

602.20

ARTICLE 13

602.21

CHILD AND VULNERABLE ADULT PROTECTION POLICY

602.22 Section 1. Minnesota Statutes 2020, section 260.012, is amended to read:

602.23 260.012 DUTY TO ENSURE PLACEMENT PREVENTION AND FAMILY
602.24 REUNIFICATION; REASONABLE EFFORTS.

602.25 (a) Once a child alleged to be in need of protection or services is under the court's
602.26 jurisdiction, the court shall ensure that reasonable efforts, including culturally appropriate
602.27 services and practices, by the social services agency are made to prevent placement or to
602.28 eliminate the need for removal and to reunite the child with the child's family at the earliest
602.29 possible time, and the court must ensure that the responsible social services agency makes

245.19

ARTICLE 10

245.20

CHILDREN AND FAMILY SERVICES POLICY

SENATE ART. 10, SEC. 1 WAS INCLUDED IN HOUSE ART. 14 SIDE BY SIDE.

SENATE ART. 10, SEC. 2 AND 3 WERE INCLUDED IN HOUSE ART. 18 SIDE BY SIDE.

SENATE ART. 10, SEC. 4-8 WERE INCLUDED IN HOUSE ART. 16 SIDE BY SIDE.

SENATE ART. 10, SEC. 9-11 WERE INCLUDED IN HOUSE ART. 18 SIDE BY SIDE.

251.14 Sec. 12. Minnesota Statutes 2020, section 256N.26, subdivision 12, is amended to read:

251.15 Subd. 12. Treatment of Supplemental Security Income. If a child placed in foster
251.16 care receives benefits through Supplemental Security Income (SSI) at the time of foster
251.17 care placement or subsequent to placement in foster care, the financially responsible agency
251.18 may apply to be the payee for the child for the duration of the child's placement in foster
251.19 care. The child must be provided notice if the financially responsible agency applies to be
251.20 the payee for the child. If a child continues to be eligible for SSI after finalization of the
251.21 adoption or transfer of permanent legal and physical custody and is determined to be eligible
251.22 for a payment under Northstar Care for Children, a permanent caregiver may choose to
251.23 receive payment from both programs simultaneously. The child must be provided notice if
251.24 a permanent caregiver applies to receive payment for the child and when the permanent
251.25 caregiver is confirmed to receive the child's SSI. The permanent caregiver is responsible to
251.26 report the amount of the payment to the Social Security Administration and the SSI payment
251.27 will be reduced as required by the Social Security Administration.

SENATE ART. 10, SEC. 13-15 WERE INCLUDED IN HOUSE ART. 16 SIDE BY SIDE.

SENATE ART. 10, SEC. 16 AND 17 WERE INCLUDED IN HOUSE ART. 15 SIDE BY SIDE.

255.1 Sec. 18. Minnesota Statutes 2020, section 260.012, is amended to read:

255.2 260.012 DUTY TO ENSURE PLACEMENT PREVENTION AND FAMILY
255.3 REUNIFICATION; REASONABLE EFFORTS.

255.4 (a) Once a child alleged to be in need of protection or services is under the court's
255.5 jurisdiction, the court shall ensure that reasonable efforts, including culturally appropriate
255.6 services and practices, by the social services agency are made to prevent placement or to
255.7 eliminate the need for removal and to reunite the child with the child's family at the earliest
255.8 possible time, and the court must ensure that the responsible social services agency makes

603.1 reasonable efforts to finalize an alternative permanent plan for the child as provided in
603.2 paragraph (e). In determining reasonable efforts to be made with respect to a child and in
603.3 making those reasonable efforts, the child's best interests, health, and safety must be of
603.4 paramount concern. Reasonable efforts to prevent placement and for rehabilitation and
603.5 reunification are always required except upon a determination by the court that a petition
603.6 has been filed stating a prima facie case that:

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

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

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

603.12 (4) the parent's custodial rights to another child have been involuntarily transferred to a
603.13 relative under Minnesota Statutes 2010, section 260C.201, subdivision 11, paragraph (d),
603.14 clause (1), section 260C.515, subdivision 4, or a similar law of another jurisdiction;

603.15 (5) the parent has committed sexual abuse as defined in section 260E.03, against the
603.16 child or another child of the parent;

603.17 (6) the parent has committed an offense that requires registration as a predatory offender
603.18 under section 243.166, subdivision 1b, paragraph (a) or (b); or

603.19 (7) the provision of services or further services for the purpose of reunification is futile
603.20 and therefore unreasonable under the circumstances.

