or  
15.11 responsibilities, or that such persons had a reasonable basis for believing occurred within  
15.12 the scope of Interstate Commission employment, duties, or responsibilities, provided that  
15.13 the actual or alleged act, error, or omission did not result from intentional or willful and  
15.14 wanton misconduct on the part of such persons.

15.15 ARTICLE XI. RULEMAKING FUNCTIONS OF  
15.16 THE INTERSTATE COMMISSION

15.17 A. The Interstate Commission shall promulgate and publish rules in order to  
15.18 effectively and efficiently achieve the purposes of the compact.

15.19 B. Rulemaking shall occur pursuant to the criteria set forth in this article and the  
15.20 bylaws and rules adopted pursuant thereto. Such rulemaking shall substantially conform  
15.21 to the principles of the "Model State Administrative Procedures Act," 1981 Act, Uniform  
15.22 Laws Annotated, Vol. 15, p.1 (2000), or such other administrative procedure acts as  
15.23 the Interstate Commission deems appropriate consistent with due process requirements  
15.24 under the United States Constitution as now or hereafter interpreted by the United States  
15.25 Supreme Court. All rules and amendments shall become binding as of the date specified,  
15.26 as published with the final version of the rule as approved by the Interstate Commission.

15.27 C. When promulgating a rule, the Interstate Commission shall, at a minimum:

15.28 1. Publish the proposed rule's entire text stating the reason(s) for that proposed  
15.29 rule; and

15.30 2. Allow and invite any and all persons to submit written data, facts, opinions,  
15.31 and arguments, which information shall be added to the record, and be made publicly  
15.32 available; and

15.33 3. Promulgate a final rule and its effective date, if appropriate, based on input from  
15.34 state or local officials, or interested parties.

16.1 D. Rules promulgated by the Interstate Commission shall have the force and effect  
16.2 of administrative rules and shall be binding in the compacting states to the extent and in  
16.3 the manner provided for in this compact.

16.4 E. Not later than 60 days after a rule is promulgated, an interested person may  
16.5 file a petition in the United States District Court for the District of Columbia or in the  
16.6 Federal District Court where the Interstate Commission's principal office is located for  
16.7 judicial review of such rule. If the court finds that the Interstate Commission's action is  
16.8 not supported by substantial evidence in the rulemaking record, the court shall hold the  
16.9 rule unlawful and set it aside.

16.10 F. If a majority of the legislatures of the member states rejects a rule, those states  
16.11 may by enactment of a statute or resolution in the same manner used to adopt the compact  
16.12 cause that such rule shall have no further force and effect in any member state.

16.13 G. The existing rules governing the operation of the Interstate Compact on the  
16.14 Placement of Children superseded by this act shall be null and void no less than 12, but  
16.15 no more than 24 months after the first meeting of the Interstate Commission created  
16.16 hereunder, as determined by the members during the first meeting.

16.17 H. Within the first 12 months of operation, the Interstate Commission shall  
16.18 promulgate rules addressing the following:

- 16.19 1. Transition rules
- 16.20 2. Forms and procedures
- 16.21 3. Timelines
- 16.22 4. Data collection and reporting
- 16.23 5. Rulemaking
- 16.24 6. Visitation
- 16.25 7. Progress reports/supervision
- 16.26 8. Sharing of information/confidentiality
- 16.27 9. Financing of the Interstate Commission
- 16.28 10. Mediation, arbitration, and dispute resolution
- 16.29 11. Education, training, and technical assistance
- 16.30 12. Enforcement
- 16.31 13. Coordination with other interstate compacts

16.32 I. Upon determination by a majority of the members of the Interstate Commission  
16.33 that an emergency exists:

- 16.34 1. The Interstate Commission may promulgate an emergency rule only if it is  
16.35 required to:

- 17.1 a. Protect the children covered by this compact from an imminent threat to their  
17.2 health, safety, and well-being; or  
17.3 b. Prevent loss of federal or state funds; or  
17.4 c. Meet a deadline for the promulgation of an administrative rule required by  
17.5 federal law.

17.6 2. An emergency rule shall become effective immediately upon adoption, provided  
17.7 that the usual rulemaking procedures provided hereunder shall be retroactively applied  
17.8 to said rule as soon as reasonably possible, but no later than 90 days after the effective  
17.9 date of the emergency rule.

17.10 3. An emergency rule shall be promulgated as provided for in the rules of the  
17.11 Interstate Commission.

17.12 ARTICLE XII. OVERSIGHT, DISPUTE RESOLUTION,  
17.13 ENFORCEMENT

17.14 A. Oversight

17.15 1. The Interstate Commission shall oversee the administration and operation of the  
17.16 compact.

17.17 2. The executive, legislative, and judicial branches of state government in each  
17.18 member state shall enforce this compact and the rules of the Interstate Commission and  
17.19 shall take all actions necessary and appropriate to effectuate the compact's purposes and  
17.20 intent. The compact and its rules shall be binding in the compacting states to the extent  
17.21 and in the manner provided for in this compact.

17.22 3. All courts shall take judicial notice of the compact and the rules in any judicial  
17.23 or administrative proceeding in a member state pertaining to the subject matter of this  
17.24 compact.

17.25 4. The Interstate Commission shall be entitled to receive service of process in any  
17.26 action in which the validity of a compact provision or rule is the issue for which a judicial  
17.27 determination has been sought and shall have standing to intervene in any proceedings.  
17.28 Failure to provide service of process to the Interstate Commission shall render any  
17.29 judgment, order or other determination, however so captioned or classified, void as to the  
17.30 Interstate Commission, this compact, its bylaws, or rules of the Interstate Commission.

17.31 B. Dispute Resolution

17.32 1. The Interstate Commission shall attempt, upon the request of a member state, to  
17.33 resolve disputes which are subject to the compact and which may arise among member  
17.34 states and between member and nonmember states.

18.1           2. The Interstate Commission shall promulgate a rule providing for both mediation  
18.2 and binding dispute resolution for disputes among compacting states. The costs of such  
18.3 mediation or dispute resolution shall be the responsibility of the parties to the dispute.

18.4           C. Enforcement

18.5           1. If the Interstate Commission determines that a member state has defaulted in the  
18.6 performance of its obligations or responsibilities under this compact, its bylaws or rules,  
18.7 the Interstate Commission may:

18.8           a. Provide remedial training and specific technical assistance; or

18.9           b. Provide written notice to the defaulting state and other member states, of the  
18.10 nature of the default and the means of curing the default. The Interstate Commission shall  
18.11 specify the conditions by which the defaulting state must cure its default; or

18.12           c. By majority vote of the members, initiate against a defaulting member state legal  
18.13 action in the United States District Court for the District of Columbia or, at the discretion  
18.14 of the Interstate Commission, in the federal district where the Interstate Commission has  
18.15 its principal office, to enforce compliance with the provisions of the compact, its bylaws,  
18.16 or rules. The relief sought may include both injunctive relief and damages. In the event  
18.17 judicial enforcement is necessary the prevailing party shall be awarded all costs of such  
18.18 litigation including reasonable attorney's fees; or

18.19           d. Avail itself of any other remedies available under state law or the regulation of  
18.20 official or professional conduct.

18.21                           ARTICLE XIII. FINANCING OF THE COMMISSION

18.22           A. The Interstate Commission shall pay, or provide for the payment of the reasonable  
18.23 expenses of its establishment, organization, and ongoing activities.

18.24           B. The Interstate Commission may levy on and collect an annual assessment from  
18.25 each member state to cover the cost of the operations and activities of the Interstate  
18.26 Commission and its staff which must be in a total amount sufficient to cover the Interstate  
18.27 Commission's annual budget as approved by its members each year. The aggregate annual  
18.28 assessment amount shall be allocated based upon a formula to be determined by the  
18.29 Interstate Commission which shall promulgate a rule binding upon all member states.

18.30           C. The Interstate Commission shall not incur obligations of any kind prior to securing  
18.31 the funds adequate to meet the same; nor shall the Interstate Commission pledge the credit  
18.32 of any of the member states, except by and with the authority of the member state.

18.33           D. The Interstate Commission shall keep accurate accounts of all receipts and  
18.34 disbursements. The receipts and disbursements of the Interstate Commission shall be  
18.35 subject to the audit and accounting procedures established under its bylaws. However,  
18.36 all receipts and disbursements of funds handled by the Interstate Commission shall be

19.1 audited yearly by a certified or licensed public accountant and the report of the audit shall  
19.2 be included in and become part of the annual report of the Interstate Commission.

19.3 ARTICLE XIV. MEMBER STATES, EFFECTIVE DATE  
19.4 AND AMENDMENT

19.5 A. Any state is eligible to become a member state.

19.6 B. The compact shall become effective and binding upon legislative enactment of  
19.7 the compact into law by no less than 35 states. The effective date shall be the later of July  
19.8 1, 2007 or upon enactment of the compact into law by the 35th state. Thereafter it shall  
19.9 become effective and binding as to any other member state upon enactment of the compact  
19.10 into law by that state. The executive heads of the state human services administration  
19.11 with ultimate responsibility for the child welfare program of nonmember states or their  
19.12 designees shall be invited to participate in the activities of the Interstate Commission on a  
19.13 ~~non-voting~~ nonvoting basis prior to adoption of the compact by all states.

19.14 C. The Interstate Commission may propose amendments to the compact for  
19.15 enactment by the member states. No amendment shall become effective and binding  
19.16 on the member states unless and until it is enacted into law by unanimous consent of  
19.17 the member states.

19.18 ARTICLE XV. WITHDRAWAL AND DISSOLUTION

19.19 A. Withdrawal

19.20 1. Once effective, the compact shall continue in force and remain binding upon each  
19.21 and every member state; provided that a member state may withdraw from the compact  
19.22 specifically repealing the statute which enacted the compact into law.

19.23 2. Withdrawal from this compact shall be by the enactment of a statute repealing  
19.24 the same. The effective date of withdrawal shall be the effective date of the repeal of  
19.25 the statute.

19.26 3. The withdrawing state shall immediately notify the president of the Interstate  
19.27 Commission in writing upon the introduction of legislation repealing this compact in the  
19.28 withdrawing state. The Interstate Commission shall then notify the other member states of  
19.29 the withdrawing state's intent to withdraw.

19.30 4. The withdrawing state is responsible for all assessments, obligations, and  
19.31 liabilities incurred through the effective date of withdrawal.

19.32 5. Reinstatement following withdrawal of a member state shall occur upon the  
19.33 withdrawing state reenacting the compact or upon such later date as determined by the  
19.34 members of the Interstate Commission.

19.35 B. Dissolution of Compact

20.1 1. This compact shall dissolve effective upon the date of the withdrawal or default  
20.2 of the member state which reduces the membership in the compact to one member state.

20.3 2. Upon the dissolution of this compact, the compact becomes null and void and shall  
20.4 be of no further force or effect, and the business and affairs of the Interstate Commission  
20.5 shall be concluded and surplus funds shall be distributed in accordance with the bylaws.

20.6 ARTICLE XVI. SEVERABILITY AND CONSTRUCTION

20.7 A. The provisions of this compact shall be severable, and if any phrase, clause,  
20.8 sentence, or provision is deemed unenforceable, the remaining provisions of the compact  
20.9 shall be enforceable.

20.10 B. The provisions of this compact shall be liberally construed to effectuate its  
20.11 purposes.

20.12 C. Nothing in this compact shall be construed to prohibit the concurrent applicability  
20.13 of other interstate compacts to which the states are members.

20.14 ARTICLE XVII. BINDING EFFECT OF COMPACT

20.15 AND OTHER LAWS

20.16 A. Other Laws

20.17 1. Nothing herein prevents the enforcement of any other law of a member state  
20.18 that is not inconsistent with this compact.

20.19 B. Binding Effect of the Compact

20.20 1. All lawful actions of the Interstate Commission, including all rules and bylaws  
20.21 promulgated by the Interstate Commission, are binding upon the member states.

20.22 2. All agreements between the Interstate Commission and the member states are  
20.23 binding in accordance with their terms.

20.24 3. In the event any provision of this compact exceeds the constitutional limits  
20.25 imposed on the legislature of any member state, such provision shall be ineffective to the  
20.26 extent of the conflict with the constitutional provision in question in that member state.

20.27 ARTICLE XVIII. INDIAN TRIBES

20.28 Notwithstanding any other provision in this compact, the Interstate Commission  
20.29 may promulgate guidelines to permit Indian tribes to utilize the compact to achieve any or  
20.30 all of the purposes of the compact as specified in Article I. The Interstate Commission  
20.31 shall make reasonable efforts to consult with Indian tribes in promulgating guidelines to  
20.32 reflect the diverse circumstances of the various Indian tribes.

20.33 Sec. 2. Minnesota Statutes 2008, section 260C.201, subdivision 3, is amended to read:

20.34 Subd. 3. **Domestic child abuse.** (a) If the court finds that the child is a victim of  
20.35 domestic child abuse, as defined in section 260C.007, subdivision ~~28~~ 13, it may order any

21.1 of the following dispositions of the case in addition to or as alternatives to the dispositions  
21.2 authorized under subdivision 1:

21.3 (1) restrain any party from committing acts of domestic child abuse;

21.4 (2) exclude the abusing party from the dwelling which the family or household  
21.5 members share or from the residence of the child;

21.6 (3) on the same basis as is provided in chapter 518, establish temporary visitation  
21.7 with regard to minor children of the adult family or household members;

21.8 (4) on the same basis as is provided in chapter 518 or 518A, establish temporary  
21.9 support or maintenance for a period of 30 days for minor children or a spouse;

21.10 (5) provide counseling or other social services for the family or household members;

21.11 or

21.12 (6) order the abusing party to participate in treatment or counseling services.

21.13 Any relief granted by the order for protection shall be for a fixed period not to  
21.14 exceed one year.

21.15 (b) No order excluding the abusing party from the dwelling may be issued unless  
21.16 the court finds that:

21.17 (1) the order is in the best interests of the child or children remaining in the dwelling;

21.18 (2) a remaining adult family or household member is able to care adequately for the  
21.19 child or children in the absence of the excluded party; and

21.20 (3) the local welfare agency has developed a plan to provide appropriate social  
21.21 services to the remaining family or household members.

21.22 (c) Upon a finding that the remaining parent is able to care adequately for the child  
21.23 and enforce an order excluding the abusing party from the home and that the provision of  
21.24 supportive services by the responsible social services agency is no longer necessary, the  
21.25 responsible social services agency may be dismissed as a party to the proceedings. Orders  
21.26 entered regarding the abusing party remain in full force and effect and may be renewed by  
21.27 the remaining parent as necessary for the continued protection of the child for specified  
21.28 periods of time, not to exceed one year.

21.29 Sec. 3. Minnesota Statutes 2008, section 260C.201, subdivision 11, is amended to read:

21.30 Subd. 11. **Review of court-ordered placements; permanent placement**

21.31 **determination.** (a) This subdivision and subdivision 11a do not apply ~~in~~ to cases where  
21.32 the child is in ~~placement due solely to~~ foster care for treatment of the child's developmental  
21.33 disability or emotional disturbance, ~~where legal custody has not been transferred to the~~  
21.34 ~~responsible social services agency, and where the court finds compelling reasons under~~  
21.35 ~~section 260C.007, subdivision 8, to continue the child in foster care past the time periods~~

22.1 ~~specified in this subdivision~~ chapter 260D. Foster care placements of children ~~due solely~~  
22.2 ~~to their disability for treatment~~ are governed by ~~section 260C.141, subdivision 2a~~ chapter  
22.3 260D. In all other cases where the child is in foster care or in the care of a noncustodial  
22.4 parent under subdivision 1, the court shall commence proceedings to determine the  
22.5 permanent status of a child not later than 12 months after the child is placed in foster care  
22.6 or in the care of a noncustodial parent. At the admit-deny hearing commencing such  
22.7 proceedings, the court shall determine whether there is a prima facie basis for finding  
22.8 that the agency made reasonable efforts, or in the case of an Indian child active efforts,  
22.9 required under section 260.012 and proceed according to the rules of juvenile court.

22.10 For purposes of this subdivision, the date of the child's placement in foster care is  
22.11 the earlier of the first court-ordered placement or 60 days after the date on which the  
22.12 child has been voluntarily placed in foster care by the child's parent or guardian. For  
22.13 purposes of this subdivision, time spent by a child under the protective supervision of the  
22.14 responsible social services agency in the home of a noncustodial parent pursuant to an  
22.15 order under subdivision 1 counts towards the requirement of a permanency hearing under  
22.16 this subdivision or subdivision 11a. Time spent on a trial home visit counts towards the  
22.17 requirement of a permanency hearing under this subdivision and a permanency review  
22.18 for a child under eight years of age under subdivision 11a.

22.19 For purposes of this subdivision, 12 months is calculated as follows:

22.20 (1) during the pendency of a petition alleging that a child is in need of protection  
22.21 or services, all time periods when a child is placed in foster care or in the home of a  
22.22 noncustodial parent are cumulated;

22.23 (2) if a child has been placed in foster care within the previous five years under one  
22.24 or more previous petitions, the lengths of all prior time periods when the child was placed  
22.25 in foster care within the previous five years are cumulated. If a child under this clause  
22.26 has been in foster care for 12 months or more, the court, if it is in the best interests of the  
22.27 child and for compelling reasons, may extend the total time the child may continue out  
22.28 of the home under the current petition up to an additional six months before making a  
22.29 permanency determination.

22.30 (b) Unless the responsible social services agency recommends return of the child  
22.31 to the custodial parent or parents, not later than 30 days prior to the admit-deny hearing  
22.32 required under paragraph (a) and the rules of juvenile court, the responsible social services  
22.33 agency shall file pleadings in juvenile court to establish the basis for the juvenile court to  
22.34 order permanent placement of the child, including a termination of parental rights petition,  
22.35 according to paragraph (d). Notice of the hearing and copies of the pleadings must be  
22.36 provided pursuant to section 260C.152.

23.1 (c) The permanency proceedings shall be conducted in a timely fashion including  
23.2 that any trial required under section 260C.163 shall be commenced within 60 days of the  
23.3 admit-deny hearing required under paragraph (a). At the conclusion of the permanency  
23.4 proceedings, the court shall:

23.5 (1) order the child returned to the care of the parent or guardian from whom the  
23.6 child was removed; or

23.7 (2) order a permanent placement or termination of parental rights if permanent  
23.8 placement or termination of parental rights is in the child's best interests. The "best  
23.9 interests of the child" means all relevant factors to be considered and evaluated. Transfer  
23.10 of permanent legal and physical custody, termination of parental rights, or guardianship  
23.11 and legal custody to the commissioner through a consent to adopt are preferred  
23.12 permanency options for a child who cannot return home.

