

9560.0535 LOCAL AGENCY SEARCH FOR RELATIVES.

Subpart 1. **Search for relatives required.** The local agency must search for relatives with whom to place a child, unless the child's parent specifically objects.

Subp. 2. **Parental objection to relative search.** If a child's parent specifically objects to the search for relatives, the local agency must, without contacting relatives, evaluate and address the parent's concerns by considering:

- A. the child's and the parent's or guardian's preferences about relatives and the reasons for those preferences;
- B. if there are specific relatives the parent does not want contacted, whether there are other relatives who may be contacted;
- C. whether any relatives have offered to care for the child;
- D. whether placement with relatives would interfere with the parent's ability to follow a placement plan; and
- E. in the case of an Indian child, the tribe's position on contacting the relatives.

If a parent still objects to the relative search, the agency must notify the juvenile court of the parent's reasons for objecting. The agency must send each parent a copy of the notification to the court. The local agency may not contact the child's relatives unless ordered to do so by the court.

In the case of an Indian child, the agency must seek a relative placement unless the court has determined that there is good cause under the Indian Child Welfare Act, United States Code, title 25, chapter 21, subchapter I, section 1915, not to do so. The preference of the Indian child, parent, or custodian must be considered in accordance with the Indian Child Welfare Act.

Subp. 3. **Initiation of search for relatives.** For six months following the child's first placement, the agency must search for the child's relatives, even if the first placement is with a relative. The agency is permitted to continue the search thereafter only if it determines it is in the best interests of the child or if the court orders it to do so. The agency must thoroughly document the search efforts. If a subsequent placement becomes necessary and other relatives might be available as foster care providers, the local agency must renew the search for those relatives. Pursuant to Minnesota Statutes, section 260C.202, the court will review the agency's efforts to search for relatives and may order the agency to continue recruitment of relatives if the agency has not performed the search properly.

Subp. 4. **Special efforts for relative search.** As required by Minnesota Statutes, section 260C.215, subdivision 1, a local agency must make special efforts to recruit a relative custodian or foster care provider. To make special efforts, the local agency must:

A. question the child, the child's parents or guardians, and the child's guardian ad litem, if any, about the child's relatives and preferences about the relatives;

B. in the case of an Indian child, request the child's tribe to provide the names of the child's extended family in accordance with the Indian Child Welfare Act, United States Code, title 25, chapter 21, subchapter I, section 1915. The local agency must defer to tribal judgment as to suitability of a relative's home when the tribe has intervened pursuant to the Indian Child Welfare Act;

C. contact relatives and divulge only that information necessary for them to consider possible placement, and request names of other relatives if necessary; and

D. with the written consent of the parent or guardian for release of information about the child, or by order of the court, consult with:

(1) persons, other than those in the local agency, providing services to the child or the child's family; and

(2) other persons who know the child's family.

Subp. 5. **Other sources of information.** With the written consent of the parent or guardian for release of information about the child, the agency may contact the Office of the Ombudsperson for Families, the state ethnic council related to the child's ethnicity, and other potential sources of information about the child's relatives.

Statutory Authority: *MS s 257.071; 257.072; 260C.212; 260C.215*

History: *20 SR 2778; L 1999 c 139 art 4 s 2; L 2012 c 216 art 6 s 13*

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