603.21 (b) When the court makes one of the prima facie determinations under paragraph (a),
603.22 either permanency pleadings under section 260C.505, or a termination of parental rights
603.23 petition under sections 260C.141 and 260C.301 must be filed. A permanency hearing under
603.24 sections 260C.503 to 260C.521 must be held within 30 days of this determination.

603.25 (c) In the case of an Indian child, in proceedings under sections 260B.178, 260C.178,
603.26 260C.201, 260C.202, 260C.204, 260C.301, or 260C.503 to 260C.521, the juvenile court
603.27 must make findings and conclusions consistent with the Indian Child Welfare Act of 1978,
603.28 United States Code, title 25, section 1901 et seq., as to the provision of active efforts. In
603.29 cases governed by the Indian Child Welfare Act of 1978, United States Code, title 25, section
603.30 1901, the responsible social services agency must provide active efforts as required under
603.31 United States Code, title 25, section 1911(d).

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

604.1 (1) the agency has made reasonable efforts to prevent the placement of the child in foster
604.2 care by working with the family to develop and implement a safety plan that is individualized
604.3 to the needs of the child and the child's family and may include support persons from the
604.4 child's extended family, kin network, and community; or

255.9 reasonable efforts to finalize an alternative permanent plan for the child as provided in
255.10 paragraph (e). In determining reasonable efforts to be made with respect to a child and in
255.11 making those reasonable efforts, the child's best interests, health, and safety must be of
255.12 paramount concern. Reasonable efforts to prevent placement and for rehabilitation and
255.13 reunification are always required except upon a determination by the court that a petition
255.14 has been filed stating a prima facie case that:

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

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

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

255.20 (4) the parent's custodial rights to another child have been involuntarily transferred to a
255.21 relative under Minnesota Statutes 2010, section 260C.201, subdivision 11, paragraph (d),
255.22 clause (1), section 260C.515, subdivision 4, or a similar law of another jurisdiction;

255.23 (5) the parent has committed sexual abuse as defined in section 260E.03, against the
255.24 child or another child of the parent;

255.25 (6) the parent has committed an offense that requires registration as a predatory offender
255.26 under section 243.166, subdivision 1b, paragraph (a) or (b); or

255.27 (7) the provision of services or further services for the purpose of reunification is futile
255.28 and therefore unreasonable under the circumstances.

255.29 (b) When the court makes one of the prima facie determinations under paragraph (a),
255.30 either permanency pleadings under section 260C.505, or a termination of parental rights
255.31 petition under sections 260C.141 and 260C.301 must be filed. A permanency hearing under
255.32 sections 260C.503 to 260C.521 must be held within 30 days of this determination.

256.1 (c) In the case of an Indian child, in proceedings under sections 260B.178, 260C.178,
256.2 260C.201, 260C.202, 260C.204, 260C.301, or 260C.503 to 260C.521, the juvenile court
256.3 must make findings and conclusions consistent with the Indian Child Welfare Act of 1978,
256.4 United States Code, title 25, section 1901 et seq., as to the provision of active efforts. In
256.5 cases governed by the Indian Child Welfare Act of 1978, United States Code, title 25, section
256.6 1901, the responsible social services agency must provide active efforts as required under
256.7 United States Code, title 25, section 1911(d).

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

256.9 (1) the agency has made reasonable efforts to prevent the placement of the child in foster
256.10 care by working with the family to develop and implement a safety plan that is individualized
256.11 to the needs of the child and the child's family and may include support persons from the
256.12 child's extended family, kin network, and community; or

604.5 (2) the agency has demonstrated to the court that, given the particular circumstances of
604.6 the child and family at the time of the child's removal, there are no services or efforts
604.7 available which that could allow the child to safely remain in the home.