23.13 (d) If the child is not returned to the home, the court must order one of the following  
23.14 dispositions:

23.15 (1) permanent legal and physical custody to a relative in the best interests of the  
23.16 child according to the following conditions:

23.17 (i) an order for transfer of permanent legal and physical custody to a relative shall  
23.18 only be made after the court has reviewed the suitability of the prospective legal and  
23.19 physical custodian;

23.20 (ii) in transferring permanent legal and physical custody to a relative, the juvenile  
23.21 court shall follow the standards applicable under this chapter and chapter 260, and the  
23.22 procedures set out in the juvenile court rules;

23.23 (iii) an order establishing permanent legal and physical custody under this  
23.24 subdivision must be filed with the family court;

23.25 (iv) a transfer of legal and physical custody includes responsibility for the protection,  
23.26 education, care, and control of the child and decision making on behalf of the child;

23.27 (v) the social services agency may bring a petition or motion naming a fit and  
23.28 willing relative as a proposed permanent legal and physical custodian. The commissioner  
23.29 of human services shall annually prepare for counties information that must be given to  
23.30 proposed custodians about their legal rights and obligations as custodians together with  
23.31 information on financial and medical benefits for which the child is eligible; and

23.32 (vi) the juvenile court may maintain jurisdiction over the responsible social services  
23.33 agency, the parents or guardian of the child, the child, and the permanent legal and  
23.34 physical custodian for purposes of ensuring appropriate services are delivered to the child  
23.35 and permanent legal custodian or for the purpose of ensuring conditions ordered by the  
23.36 court related to the care and custody of the child are met;

24.1 (2) termination of parental rights when the requirements of sections 260C.301 to  
24.2 260C.328 are met or according to the following conditions:

24.3 (i) order the social services agency to file a petition for termination of parental  
24.4 rights in which case all the requirements of sections 260C.301 to 260C.328 remain  
24.5 applicable; and

24.6 (ii) an adoption completed subsequent to a determination under this subdivision may  
24.7 include an agreement for communication or contact under section 259.58;

24.8 (3) long-term foster care according to the following conditions:

24.9 (i) the court may order a child into long-term foster care only if it approves the  
24.10 responsible social service agency's compelling reasons that neither an award of permanent  
24.11 legal and physical custody to a relative, nor termination of parental rights is in the child's  
24.12 best interests;

24.13 (ii) further, the court may only order long-term foster care for the child under this  
24.14 section if it finds the following:

24.15 (A) the child has reached age 12 and the responsible social services agency has made  
24.16 reasonable efforts to locate and place the child with an adoptive family or with a fit and  
24.17 willing relative who will agree to a transfer of permanent legal and physical custody of  
24.18 the child, but such efforts have not proven successful; or

24.19 (B) the child is a sibling of a child described in subitem (A) and the siblings have  
24.20 a significant positive relationship and are ordered into the same long-term foster care  
24.21 home; and

24.22 (iii) at least annually, the responsible social services agency reconsiders its provision  
24.23 of services to the child and the child's placement in long-term foster care to ensure that:

24.24 (A) long-term foster care continues to be the most appropriate legal arrangement  
24.25 for meeting the child's need for permanency and stability, including whether there is  
24.26 another permanent placement option under this chapter that would better serve the child's  
24.27 needs and best interests;

24.28 (B) whenever possible, there is an identified long-term foster care family that is  
24.29 committed to being the foster family for the child as long as the child is a minor or under  
24.30 the jurisdiction of the court;

24.31 (C) the child is receiving appropriate services or assistance to maintain or build  
24.32 connections with the child's family and community;

24.33 (D) the child's physical and mental health needs are being appropriately provided  
24.34 for; and

24.35 (E) the child's educational needs are being met;

24.36 (4) foster care for a specified period of time according to the following conditions:

- 25.1 (i) foster care for a specified period of time may be ordered only if:
- 25.2 (A) the sole basis for an adjudication that the child is in need of protection or
- 25.3 services is the child's behavior;
- 25.4 (B) the court finds that foster care for a specified period of time is in the best
- 25.5 interests of the child; and
- 25.6 (C) the court approves the responsible social services agency's compelling reasons
- 25.7 that neither an award of permanent legal and physical custody to a relative, nor termination
- 25.8 of parental rights is in the child's best interests;
- 25.9 (ii) the order does not specify that the child continue in foster care for any period
- 25.10 exceeding one year; or
- 25.11 (5) guardianship and legal custody to the commissioner of human services under
- 25.12 the following procedures and conditions:
- 25.13 (i) there is an identified prospective adoptive home agreed to by the responsible
- 25.14 social services agency having legal custody of the child pursuant to court order under this
- 25.15 section that has agreed to adopt the child and the court accepts the parent's voluntary
- 25.16 consent to adopt under section 259.24, except that such consent executed by a parent under
- 25.17 this item, following proper notice that consent given under this provision is irrevocable
- 25.18 upon acceptance by the court, shall be irrevocable unless fraud is established and an order
- 25.19 issues permitting revocation as stated in item (vii);
- 25.20 (ii) if the court accepts a consent to adopt in lieu of ordering one of the other
- 25.21 enumerated permanency dispositions, the court must review the matter at least every 90
- 25.22 days. The review will address the reasonable efforts of the agency to achieve a finalized
- 25.23 adoption;
- 25.24 (iii) a consent to adopt under this clause vests all legal authority regarding the child,
- 25.25 including guardianship and legal custody of the child, with the commissioner of human
- 25.26 services as if the child were a state ward after termination of parental rights;
- 25.27 (iv) the court must forward a copy of the consent to adopt, together with a certified
- 25.28 copy of the order transferring guardianship and legal custody to the commissioner, to
- 25.29 the commissioner;
- 25.30 (v) if an adoption is not finalized by the identified prospective adoptive parent within
- 25.31 12 months of the execution of the consent to adopt under this clause, the commissioner of
- 25.32 human services or the commissioner's delegate shall pursue adoptive placement in another
- 25.33 home unless the commissioner certifies that the failure to finalize is not due to either an
- 25.34 action or a failure to act by the prospective adoptive parent;
- 25.35 (vi) notwithstanding item (v), the commissioner of human services or the
- 25.36 commissioner's designee must pursue adoptive placement in another home as soon as the

26.1 commissioner or commissioner's designee determines that finalization of the adoption with  
26.2 the identified prospective adoptive parent is not possible, that the identified prospective  
26.3 adoptive parent is not willing to adopt the child, that the identified prospective adoptive  
26.4 parent is not cooperative in completing the steps necessary to finalize the adoption, or  
26.5 upon the commissioner's determination to withhold consent to the adoption.

26.6 (vii) unless otherwise required by the Indian Child Welfare Act, United States Code,  
26.7 title 25, section 1913, a consent to adopt executed under this section, following proper  
26.8 notice that consent given under this provision is irrevocable upon acceptance by the court,  
26.9 shall be irrevocable upon acceptance by the court except upon order permitting revocation  
26.10 issued by the same court after written findings that consent was obtained by fraud.

26.11 (e) In ordering a permanent placement of a child, the court must be governed by the  
26.12 best interests of the child, including a review of the relationship between the child and  
26.13 relatives and the child and other important persons with whom the child has resided or  
26.14 had significant contact. When the court has determined that permanent placement of the  
26.15 child away from the parent is necessary, the court shall consider permanent alternative  
26.16 homes that are available both inside and outside the state.

26.17 (f) Once a permanent placement determination has been made and permanent  
26.18 placement has been established, further court reviews are necessary if:

26.19 (1) the placement is long-term foster care or foster care for a specified period of time;

26.20 (2) the court orders further hearings because it has retained jurisdiction of a transfer  
26.21 of permanent legal and physical custody matter;

26.22 (3) an adoption has not yet been finalized; or

26.23 (4) there is a disruption of the permanent or long-term placement.

26.24 (g) Court reviews of an order for long-term foster care, whether under this section  
26.25 or section 260C.317, subdivision 3, paragraph (d), must be conducted at least yearly and  
26.26 must review the child's out-of-home placement plan and the reasonable efforts of the  
26.27 agency to finalize the permanent plan for the child including the agency's efforts to:

26.28 (1) ensure that long-term foster care continues to be the most appropriate legal  
26.29 arrangement for meeting the child's need for permanency and stability or, if not, to identify  
26.30 and attempt to finalize another permanent placement option under this chapter that would  
26.31 better serve the child's needs and best interests;

26.32 (2) identify a specific long-term foster home for the child, if one has not already  
26.33 been identified;

26.34 (3) support continued placement of the child in the identified home, if one has been  
26.35 identified;

27.1 (4) ensure appropriate services are provided to address the physical health, mental  
27.2 health, and educational needs of the child during the period of long-term foster care and  
27.3 also ensure appropriate services or assistance to maintain relationships with appropriate  
27.4 family members and the child's community; and

27.5 (5) plan for the child's independence upon the child's leaving long-term foster care  
27.6 living as required under section 260C.212, subdivision 1.

27.7 (h) In the event it is necessary for a child that has been ordered into foster care for a  
27.8 specified period of time to be in foster care longer than one year after the permanency  
27.9 hearing held under this section, not later than 12 months after the time the child was  
27.10 ordered into foster care for a specified period of time, the matter must be returned to  
27.11 court for a review of the appropriateness of continuing the child in foster care and of the  
27.12 responsible social services agency's reasonable efforts to finalize a permanent plan for  
27.13 the child; if it is in the child's best interests to continue the order for foster care for a  
27.14 specified period of time past a total of 12 months, the court shall set objectives for the  
27.15 child's continuation in foster care, specify any further amount of time the child may be in  
27.16 foster care, and review the plan for the safe return of the child to the parent.

27.17 (i) An order permanently placing a child out of the home of the parent or guardian  
27.18 must include the following detailed findings:

27.19 (1) how the child's best interests are served by the order;

27.20 (2) the nature and extent of the responsible social service agency's reasonable efforts,  
27.21 or, in the case of an Indian child, active efforts to reunify the child with the parent or  
27.22 guardian where reasonable efforts are required;

27.23 (3) the parent's or parents' efforts and ability to use services to correct the conditions  
27.24 which led to the out-of-home placement; and

27.25 (4) that the conditions which led to the out-of-home placement have not been  
27.26 corrected so that the child can safely return home.

27.27 (j) An order for permanent legal and physical custody of a child may be modified  
27.28 under sections 518.18 and 518.185. The social services agency is a party to the proceeding  
27.29 and must receive notice. A parent may only seek modification of an order for long-term  
27.30 foster care upon motion and a showing by the parent of a substantial change in the parent's  
27.31 circumstances such that the parent could provide appropriate care for the child and that  
27.32 removal of the child from the child's permanent placement and the return to the parent's  
27.33 care would be in the best interest of the child. The responsible social services agency may  
27.34 ask the court to vacate an order for long-term foster care upon a prima facie showing  
27.35 that there is a factual basis for the court to order another permanency option under this  
27.36 chapter and that such an option is in the child's best interests. Upon a hearing where

28.1 the court determines that there is a factual basis for vacating the order for long-term  
28.2 foster care and that another permanent order regarding the placement of the child is in  
28.3 the child's best interests, the court may vacate the order for long-term foster care and  
28.4 enter a different order for permanent placement that is in the child's best interests. The  
28.5 court shall not require further reasonable efforts to reunify the child with the parent or  
28.6 guardian as a basis for vacating the order for long-term foster care and ordering a different  
28.7 permanent placement in the child's best interests. The county attorney must file pleadings  
28.8 and give notice as required under the rules of juvenile court in order to modify an order for  
28.9 long-term foster care under this paragraph.

28.10 (k) The court shall issue an order required under this section within 15 days of the  
28.11 close of the proceedings. The court may extend issuing the order an additional 15 days  
28.12 when necessary in the interests of justice and the best interests of the child.

28.13 (l) This paragraph applies to proceedings required under this subdivision when  
28.14 the child is on a trial home visit:

28.15 (1) if the child is on a trial home visit 12 months after the child was placed in  
28.16 foster care or in the care of a noncustodial parent as calculated in this subdivision, the  
28.17 responsible social services agency may file a report with the court regarding the child's and  
28.18 parent's progress on the trial home visit and its reasonable efforts to finalize the child's safe  
28.19 and permanent return to the care of the parent in lieu of filing the pleadings required under  
28.20 paragraph (b). The court shall make findings regarding reasonableness of the responsible  
28.21 social services efforts to finalize the child's return home as the permanent order in the best  
28.22 interests of the child. The court may continue the trial home visit to a total time not to  
28.23 exceed six months as provided in subdivision 1. If the court finds the responsible social  
28.24 services agency has not made reasonable efforts to finalize the child's return home as the  
28.25 permanent order in the best interests of the child, the court may order other or additional  
28.26 efforts to support the child remaining in the care of the parent; and

28.27 (2) if a trial home visit ordered or continued at proceedings under this subdivision  
28.28 terminates, the court shall re-commence proceedings under this subdivision to determine  
28.29 the permanent status of the child not later than 30 days after the child is returned to foster  
28.30 care.

28.31 Sec. 4. Minnesota Statutes 2008, section 260C.209, subdivision 3, is amended to read:

28.32 Subd. 3. **Multistate information.** ~~For every background study completed under this~~  
28.33 ~~section, the subject of the background study shall provide the responsible social services~~  
28.34 ~~agency with a set of classifiable fingerprints obtained from an authorized agency. The~~  
28.35 ~~responsible social services agency shall provide the fingerprints to the commissioner, and~~

29.1 ~~the commissioner shall obtain criminal history data from the National Criminal Records~~  
29.2 ~~Repository by submitting the fingerprints to the Bureau of Criminal Apprehension.~~

29.3 In cases involving the emergency relative placement of children under section  
29.4 245A.035, the social services agency or county attorney may request a name-based check  
29.5 of the National Criminal Records Repository. In those cases, fingerprints of the individual  
29.6 being checked must be forwarded to the Bureau of Criminal Apprehension for submission  
29.7 to the Federal Bureau of Investigation within 15 calendar days of the name-based check. If  
29.8 the subject of the name-based check does not provide fingerprints upon request, the child  
29.9 or children must be removed from the home.

29.10 Sec. 5. Minnesota Statutes 2008, section 260C.212, subdivision 4, is amended to read:

29.11 Subd. 4. **Agency responsibilities for parents and children in placement.** (a)  
29.12 When a child is in foster care, the responsible social services agency shall make diligent  
29.13 efforts to identify, locate, and, where appropriate, offer services to both parents of the child.

29.14 (1) The responsible social services agency shall assess whether a noncustodial or  
29.15 nonadjudicated parent is willing and capable of providing for the day-to-day care of the  
29.16 child temporarily or permanently. An assessment under this clause may include, but  
29.17 is not limited to, obtaining information under section 260C.209. If after assessment,  
29.18 the responsible social services agency determines that a noncustodial or nonadjudicated  
29.19 parent is willing and capable of providing day-to-day care of the child, the responsible  
29.20 social services agency may seek authority from the custodial parent or the court to have  
29.21 that parent assume day-to-day care of the child. If a parent is not an adjudicated parent,  
29.22 the responsible social services agency shall require the nonadjudicated parent to cooperate  
29.23 with paternity establishment procedures as part of the case plan.

29.24 (2) If, after assessment, the responsible social services agency determines that the  
29.25 child cannot be in the day-to-day care of either parent, the agency shall:

29.26 (i) prepare an out-of-home placement plan addressing the conditions that each parent  
29.27 must meet before the child can be in that parent's day-to-day care; and

29.28 (ii) provide a parent who is the subject of a background study under section  
29.29 260C.209 15 days' notice that it intends to use the study to recommend against putting the  
29.30 child with that parent, ~~as well as the notice provided in section 260C.209, subdivision 4,~~  
29.31 and the court shall afford the parent an opportunity to be heard concerning the study.

29.32 The results of a background study of a noncustodial parent shall not be used by the  
29.33 agency to determine that the parent is incapable of providing day-to-day care of the child  
29.34 unless the agency reasonably believes that placement of the child into the home of that  
29.35 parent would endanger the child's health, safety, or welfare.

30.1 (3) If, after the provision of services following an out-of-home placement plan under  
30.2 this section, the child cannot return to the care of the parent from whom the child was  
30.3 removed or who had legal custody at the time the child was placed in foster care, the  
30.4 agency may petition on behalf of a noncustodial parent to establish legal custody with  
30.5 that parent under section 260C.201, subdivision 11. If paternity has not already been  
30.6 established, it may be established in the same proceeding in the manner provided for  
30.7 under chapter 257.

30.8 (4) The responsible social services agency may be relieved of the requirement to  
30.9 locate and offer services to both parents by the juvenile court upon a finding of good cause  
30.10 after the filing of a petition under section 260C.141.

30.11 (b) The responsible social services agency shall give notice to the parent or guardian  
30.12 of each child in foster care, other than a child in voluntary foster care for treatment under  
30.13 chapter 260D, of the following information:

30.14 (1) that the child's placement in foster care may result in termination of parental  
30.15 rights or an order permanently placing the child out of the custody of the parent, but only  
30.16 after notice and a hearing as required under chapter 260C and the juvenile court rules;

30.17 (2) time limits on the length of placement and of reunification services, including  
30.18 the date on which the child is expected to be returned to and safely maintained in the  
30.19 home of the parent or parents or placed for adoption or otherwise permanently removed  
30.20 from the care of the parent by court order;

30.21 (3) the nature of the services available to the parent;

30.22 (4) the consequences to the parent and the child if the parent fails or is unable to use  
30.23 services to correct the circumstances that led to the child's placement;

30.24 (5) the first consideration for placement with relatives;

30.25 (6) the benefit to the child in getting the child out of foster care as soon as possible,  
30.26 preferably by returning the child home, but if that is not possible, through a permanent  
30.27 legal placement of the child away from the parent;

30.28 (7) when safe for the child, the benefits to the child and the parent of maintaining  
30.29 visitation with the child as soon as possible in the course of the case and, in any event,  
30.30 according to the visitation plan under this section; and

30.31 (8) the financial responsibilities and obligations, if any, of the parent or parents for  
30.32 the support of the child during the period the child is in foster care.

30.33 (c) The responsible social services agency shall inform a parent considering  
30.34 voluntary placement of a child under subdivision 8, of the following information:

30.35 (1) the parent and the child each has a right to separate legal counsel before signing a  
30.36 voluntary placement agreement, but not to counsel appointed at public expense;

31.1 (2) the parent is not required to agree to the voluntary placement, and a parent  
31.2 who enters a voluntary placement agreement may at any time request that the agency  
31.3 return the child. If the parent so requests, the child must be returned within 24 hours of  
31.4 the receipt of the request;

31.5 (3) evidence gathered during the time the child is voluntarily placed may be used  
31.6 at a later time as the basis for a petition alleging that the child is in need of protection  
31.7 or services or as the basis for a petition seeking termination of parental rights or other  
31.8 permanent placement of the child away from the parent;

31.9 (4) if the responsible social services agency files a petition alleging that the child is  
31.10 in need of protection or services or a petition seeking the termination of parental rights  
31.11 or other permanent placement of the child away from the parent, the parent would have  
31.12 the right to appointment of separate legal counsel and the child would have a right to the  
31.13 appointment of counsel and a guardian ad litem as provided by law, and that counsel will  
31.14 be appointed at public expense if they are unable to afford counsel; and

31.15 (5) the timelines and procedures for review of voluntary placements under  
31.16 subdivision 3, and the effect the time spent in voluntary placement on the scheduling of a  
31.17 permanent placement determination hearing under section 260C.201, subdivision 11.

31.18 (d) When an agency accepts a child for placement, the agency shall determine  
31.19 whether the child has had a physical examination by or under the direction of a licensed  
31.20 physician within the 12 months immediately preceding the date when the child came into  
31.21 the agency's care. If there is documentation that the child has had an examination within  
31.22 the last 12 months, the agency is responsible for seeing that the child has another physical  
31.23 examination within one year of the documented examination and annually in subsequent  
31.24 years. If the agency determines that the child has not had a physical examination within  
31.25 the 12 months immediately preceding placement, the agency shall ensure that the child  
31.26 has an examination within 30 days of coming into the agency's care and once a year  
31.27 in subsequent years.

31.28 (e) Whether under state guardianship or not, if a child leaves foster care by reason of  
31.29 having attained the age of majority under state law, the child must be given at no cost a  
31.30 copy of the child's social and medical history, as defined in section 259.43, and education  
31.31 report.

31.32 Sec. 6. Minnesota Statutes 2008, section 260C.212, subdivision 7, is amended to read:

31.33 Subd. 7. **Administrative or court review of placements.** (a) There shall be an  
31.34 administrative review of the out-of-home placement plan of each child placed in foster  
31.35 care no later than 180 days after the initial placement of the child in foster care and at least

32.1 every six months thereafter if the child is not returned to the home of the parent or parents  
32.2 within that time. The out-of-home placement plan must be monitored and updated at each  
32.3 administrative review. The administrative review shall be conducted by the responsible  
32.4 social services agency using a panel of appropriate persons at least one of whom is not  
32.5 responsible for the case management of, or the delivery of services to, either the child or  
32.6 the parents who are the subject of the review. The administrative review shall be open to  
32.7 participation by the parent or guardian of the child and the child, as appropriate.

32.8 (b) As an alternative to the administrative review required in paragraph (a), the court  
32.9 may, as part of any hearing required under the Minnesota Rules of Juvenile Protection  
32.10 Procedure, conduct a hearing to monitor and update the out-of-home placement plan  
32.11 pursuant to the procedure and standard in section 260C.201, subdivision 6, paragraph (d).  
32.12 The party requesting review of the out-of-home placement plan shall give parties to the  
32.13 proceeding notice of the request to review and update the out-of-home placement plan.  
32.14 A court review conducted pursuant to section 260C.193; 260C.201, subdivision 1 or 11;  
32.15 260C.141, subdivision 2 or 2a, clause (2); or 260C.317 shall satisfy the requirement for  
32.16 the review so long as the other requirements of this section are met.

32.17 (c) As appropriate to the stage of the proceedings and relevant court orders, the  
32.18 responsible social services agency or the court shall review:

- 32.19 (1) the safety, permanency needs, and well-being of the child;  
32.20 (2) the continuing necessity for and appropriateness of the placement;  
32.21 (3) the extent of compliance with the out-of-home placement plan;  
32.22 (4) the extent of progress which has been made toward alleviating or mitigating the  
32.23 causes necessitating placement in foster care;  
32.24 (5) the projected date by which the child may be returned to and safely maintained in  
32.25 the home or placed permanently away from the care of the parent or parents or guardian;  
32.26 and  
32.27 (6) the appropriateness of the services provided to the child.

32.28 (d) When a child is age 16 or older, in addition to any administrative review  
32.29 conducted by the agency, at the review required under section 260C.201, subdivision 11,  
32.30 paragraph (d), clause (3), item (iii); or 260C.317, subdivision 3, clause (3), the court shall  
32.31 review the independent living plan required under subdivision 1, paragraph (c), clause  
32.32 (8), and the provision of services to the child related to the well-being of the child as the  
32.33 child prepares to leave foster care. The review shall include the actual plans related to  
32.34 each item in the plan necessary to the child's future safety and well-being when the child is  
32.35 no longer in foster care.

33.1 (1) At the court review, the responsible social services agency shall establish that it  
33.2 has given the notice required under Minnesota Rules, part 9560.0060, regarding the right  
33.3 to continued access to services for certain children in foster care past age 18 and of the  
33.4 right to appeal a denial of social services under section ~~256.245~~ 256.045. If the agency is  
33.5 unable to establish that the notice, including the right to appeal a denial of social services,  
33.6 has been given, the court shall require the agency to give it.

33.7 (2) The court shall make findings regarding progress toward or accomplishment of  
33.8 the following goals:

33.9 (i) the child has obtained a high school diploma or its equivalent;

33.10 (ii) the child has completed a driver's education course or has demonstrated the  
33.11 ability to use public transportation in the child's community;

33.12 (iii) the child is employed or enrolled in postsecondary education;

33.13 (iv) the child has applied for and obtained postsecondary education financial aid for  
33.14 which the child is eligible;

33.15 (v) the child has health care coverage and health care providers to meet the child's  
33.16 physical and mental health needs;

33.17 (vi) the child has applied for and obtained disability income assistance for which  
33.18 the child is eligible;

33.19 (vii) the child has obtained affordable housing with necessary supports, which does  
33.20 not include a homeless shelter;

33.21 (viii) the child has saved sufficient funds to pay for the first month's rent and a  
33.22 damage deposit;

33.23 (ix) the child has an alternative affordable housing plan, which does not include a  
33.24 homeless shelter, if the original housing plan is unworkable;

33.25 (x) the child, if male, has registered for the Selective Service; and

33.26 (xi) the child has a permanent connection to a caring adult.

33.27 (3) The court shall ensure that the responsible agency in conjunction with the  
33.28 placement provider assists the child in obtaining the following documents prior to the  
33.29 child's leaving foster care: a Social Security card; the child's birth certificate; a state  
33.30 identification card or driver's license, green card, or school visa; the child's school,  
33.31 medical, and dental records; a contact list of the child's medical, dental, and mental health  
33.32 providers; and contact information for the child's siblings, if the siblings are in foster care.

33.33 Sec. 7. Minnesota Statutes 2008, section 260D.07, is amended to read:

33.34 **260D.07 REQUIRED PERMANENCY REVIEW HEARING.**

34.1 (a) When the court has found that the voluntary arrangement is in the child's best  
34.2 interests and that the agency and parent are appropriately planning for the child pursuant  
34.3 to the report submitted under section 260D.06, and the child continues in voluntary foster  
34.4 care as defined in section 260D.02, subdivision 10, for 13 months from the date of the  
34.5 voluntary foster care agreement, or has been in placement for 15 of the last 22 months, the  
34.6 agency must:

34.7 (1) terminate the voluntary foster care agreement and return the child home; or

34.8 (2) determine whether there are compelling reasons to continue the voluntary foster  
34.9 care arrangement and, if the agency determines there are compelling reasons, seek judicial  
34.10 approval of its determination; or

34.11 (3) file a petition for the termination of parental rights.

34.12 (b) When the agency is asking for the court's approval of its determination that there  
34.13 are compelling reasons to continue the child in the voluntary foster care arrangement, the  
34.14 agency shall file a "Petition for Permanency Review Regarding a Child in Voluntary  
34.15 Foster Care for Treatment" and ask the court to proceed under this section.

34.16 (c) The "Petition for Permanency Review Regarding a Child in Voluntary Foster  
34.17 Care for Treatment" shall be drafted or approved by the county attorney and be under  
34.18 oath. The petition shall include:

34.19 (1) the date of the voluntary placement agreement;

34.20 (2) whether the petition is due to the child's developmental disability or emotional  
34.21 disturbance;

34.22 (3) the plan for the ongoing care of the child and the parent's participation in the plan;

34.23 (4) a description of the parent's visitation and contact with the child;

34.24 (5) the date of the court finding that the foster care placement was in the best  
34.25 interests of the child, if required under section 260D.06, or the date the agency filed the  
34.26 motion under section 260D.09, paragraph (b);

34.27 (6) the agency's reasonable efforts to finalize the permanent plan for the child,  
34.28 including returning the child to the care of the child's family; and

34.29 (7) a citation to this chapter as the basis for the petition.

34.30 (d) An updated copy of the out-of-home placement plan required under section  
34.31 260C.212, subdivision 1, shall be filed with the petition.

34.32 (e) The court shall set the date for the permanency review hearing no later than 14  
34.33 months after the child has been in placement or within 30 days of the petition filing date  
34.34 when the child has been in placement 15 of the last 22 months. The court shall serve the  
34.35 petition together with a notice of hearing by United States mail on the parent, the child

35.1 age 12 or older, the child's guardian ad litem, if one has been appointed, the agency, the  
35.2 county attorney, and counsel for any party.

35.3 (f) The court shall conduct the permanency review hearing on the petition no later  
35.4 than 14 months after the date of the voluntary placement agreement, within 30 days of the  
35.5 filing of the petition when the child has been in placement 15 days of the last 22 months,  
35.6 or within 15 days of a motion to terminate jurisdiction and to dismiss an order for foster  
35.7 care under chapter 260C, as provided in section 260D.09, paragraph (b).

35.8 (g) At the permanency review hearing, the court shall:

35.9 (1) inquire of the parent if the parent has reviewed the "Petition for Permanency  
35.10 Review Regarding a Child in Voluntary Foster Care for Treatment," whether the petition is  
35.11 accurate, and whether the parent agrees to the continued voluntary foster care arrangement  
35.12 as being in the child's best interests;

35.13 (2) inquire of the parent if the parent is satisfied with the agency's reasonable efforts  
35.14 to finalize the permanent plan for the child, including whether there are services available  
35.15 and accessible to the parent that might allow the child to safely be with the child's family;

35.16 (3) inquire of the parent if the parent consents to the court entering an order that:

35.17 (i) approves the responsible agency's reasonable efforts to finalize the permanent  
35.18 plan for the child, which includes ongoing future planning for the safety, health, and best  
35.19 interests of the child; and

35.20 (ii) approves the responsible agency's determination that there are compelling  
35.21 reasons why the continued voluntary foster care arrangement is in the child's best  
35.22 interests; and

35.23 (4) inquire of the child's guardian ad litem and any other party whether the guardian  
35.24 or the party agrees that:

35.25 (i) the court should approve the responsible agency's reasonable efforts to finalize  
35.26 the permanent plan for the child, which includes ongoing and future planning for the  
35.27 safety, health, and best interests of the child; and

35.28 (ii) the court should approve of the responsible agency's determination that there  
35.29 are compelling reasons why the continued voluntary foster care arrangement is in the  
35.30 child's best interests.

35.31 (h) At a permanency review hearing under this section, the court may take the  
35.32 following actions based on the contents of the sworn petition and the consent of the parent:

35.33 (1) approve the agency's compelling reasons that the voluntary foster care  
35.34 arrangement is in the best interests of the child; and

35.35 (2) find that the agency has made reasonable efforts to finalize ~~a plan for the~~  
35.36 permanent plan for the child.

36.1 (i) A child, age 12 or older, may object to the agency's request that the court approve  
 36.2 its compelling reasons for the continued voluntary arrangement and may be heard on the  
 36.3 reasons for the objection. Notwithstanding the child's objection, the court may approve  
 36.4 the agency's compelling reasons and the voluntary arrangement.

36.5 (j) If the court does not approve the voluntary arrangement after hearing from the  
 36.6 child or the child's guardian ad litem, the court shall dismiss the petition. In this case,  
 36.7 either:

36.8 (1) the child must be returned to the care of the parent; or

36.9 (2) the agency must file a petition under section 260C.141, asking for appropriate  
 36.10 relief under section 260C.201, subdivision 11, or 260C.301.

36.11 (k) When the court approves the agency's compelling reasons for the child to  
 36.12 continue in voluntary foster care for treatment, and finds that the agency has made  
 36.13 reasonable efforts to finalize a permanent plan for the child, the court shall approve the  
 36.14 continued voluntary foster care arrangement, and continue the matter under the court's  
 36.15 jurisdiction for the purposes of reviewing the child's placement every 12 months while  
 36.16 the child is in foster care.

36.17 (l) A finding that the court approves the continued voluntary placement means  
 36.18 the agency has continued legal authority to place the child while a voluntary placement  
 36.19 agreement remains in effect. The parent or the agency may terminate a voluntary  
 36.20 agreement as provided in section 260D.10. Termination of a voluntary foster care  
 36.21 placement of an Indian child is governed by section 260.765, subdivision 4.

36.22 Sec. 8. Laws 2008, chapter 361, article 6, section 58, is amended to read:

36.23 Sec. 58. **REVISOR'S INSTRUCTION.**

36.24 (a) In each section of Minnesota Statutes referred to in column A, the revisor of  
 36.25 statutes shall delete the reference in column B and insert the reference in column C.

36.26	Column A	Column B	Column C
36.27	259.67	260.851, article 5	<del>260.853</del> <u>260.93</u> , article 4
36.28	256B.094	260.851	<del>260.853</del> <u>260.93</u>

36.29 (b) In each section of Minnesota Rules referred to in column A, the revisor of  
 36.30 statutes shall delete the reference in column B and insert the reference in column C.

36.31	<u>Column A</u>	<u>Column B</u>	<u>Column C</u>
36.32	<u>9545.0755</u>	<u>260.851 to 260.91</u>	<u>260.855 to 260.93</u>
36.33	<u>9545.0815</u>	<u>260.851</u>	<u>260.93</u>



38.1 names, dates of birth, Social Security numbers, income, addresses, and other data as  
38.2 required, upon request by the Department of Revenue. Disclosures by the commissioner  
38.3 of revenue to the commissioner of human services for the purposes described in this clause  
38.4 are governed by section 270B.14, subdivision 1. Tax refund or tax credit programs include,  
38.5 but are not limited to, the dependent care credit under section 290.067, the Minnesota  
38.6 working family credit under section 290.0671, the property tax refund and rental credit  
38.7 under section 290A.04, and the Minnesota education credit under section 290.0674;

38.8 (9) between the Department of Human Services, the Department of Employment  
38.9 and Economic Development, and when applicable, the Department of Education, for  
38.10 the following purposes:

38.11 (i) to monitor the eligibility of the data subject for unemployment benefits, for any  
38.12 employment or training program administered, supervised, or certified by that agency;

38.13 (ii) to administer any rehabilitation program or child care assistance program,  
38.14 whether alone or in conjunction with the welfare system;

38.15 (iii) to monitor and evaluate the Minnesota family investment program or the child  
38.16 care assistance program by exchanging data on recipients and former recipients of food  
38.17 support, cash assistance under chapter 256, 256D, 256J, or 256K, child care assistance  
38.18 under chapter 119B, or medical programs under chapter 256B, 256D, or 256L; and

38.19 (iv) to analyze public assistance employment services and program utilization,  
38.20 cost, effectiveness, and outcomes as implemented under the authority established in Title  
38.21 II, Sections 201-204 of the Ticket to Work and Work Incentives Improvement Act of  
38.22 1999. Health records governed by sections 144.291 to 144.298 and "protected health  
38.23 information" as defined in Code of Federal Regulations, title 45, section 160.103, and  
38.24 governed by Code of Federal Regulations, title 45, parts 160-164, including health care  
38.25 claims utilization information, must not be exchanged under this clause;

38.26 (10) to appropriate parties in connection with an emergency if knowledge of  
38.27 the information is necessary to protect the health or safety of the individual or other  
38.28 individuals or persons;

38.29 (11) data maintained by residential programs as defined in section 245A.02 may  
38.30 be disclosed to the protection and advocacy system established in this state according  
38.31 to Part C of Public Law 98-527 to protect the legal and human rights of persons with  
38.32 developmental disabilities or other related conditions who live in residential facilities for  
38.33 these persons if the protection and advocacy system receives a complaint by or on behalf  
38.34 of that person and the person does not have a legal guardian or the state or a designee of  
38.35 the state is the legal guardian of the person;

39.1 (12) to the county medical examiner or the county coroner for identifying or locating  
39.2 relatives or friends of a deceased person;

39.3 (13) data on a child support obligor who makes payments to the public agency  
39.4 may be disclosed to the Minnesota Office of Higher Education to the extent necessary to  
39.5 determine eligibility under section 136A.121, subdivision 2, clause (5);

39.6 (14) participant Social Security numbers and names collected by the telephone  
39.7 assistance program may be disclosed to the Department of Revenue to conduct an  
39.8 electronic data match with the property tax refund database to determine eligibility under  
39.9 section 237.70, subdivision 4a;

39.10 (15) the current address of a Minnesota family investment program participant  
39.11 may be disclosed to law enforcement officers who provide the name of the participant  
39.12 and notify the agency that:

39.13 (i) the participant:

39.14 (A) is a fugitive felon fleeing to avoid prosecution, or custody or confinement after  
39.15 conviction, for a crime or attempt to commit a crime that is a felony under the laws of the  
39.16 jurisdiction from which the individual is fleeing; or

39.17 (B) is violating a condition of probation or parole imposed under state or federal law;

39.18 (ii) the location or apprehension of the felon is within the law enforcement officer's  
39.19 official duties; and

39.20 (iii) the request is made in writing and in the proper exercise of those duties;

39.21 (16) the current address of a recipient of general assistance or general assistance  
39.22 medical care may be disclosed to probation officers and corrections agents who are  
39.23 supervising the recipient and to law enforcement officers who are investigating the  
39.24 recipient in connection with a felony level offense;

39.25 (17) information obtained from food support applicant or recipient households may  
39.26 be disclosed to local, state, or federal law enforcement officials, upon their written request,  
39.27 for the purpose of investigating an alleged violation of the Food Stamp Act, according  
39.28 to Code of Federal Regulations, title 7, section 272.1(c);

39.29 (18) the address, Social Security number, and, if available, photograph of any  
39.30 member of a household receiving food support shall be made available, on request, to a  
39.31 local, state, or federal law enforcement officer if the officer furnishes the agency with the  
39.32 name of the member and notifies the agency that:

39.33 (i) the member:

39.34 (A) is fleeing to avoid prosecution, or custody or confinement after conviction, for a  
39.35 crime or attempt to commit a crime that is a felony in the jurisdiction the member is fleeing;

40.1 (B) is violating a condition of probation or parole imposed under state or federal  
40.2 law; or

40.3 (C) has information that is necessary for the officer to conduct an official duty related  
40.4 to conduct described in subitem (A) or (B);

40.5 (ii) locating or apprehending the member is within the officer's official duties; and

40.6 (iii) the request is made in writing and in the proper exercise of the officer's official  
40.7 duty;

40.8 (19) the current address of a recipient of Minnesota family investment program,  
40.9 general assistance, general assistance medical care, or food support may be disclosed to  
40.10 law enforcement officers who, in writing, provide the name of the recipient and notify the  
40.11 agency that the recipient is a person required to register under section 243.166, but is not  
40.12 residing at the address at which the recipient is registered under section 243.166;

40.13 (20) certain information regarding child support obligors who are in arrears may be  
40.14 made public according to section 518A.74;

40.15 (21) data on child support payments made by a child support obligor and data on  
40.16 the distribution of those payments excluding identifying information on obligees may be  
40.17 disclosed to all obligees to whom the obligor owes support, and data on the enforcement  
40.18 actions undertaken by the public authority, the status of those actions, and data on the  
40.19 income of the obligor or obligee may be disclosed to the other party;

40.20 (22) data in the work reporting system may be disclosed under section 256.998,  
40.21 subdivision 7;

40.22 (23) to the Department of Education for the purpose of matching Department of  
40.23 Education student data with public assistance data to determine students eligible for free  
40.24 and reduced-price meals, meal supplements, and free milk according to United States  
40.25 Code, title 42, sections 1758, 1761, 1766, 1766a, 1772, and 1773; to allocate federal and  
40.26 state funds that are distributed based on income of the student's family; and to verify  
40.27 receipt of energy assistance for the telephone assistance plan;

40.28 (24) the current address and telephone number of program recipients and emergency  
40.29 contacts may be released to the commissioner of health or a local board of health as  
40.30 defined in section 145A.02, subdivision 2, when the commissioner or local board of health  
40.31 has reason to believe that a program recipient is a disease case, carrier, suspect case, or at  
40.32 risk of illness, and the data are necessary to locate the person;

40.33 (25) to other state agencies, statewide systems, and political subdivisions of this  
40.34 state, including the attorney general, and agencies of other states, interstate information  
40.35 networks, federal agencies, and other entities as required by federal regulation or law for  
40.36 the administration of the child support enforcement program;

41.1 (26) to personnel of public assistance programs as defined in section 256.741, for  
41.2 access to the child support system database for the purpose of administration, including  
41.3 monitoring and evaluation of those public assistance programs;

41.4 (27) to monitor and evaluate the Minnesota family investment program by  
41.5 exchanging data between the Departments of Human Services and Education, on  
41.6 recipients and former recipients of food support, cash assistance under chapter 256, 256D,  
41.7 256J, or 256K, child care assistance under chapter 119B, or medical programs under  
41.8 chapter 256B, 256D, or 256L;

41.9 (28) to evaluate child support program performance and to identify and prevent  
41.10 fraud in the child support program by exchanging data between the Department of Human  
41.11 Services, Department of Revenue under section 270B.14, subdivision 1, paragraphs (a)  
41.12 and (b), without regard to the limitation of use in paragraph (c), Department of Health,  
41.13 Department of Employment and Economic Development, and other state agencies as is  
41.14 reasonably necessary to perform these functions; ~~or~~

41.15 (29) counties operating child care assistance programs under chapter 119B may  
41.16 disseminate data on program participants, applicants, and providers to the commissioner  
41.17 of education; or

41.18 (30) child support data on the parents and the child may be disclosed to agencies  
41.19 administering programs under Titles IV-E and IV-B of the Social Security Act, as provided  
41.20 by federal law. Data may be disclosed only to the extent necessary for the purpose of  
41.21 establishing parentage or for determining who has or may have parental rights with respect  
41.22 to a child, which could be related to permanency planning.

41.23 (b) Information on persons who have been treated for drug or alcohol abuse may  
41.24 only be disclosed according to the requirements of Code of Federal Regulations, title  
41.25 42, sections 2.1 to 2.67.

41.26 (c) Data provided to law enforcement agencies under paragraph (a), clause (15),  
41.27 (16), (17), or (18), or paragraph (b), are investigative data and are confidential or protected  
41.28 nonpublic while the investigation is active. The data are private after the investigation  
41.29 becomes inactive under section 13.82, subdivision 5, paragraph (a) or (b).

41.30 (d) Mental health data shall be treated as provided in subdivisions 7, 8, and 9, but is  
41.31 not subject to the access provisions of subdivision 10, paragraph (b).

41.32 For the purposes of this subdivision, a request will be deemed to be made in writing  
41.33 if made through a computer interface system.

41.34 Sec. 2. Minnesota Statutes 2008, section 256.01, subdivision 14b, is amended to read:

42.1 Subd. 14b. **American Indian child welfare projects.** (a) The commissioner of  
42.2 human services may authorize projects to test tribal delivery of child welfare services to  
42.3 American Indian children and their parents and custodians living on the reservation.  
42.4 The commissioner has authority to solicit and determine which tribes may participate  
42.5 in a project. Grants may be issued to Minnesota Indian tribes to support the projects.  
42.6 The commissioner may waive existing state rules as needed to accomplish the projects.  
42.7 Notwithstanding section 626.556, the commissioner may authorize projects to use  
42.8 alternative methods of investigating and assessing reports of child maltreatment, provided  
42.9 that the projects comply with the provisions of section 626.556 dealing with the rights  
42.10 of individuals who are subjects of reports or investigations, including notice and appeal  
42.11 rights and data practices requirements. The commissioner may seek any federal approvals  
42.12 necessary to carry out the projects as well as seek and use any funds available to the  
42.13 commissioner, including use of federal funds, foundation funds, existing grant funds,  
42.14 and other funds. The commissioner is authorized to advance state funds as necessary to  
42.15 operate the projects. Federal reimbursement applicable to the projects is appropriated  
42.16 to the commissioner for the purposes of the projects. The projects must be required to  
42.17 address responsibility for safety, permanency, and well-being of children.

42.18 (b) For the purposes of this section, "American Indian child" means a person under  
42.19 18 years of age who is a tribal member or eligible for membership in one of the tribes  
42.20 chosen for a project under this subdivision and who is residing on the reservation of  
42.21 that tribe.

42.22 (c) In order to qualify for an American Indian child welfare project, a tribe must:

42.23 (1) be one of the existing tribes with reservation land in Minnesota;

42.24 (2) have a tribal court with jurisdiction over child custody proceedings;

42.25 (3) have a substantial number of children for whom determinations of maltreatment  
42.26 have occurred;

42.27 (4) have capacity to respond to reports of abuse and neglect under section 626.556;

42.28 (5) provide a wide range of services to families in need of child welfare services; and

42.29 (6) have a tribal-state title IV-E agreement in effect.