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

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

604.11 (2) assess a noncustodial parent's ability to provide day-to-day care for the child and,
604.12 where appropriate, provide services necessary to enable the noncustodial parent to safely
604.13 provide the care, as required by section 260C.219;

604.14 (3) conduct a relative search to identify and provide notice to adult relatives, and engage
604.15 relatives in case planning and permanency planning, as required under section 260C.221;

604.16 (4) consider placing the child with relatives in the order specified in section 260C.212,
604.17 subdivision 2, paragraph (a);

604.18 ~~(4)~~ (5) place siblings removed from their home in the same home for foster care or
604.19 adoption, or transfer permanent legal and physical custody to a relative. Visitation between
604.20 siblings who are not in the same foster care, adoption, or custodial placement or facility
604.21 shall be consistent with section 260C.212, subdivision 2; and

604.22 ~~(5)~~ (6) when the child cannot return to the parent or guardian from whom the child was
604.23 removed, to plan for and finalize a safe and legally permanent alternative home for the child,
604.24 and considers permanent alternative homes for the child inside or outside of the state,
604.25 preferably with a relative in the order specified in section 260C.212, subdivision 2, paragraph
604.26 (a), through adoption or transfer of permanent legal and physical custody of the child.

604.27 (f) Reasonable efforts are made upon the exercise of due diligence by the responsible
604.28 social services agency to use culturally appropriate and available services to meet the
604.29 individualized needs of the child and the child's family. Services may include those provided
604.30 by the responsible social services agency and other culturally appropriate services available
604.31 in the community. The responsible social services agency must select services for a child
604.32 and the child's family by collaborating with the child's family and, if appropriate, the child.
604.33 At each stage of the proceedings ~~where~~ when the court is required to review the
605.1 appropriateness of the responsible social services agency's reasonable efforts as described
605.2 in paragraphs (a), (d), and (e), the social services agency has the burden of demonstrating
605.3 that:

605.4 (1) ~~the agency~~ the agency has made reasonable efforts to prevent placement of the child in foster
605.5 care, including that the agency considered or established a safety plan according to paragraph
605.6 (d), clause (1);

605.7 (2) ~~the agency~~ the agency has made reasonable efforts to eliminate the need for removal of the
605.8 child from the child's home and to reunify the child with the child's family at the earliest
605.9 possible time;

256.13 (2) the agency has demonstrated to the court that, given the particular circumstances of
256.14 the child and family at the time of the child's removal, there are no services or efforts
256.15 available which that could allow the child to safely remain in the home.

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

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

256.19 (2) assess a noncustodial parent's ability to provide day-to-day care for the child and,
256.20 where appropriate, provide services necessary to enable the noncustodial parent to safely
256.21 provide the care, as required by section 260C.219;

256.22 (3) conduct a relative search to identify and provide notice to adult relatives, and engage
256.23 relatives in case planning and permanency planning, as required under section 260C.221;

256.24 (4) consider placing the child with relatives in the order specified in section 260C.212,
256.25 subdivision 2, paragraph (a);

256.26 ~~(4)~~ (5) place siblings removed from their home in the same home for foster care or
256.27 adoption, or transfer permanent legal and physical custody to a relative. Visitation between
256.28 siblings who are not in the same foster care, adoption, or custodial placement or facility
256.29 shall be consistent with section 260C.212, subdivision 2; and

256.30 ~~(5)~~ (6) when the child cannot return to the parent or guardian from whom the child was
256.31 removed, to plan for and finalize a safe and legally permanent alternative home for the child,
256.32 and considers permanent alternative homes for the child inside or outside of the state,
257.1 preferably with a relative in the order specified in section 260C.212, subdivision 2, paragraph
257.2 (a), through adoption or transfer of permanent legal and physical custody of the child.

257.3 (f) Reasonable efforts are made upon the exercise of due diligence by the responsible
257.4 social services agency to use culturally appropriate and available services to meet the
257.5 individualized needs of the child and the child's family. Services may include those provided
257.6 by the responsible social services agency and other culturally appropriate services available
257.7 in the community. The responsible social services agency must select services for a child
257.8 and the child's family by collaborating with the child's family and, if appropriate, the child.
257.9 At each stage of the proceedings ~~where~~ when the court is required to review the
257.10 appropriateness of the responsible social services agency's reasonable efforts as described
257.11 in paragraphs (a), (d), and (e), the social services agency has the burden of demonstrating
257.12 that:

257.13 (1) ~~the agency~~ the agency has made reasonable efforts to prevent placement of the child in foster
257.14 care, including that the agency considered or established a safety plan according to paragraph
257.15 (d), clause (1);

257.16 (2) ~~the agency~~ the agency has made reasonable efforts to eliminate the need for removal of the
257.17 child from the child's home and to reunify the child with the child's family at the earliest
257.18 possible time;