42.30 (d) Grants awarded under this section may be used for the nonfederal costs of  
42.31 providing child welfare services to American Indian children on the tribe's reservation,  
42.32 including costs associated with:

42.33 (1) assessment and prevention of child abuse and neglect;

42.34 (2) family preservation;

42.35 (3) facilitative, supportive, and reunification services;

43.1 (4) out-of-home placement for children removed from the home for child protective  
43.2 purposes; and

43.3 (5) other activities and services approved by the commissioner that further the goals  
43.4 of providing safety, permanency, and well-being of American Indian children.

43.5 (e) When a tribe has initiated a project and has been approved by the commissioner  
43.6 to assume child welfare responsibilities for American Indian children of that tribe under  
43.7 this section, the affected county social service agency is relieved of responsibility for  
43.8 responding to reports of abuse and neglect under section 626.556 for those children  
43.9 during the time within which the tribal project is in effect and funded. The commissioner  
43.10 shall work with tribes and affected counties to develop procedures for data collection,  
43.11 evaluation, and clarification of ongoing role and financial responsibilities of the county  
43.12 and tribe for child welfare services prior to initiation of the project. Children who have not  
43.13 been identified by the tribe as participating in the project shall remain the responsibility  
43.14 of the county. Nothing in this section shall alter responsibilities of the county for law  
43.15 enforcement or court services.

43.16 (f) Participating tribes may conduct children's mental health screenings under section  
43.17 245.4874, subdivision 1, paragraph (a), clause (14), for children who are eligible for the  
43.18 initiative and living on the reservation and who meet one of the following criteria:

43.19 (1) the child must be receiving child protective services;

43.20 (2) the child must be in foster care; or

43.21 (3) the child's parents must have had parental rights suspended or terminated.

43.22 Tribes may access reimbursement from available state funds for conducting the screenings.

43.23 Nothing in this section shall alter responsibilities of the county for providing services  
43.24 under section 245.487.

43.25 (g) Participating tribes may establish a local child mortality review panel. In  
43.26 establishing a local child mortality review panel, the tribe agrees to conduct local child  
43.27 mortality reviews for child deaths or near-fatalities occurring on the reservation under  
43.28 section 256.01, subdivision 12. Tribes with established child mortality review panels  
43.29 shall have access to nonpublic data and shall protect nonpublic data under section  
43.30 256.01, subdivision 12, paragraphs (c) to (e). The tribe shall provide written notice to  
43.31 the commissioner and affected counties when a local child mortality review panel has  
43.32 been established and shall provide data upon request of the commissioner for purposes  
43.33 of sharing nonpublic data with members of the state child mortality review panel in  
43.34 connection to an individual case.

43.35 ~~(f)~~ (h) The commissioner shall collect information on outcomes relating to child  
43.36 safety, permanency, and well-being of American Indian children who are served in

44.1 the projects. Participating tribes must provide information to the state in a format  
44.2 and completeness deemed acceptable by the state to meet state and federal reporting  
44.3 requirements.

44.4 Sec. 3. Minnesota Statutes 2008, section 259.52, subdivision 2, is amended to read:

44.5 Subd. 2. **Requirement to search registry before adoption petition can be**  
44.6 **granted; proof of search.** No petition for adoption may be granted unless the agency  
44.7 supervising the adoptive placement, the birth mother of the child, or, in the case of a  
44.8 stepparent or relative adoption, the county agency responsible for the report required  
44.9 under section 259.53, subdivision 1, requests that the commissioner of health search the  
44.10 registry to determine whether a putative father is registered in relation to a child who is or  
44.11 may be the subject of an adoption petition. The search required by this subdivision must  
44.12 be conducted no sooner than 31 days following the birth of the child. A search of the  
44.13 registry may be proven by the production of a certified copy of the registration form or by  
44.14 a certified statement of the commissioner of health that after a search no registration of a  
44.15 putative father in relation to a child who is or may be the subject of an adoption petition  
44.16 could be located. The filing of a certified copy of an order from a juvenile protection  
44.17 matter under chapter 260C containing a finding that certification of the requisite search  
44.18 of the Minnesota fathers' adoption registry was filed with the court in that matter shall  
44.19 also constitute proof of search. Certification that the fathers' adoption registry has been  
44.20 searched must be filed with the court prior to entry of any final order of adoption. In  
44.21 addition to the search required by this subdivision, the agency supervising the adoptive  
44.22 placement, the birth mother of the child, or, in the case of a stepparent or relative adoption,  
44.23 the social services agency responsible for the report under section 259.53, subdivision 1,  
44.24 or the responsible social services agency that is a petitioner in a juvenile protection matter  
44.25 under chapter 260C may request that the commissioner of health search the registry at  
44.26 any time. Search requirements of this section do not apply when the responsible social  
44.27 services agency is proceeding under Safe Place for Newborns, section 260C.217.

44.28 Sec. 4. Minnesota Statutes 2008, section 259.52, subdivision 6, is amended to read:

44.29 Subd. 6. **Who may register.** Any putative father may register with the fathers'  
44.30 adoption registry. ~~However,~~ Any limitation on a putative father's right to assert an interest  
44.31 in the child as provided in this section applies only in adoption proceedings, termination  
44.32 of parental rights proceedings under chapter 260C, and only to those putative fathers not  
44.33 entitled to notice and consent under sections 259.24 and 259.49, subdivision 1, paragraph  
44.34 (a) or (b), clauses (1) to (7).

45.1 Sec. 5. Minnesota Statutes 2008, section 259.67, subdivision 1, is amended to read:

45.2 Subdivision 1. **Adoption assistance.** (a) The commissioner of human services shall  
45.3 enter into an adoption assistance agreement with an adoptive parent or parents ~~who adopt~~  
45.4 ~~a child who meets the eligibility requirements under title IV-E of the Social Security Act,~~  
45.5 ~~United States Code, title 42, sections 670 to 679a, or who otherwise meets the requirements~~  
45.6 ~~in subdivision 4~~ of an eligible child. To be eligible for adoption assistance a child must:

45.7 (1) be determined to be a child with special needs, according to subdivision 4; and

45.8 (2)(i) meet the criteria outlined in section 473 of the Social Security Act; or

45.9 (ii) have had foster care payments paid on the child's behalf while in out-of-home

45.10 placement through the county or tribe, and be either under the guardianship of the

45.11 commissioner or under the jurisdiction of a Minnesota tribe, with adoption in accordance

45.12 with tribal law as the child's documented permanency plan.

45.13 (b) Notwithstanding any provision to the contrary, no child on whose behalf federal  
45.14 title IV-E adoption assistance payments are to be made may be placed in an adoptive home  
45.15 unless a criminal background check under section 259.41, subdivision 3, paragraph (b),  
45.16 has been completed on the prospective adoptive parents and no disqualifying condition  
45.17 exists. A disqualifying condition exists if:

45.18 (1) a criminal background check reveals a felony conviction for child abuse; for  
45.19 spousal abuse; for a crime against children (including child pornography); or for a crime  
45.20 involving violence, including rape, sexual assault, or homicide, but not including other  
45.21 physical assault or battery; or

45.22 (2) a criminal background check reveals a felony conviction within the past five  
45.23 years for physical assault, battery, or a drug-related offense.

45.24 (c) A child must be a citizen of the United States or otherwise eligible for  
45.25 federal public benefits according to the Personal Responsibility and Work Opportunity  
45.26 Reconciliation Act of 1996, as amended, in order to be eligible for title IV-E adoption  
45.27 assistance. A child must be a citizen of the United States or meet the qualified  
45.28 alien requirements as defined in the Personal Responsibility and Work Opportunity  
45.29 Reconciliation Act of 1996, as amended, in order to be eligible for state-funded adoption  
45.30 assistance.

45.31 (d) Subject to commissioner approval, the legally responsible agency shall make a  
45.32 title IV-E adoption assistance eligibility determination for each child. Children who meet  
45.33 all eligibility criteria except those specific to title IV-E adoption assistance shall receive  
45.34 adoption assistance paid through state funds.

45.35 (e) Payments for adoption assistance shall not be made to a biological parent of the  
45.36 child who later adopts the same child. Direct placement adoptions under section 259.47 or

46.1 the equivalent in tribal code are not eligible for state-funded adoption assistance. A child  
46.2 who is adopted by the child's legal custodian or guardian is not eligible for state-funded  
46.3 adoption assistance. A child who is adopted by the child's legal custodian or guardian may  
46.4 be eligible for title IV-E adoption assistance if all required eligibility factors are met.  
46.5 International adoptions are not eligible for adoption assistance unless the adopted child  
46.6 has been placed into foster care through the public child welfare system subsequent to the  
46.7 failure of the adoption and all required eligibility factors are met.

46.8 Sec. 6. Minnesota Statutes 2008, section 259.67, subdivision 2, is amended to read:

46.9 Subd. 2. **Adoption assistance agreement.** The placing agency shall certify a child  
46.10 as eligible for adoption assistance according to rules promulgated by the commissioner.  
46.11 The placing agency shall not certify a child who remains under the jurisdiction of the  
46.12 sending agency pursuant to section 260.851, article 5, for state-funded adoption assistance  
46.13 when Minnesota is the receiving state. Not later than 30 days after a parent or parents are  
46.14 found and approved for adoptive placement of a child certified as eligible for adoption  
46.15 assistance, and before the final decree of adoption is issued, a written agreement must  
46.16 be entered into by the commissioner, the adoptive parent or parents, and the placing  
46.17 agency. The written agreement must be fully completed by the placing agency and in the  
46.18 form prescribed by the commissioner and must set forth the responsibilities of all parties,  
46.19 the anticipated duration of the adoption assistance ~~payments, agreement, the nature and~~  
46.20 amount of any payment, services, and assistance to be provided under such agreement,  
46.21 the child's eligibility for Medicaid services, eligibility for reimbursement of nonrecurring  
46.22 expenses associated with adopting the child, to the extent that total cost does not exceed  
46.23 \$2,000 per child, provisions for modification of the terms of the agreement, the effective  
46.24 date of the agreement, that the agreement must remain in effect regardless of the state of  
46.25 which the adoptive parents are residents at any given time, and the payment terms. The  
46.26 agreement is effective the date of the adoption decree. The adoption assistance agreement  
46.27 shall be subject to the commissioner's approval, which must be granted or denied not later  
46.28 than 15 days after the agreement is entered. The agreement must be negotiated with  
46.29 the adoptive parent or parents. A monthly payment is provided as part of the adoption  
46.30 assistance agreement to support the care of a child who has manifested special needs.

46.31 The amount of adoption assistance ~~is subject to the availability of state and~~  
46.32 ~~federal funds and~~ shall be determined through agreement with the adoptive parents.  
46.33 The agreement shall take into consideration the circumstances of the adopting parent  
46.34 or parents, the needs of the child being adopted and may provide ongoing monthly  
46.35 assistance, supplemental maintenance expenses related to the child's special needs,

47.1 nonmedical expenses periodically necessary for purchase of services, items, or equipment  
47.2 related to the special needs, and medical expenses. The placing agency or the adoptive  
47.3 parent or parents shall provide written documentation to support the need for adoption  
47.4 assistance payments. The commissioner may require periodic reevaluation of adoption  
47.5 assistance payments. The amount of ongoing monthly adoption assistance granted may  
47.6 in no case exceed ~~that which would be allowable for the child under foster family care~~  
47.7 the payment schedule outlined in subdivision 2a, and, for state-funded cases, is subject to  
47.8 the availability of state ~~and federal~~ funds.

47.9 Sec. 7. Minnesota Statutes 2008, section 259.67, is amended by adding a subdivision  
47.10 to read:

47.11 Subd. 2a. **Benefits and payments.** (a) Eligibility for medical assistance for children  
47.12 receiving adoption assistance is as specified in section 256B.055.

47.13 (b) Basic maintenance payments are available for all children eligible for adoption  
47.14 assistance except those eligible solely based on high risk of developing a disability. Basic  
47.15 maintenance payments must be made according to the following schedule:

47.16 Birth through age five up to \$247 per month

47.17 Age six through age 11 up to \$277 per month

47.18 Age 12 through age 14 up to \$307 per month

47.19 Age 15 and older up to \$337 per month

47.20 A child must receive the maximum payment amount for the child's age, unless a  
47.21 lesser amount is negotiated with and agreed to by the prospective adoptive parent.

47.22 (c) Supplemental adoption assistance needs payments, in addition to basic  
47.23 maintenance payments, are available for a child whose disability necessitates care,  
47.24 supervision, and structure beyond that ordinarily provided in a family setting to persons  
47.25 of the same age. These payments are related to the severity of a child's disability and  
47.26 the level of parenting required to care for the child, and must be made according to the  
47.27 following schedule:

47.28 Level I up to \$150 per month

47.29 Level II up to \$275 per month

47.30 Level III up to \$400 per month

47.31 Level IV up to \$500 per month

48.1 A child's level shall be assessed on a supplemental maintenance needs assessment  
48.2 form prescribed by the commissioner. A child must receive the maximum payment  
48.3 amount for the child's assessed level, unless a lesser amount is negotiated with and agreed  
48.4 to by the prospective adoptive parent.

48.5 Sec. 8. Minnesota Statutes 2008, section 259.67, subdivision 3, is amended to read:

48.6 Subd. 3. **Modification, or termination, or extension of adoption assistance**  
48.7 **agreement.** The adoption assistance agreement shall continue in accordance with its terms  
48.8 as long as the need for adoption assistance continues and the adopted child is the legal  
48.9 or financial dependent of the adoptive parent or parents or guardian or conservator and  
48.10 is under 18 years of age. If the commissioner determines that the adoptive parents are  
48.11 no longer legally responsible for support of the child or are no longer providing financial  
48.12 support to the child, the agreement shall terminate. Under certain limited circumstances,  
48.13 the adoption assistance agreement may be extended to age 22 as allowed by rules adopted  
48.14 by the commissioner. An application for extension must be completed and submitted by  
48.15 the adoptive parent prior to the date the child attains age 18. The application for extension  
48.16 must be made according to policies and procedures prescribed by the commissioner,  
48.17 including documentation of eligibility, and on forms prescribed by the commissioner.

48.18 Termination or modification of the adoption assistance agreement may be requested by the  
48.19 adoptive parents or subsequent guardian or conservator at any time. When an adoptive  
48.20 parent requests modification of the adoption assistance agreement, a reassessment of the  
48.21 child must be completed consistent with subdivision 2a. If the reassessment indicates  
48.22 that the child's level has changed or, for a high-risk child, that the potential disability  
48.23 upon which eligibility for the agreement was based has manifested itself, the agreement  
48.24 shall be renegotiated to include an appropriate payment, consistent with subdivision 2a.  
48.25 The agreement must not be modified unless the commissioner and the adoptive parent  
48.26 mutually agree to the changes. When the commissioner determines that a child is eligible  
48.27 for extension of title IV-E adoption assistance under Title IV-E section 473 of the Social  
48.28 Security Act, United States Code, title 42, sections 670 to 679a, the commissioner shall  
48.29 ~~modify the adoption assistance agreement~~ require the adoptive parents to submit the  
48.30 necessary documentation in order to obtain the funds under that act.

48.31 Sec. 9. Minnesota Statutes 2008, section 259.67, subdivision 4, is amended to read:

48.32 Subd. 4. ~~Eligibility conditions~~ **Special needs determination.** (a) ~~The placing~~  
48.33 ~~agency shall use the AFDC requirements as specified in federal law as of July 16, 1996,~~  
48.34 ~~when determining the child's eligibility for adoption assistance under title IV-E of the~~

49.1 ~~Social Security Act. If the child does not qualify, the placing agency shall certify a child~~  
49.2 ~~as eligible for state-funded adoption assistance only.~~ A child is considered a child with  
49.3 special needs under this section if the following criteria are met:

49.4 (1) Due to the child's characteristics or circumstances it would be difficult to provide  
49.5 the child an adoptive home without adoption assistance.

49.6 (2)(i) A placement agency has made reasonable efforts to place the child for adoption  
49.7 without adoption assistance, but has been unsuccessful;

49.8 (ii) the child's licensed foster parents desire to adopt the child and it is determined by  
49.9 the placing agency that the adoption is in the best interest of the child; ~~or~~

49.10 (iii) the child's relative, as defined in section 260C.007, subdivision 27, desires to  
49.11 adopt the child, and it is determined by the placing agency that the adoption is in the  
49.12 best interest of the child; or

49.13 (iv) for a non-Indian child, the family that previously adopted a child of the same  
49.14 mother or father desires to adopt the child, and it is determined by the placing agency that  
49.15 the adoption is in the best interest of the child.

49.16 ~~(3)(i) The child is a ward of the commissioner or a tribal social service agency of~~  
49.17 ~~Minnesota recognized by the Secretary of the Interior; or (ii) the child will be adopted~~  
49.18 ~~according to tribal law without a termination of parental rights or relinquishment, provided~~  
49.19 ~~that the tribe has documented the valid reason why the child cannot or should not be~~  
49.20 ~~returned to the home of the child's parent. The placing agency shall not certify a child who~~  
49.21 ~~remains under the jurisdiction of the sending agency pursuant to section 260.851, article 5,~~  
49.22 ~~for state-funded adoption assistance when Minnesota is the receiving state. A child who is~~  
49.23 ~~adopted by the child's legal custodian or guardian shall not be eligible for state-funded~~  
49.24 ~~adoption assistance.~~ There has been a determination that the child cannot or should not be  
49.25 returned to the home of the child's parents as evidenced by:

49.26 (i) a court-ordered termination of parental rights;

49.27 (ii) a petition to terminate parental rights;

49.28 (iii) a consent to adopt accepted by the court under sections 260C.201, subdivision  
49.29 11, and 259.24;

49.30 (iv) in circumstances where tribal law permits the child to be adopted without a  
49.31 termination of parental rights, a judicial determination by tribal court indicating the valid  
49.32 reason why the child cannot or should not return home;

49.33 (v) a voluntary relinquishment under section 259.25 or 259.47 or, if relinquishment  
49.34 occurred in another state, the applicable laws in that state; or

49.35 (vi) the death of the legal parent.

50.1 (b) The characteristics or circumstances that may be considered in determining  
50.2 whether a child meets the requirements of paragraph (a), clause (1), or section  
50.3 473(c)(2)(A) of the Social Security Act, are the following:

50.4 (1) The child is a member of a sibling group to be ~~placed as one unit in which at~~  
50.5 ~~least one sibling is older than 15 months of age or is described in clause (2) or (3)~~ adopted  
50.6 at the same time by the same parent.

50.7 (2) The child has been determined by the Social Security Administration to meet  
50.8 all medical or disability requirements of title XVI of the Social Security Act with respect  
50.9 to eligibility for Supplemental Security Income benefits.

50.10 ~~(2)~~ (3) The child has documented physical, mental, emotional, or behavioral  
50.11 disabilities not covered under clause (2).

50.12 ~~(3)~~ (4) The child has a high risk of developing physical, mental, emotional, or  
50.13 behavioral disabilities.

50.14 ~~(4)~~ (5) The child is five years of age or older.

50.15 (6) The child is placed for adoption in the home of a parent who previously adopted  
50.16 another child born of the same mother or father for whom they receive adoption assistance.

50.17 (c) When a child's eligibility for adoption assistance is based upon the high risk of  
50.18 developing physical, mental, emotional, or behavioral disabilities, payments shall not be  
50.19 made under the adoption assistance agreement unless and until the potential disability  
50.20 upon which eligibility for the agreement was based manifests itself as documented by an  
50.21 appropriate ~~health care~~ professional.

50.22 (d) Documentation must be provided to verify that a child meets the special needs  
50.23 criteria in this subdivision. Documentation is limited to evidence deemed appropriate by  
50.24 the commissioner.

50.25 Sec. 10. Minnesota Statutes 2008, section 259.67, subdivision 5, is amended to read:

50.26 Subd. 5. **Determination of residency.** A child placed in the state from another state  
50.27 or a tribe outside of the state is not eligible for state-funded adoption assistance through  
50.28 the state. A child placed in the state from another state or a tribe outside of the state may  
50.29 be eligible for title IV-E adoption assistance through the state of Minnesota if all eligibility  
50.30 factors are met and there is no state agency that has responsibility for placement and care  
50.31 of the child. A child who is a resident of any county in this state when eligibility for  
50.32 adoption assistance is certified shall remain eligible and receive adoption assistance in  
50.33 accordance with the terms of the adoption assistance agreement, regardless of the domicile  
50.34 or residence of the adopting parents at the time of application for adoptive placement,  
50.35 legal decree of adoption, or thereafter.

51.1 Sec. 11. Minnesota Statutes 2008, section 259.67, subdivision 7, is amended to read:

51.2 Subd. 7. **Reimbursement of costs.** (a) Subject to rules of the commissioner, and  
51.3 the provisions of this subdivision a child-placing agency licensed in Minnesota or any  
51.4 other state, or local or tribal social services agency shall receive a reimbursement from the  
51.5 commissioner equal to 100 percent of the reasonable and appropriate cost of providing  
51.6 child-specific adoption services. Adoption services under this subdivision may include  
51.7 adoptive family child-specific recruitment, ~~counseling, and special training when needed,~~  
51.8 and home studies for prospective adoptive parents, and placement services.

51.9 (b) An eligible child must have a goal of adoption, which may include an adoption  
51.10 in accordance with tribal law, and meet one of the following criteria:

51.11 (1) is a ward of the commissioner of human services or a ward of tribal court  
51.12 pursuant to section 260.755, subdivision 20, who meets one of the criteria in subdivision  
51.13 4, paragraph (a), clause (3), and one of the criteria in subdivision 4, paragraph (b), clause  
51.14 (1), (2), or (3); or

51.15 (2) is under the guardianship of a Minnesota-licensed child-placing agency who  
51.16 meets one of the criteria in subdivision 4, paragraph (b), clause (1) ~~or~~ (2), (3), (5), or (6).

51.17 (c) A child-placing agency licensed in Minnesota or any other state shall receive  
51.18 reimbursement for adoption services it purchases for or directly provides to an eligible  
51.19 child. Tribal social services shall receive reimbursement for adoption services it purchases  
51.20 for or directly provides to an eligible child. A local social services agency shall receive  
51.21 reimbursement only for adoption services it purchases for an eligible child.

51.22 Before providing adoption services for which reimbursement will be sought under  
51.23 this subdivision, a reimbursement agreement, on the designated format, must be entered  
51.24 into with the commissioner. No reimbursement under this subdivision shall be made to  
51.25 an agency for services provided prior to entering a reimbursement agreement. Separate  
51.26 reimbursement agreements shall be made for each child and separate records shall be kept  
51.27 on each child for whom a reimbursement agreement is made. ~~The commissioner of human~~  
51.28 ~~services~~ Reimbursement shall agree not be made unless the commissioner agrees that the  
51.29 reimbursement costs are reasonable and appropriate. The commissioner may spend up  
51.30 to \$16,000 for each purchase of service agreement. Only one agreement per child is  
51.31 allowed, unless an exception is granted by the commissioner and agreed to in writing by  
51.32 the commissioner prior to commencement of services. Funds encumbered and obligated  
51.33 under such an agreement for the child remain available until the terms of the agreement  
51.34 are fulfilled or the agreement is terminated.

51.35 The commissioner shall make reimbursement payments directly to the agency  
51.36 providing the service if direct reimbursement is specified by the purchase of service

52.1 agreement, and if the request for reimbursement is submitted by the local or tribal social  
52.2 services agency along with a verification that the service was provided.

52.3 Sec. 12. Minnesota Statutes 2008, section 259.67, is amended by adding a subdivision  
52.4 to read:

52.5 Subd. 11. **Promotion of programs.** The commissioner or the commissioner's  
52.6 designee shall actively seek ways to promote the adoption assistance program, including  
52.7 information to prospective adoptive parents of eligible children under the commissioner's  
52.8 guardianship of the availability of adoption assistance. All families who adopt children  
52.9 under the commissioner's guardianship must also be informed as to the adoption tax credit.

52.10 Sec. 13. Minnesota Statutes 2008, section 260.012, is amended to read:

52.11 **260.012 DUTY TO ENSURE PLACEMENT PREVENTION AND FAMILY**  
52.12 **REUNIFICATION; REASONABLE EFFORTS.**

52.13 (a) Once a child alleged to be in need of protection or services is under the court's  
52.14 jurisdiction, the court shall ensure that reasonable efforts, including culturally appropriate  
52.15 services, by the social services agency are made to prevent placement or to eliminate the  
52.16 need for removal and to reunite the child with the child's family at the earliest possible  
52.17 time, and the court must ensure that the responsible social services agency makes  
52.18 reasonable efforts to finalize an alternative permanent plan for the child as provided in  
52.19 paragraph (e). In determining reasonable efforts to be made with respect to a child and in  
52.20 making those reasonable efforts, the child's best interests, health, and safety must be of  
52.21 paramount concern. Reasonable efforts to prevent placement and for rehabilitation and  
52.22 reunification are always required except upon a determination by the court that a petition  
52.23 has been filed stating a prima facie case that:

52.24 (1) the parent has subjected a child to egregious harm as defined in section  
52.25 260C.007, subdivision 14;

52.26 (2) the parental rights of the parent to another child have been terminated  
52.27 involuntarily;

52.28 (3) the child is an abandoned infant under section 260C.301, subdivision 2,  
52.29 paragraph (a), clause (2);

52.30 (4) the parent's custodial rights to another child have been involuntarily transferred  
52.31 to a relative under section 260C.201, subdivision 11, paragraph (e), clause (1), or a similar  
52.32 law of another jurisdiction; or

52.33 (5) the provision of services or further services for the purpose of reunification is  
52.34 futile and therefore unreasonable under the circumstances.

53.1 (b) When the court makes one of the prima facie determinations under paragraph (a),  
53.2 either permanency pleadings under section 260C.201, subdivision 11, or a termination  
53.3 of parental rights petition under sections 260C.141 and 260C.301 must be filed. A  
53.4 permanency hearing under section 260C.201, subdivision 11, must be held within 30  
53.5 days of this determination.

53.6 (c) In the case of an Indian child, in proceedings under sections 260B.178 or  
53.7 260C.178, 260C.201, and 260C.301 the juvenile court must make findings and conclusions  
53.8 consistent with the Indian Child Welfare Act of 1978, United States Code, title 25, section  
53.9 1901 et seq., as to the provision of active efforts. In cases governed by the Indian Child  
53.10 Welfare Act of 1978, United States Code, title 25, section 1901, the responsible social  
53.11 services agency must provide active efforts as required under United States Code, title  
53.12 25, section 1911(d).

53.13 (d) "Reasonable efforts to prevent placement" means:

53.14 (1) the agency has made reasonable efforts to prevent the placement of the child in  
53.15 foster care by working with the family to develop and implement a safety plan; or

53.16 (2) given the particular circumstances of the child and family at the time of the  
53.17 child's removal, there are no services or efforts available which could allow the child to  
53.18 safely remain in the home.

53.19 (e) "Reasonable efforts to finalize a permanent plan for the child" means due  
53.20 diligence by the responsible social services agency to:

53.21 (1) reunify the child with the parent or guardian from whom the child was removed;

53.22 (2) assess a noncustodial parent's ability to provide day-to-day care for the child and,  
53.23 where appropriate, provide services necessary to enable the noncustodial parent to safely  
53.24 provide the care, as required by section 260C.212, subdivision 4;

53.25 (3) conduct a relative search to identify and provide notice to adult relatives as  
53.26 required under section 260C.212, subdivision 5; ~~and~~

53.27 (4) place siblings removed from their home in the same home for foster care,  
53.28 adoption, or transfer permanent legal and physical custody to a relative. Visitation  
53.29 between siblings who are not in the same foster care, adoption, or custodial placement or  
53.30 facility shall be consistent with section 260C.212, subdivision 2; and

53.31 ~~(4)~~ (5) when the child cannot return to the parent or guardian from whom the child  
53.32 was removed, to plan for and finalize a safe and legally permanent alternative home  
53.33 for the child, and considers permanent alternative homes for the child inside or outside  
53.34 of the state, preferably through adoption or transfer of permanent legal and physical  
53.35 custody of the child.

54.1 (f) Reasonable efforts are made upon the exercise of due diligence by the responsible  
54.2 social services agency to use culturally appropriate and available services to meet the  
54.3 needs of the child and the child's family. Services may include those provided by the  
54.4 responsible social services agency and other culturally appropriate services available in  
54.5 the community. At each stage of the proceedings where the court is required to review  
54.6 the appropriateness of the responsible social services agency's reasonable efforts as  
54.7 described in paragraphs (a), (d), and (e), the social services agency has the burden of  
54.8 demonstrating that:

54.9 (1) it has made reasonable efforts to prevent placement of the child in foster care;

54.10 (2) it has made reasonable efforts to eliminate the need for removal of the child from  
54.11 the child's home and to reunify the child with the child's family at the earliest possible time;

54.12 (3) it has made reasonable efforts to finalize an alternative permanent home for  
54.13 the child, and considers permanent alternative homes for the child inside or outside of  
54.14 the state; or

54.15 (4) reasonable efforts to prevent placement and to reunify the child with the parent  
54.16 or guardian are not required. The agency may meet this burden by stating facts in a sworn  
54.17 petition filed under section 260C.141, by filing an affidavit summarizing the agency's  
54.18 reasonable efforts or facts the agency believes demonstrate there is no need for reasonable  
54.19 efforts to reunify the parent and child, or through testimony or a certified report required  
54.20 under juvenile court rules.

54.21 (g) Once the court determines that reasonable efforts for reunification are not  
54.22 required because the court has made one of the prima facie determinations under paragraph  
54.23 (a), the court may only require reasonable efforts for reunification after a hearing according  
54.24 to section 260C.163, where the court finds there is not clear and convincing evidence of  
54.25 the facts upon which the court based its prima facie determination. In this case when there  
54.26 is clear and convincing evidence that the child is in need of protection or services, the  
54.27 court may find the child in need of protection or services and order any of the dispositions  
54.28 available under section 260C.201, subdivision 1. Reunification of a surviving child with a  
54.29 parent is not required if the parent has been convicted of:

54.30 (1) a violation of, or an attempt or conspiracy to commit a violation of, sections  
54.31 609.185 to 609.20; 609.222, subdivision 2; or 609.223 in regard to another child of the  
54.32 parent;

54.33 (2) a violation of section 609.222, subdivision 2; or 609.223, in regard to the  
54.34 surviving child; or

54.35 (3) a violation of, or an attempt or conspiracy to commit a violation of, United States  
54.36 Code, title 18, section 1111(a) or 1112(a), in regard to another child of the parent.

55.1 (h) The juvenile court, in proceedings under sections 260B.178 or 260C.178,  
55.2 260C.201, and 260C.301 shall make findings and conclusions as to the provision of  
55.3 reasonable efforts. When determining whether reasonable efforts have been made, the  
55.4 court shall consider whether services to the child and family were:

- 55.5 (1) relevant to the safety and protection of the child;
- 55.6 (2) adequate to meet the needs of the child and family;
- 55.7 (3) culturally appropriate;
- 55.8 (4) available and accessible;
- 55.9 (5) consistent and timely; and
- 55.10 (6) realistic under the circumstances.

55.11 In the alternative, the court may determine that provision of services or further  
55.12 services for the purpose of rehabilitation is futile and therefore unreasonable under the  
55.13 circumstances or that reasonable efforts are not required as provided in paragraph (a).

55.14 (i) This section does not prevent out-of-home placement for treatment of a child with  
55.15 a mental disability when it is determined to be medically necessary as a result of the child's  
55.16 diagnostic assessment or individual treatment plan indicates that appropriate and necessary  
55.17 treatment cannot be effectively provided outside of a residential or inpatient treatment  
55.18 program and the level or intensity of supervision and treatment cannot be effectively and  
55.19 safely provided in the child's home or community and it is determined that a residential  
55.20 treatment setting is the least restrictive setting that is appropriate to the needs of the child.

55.21 (j) If continuation of reasonable efforts to prevent placement or reunify the child  
55.22 with the parent or guardian from whom the child was removed is determined by the court  
55.23 to be inconsistent with the permanent plan for the child or upon the court making one of  
55.24 the prima facie determinations under paragraph (a), reasonable efforts must be made to  
55.25 place the child in a timely manner in a safe and permanent home and to complete whatever  
55.26 steps are necessary to legally finalize the permanent placement of the child.

55.27 (k) Reasonable efforts to place a child for adoption or in another permanent  
55.28 placement may be made concurrently with reasonable efforts to prevent placement or to  
55.29 reunify the child with the parent or guardian from whom the child was removed. When  
55.30 the responsible social services agency decides to concurrently make reasonable efforts for  
55.31 both reunification and permanent placement away from the parent under paragraph (a), the  
55.32 agency shall disclose its decision and both plans for concurrent reasonable efforts to all  
55.33 parties and the court. When the agency discloses its decision to proceed on both plans for  
55.34 reunification and permanent placement away from the parent, the court's review of the  
55.35 agency's reasonable efforts shall include the agency's efforts under both plans.

56.1 Sec. 14. Minnesota Statutes 2008, section 260B.007, subdivision 7, is amended to read:

56.2 Subd. 7. **Foster care.** ~~"Foster care" means the 24-hour-a-day care of a child in~~  
56.3 ~~any facility which for gain or otherwise regularly provides one or more children, when~~  
56.4 ~~unaccompanied by their parents, with a substitute for the care, food, lodging, training,~~  
56.5 ~~education, supervision or treatment they need but which for any reason cannot be furnished~~  
56.6 ~~by their parents or legal guardians in their homes. "Foster care" means 24-hour substitute~~  
56.7 care for children placed away from their parents or guardian and for whom a responsible  
56.8 social services agency has placement and care responsibility. Foster care includes, but  
56.9 is not limited to, placement in foster family homes, foster homes of relatives, group  
56.10 homes, emergency shelters, residential facilities not excluded in this subdivision, child  
56.11 care institutions, and preadoptive homes. A child is in foster care under this definition  
56.12 regardless of whether the facility is licensed and payments are made for the cost of care.  
56.13 Nothing in this definition creates any authority to place a child in a home or facility that  
56.14 is required to be licensed which is not licensed. Foster care does not include placement  
56.15 in any of the following facilities: hospitals, inpatient chemical dependency treatment  
56.16 facilities, facilities that are primarily for delinquent children, any corrections facility or  
56.17 program within a particular corrections facility not meeting requirements for Title IV-E  
56.18 facilities as determined by the commissioner, facilities to which a child is committed  
56.19 under the provision of chapter 253B, forestry camps, or jails. Foster care is intended to  
56.20 provide for a child's safety or to access treatment. Foster care must not be used as a  
56.21 punishment or consequence for a child's behavior.

56.22 Sec. 15. Minnesota Statutes 2008, section 260B.157, subdivision 3, is amended to read:

56.23 Subd. 3. **Juvenile treatment screening team.** (a) The local social services agency  
56.24 shall establish a juvenile treatment screening team to conduct screenings and prepare  
56.25 case plans under this subdivision. The team, which may be the team constituted under  
56.26 section 245.4885 or 256B.092 or Minnesota Rules, parts 9530.6600 to 9530.6655, shall  
56.27 consist of social workers, juvenile justice professionals, and persons with expertise in the  
56.28 treatment of juveniles who are emotionally disabled, chemically dependent, or have a  
56.29 developmental disability. The team shall involve parents or guardians in the screening  
56.30 process as appropriate. The team may be the same team as defined in section 260C.157,  
56.31 subdivision 3.

56.32 (b) If the court, prior to, or as part of, a final disposition, proposes to place a child:

56.33 (1) for the primary purpose of treatment for an emotional disturbance, and residential  
56.34 placement is consistent with section 260.012, a developmental disability, or chemical

57.1 dependency in a residential treatment facility out of state or in one which is within the  
57.2 state and licensed by the commissioner of human services under chapter 245A; or

57.3 (2) in any out-of-home setting potentially exceeding 30 days in duration, including a  
57.4 ~~postdispositional~~ post-dispositional placement in a facility licensed by the commissioner  
57.5 of corrections or human services, the court shall notify the county welfare agency. The  
57.6 county's juvenile treatment screening team must either:

57.7 (i) screen and evaluate the child and file its recommendations with the court within  
57.8 14 days of receipt of the notice; or

57.9 (ii) elect not to screen a given case, and notify the court of that decision within  
57.10 three working days.

57.11 (c) If the screening team has elected to screen and evaluate the child, the child  
57.12 may not be placed for the primary purpose of treatment for an emotional disturbance, a  
57.13 developmental disability, or chemical dependency, in a residential treatment facility out of  
57.14 state nor in a residential treatment facility within the state that is licensed under chapter  
57.15 245A, unless one of the following conditions applies:

57.16 (1) a treatment professional certifies that an emergency requires the placement  
57.17 of the child in a facility within the state;

57.18 (2) the screening team has evaluated the child and recommended that a residential  
57.19 placement is necessary to meet the child's treatment needs and the safety needs of the  
57.20 community, that it is a cost-effective means of meeting the treatment needs, and that it  
57.21 will be of therapeutic value to the child; or

57.22 (3) the court, having reviewed a screening team recommendation against placement,  
57.23 determines to the contrary that a residential placement is necessary. The court shall state  
57.24 the reasons for its determination in writing, on the record, and shall respond specifically  
57.25 to the findings and recommendation of the screening team in explaining why the  
57.26 recommendation was rejected. The attorney representing the child and the prosecuting  
57.27 attorney shall be afforded an opportunity to be heard on the matter.

57.28 Sec. 16. Minnesota Statutes 2008, section 260B.198, subdivision 1, is amended to read:

57.29 Subdivision 1. **Court order, findings, remedies, treatment.** If the court finds that  
57.30 the child is delinquent, it shall enter an order making any of the following dispositions of  
57.31 the case which are deemed necessary to the rehabilitation of the child:

57.32 (1) counsel the child or the parents, guardian, or custodian;

57.33 (2) place the child under the supervision of a probation officer or other suitable  
57.34 person in the child's own home under conditions prescribed by the court including  
57.35 reasonable rules for the child's conduct and the conduct of the child's parents, guardian, or

58.1 custodian, designed for the physical, mental, and moral well-being and behavior of the  
58.2 child, or with the consent of the commissioner of corrections, in a group foster care facility  
58.3 which is under the management and supervision of said commissioner;

58.4 (3) if the court determines that the child is a danger to self or others, subject to the  
58.5 supervision of the court, transfer legal custody of the child to one of the following:

58.6 (i) a child-placing agency; or

58.7 (ii) the local social services agency; or

58.8 (iii) a reputable individual of good moral character. No person may receive custody  
58.9 of two or more unrelated children unless licensed as a residential facility pursuant to  
58.10 sections 245A.01 to 245A.16; or

58.11 (iv) a county home school, if the county maintains a home school or enters into an  
58.12 agreement with a county home school; or

58.13 (v) a county probation officer for placement in a group foster home established under  
58.14 the direction of the juvenile court and licensed pursuant to section 241.021;

58.15 (4) transfer legal custody by commitment to the commissioner of corrections;

58.16 (5) if the child is found to have violated a state or local law or ordinance which has  
58.17 resulted in damage to the person or property of another, the court may order the child to  
58.18 make reasonable restitution for such damage;

58.19 (6) require the child to pay a fine of up to \$1,000. The court shall order payment of  
58.20 the fine in accordance with a time payment schedule which shall not impose an undue  
58.21 financial hardship on the child;

58.22 (7) if the child is in need of special treatment and care for reasons of physical or  
58.23 mental health, the court may order the child's parent, guardian, or custodian to provide  
58.24 it. If the parent, guardian, or custodian fails to provide this treatment or care, the court  
58.25 may order it provided;

58.26 (8) if the court believes that it is in the best interests of the child and of public  
58.27 safety that the driver's license of the child be canceled until the child's 18th birthday,  
58.28 the court may recommend to the commissioner of public safety the cancellation of the  
58.29 child's license for any period up to the child's 18th birthday, and the commissioner is  
58.30 hereby authorized to cancel such license without a hearing. At any time before the  
58.31 termination of the period of cancellation, the court may, for good cause, recommend to  
58.32 the commissioner of public safety that the child be authorized to apply for a new license,  
58.33 and the commissioner may so authorize;

58.34 (9) if the court believes that it is in the best interest of the child and of public safety  
58.35 that the child is enrolled in school, the court may require the child to remain enrolled in a  
58.36 public school until the child reaches the age of 18 or completes all requirements needed

59.1 to graduate from high school. Any child enrolled in a public school under this clause is  
59.2 subject to the provisions of the Pupil Fair Dismissal Act in chapter 127;

59.3 (10) if the child is petitioned and found by the court to have committed a controlled  
59.4 substance offense under sections 152.021 to 152.027, the court shall determine whether  
59.5 the child unlawfully possessed or sold the controlled substance while driving a motor  
59.6 vehicle. If so, the court shall notify the commissioner of public safety of its determination  
59.7 and order the commissioner to revoke the child's driver's license for the applicable time  
59.8 period specified in section 152.0271. If the child does not have a driver's license or if the  
59.9 child's driver's license is suspended or revoked at the time of the delinquency finding,  
59.10 the commissioner shall, upon the child's application for driver's license issuance or  
59.11 reinstatement, delay the issuance or reinstatement of the child's driver's license for the  
59.12 applicable time period specified in section 152.0271. Upon receipt of the court's order, the  
59.13 commissioner is authorized to take the licensing action without a hearing;

59.14 (11) if the child is petitioned and found by the court to have committed or attempted  
59.15 to commit an act in violation of section 609.342; 609.343; 609.344; 609.345; 609.3451;  
59.16 609.746, subdivision 1; 609.79; or 617.23, or another offense arising out of a delinquency  
59.17 petition based on one or more of those sections, the court shall order an independent  
59.18 professional assessment of the child's need for sex offender treatment. An assessor  
59.19 providing an assessment for the court must be experienced in the evaluation and treatment  
59.20 of juvenile sex offenders. If the assessment indicates that the child is in need of and  
59.21 amenable to sex offender treatment, the court shall include in its disposition order a  
59.22 requirement that the child undergo treatment. Notwithstanding sections 13.384, 13.85,  
59.23 144.291 to 144.298, 260B.171, or 626.556, the assessor has access to the following private  
59.24 or confidential data on the child if access is relevant and necessary for the assessment:

- 59.25 (i) medical data under section 13.384;  
59.26 (ii) corrections and detention data under section 13.85;  
59.27 (iii) health records under sections 144.291 to 144.298;  
59.28 (iv) juvenile court records under section 260B.171; and  
59.29 (v) local welfare agency records under section 626.556.

59.30 Data disclosed under this clause may be used only for purposes of the assessment  
59.31 and may not be further disclosed to any other person, except as authorized by law;

59.32 (12) if the child is found delinquent due to the commission of an offense that would  
59.33 be a felony if committed by an adult, the court shall make a specific finding on the record  
59.34 regarding the juvenile's mental health and chemical dependency treatment needs;

60.1 (13) any order for a disposition authorized under this section shall contain written  
60.2 findings of fact to support the disposition ordered and shall also set forth in writing the  
60.3 following information:

60.4 (i) why the best interests of the child are served by the disposition ordered; and

60.5 (ii) what alternative dispositions were considered by the court and why such  
60.6 dispositions were not appropriate in the instant case.

60.7 Sec. 17. Minnesota Statutes 2008, section 260C.007, subdivision 18, is amended to  
60.8 read:

60.9 Subd. 18. **Foster care.** "Foster care" means 24 hour substitute care for children  
60.10 placed away from their parents or guardian and for whom a responsible social services  
60.11 agency has placement and care responsibility. "Foster care" includes, but is not limited  
60.12 to, placement in foster family homes, foster homes of relatives, group homes, emergency  
60.13 shelters, residential facilities not excluded in this subdivision, child care institutions, and  
60.14 preadoptive homes. A child is in foster care under this definition regardless of whether the  
60.15 facility is licensed and payments are made for the cost of care. Nothing in this definition  
60.16 creates any authority to place a child in a home or facility that is required to be licensed  
60.17 which is not licensed. "Foster care" does not include placement in any of the following  
60.18 facilities: hospitals, inpatient chemical dependency treatment facilities, facilities that are  
60.19 primarily for delinquent children, any corrections facility or program within a particular  
60.20 correction's facility not meeting requirements for Title IV-E facilities as determined by  
60.21 the commissioner, facilities to which a child is committed under the provision of chapter  
60.22 253B, forestry camps, or jails. Foster care is intended to provide for a child's safety or  
60.23 to access treatment. Foster care must not be used as a punishment or consequence for  
60.24 a child's behavior.

60.25 Sec. 18. Minnesota Statutes 2008, section 260C.007, subdivision 25, is amended to  
60.26 read:

60.27 Subd. 25. **Parent.** "Parent" means ~~the birth or adoptive parent of a minor.~~ a person  
60.28 who has a legal parent and child relationship with a child under section 257.52 which  
60.29 confers or imposes on the person legal rights, privileges, duties, and obligations. It  
60.30 includes the mother and child relationship and the father and child relationship. For an  
60.31 Indian child matters governed by the Indian Child Welfare Act, parent includes any Indian  
60.32 person who has adopted a child by tribal law or custom, as provided in section 260.755,  
60.33 subdivision 14. For matters governed by the Indian Child Welfare Act, parent does not  
60.34 include the unwed father where paternity has not been acknowledged or established.

61.1 Parent does not mean a putative father of a child unless the putative father also meets the  
61.2 requirements of section 257.55 or unless the putative father is entitled to notice under  
61.3 section 259.49, subdivision 1.

61.4 Sec. 19. **[260C.150] DILIGENT EFFORTS TO IDENTIFY PARENTS OF A**  
61.5 **CHILD; PROCEDURES FOR REVIEW; REASONABLE EFFORTS.**

61.6 Subdivision 1. **Determining parentage.** A parent and child relationship may be  
61.7 established under this chapter according to the requirements of section 257.54 and the  
61.8 Minnesota Rules of Juvenile Protection Procedure.

61.9 Subd. 2. **Genetic test results; duty to cooperate.** (a) For purposes of proceedings  
61.10 under this chapter, a positive test result under section 257.62, subdivision 5, shall be used  
61.11 by the court to treat a person determined to be the biological father of a child by a positive  
61.12 test as if the individual were a presumed father under section 257.55, including giving  
61.13 the biological father the right to notice of proceedings and the right to be assessed and  
61.14 considered for day-to-day care of his child under section 260C.212, subdivision 4.

61.15 (b) Nothing in this subdivision relieves a person determined to be the biological  
61.16 father of the child by a positive test from the duty to cooperate with paternity establishment  
61.17 proceedings under section 260C.212, subdivision 4.

61.18 Subd. 3. **Identifying parents of child; diligent efforts; data.** (a) The responsible  
61.19 social services agency shall make diligent efforts to identify and locate both parents of any  
61.20 child who is the subject of proceedings under this chapter. Diligent efforts include:

61.21 (1) asking the custodial or known parent to identify any nonresident parent of the  
61.22 child and provide information that can be used to verify the nonresident parent's identity  
61.23 including the dates and locations of marriages and divorces, dates and locations of any  
61.24 legal proceedings regarding paternity, date and place of the child's birth, nonresident  
61.25 parent's full legal name, nonresident parent's date of birth, if the nonresident parent's  
61.26 date of birth is unknown, an approximate age, the nonresident parent's Social Security  
61.27 number, the nonresident parent's whereabouts including last known whereabouts, and the  
61.28 whereabouts of relatives of the nonresident parent. For purposes of this subdivision,  
61.29 "nonresident parent" means a parent who does not reside in the same household as the  
61.30 child or did not reside in the same household as the child at the time the child was removed  
61.31 when the child is in foster care;

61.32 (2) obtaining information that will identify and locate the nonresident parent from  
61.33 the county and state of Minnesota child support enforcement information system;

61.34 (3) requesting a search of the Minnesota Fathers' Adoption Registry 30 days after  
61.35 the child's birth; and

62.1 (4) using any other reasonable means to identify and locate the nonresident parent.

62.2 (b) The agency may disclose data which is otherwise private under section 13.46 or  
62.3 626.556 in order to carry out its duties under this subdivision.

62.4 Subd. 4. **Court inquiry regarding identities of both parents.** At the first hearing  
62.5 regarding the petition and at any subsequent hearings, as appropriate, the court shall  
62.6 inquire of the parties whether the identities and whereabouts of both parents of the child  
62.7 are known and correctly reflected in the petition filed with the court. If either the identity  
62.8 or whereabouts of both parents is not known, the court shall make inquiry on the record of  
62.9 any party or participant present regarding the identity and whereabouts of the unknown  
62.10 parent of the child.

62.11 Subd. 5. **Sworn testimony from known parent.** When the county attorney  
62.12 requests, the court shall have the custodial or known parent of the child sworn for the  
62.13 purpose of answering questions relevant to the identity of a child's other parent in any  
62.14 proceeding under this chapter. The county attorney may request this information at any  
62.15 point in the proceedings if the custodial or known parent has not been cooperative in  
62.16 providing information to identify and locate the nonresident parent or information that  
62.17 may lead to identifying and locating the nonresident parent. If the child's custodial or  
62.18 known parent testifies that disclosure of identifying information regarding the identity  
62.19 of the nonresident parent would cause either the custodial or known parent, the child, or  
62.20 another family member to be endangered, the court may make a protective order regarding  
62.21 any information necessary to protect the custodial or known parent, the child, or family  
62.22 member. Consistent with section 260C.212, subdivision 4, paragraph (a), clause (4), if the  
62.23 child remains in the care of the known or custodial parent and the court finds it in the child's  
62.24 best interests, the court may waive notice to the nonresident parent of the child if such  
62.25 notice would endanger the known or custodial parent, the child, or another family member.

62.26 Subd. 6. **Court review of diligent efforts and service.** As soon as possible, but  
62.27 not later than the first review hearing required under the Minnesota Rules of Juvenile  
62.28 Protection Procedure, unless the responsible social services agency has identified and  
62.29 located both parents of the child, the agency shall include in its report to the court required  
62.30 under the Minnesota Rules of Juvenile Protection Procedure a description of its diligent  
62.31 efforts to locate any parent who remains unknown or who the agency has been unable  
62.32 to locate. The court shall determine whether (1) diligent efforts have been made by the  
62.33 agency to identify both parents of the child, (2) both parents have been located, and (3)  
62.34 both parents have been served with the summons or notice of the proceedings required by  
62.35 section 260C.151 or 260C.152 and the Minnesota Rules of Juvenile Protection Procedure.

63.1 If the court determines the agency has not made diligent efforts to locate both parents of  
63.2 the child or if both parents of the child have not been served as required by the rules, the  
63.3 court shall order the agency to take further steps to identify and locate both parents of the  
63.4 child identifying what further specific efforts are appropriate. If the summons has not  
63.5 been served on the parent as required by section 260C.151, subdivision 1, the court shall  
63.6 order further efforts to complete service.

63.7 Subd. 7. **Reasonable efforts findings.** When the court finds the agency has  
63.8 made diligent efforts to identify and locate both parents of the child and one or both  
63.9 parents remain unknown or cannot be located, the court may find that the agency has  
63.10 made reasonable efforts under sections 260.012, 260C.178, 260C.201, and 260C.301,  
63.11 subdivision 8, regarding any parent who remains unknown or cannot be located. The court  
63.12 may also find that further reasonable efforts for reunification with the parent who cannot  
63.13 be identified or located would be futile.

63.14 Subd. 8. **Safe place for newborns.** Neither the requirements of this subdivision  
63.15 nor the search requirements of section 259.52, subdivision 2, apply when the agency  
63.16 is proceeding under section 260C.217. When the agency is proceeding under section  
63.17 260C.217, the agency has no duty to identify and locate either parent of the newborn and  
63.18 no notice or service of summons on either parent is required under section 260C.151 or  
63.19 260C.152 or the Minnesota Rules of Juvenile Protection Procedure.

63.20 Sec. 20. Minnesota Statutes 2008, section 260C.151, subdivision 1, is amended to read:

63.21 Subdivision 1. **Issuance of summons.** After a petition has been filed and unless  
63.22 the parties hereinafter named voluntarily appear, the court shall set a time for a hearing  
63.23 and shall issue a summons requiring the child's parents or legal guardian and any person  
63.24 who has legal custody or control of the child to appear with the child before the court at  
63.25 a time and place stated. The summons shall have a copy of the petition attached, and  
63.26 shall advise the parties of the right to counsel and of the consequences of failure to obey  
63.27 the summons. The court shall give docket priority to any child in need of protection or  
63.28 services or neglected and in foster care, that contains allegations of child abuse over any  
63.29 other case. As used in this subdivision, "child abuse" has the meaning given it in section  
63.30 630.36, subdivision 2.

63.31 Sec. 21. Minnesota Statutes 2008, section 260C.151, subdivision 2, is amended to read:

63.32 Subd. 2. **Notice; child in need of protection or services.** After a petition has  
63.33 been filed alleging a child to be in need of protection or services and unless the persons

64.1 named in ~~clauses~~ clause (1) to (4) or (2) voluntarily appear or are summoned according  
64.2 ~~to subdivision 1~~ appears, the court shall issue a notice to:  
64.3 ~~(1) an adjudicated or presumed father of the child;~~  
64.4 ~~(2) an alleged~~ (1) a putative father of the child, including any putative father who has  
64.5 timely registered with the Minnesota Fathers' Adoption Registry under section 259.52; and  
64.6 ~~(3) a noncustodial mother; and~~  
64.7 ~~(4)~~ (2) a grandparent with the right to participate under section 260C.163,  
64.8 subdivision 2.

64.9 Sec. 22. Minnesota Statutes 2008, section 260C.151, is amended by adding a  
64.10 subdivision to read:

64.11 Subd. 2a. **Notice; termination of parental rights or permanency proceeding.** (a)  
64.12 After a petition for termination of parental rights or petition for permanent placement of a  
64.13 child away from a parent under section 260C.201, subdivision 11, has been filed, the court  
64.14 shall set a time for the admit or deny hearing as required under the Minnesota Rules of  
64.15 Juvenile Protection Procedure and shall issue a summons requiring the parents of the child  
64.16 to appear before the court at the time and place stated. The court shall issue a notice to:

64.17 (1) a putative father who has timely registered with the Minnesota Fathers' Adoption  
64.18 Registry and who is entitled to notice of an adoption proceeding under section 259.49,  
64.19 subdivision 1; and

64.20 (2) a grandparent with the right to participate under section 260C.163, subdivision 2.

64.21 (b) Neither summons nor notice under this section or section 260C.152 of a  
64.22 termination of parental rights matter or other permanent placement matter under section  
64.23 260C.201, subdivision 11, is required to be given to a putative father who has failed  
64.24 to timely register with the Minnesota Father's Adoption Registry under section 259.52  
64.25 unless that individual also meets the requirements of section 257.55 or, is required to be  
64.26 given notice under section 259.49, subdivision 1. When a putative father is not entitled  
64.27 to notice under this clause and is therefore not given notice, any order terminating his  
64.28 rights does not give rise to a presumption of parental unfitness under section 260C.301,  
64.29 subdivision 1, paragraph (b), clause (4).

64.30 Sec. 23. Minnesota Statutes 2008, section 260C.151, subdivision 3, is amended to read:

64.31 Subd. 3. **Notice of pendency of case.** Notice means written notice as provided in  
64.32 the Minnesota Rules of Juvenile Protection Procedure. The court shall have notice of  
64.33 the pendency of the case and of the time and place of the hearing served upon a parent,  
64.34 guardian, or spouse of the child, who has not been summoned as provided in subdivision 1

65.1 as required by subdivision 2. For an Indian child, notice of all proceedings must comply  
65.2 with the Indian Child Welfare Act of 1978, United States Code, title 25, section 1901, et  
65.3 seq., and section 260.765.

65.4 Sec. 24. Minnesota Statutes 2008, section 260C.163, is amended by adding a  
65.5 subdivision to read:

65.6 Subd. 12. **Alternative dispute resolution authorized; family group decision**  
65.7 **making, parallel protection process and mediation.** The court may authorize parties  
65.8 and participants in any child in need of protection or services, permanency, or termination  
65.9 of parental rights petition to participate in any appropriate form of alternative dispute  
65.10 resolution including family group decision making, parallel protection process, and  
65.11 mediation when such alternative dispute resolution is in the best interests of the child. The  
65.12 court may order that a child be included in the alternative dispute resolution process, as  
65.13 appropriate and in the best interests of the child. An alternative dispute resolution process,  
65.14 including family group decision making, parallel protection process, and mediation, may  
65.15 be used to resolve part or all of a matter before the court at any point in the proceedings  
65.16 subject to approval by the court that the resolution is in the best interests of the child.

65.17 Sec. 25. Minnesota Statutes 2008, section 260C.175, subdivision 1, is amended to read:

65.18 Subdivision 1. **Immediate custody.** No child may be taken into immediate custody  
65.19 except:

65.20 (1) with an order issued by the court in accordance with the provisions of section  
65.21 260C.151, subdivision 6, or Laws 1997, chapter 239, article 10, section 10, paragraph  
65.22 (a), clause (3), or 12, paragraph (a), clause (3), or by a warrant issued in accordance  
65.23 with the provisions of section 260C.154;

65.24 (2) by a peace officer:

65.25 (i) when a child has run away from a parent, guardian, or custodian, or when the  
65.26 peace officer reasonably believes the child has run away from a parent, guardian, or  
65.27 custodian, but only for the purpose of transporting the child home, to the home of a  
65.28 relative, or to another safe place; or

65.29 (ii) when a child is found in surroundings or conditions which endanger the child's  
65.30 health or welfare or which such peace officer reasonably believes will endanger the child's  
65.31 health or welfare. If an Indian child is a resident of a reservation or is domiciled on a  
65.32 reservation but temporarily located off the reservation, the taking of the child into custody  
65.33 under this clause shall be consistent with the Indian Child Welfare Act of 1978, United  
65.34 States Code, title 25, section 1922;

- 66.1 (3) by a peace officer or probation or parole officer when it is reasonably believed  
66.2 that the child has violated the terms of probation, parole, or other field supervision; or  
66.3 (4) by a peace officer or probation officer under section 260C.143, subdivision 1 or 4.

66.4 Sec. 26. Minnesota Statutes 2008, section 260C.176, subdivision 1, is amended to read:

66.5 Subdivision 1. **Notice; release.** If a child is taken into custody as provided in section  
66.6 260C.175, the parent, guardian, or custodian of the child shall be notified as soon as  
66.7 possible. Unless there is reason to believe that the child would endanger self or others,  
66.8 not return for a court hearing, ~~run away from the child's parent, guardian, or custodian or~~  
66.9 ~~otherwise not remain in the care or control of the person to whose lawful custody the child~~  
66.10 ~~is released,~~ or that the child's health or welfare would be immediately endangered, the  
66.11 child shall be released to the custody of a parent, guardian, ~~custodian,~~ or other suitable  
66.12 person relative. When a child is taken into custody by a peace officer under section  
66.13 260C.175, subdivision 1, clause (2), item (ii), release from detention may be authorized  
66.14 by the detaining officer, the detaining officer's supervisor, ~~or the county attorney,~~ or the  
66.15 social services agency, provided that the agency has conducted an assessment and with  
66.16 the family has developed and implemented a safety plan for the child, if needed. ~~If~~  
66.17 ~~the social services agency has determined that the child's health or welfare will not be~~  
66.18 ~~endangered and the provision of appropriate and available services will eliminate the~~  
66.19 ~~need for placement, the agency shall request authorization for the child's release from~~  
66.20 ~~detention.~~ The person to whom the child is released shall promise to bring the child to  
66.21 the court, if necessary, at the time the court may direct. If the person taking the child into  
66.22 custody believes it desirable, that person may request the parent, guardian, custodian, or  
66.23 other person designated by the court to sign a written promise to bring the child to court as  
66.24 provided above. The intentional violation of such a promise, whether given orally or in  
66.25 writing, shall be punishable as contempt of court.

66.26 The court may require the parent, guardian, custodian, or other person to whom the  
66.27 child is released, to post any reasonable bail or bond required by the court which shall be  
66.28 forfeited to the court if the child does not appear as directed. The court may also release  
66.29 the child on the child's own promise to appear in juvenile court.

66.30 Sec. 27. Minnesota Statutes 2008, section 260C.178, subdivision 1, is amended to read:

66.31 Subdivision 1. **Hearing and release requirements.** (a) If a child was taken into  
66.32 custody under section 260C.175, subdivision 1, clause (1) or (2), item (ii), the court shall  
66.33 hold a hearing within 72 hours of the time the child was taken into custody, excluding

67.1 Saturdays, Sundays, and holidays, to determine whether the child should continue in  
67.2 custody.

67.3 (b) Unless there is reason to believe that the child would endanger self or others,  
67.4 not return for a court hearing, ~~run away from the child's parent, guardian, or custodian~~  
67.5 ~~or otherwise not remain in the care or control of the person to whose lawful custody the~~  
67.6 ~~child is released,~~ or that the child's health or welfare would be immediately endangered,  
67.7 the child shall be released to the custody of a parent, guardian, custodian, or other  
67.8 suitable person, subject to reasonable conditions of release including, but not limited to,  
67.9 a requirement that the child undergo a chemical use assessment as provided in section  
67.10 260C.157, subdivision 1.

67.11 (c) If the court determines there is reason to believe that the child would endanger  
67.12 self or others; not return for a court hearing; ~~run away from the child's parent, guardian, or~~  
67.13 ~~custodian or otherwise not remain in the care or control of the person to whose lawful~~  
67.14 ~~custody the child is released;~~ or that the child's health or welfare would be immediately  
67.15 endangered if returned to the care of the parent or guardian who has custody and from  
67.16 whom the child was removed, the court shall order the child into foster care under the  
67.17 legal responsibility of the responsible social services agency or responsible probation or  
67.18 corrections agency for the purposes of protective care as that term is used in the juvenile  
67.19 court rules or into the home of a noncustodial parent and order the noncustodial parent  
67.20 to comply with any conditions the court determines to be appropriate to the safety and  
67.21 care of the child, including cooperating with paternity establishment proceedings in the  
67.22 case of a man who has not been adjudicated the child's father. The court shall not give  
67.23 the responsible social services legal custody and order a trial home visit at any time prior  
67.24 to adjudication and disposition under section 260C.201, subdivision 1, paragraph (a),  
67.25 clause (3), but may order the child returned to the care of the parent or guardian who  
67.26 has custody and from whom the child was removed and order the parent or guardian to  
67.27 comply with any conditions the court determines to be appropriate to meet the safety,  
67.28 health, and welfare of the child.

67.29 (d) In determining whether the child's health or welfare would be immediately  
67.30 endangered, the court shall consider whether the child would reside with a perpetrator  
67.31 of domestic child abuse.

67.32 (e) The court, before determining whether a child should be placed in or continue  
67.33 in foster care under the protective care of the responsible agency, shall also make a  
67.34 determination, consistent with section 260.012 as to whether reasonable efforts were made  
67.35 to prevent placement or whether reasonable efforts to prevent placement are not required.  
67.36 In the case of an Indian child, the court shall determine whether active efforts, according

68.1 to the Indian Child Welfare Act of 1978, United States Code, title 25, section 1912(d),  
68.2 were made to prevent placement. The court shall enter a finding that the responsible  
68.3 social services agency has made reasonable efforts to prevent placement when the agency  
68.4 establishes either:

68.5 (1) that it has actually provided services or made efforts in an attempt to prevent  
68.6 the child's removal but that such services or efforts have not proven sufficient to permit  
68.7 the child to safely remain in the home; or

68.8 (2) that there are no services or other efforts that could be made at the time of the  
68.9 hearing that could safely permit the child to remain home or to return home. When  
68.10 reasonable efforts to prevent placement are required and there are services or other efforts  
68.11 that could be ordered which would permit the child to safely return home, the court shall  
68.12 order the child returned to the care of the parent or guardian and the services or efforts put  
68.13 in place to ensure the child's safety. When the court makes a prima facie determination  
68.14 that one of the circumstances under paragraph (g) exists, the court shall determine that  
68.15 reasonable efforts to prevent placement and to return the child to the care of the parent or  
68.16 guardian are not required.

68.17 If the court finds the social services agency's preventive or reunification efforts  
68.18 have not been reasonable but further preventive or reunification efforts could not permit  
68.19 the child to safely remain at home, the court may nevertheless authorize or continue  
68.20 the removal of the child.

68.21 (f) The court may not order or continue the foster care placement of the child unless  
68.22 the court makes explicit, individualized findings that continued custody of the child by  
68.23 the parent or guardian would be contrary to the welfare of the child and that placement is  
68.24 in the best interest of the child.

68.25 (g) At the emergency removal hearing, or at any time during the course of the  
68.26 proceeding, and upon notice and request of the county attorney, the court shall determine  
68.27 whether a petition has been filed stating a prima facie case that:

68.28 (1) the parent has subjected a child to egregious harm as defined in section  
68.29 260C.007, subdivision 14;

68.30 (2) the parental rights of the parent to another child have been involuntarily  
68.31 terminated;

68.32 (3) the child is an abandoned infant under section 260C.301, subdivision 2,  
68.33 paragraph (a), clause (2);

68.34 (4) the parents' custodial rights to another child have been involuntarily transferred  
68.35 to a relative under section 260C.201, subdivision 11, paragraph (e), clause (1), or a similar  
68.36 law of another jurisdiction; or

69.1 (5) the provision of services or further services for the purpose of reunification is  
69.2 futile and therefore unreasonable.

69.3 (h) When a petition to terminate parental rights is required under section 260C.301,  
69.4 subdivision 3 or 4, but the county attorney has determined not to proceed with a  
69.5 termination of parental rights petition, and has instead filed a petition to transfer permanent  
69.6 legal and physical custody to a relative under section 260C.201, subdivision 11, the court  
69.7 shall schedule a permanency hearing within 30 days of the filing of the petition.

69.8 (i) If the county attorney has filed a petition under section 260C.307, the court  
69.9 shall schedule a trial under section 260C.163 within 90 days of the filing of the petition  
69.10 except when the county attorney determines that the criminal case shall proceed to trial  
69.11 first under section 260C.201, subdivision 3.

69.12 (j) If the court determines the child should be ordered into foster care and the child's  
69.13 parent refuses to give information to the responsible social services agency regarding the  
69.14 child's father or relatives of the child, the court may order the parent to disclose the names,  
69.15 addresses, telephone numbers, and other identifying information to the responsible social  
69.16 services agency for the purpose of complying with the requirements of sections 260C.151,  
69.17 260C.212, and 260C.215.

69.18 (k) If a child ordered into foster care has siblings, whether full, half, or step, who  
69.19 are also ordered into foster care, the court shall inquire of the responsible social services  
69.20 agency of the efforts to place the children together as required by section 260C.212,  
69.21 subdivision 2, paragraph (d), if placement together is in each child's best interests, unless  
69.22 a child is in placement ~~due solely to the child's own behavior~~ for treatment or a child is  
69.23 placed with a previously noncustodial parent who is not parent to all siblings. If the  
69.24 children are not placed together at the time of the hearing, the court shall inquire at each  
69.25 subsequent hearing of the agency's reasonable efforts to place the siblings together, as  
69.26 required under section 260.012. If any sibling is not placed with another sibling or  
69.27 siblings, the agency must develop a plan ~~for~~ to facilitate visitation or ongoing contact  
69.28 among the siblings as required under section 260C.212, subdivision 1, unless it is contrary  
69.29 to the safety or well-being of any of the siblings to do so.

69.30 Sec. 28. Minnesota Statutes 2008, section 260C.178, subdivision 3, is amended to read:

69.31 Subd. 3. **Parental visitation.** (a) If a child has been taken into custody under  
69.32 section 260C.151, subdivision 5, or 260C.175, subdivision 1, clause (2), item (ii), and  
69.33 the court determines that the child should continue in foster care, the court shall include  
69.34 in its order ~~reasonable rules for supervised or unsupervised~~ notice that the responsible  
69.35 social services agency has a duty to develop and implement a plan for parental visitation

70.1 of and contact with the child in the foster care facility that promotes the parent and child  
70.2 relationship unless if the court finds that visitation would endanger the child's physical  
70.3 or emotional well-being.

70.4 (b) Unless the court finds that visitation would endanger the child's physical or  
70.5 emotional well-being or unless paragraph (c) or (d) apply, the plan for parental visitation  
70.6 required under section 260C.212, subdivision 1, paragraph (c), clause (5), must be  
70.7 developed and implemented by the agency and the child's parents as soon as possible after  
70.8 the court's order for the child to continue in foster care.

70.9 (c) When a parent has had no or only limited visitation or contact with the child  
70.10 prior to the court order for the child to continue in foster care, the court shall not order a  
70.11 visitation plan developed and implemented until the agency has conducted the assessment  
70.12 of the parent's ability to provide day-to-day care for the child required under section  
70.13 260C.212, subdivision 4.

70.14 (d) When it is in the best interests of the child, the agency may ask the court to  
70.15 defer its duty to develop a visitation plan between a putative father and the child until the  
70.16 paternity status of the child's father is adjudicated or until there is a positive test result  
70.17 under section 257.62, subdivision 5.

70.18 (e) The visitation plan developed under this subdivision is the same visitation plan  
70.19 required under section 260C.212, subdivision 1, paragraph (c), clause (5).

70.20 Sec. 29. Minnesota Statutes 2008, section 260C.201, subdivision 1, is amended to read:

70.21 Subdivision 1. **Dispositions.** (a) If the court finds that the child is in need of  
70.22 protection or services or neglected and in foster care, it shall enter an order making any  
70.23 of the following dispositions of the case:

70.24 (1) place the child under the protective supervision of the responsible social services  
70.25 agency or child-placing agency in the home of a parent of the child under conditions  
70.26 prescribed by the court directed to the correction of the child's need for protection or  
70.27 services:

70.28 (i) the court may order the child into the home of a parent who does not otherwise  
70.29 have legal custody of the child, however, an order under this section does not confer  
70.30 legal custody on that parent;

70.31 (ii) if the court orders the child into the home of a father who is not adjudicated,  
70.32 he must cooperate with paternity establishment proceedings regarding the child in the  
70.33 appropriate jurisdiction as one of the conditions prescribed by the court for the child to  
70.34 continue in his home; and

71.1 (iii) the court may order the child into the home of a noncustodial parent with  
71.2 conditions and may also order both the noncustodial and the custodial parent to comply  
71.3 with the requirements of a case plan under subdivision 2; or  
71.4 (2) transfer legal custody to one of the following:  
71.5 (i) a child-placing agency; or  
71.6 (ii) the responsible social services agency. In making a foster care placement for a  
71.7 child whose custody has been transferred under this subdivision, the agency shall make an  
71.8 individualized determination of how the placement is in the child's best interests using the  
71.9 consideration for relatives and the best interest factors in section 260C.212, subdivision  
71.10 2, paragraph (b); or  
71.11 (3) order a trial home visit without modifying the transfer of legal custody to the  
71.12 responsible social services agency under clause (2). Trial home visit means the child is  
71.13 returned to the care of the parent or guardian from whom the child was removed for a  
71.14 period not to exceed six months. During the period of the trial home visit, the responsible  
71.15 social services agency:  
71.16 (i) shall continue to have legal custody of the child, which means the agency may  
71.17 see the child in the parent's home, at school, in a child care facility, or other setting as the  
71.18 agency deems necessary and appropriate;  
71.19 (ii) shall continue to have the ability to access information under section 260C.208;  
71.20 (iii) shall continue to provide appropriate services to both the parent and the child  
71.21 during the period of the trial home visit;  
71.22 (iv) without previous court order or authorization, may terminate the trial home  
71.23 visit in order to protect the child's health, safety, or welfare and may remove the child  
71.24 to foster care;  
71.25 (v) shall advise the court and parties within three days of the termination of the trial  
71.26 home visit when a visit is terminated by the responsible social services agency without  
71.27 a court order; and  
71.28 (vi) shall prepare a report for the court when the trial home visit is terminated  
71.29 whether by the agency or court order which describes the child's circumstances during  
71.30 the trial home visit and recommends appropriate orders, if any, for the court to enter to  
71.31 provide for the child's safety and stability. In the event a trial home visit is terminated by  
71.32 the agency by removing the child to foster care without prior court order or authorization,  
71.33 the court shall conduct a hearing within ten days of receiving notice of the termination  
71.34 of the trial home visit by the agency and shall order disposition under this subdivision  
71.35 or conduct a permanency hearing under subdivision 11 or 11a. The time period for the  
71.36 hearing may be extended by the court for good cause shown and if it is in the best interests

72.1 of the child as long as the total time the child spends in foster care without a permanency  
72.2 hearing does not exceed 12 months;

72.3 (4) if the child has been adjudicated as a child in need of protection or services  
72.4 because the child is in need of special services or care to treat or ameliorate a physical or  
72.5 mental disability or emotional disturbance as defined in section 245.4871, subdivision  
72.6 15, the court may order the child's parent, guardian, or custodian to provide it. The court  
72.7 may order the child's health plan company to provide mental health services to the child.  
72.8 Section 62Q.535 applies to an order for mental health services directed to the child's health  
72.9 plan company. If the health plan, parent, guardian, or custodian fails or is unable to provide  
72.10 this treatment or care, the court may order it provided. Absent specific written findings by  
72.11 the court that the child's disability is the result of abuse or neglect by the child's parent or  
72.12 guardian, the court shall not transfer legal custody of the child for the purpose of obtaining  
72.13 special treatment or care solely because the parent is unable to provide the treatment or  
72.14 care. If the court's order for mental health treatment is based on a diagnosis made by a  
72.15 treatment professional, the court may order that the diagnosing professional not provide  
72.16 the treatment to the child if it finds that such an order is in the child's best interests; or

72.17 (5) if the court believes that the child has sufficient maturity and judgment and that it  
72.18 is in the best interests of the child, the court may order a child 16 years old or older to be  
72.19 allowed to live independently, either alone or with others as approved by the court under  
72.20 supervision the court considers appropriate, if the county board, after consultation with the  
72.21 court, has specifically authorized this dispositional alternative for a child.

72.22 (b) If the child was adjudicated in need of protection or services because the child  
72.23 is a runaway or habitual truant, the court may order any of the following dispositions in  
72.24 addition to or as alternatives to the dispositions authorized under paragraph (a):

72.25 (1) counsel the child or the child's parents, guardian, or custodian;

72.26 (2) place the child under the supervision of a probation officer or other suitable  
72.27 person in the child's own home under conditions prescribed by the court, including  
72.28 reasonable rules for the child's conduct and the conduct of the parents, guardian, or  
72.29 custodian, designed for the physical, mental, and moral well-being and behavior of the  
72.30 child; ~~or with the consent of the commissioner of corrections, place the child in a group  
72.31 foster care facility which is under the commissioner's management and supervision;~~

72.32 (3) subject to the court's supervision, transfer legal custody of the child to one of  
72.33 the following:

72.34 (i) a reputable person of good moral character. No person may receive custody of  
72.35 two or more unrelated children unless licensed to operate a residential program under  
72.36 sections 245A.01 to 245A.16; or

73.1 (ii) a county probation officer for placement in a group foster home established  
73.2 under the direction of the juvenile court and licensed pursuant to section 241.021;

73.3 (4) require the child to pay a fine of up to \$100. The court shall order payment of the  
73.4 fine in a manner that will not impose undue financial hardship upon the child;

73.5 (5) require the child to participate in a community service project;

73.6 (6) order the child to undergo a chemical dependency evaluation and, if warranted  
73.7 by the evaluation, order participation by the child in a drug awareness program or an  
73.8 inpatient or outpatient chemical dependency treatment program;

73.9 (7) if the court believes that it is in the best interests of the child or of public safety  
73.10 that the child's driver's license or instruction permit be canceled, the court may order the  
73.11 commissioner of public safety to cancel the child's license or permit for any period up to  
73.12 the child's 18th birthday. If the child does not have a driver's license or permit, the court  
73.13 may order a denial of driving privileges for any period up to the child's 18th birthday. The  
73.14 court shall forward an order issued under this clause to the commissioner, who shall cancel  
73.15 the license or permit or deny driving privileges without a hearing for the period specified  
73.16 by the court. At any time before the expiration of the period of cancellation or denial, the  
73.17 court may, for good cause, order the commissioner of public safety to allow the child to  
73.18 apply for a license or permit, and the commissioner shall so authorize;

73.19 (8) order that the child's parent or legal guardian deliver the child to school at the  
73.20 beginning of each school day for a period of time specified by the court; or

73.21 (9) require the child to perform any other activities or participate in any other  
73.22 treatment programs deemed appropriate by the court.

73.23 To the extent practicable, the court shall enter a disposition order the same day it  
73.24 makes a finding that a child is in need of protection or services or neglected and in foster  
73.25 care, but in no event more than 15 days after the finding unless the court finds that the best  
73.26 interests of the child will be served by granting a delay. If the child was under eight years  
73.27 of age at the time the petition was filed, the disposition order must be entered within ten  
73.28 days of the finding and the court may not grant a delay unless good cause is shown and the  
73.29 court finds the best interests of the child will be served by the delay.

73.30 (c) If a child who is 14 years of age or older is adjudicated in need of protection  
73.31 or services because the child is a habitual truant and truancy procedures involving the  
73.32 child were previously dealt with by a school attendance review board or county attorney  
73.33 mediation program under section 260A.06 or 260A.07, the court shall order a cancellation  
73.34 or denial of driving privileges under paragraph (b), clause (7), for any period up to the  
73.35 child's 18th birthday.

74.1 (d) In the case of a child adjudicated in need of protection or services because the  
74.2 child has committed domestic abuse and been ordered excluded from the child's parent's  
74.3 home, the court shall dismiss jurisdiction if the court, at any time, finds the parent is able  
74.4 or willing to provide an alternative safe living arrangement for the child, as defined in  
74.5 Laws 1997, chapter 239, article 10, section 2.

74.6 (e) When a parent has complied with a case plan ordered under subdivision 6 and the  
74.7 child is in the care of the parent, the court may order the responsible social services agency  
74.8 to monitor the parent's continued ability to maintain the child safely in the home under  
74.9 such terms and conditions as the court determines appropriate under the circumstances.

74.10 Sec. 30. Minnesota Statutes 2008, section 260C.201, subdivision 5, is amended to read:

74.11 Subd. 5. **Visitation.** If the court orders ~~that the child be placed outside of the child's~~  
74.12 ~~home or present residence~~ into foster care, it shall set reasonable rules for the court shall  
74.13 review and either modify or approve the agency's plan for supervised or unsupervised  
74.14 ~~parental~~ visitation that contribute contributes to the objectives of the court order and  
74.15 court-ordered case plan, the maintenance of the familial relationship, and that meets the  
74.16 requirements of section 260C.212, subdivision 1, paragraph (c), clause (5). No parent may  
74.17 be denied visitation unless the court finds at the disposition hearing that the visitation  
74.18 ~~would act to prevent the achievement of the order's objectives or that it~~ would endanger  
74.19 the child's physical or emotional well-being, is not in the child's best interests, or is not  
74.20 required under section 260C.178, subdivision 3, paragraph (c) or (d). The court shall  
74.21 ~~set reasonable rules~~ review and either modify or approve the agency plan for visitation  
74.22 for any relatives as defined in section 260C.007, subdivision 27, and with siblings of the  
74.23 child, if visitation is consistent with the best interests of the child.

74.24 Sec. 31. Minnesota Statutes 2008, section 260C.212, subdivision 1, is amended to read:

74.25 Subdivision 1. **Out-of-home placement; plan.** (a) An out-of-home placement plan  
74.26 shall be prepared within 30 days after any child is placed in foster care by court order or a  
74.27 voluntary placement agreement between the responsible social services agency and the  
74.28 child's parent pursuant to subdivision 8 or chapter 260D.

74.29 (b) An out-of-home placement plan means a written document which is prepared  
74.30 by the responsible social services agency jointly with the parent or parents or guardian  
74.31 of the child and in consultation with the child's guardian ad litem, the child's tribe, if the  
74.32 child is an Indian child, the child's foster parent or representative of the residential facility,  
74.33 and, where appropriate, the child. For a child in voluntary foster care for treatment under

75.1 chapter 260D, preparation of the out-of-home placement plan shall additionally include  
75.2 the child's mental health treatment provider. As appropriate, the plan shall be:

75.3 (1) submitted to the court for approval under section 260C.178, subdivision 7;

75.4 (2) ordered by the court, either as presented or modified after hearing, under section  
75.5 260C.178, subdivision 7, or 260C.201, subdivision 6; and

75.6 (3) signed by the parent or parents or guardian of the child, the child's guardian ad  
75.7 litem, a representative of the child's tribe, the responsible social services agency, and, if  
75.8 possible, the child.

75.9 (c) The out-of-home placement plan shall be explained to all persons involved in its  
75.10 implementation, including the child who has signed the plan, and shall set forth:

75.11 (1) a description of the residential facility including how the out-of-home placement  
75.12 plan is designed to achieve a safe placement for the child in the least restrictive, most  
75.13 family-like, setting available which is in close proximity to the home of the parent or  
75.14 parents or guardian of the child when the case plan goal is reunification, and how the  
75.15 placement is consistent with the best interests and special needs of the child according to  
75.16 the factors under subdivision 2, paragraph (b);

75.17 (2) the specific reasons for the placement of the child in a residential facility, and  
75.18 when reunification is the plan, a description of the problems or conditions in the home of  
75.19 the parent or parents which necessitated removal of the child from home and the changes  
75.20 the parent or parents must make in order for the child to safely return home;

75.21 (3) a description of the services offered and provided to prevent removal of the child  
75.22 from the home and to reunify the family including:

75.23 (i) the specific actions to be taken by the parent or parents of the child to eliminate  
75.24 or correct the problems or conditions identified in clause (2), and the time period during  
75.25 which the actions are to be taken; and

75.26 (ii) the reasonable efforts, or in the case of an Indian child, active efforts to be made  
75.27 to achieve a safe and stable home for the child including social and other supportive  
75.28 services to be provided or offered to the parent or parents or guardian of the child, the  
75.29 child, and the residential facility during the period the child is in the residential facility;

75.30 (4) a description of any services or resources that were requested by the child or the  
75.31 child's parent, guardian, foster parent, or custodian since the date of the child's placement  
75.32 in the residential facility, and whether those services or resources were provided and if  
75.33 not, the basis for the denial of the services or resources;

75.34 (5) the visitation plan for the parent or parents or guardian, other relatives as defined  
75.35 in section 260C.007, subdivision 27, and siblings of the child if the siblings are not placed

76.1 together in foster care, and whether visitation is consistent with the best interest of the  
76.2 child, during the period the child is in foster care;

76.3 (6) documentation of steps to finalize the adoption or legal guardianship of the child  
76.4 if the court has issued an order terminating the rights of both parents of the child or of the  
76.5 only known, living parent of the child. At a minimum, the documentation must include  
76.6 child-specific recruitment efforts such as relative search and the use of state, regional, and  
76.7 national adoption exchanges to facilitate orderly and timely placements in and outside  
76.8 of the state. A copy of this documentation shall be provided to the court in the review  
76.9 required under section 260C.317, subdivision 3, paragraph (b);

76.10 (7) efforts to ensure the child's educational stability while in foster care, including:

76.11 (i) efforts to ensure that the child in placement remains in the same school in  
76.12 which the child was enrolled prior to placement, including efforts to work with the local  
76.13 education authorities to ensure the child's educational stability; or

76.14 (ii) if it is not in the child's best interest to remain in the same school that the child  
76.15 was enrolled in prior to placement, efforts to ensure immediate and appropriate enrollment  
76.16 for the child in a new school;

76.17 (8) ~~the health and~~ educational records of the child including the most recent  
76.18 information available regarding:

76.19 (i) the names and addresses of the child's ~~health and~~ educational providers;

76.20 (ii) the child's grade level performance;

76.21 (iii) the child's school record;

76.22 (iv) ~~assurances that~~ a statement about how the child's placement in foster care  
76.23 takes into account proximity to the school in which the child is enrolled at the time  
76.24 of placement; and

76.25 ~~(v) a record of the child's immunizations;~~

76.26 ~~(vi) the child's known medical problems, including any known communicable~~  
76.27 ~~diseases, as defined in section 144.4172, subdivision 2;~~

76.28 ~~(vii) the child's medications; and~~

76.29 ~~(viii) any other relevant health and education information;~~

76.30 (v) any other relevant educational information;

76.31 ~~(8)~~ (9) the efforts by the local agency to ensure the oversight and continuity of health  
76.32 care services for the foster child, including:

76.33 (i) the plan to schedule the child's initial health screens;

76.34 (ii) how the child's known medical problems and identified needs from the screens,  
76.35 including any known communicable diseases, as defined in section 144.4172, subdivision  
76.36 2, will be monitored and treated while the child is in foster care;

- 77.1 (iii) how the child's medical information will be updated and shared, including  
77.2 the child's immunizations;
- 77.3 (iv) who is responsible to coordinate and respond to the child's health care needs,  
77.4 including the role of the parent, the agency, and the foster parent;
- 77.5 (v) who is responsible for oversight of the child's prescription medications;
- 77.6 (vi) how physicians or other appropriate medical and nonmedical professionals  
77.7 will be consulted and involved in assessing the health and well-being of the child and  
77.8 determine the appropriate medical treatment for the child; and
- 77.9 (vii) the responsibility to ensure that the child has access to medical care through  
77.10 either medical insurance or medical assistance;
- 77.11 (10) the health records of the child including information available regarding:
- 77.12 (i) the name and addresses of the child's health care and dental care providers;
- 77.13 (ii) a record of the child's immunizations;
- 77.14 (iii) the child's known medical problems, including any known communicable  
77.15 diseases as defined in section 144.4172, subdivision 2;
- 77.16 (iv) the child's medications; and
- 77.17 (v) any other relevant health care information such as the child's eligibility for  
77.18 medical insurance or medical assistance;
- 77.19 (11) an independent living plan for a child age 16 or older who is in placement as  
77.20 a result of a permanency disposition. The plan should include, but not be limited to,  
77.21 the following objectives:
- 77.22 (i) educational, vocational, or employment planning;
- 77.23 (ii) health care planning and medical coverage;
- 77.24 (iii) transportation including, where appropriate, assisting the child in obtaining a  
77.25 driver's license;
- 77.26 (iv) money management;
- 77.27 (v) planning for housing;
- 77.28 (vi) social and recreational skills; and
- 77.29 (vii) establishing and maintaining connections with the child's family and  
77.30 community; and
- 77.31 ~~(9)~~ (12) for a child in voluntary foster care for treatment under chapter 260D,  
77.32 diagnostic and assessment information, specific services relating to meeting the mental  
77.33 health care needs of the child, and treatment outcomes.
- 77.34 (d) The parent or parents or guardian and the child each shall have the right to legal  
77.35 counsel in the preparation of the case plan and shall be informed of the right at the time  
77.36 of placement of the child. The child shall also have the right to a guardian ad litem.

78.1 If unable to employ counsel from their own resources, the court shall appoint counsel  
78.2 upon the request of the parent or parents or the child or the child's legal guardian. The  
78.3 parent or parents may also receive assistance from any person or social services agency  
78.4 in preparation of the case plan.

78.5 After the plan has been agreed upon by the parties involved or approved or ordered  
78.6 by the court, the foster parents shall be fully informed of the provisions of the case plan  
78.7 and shall be provided a copy of the plan.

78.8 Upon discharge from foster care, the parent, adoptive parent, or permanent legal and  
78.9 physical custodian, as appropriate, and the child, if appropriate, must be provided with  
78.10 a current copy of the child's health and education record.

78.11 Sec. 32. Minnesota Statutes 2008, section 260C.212, subdivision 2, is amended to read:

78.12 Subd. 2. **Placement decisions based on best interest of the child.** (a) The policy  
78.13 of the state of Minnesota is to ensure that the child's best interests are met by requiring an  
78.14 individualized determination of the needs of the child and of how the selected placement  
78.15 will serve the needs of the child being placed. The authorized child-placing agency shall  
78.16 place a child, released by court order or by voluntary release by the parent or parents, in  
78.17 a family foster home selected by considering placement with relatives and important  
78.18 friends in the following order:

78.19 (1) with an individual who is related to the child by blood, marriage, or adoption; or  
78.20 (2) with an individual who is an important friend with whom the child has resided or  
78.21 had significant contact.

78.22 (b) Among the factors the agency shall consider in determining the needs of the  
78.23 child are the following:

78.24 (1) the child's current functioning and behaviors;  
78.25 (2) the medical, educational, and developmental needs of the child;  
78.26 (3) the child's history and past experience;  
78.27 (4) the child's religious and cultural needs;  
78.28 (5) the child's connection with a community, school, and ~~church~~ faith community;  
78.29 (6) the child's interests and talents;  
78.30 (7) the child's relationship to current caretakers, parents, siblings, and relatives; and  
78.31 (8) the reasonable preference of the child, if the court, or the child-placing agency  
78.32 in the case of a voluntary placement, deems the child to be of sufficient age to express  
78.33 preferences.

78.34 (c) Placement of a child cannot be delayed or denied based on race, color, or national  
78.35 origin of the foster parent or the child.

79.1 (d) Siblings should be placed together for foster care and adoption at the earliest  
79.2 possible time unless it is ~~determined not to be in the best interests of a sibling~~ documented  
79.3 that a joint placement would be contrary to the safety or well-being of any of the siblings  
79.4 or unless it is not possible after ~~appropriate~~ reasonable efforts by the responsible social  
79.5 services agency. In cases where siblings cannot be placed together, the agency is required  
79.6 to provide frequent visitation or other ongoing interaction between siblings unless the  
79.7 agency documents that the interaction would be contrary to the safety or well-being of  
79.8 any of the siblings.

79.9 (e) Except for emergency placement as provided for in section 245A.035, a  
79.10 completed background study is required under section 245C.08 before the approval of a  
79.11 foster placement in a related or unrelated home.

79.12 Sec. 33. Minnesota Statutes 2008, section 260C.212, subdivision 4a, is amended to  
79.13 read:

79.14 Subd. 4a. **Monthly caseworker visits.** (a) Every child in foster care or on a trial  
79.15 home visit shall be visited by the child's caseworker on a monthly basis, with the majority  
79.16 of visits occurring in the child's residence. For the purposes of this section, the following  
79.17 definitions apply:

79.18 (1) "visit" is defined as a face-to-face contact between a child and the child's  
79.19 caseworker;

79.20 (2) "visited on a monthly basis" is defined as at least one visit per calendar month;

79.21 (3) "the child's caseworker" is defined as the person who has responsibility for  
79.22 managing the child's foster care placement case as assigned by the responsible social  
79.23 service agency; and

79.24 (4) "the child's residence" is defined as the home where the child is residing, and  
79.25 can include the foster home, child care institution, or the home from which the child was  
79.26 removed if the child is on a trial home visit.

79.27 (b) Caseworker visits shall be of sufficient substance and duration to address issues  
79.28 pertinent to case planning and service delivery to ensure the safety, permanency, and  
79.29 well-being of the child, including whether the child is enrolled and attending school  
79.30 as required by law.

79.31 Sec. 34. Minnesota Statutes 2008, section 260C.212, subdivision 5, is amended to read:

79.32 Subd. 5. **Relative search.** (a) ~~In implementing the requirement that the responsible~~  
79.33 ~~social services agency must~~ The responsible social services agency shall exercise due  
79.34 diligence to identify and notify adult relatives prior to placement or within 30 days after

80.1 the child's removal from the parent. The county agency shall consider placement with a  
80.2 relative under subdivision 2 without delay after identifying the need for placement of the  
80.3 child in foster care, the responsible social services agency shall identify relatives of the  
80.4 child and notify them of the need for a foster care home for the child and of the possibility  
80.5 of the need for a permanent out-of-home placement of the child. The relative search  
80.6 required by this section shall be reasonable and comprehensive in scope and may last up  
80.7 to six months or until a fit and willing relative is identified. The relative search required by  
80.8 this section shall include both maternal relatives of the child and paternal relatives of the  
80.9 child, if paternity is adjudicated. The relatives must be notified that they must:

80.10 (1) of the need for a foster home for the child, the option to become a placement  
80.11 resource for the child, and the possibility of the need for a permanent placement for the  
80.12 child;

80.13 (2) of their responsibility to keep the responsible social services agency informed of  
80.14 their current address in order to receive notice in the event that a permanent placement  
80.15 is being sought for the child. A relative who fails to provide a current address to the  
80.16 responsible social services agency forfeits the right to notice of the possibility of  
80.17 permanent placement. A decision by a relative not to be a placement resource at the  
80.18 beginning of the case shall not affect whether the relative is considered for placement of  
80.19 the child with that relative later;

80.20 (3) that the relative may participate in the care and planning for the child, including  
80.21 that the opportunity for such participation may be lost by failing to respond to the notice;  
80.22 and

80.23 (4) of the family foster care licensing requirements, including how to complete an  
80.24 application and how to request a variance from licensing standards that do not present a  
80.25 safety or health risk to the child in the home under section 245A.04 and supports that are  
80.26 available for relatives and children who reside in a family foster home.

80.27 (b) A responsible social services agency may disclose private or confidential data,  
80.28 as defined in section 13.02, to relatives of the child for the purpose of locating a suitable  
80.29 placement. The agency shall disclose only data that is necessary to facilitate possible  
80.30 placement with relatives. If the child's parent refuses to give the responsible social  
80.31 services agency information sufficient to identify the maternal and paternal relatives of the  
80.32 child, the agency shall ask the juvenile court to order the parent to provide the necessary  
80.33 information. If a parent makes an explicit request that relatives or a specific relative not be  
80.34 contacted or considered for placement, the agency shall bring the parent's request to the  
80.35 attention of the court to determine whether the parent's request is consistent with the best

81.1 interests of the child and the agency shall not contact relatives or a specific relative unless  
81.2 authorized to do so by the juvenile court.

81.3 (c) When the placing agency determines that a permanent placement hearing is  
81.4 necessary because there is a likelihood that the child will not return to a parent's care, the  
81.5 agency may send the notice provided in paragraph (d), may ask the court to modify the  
81.6 requirements of the agency under this paragraph, or may ask the court to completely  
81.7 relieve the agency of the requirements of this paragraph. The relative notification  
81.8 requirements of this paragraph do not apply when the child is placed with an appropriate  
81.9 relative or a foster home that has committed to being the permanent legal placement for  
81.10 the child and the agency approves of that foster home for permanent placement of the  
81.11 child. The actions ordered by the court under this section must be consistent with the best  
81.12 interests, safety, and welfare of the child.

81.13 (d) Unless required under the Indian Child Welfare Act or relieved of this duty by the  
81.14 court under paragraph (c), when the agency determines that it is necessary to prepare for  
81.15 the permanent placement determination hearing, or in anticipation of filing a termination  
81.16 of parental rights petition, the agency shall send notice to the relatives, any adult with  
81.17 whom the child is currently residing, any adult with whom the child has resided for one  
81.18 year or longer in the past, and any adults who have maintained a relationship or exercised  
81.19 visitation with the child as identified in the agency case plan. The notice must state that a  
81.20 permanent home is sought for the child and that the individuals receiving the notice may  
81.21 indicate to the agency their interest in providing a permanent home. The notice must state  
81.22 that within 30 days of receipt of the notice an individual receiving the notice must indicate  
81.23 to the agency the individual's interest in providing a permanent home for the child or that  
81.24 the individual may lose the opportunity to be considered for a permanent placement.

81.25 (e) The Department of Human Services shall develop a best practices guide and  
81.26 specialized staff training to assist the responsible social services agency in performing and  
81.27 complying with the relative search requirements under this subdivision.

81.28 Sec. 35. Minnesota Statutes 2008, section 260C.212, subdivision 7, is amended to read:

81.29 Subd. 7. **Administrative or court review of placements.** (a) There shall be an  
81.30 administrative review of the out-of-home placement plan of each child placed in foster  
81.31 care no later than 180 days after the initial placement of the child in foster care and at least  
81.32 every six months thereafter if the child is not returned to the home of the parent or parents  
81.33 within that time. The out-of-home placement plan must be monitored and updated at each  
81.34 administrative review. The administrative review shall be conducted by the responsible  
81.35 social services agency using a panel of appropriate persons at least one of whom is not

82.1 responsible for the case management of, or the delivery of services to, either the child or  
82.2 the parents who are the subject of the review. The administrative review shall be open to  
82.3 participation by the parent or guardian of the child and the child, as appropriate.

82.4 (b) As an alternative to the administrative review required in paragraph (a), the court  
82.5 may, as part of any hearing required under the Minnesota Rules of Juvenile Protection  
82.6 Procedure, conduct a hearing to monitor and update the out-of-home placement plan  
82.7 pursuant to the procedure and standard in section 260C.201, subdivision 6, paragraph (d).  
82.8 The party requesting review of the out-of-home placement plan shall give parties to the  
82.9 proceeding notice of the request to review and update the out-of-home placement plan.  
82.10 A court review conducted pursuant to section 260C.193; 260C.201, subdivision 1 or 11;  
82.11 260C.141, subdivision 2 or 2a, clause (2); or 260C.317 shall satisfy the requirement for  
82.12 the review so long as the other requirements of this section are met.

82.13 (c) As appropriate to the stage of the proceedings and relevant court orders, the  
82.14 responsible social services agency or the court shall review:

82.15 (1) the safety, permanency needs, and well-being of the child;

82.16 (2) the continuing necessity for and appropriateness of the placement;

82.17 (3) the extent of compliance with the out-of-home placement plan;

82.18 (4) the extent of progress which has been made toward alleviating or mitigating the  
82.19 causes necessitating placement in foster care;

82.20 (5) the projected date by which the child may be returned to and safely maintained in  
82.21 the home or placed permanently away from the care of the parent or parents or guardian;  
82.22 and

82.23 (6) the appropriateness of the services provided to the child.

82.24 (d) When a child is age 16 or older, in addition to any administrative review  
82.25 conducted by the agency, at the review required under section 260C.201, subdivision 11,  
82.26 paragraph (d), clause (3), item (iii); or 260C.317, subdivision 3, clause (3), the court shall  
82.27 review the independent living plan required under subdivision 1, paragraph (c), clause  
82.28 (8), and the provision of services to the child related to the well-being of the child as the  
82.29 child prepares to leave foster care. The review shall include the actual plans related to  
82.30 each item in the plan necessary to the child's future safety and well-being when the child is  
82.31 no longer in foster care.

82.32 (1) At the court review, the responsible social services agency shall establish that it  
82.33 has given the notice required under Minnesota Rules, part 9560.0060, regarding the right  
82.34 to continued access to services for certain children in foster care past age 18 and of the  
82.35 right to appeal a denial of social services under section 256.245. If the agency is unable

83.1 to establish that the notice, including the right to appeal a denial of social services, has  
83.2 been given, the court shall require the agency to give it.

83.3 (2) The court shall make findings regarding progress toward or accomplishment of  
83.4 the following goals:

83.5 (i) the child has obtained a high school diploma or its equivalent;

83.6 (ii) the child has completed a driver's education course or has demonstrated the  
83.7 ability to use public transportation in the child's community;

83.8 (iii) the child is employed or enrolled in postsecondary education;

83.9 (iv) the child has applied for and obtained postsecondary education financial aid for  
83.10 which the child is eligible;

83.11 (v) the child has health care coverage and health care providers to meet the child's  
83.12 physical and mental health needs;

83.13 (vi) the child has applied for and obtained disability income assistance for which  
83.14 the child is eligible;

83.15 (vii) the child has obtained affordable housing with necessary supports, which does  
83.16 not include a homeless shelter;

83.17 (viii) the child has saved sufficient funds to pay for the first month's rent and a  
83.18 damage deposit;

83.19 (ix) the child has an alternative affordable housing plan, which does not include a  
83.20 homeless shelter, if the original housing plan is unworkable;

83.21 (x) the child, if male, has registered for the Selective Service; and

83.22 (xi) the child has a permanent connection to a caring adult.

83.23 (3) The court shall ensure that the responsible agency in conjunction with the  
83.24 placement provider assists the child in obtaining the following documents prior to the  
83.25 child's leaving foster care: a Social Security card; the child's birth certificate; a state  
83.26 identification card or driver's license, green card, or school visa; the child's school,  
83.27 medical, and dental records; a contact list of the child's medical, dental, and mental health  
83.28 providers; and contact information for the child's siblings, if the siblings are in foster care.

83.29 (e) When a child is age 17 or older, during the 90-day period immediately prior to  
83.30 the date the child is expected to be discharged from foster care, the responsible social  
83.31 services agency is required to provide the child with assistance and support in developing  
83.32 a transition plan that is personalized at the direction of the child. The transition plan  
83.33 must be as detailed as the child may elect and include specific options on housing, health  
83.34 insurance, education, local opportunities for mentors and continuing support services, and  
83.35 work force supports and employment services.

84.1 Sec. 36. Minnesota Statutes 2008, section 260D.02, subdivision 5, is amended to read:

84.2 Subd. 5. **Child in voluntary foster care for treatment.** "Child in voluntary foster  
84.3 care for treatment" means a child who is emotionally disturbed or developmentally  
84.4 disabled or has a related condition and is in foster care under a voluntary foster care  
84.5 agreement between the child's parent and the agency due to concurrence between the  
84.6 agency and the parent ~~that the child's level of care requires placement in foster care either~~  
84.7 when it is determined that foster care is medically necessary:

84.8 (1) due to a determination by the agency's screening team based on its review of the  
84.9 diagnostic and functional assessment under section 245.4885; or

84.10 (2) due to a determination by the agency's screening team under section 256B.092  
84.11 and Minnesota Rules, parts 9525.0004 to 9525.0016.

84.12 A child is not in voluntary foster care for treatment under this chapter when there  
84.13 is a current determination under section 626.556 that the child requires child protective  
84.14 services or when the child is in foster care for any reason other than the child's emotional  
84.15 or developmental disability or related condition.

84.16 Sec. 37. Minnesota Statutes 2008, section 260D.03, subdivision 1, is amended to read:

84.17 Subdivision 1. **Voluntary foster care.** When the agency's screening team, based  
84.18 upon the diagnostic and functional assessment under section 245.4885 or medical  
84.19 necessity screenings under section 256B.092, subdivision 7, determines the child's  
84.20 need for treatment due to emotional disturbance or developmental disability or related  
84.21 condition requires foster care placement of the child, a voluntary foster care agreement  
84.22 between the child's parent and the agency gives the agency legal authority to place the  
84.23 child in foster care.

84.24 Sec. 38. Minnesota Statutes 2008, section 484.76, subdivision 2, is amended to read:

84.25 Subd. 2. **Scope.** Alternative dispute resolution methods provided for under the rules  
84.26 must include arbitration, private trials, neutral expert fact-finding, mediation, minitrials,  
84.27 consensual special magistrates including retired judges and qualified attorneys to serve  
84.28 as special magistrates for binding proceedings with a right of appeal, and any other  
84.29 methods developed by the Supreme Court. The methods provided must be nonbinding  
84.30 unless otherwise agreed to in a valid agreement between the parties. Alternative dispute  
84.31 resolution may not be required in guardianship, conservatorship, or civil commitment  
84.32 matters; ~~proceedings in the juvenile court under chapter 260~~; or in matters arising under  
84.33 section 144.651, 144.652, 518B.01, or 626.557.



86.1 We request the adoption of this report and repassage of the bill.

86.2 Senate Conferees: (Signed)

86.3 .....  
86.4 Patricia Torres Ray Mee Moua

86.5 .....  
86.6 Warren Limmer

86.7 House Conferees: (Signed)

86.8 .....  
86.9 Larry Hosch Erin Murphy

86.10 .....  
86.11 Tara Mack