605.10 (3) the agency has made reasonable efforts to finalize a permanent plan for the child
605.11 pursuant to paragraph (e);

605.12 ~~(3) it~~ (4) the agency has made reasonable efforts to finalize an alternative permanent
605.13 home for the child, and ~~considers~~ considered permanent alternative homes for the child
605.14 ~~inside or outside~~ in or out of the state, preferably with a relative in the order specified in
605.15 section 260C.212, subdivision 2, paragraph (a); or

605.16 ~~(4) (5)~~ reasonable efforts to prevent placement and to reunify the child with the parent
605.17 or guardian are not required. The agency may meet this burden by stating facts in a sworn
605.18 petition filed under section 260C.141, by filing an affidavit summarizing the agency's
605.19 reasonable efforts or facts that the agency believes demonstrate that there is no need for
605.20 reasonable efforts to reunify the parent and child, or through testimony or a certified report
605.21 required under juvenile court rules.

605.22 (g) Once the court determines that reasonable efforts for reunification are not required
605.23 because the court has made one of the prima facie determinations under paragraph (a), the
605.24 court may only require the agency to make reasonable efforts for reunification after a hearing
605.25 according to section 260C.163, ~~where~~ if the court finds that there is not clear and convincing
605.26 evidence of the facts upon which the court based ~~its~~ the court's prima facie determination.
605.27 ~~In this case when~~ If there is clear and convincing evidence that the child is in need of
605.28 protection or services, the court may find the child in need of protection or services and
605.29 order any of the dispositions available under section 260C.201, subdivision 1. Reunification
605.30 of a child with a parent is not required if the parent has been convicted of:

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

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

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

606.3 (4) committing sexual abuse as defined in section 260E.03, against the child or another
606.4 child of the parent; or

606.5 (5) an offense that requires registration as a predatory offender under section 243.166,
606.6 subdivision 1b, paragraph (a) or (b).

606.7 (h) The juvenile court, in proceedings under sections 260B.178, 260C.178, 260C.201,
606.8 260C.202, 260C.204, 260C.301, or 260C.503 to 260C.521, shall make findings and
606.9 conclusions as to the provision of reasonable efforts. When determining whether reasonable
606.10 efforts have been made by the agency, the court shall consider whether services to the child
606.11 and family were:

606.12 (1) selected in collaboration with the child's family and, if appropriate, the child;

257.19 (3) the agency has made reasonable efforts to finalize a permanent plan for the child
257.20 pursuant to paragraph (e);

257.21 ~~(3) it~~ (4) the agency has made reasonable efforts to finalize an alternative permanent
257.22 home for the child, and ~~considers~~ considered permanent alternative homes for the child
257.23 ~~inside or outside~~ in or out of the state, preferably with a relative in the order specified in
257.24 section 260C.212, subdivision 2, paragraph (a); or

257.25 ~~(4) (5)~~ reasonable efforts to prevent placement and to reunify the child with the parent
257.26 or guardian are not required. The agency may meet this burden by stating facts in a sworn
257.27 petition filed under section 260C.141, by filing an affidavit summarizing the agency's
257.28 reasonable efforts or facts that the agency believes demonstrate that there is no need for
257.29 reasonable efforts to reunify the parent and child, or through testimony or a certified report
257.30 required under juvenile court rules.

257.31 (g) Once the court determines that reasonable efforts for reunification are not required
257.32 because the court has made one of the prima facie determinations under paragraph (a), the
257.33 court may only require the agency to make reasonable efforts for reunification after a hearing
257.34 according to section 260C.163, ~~where~~ if the court finds that there is not clear and convincing
258.1 evidence of the facts upon which the court based ~~its~~ the court's prima facie determination.
258.2 ~~In this case when~~ If there is clear and convincing evidence that the child is in need of
258.3 protection or services, the court may find the child in need of protection or services and
258.4 order any of the dispositions available under section 260C.201, subdivision 1. Reunification
258.5 of a child with a parent is not required if the parent has been convicted of:

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

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

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

258.11 (4) committing sexual abuse as defined in section 260E.03, against the child or another
258.12 child of the parent; or

258.13 (5) an offense that requires registration as a predatory offender under section 243.166,
258.14 subdivision 1b, paragraph (a) or (b).

258.15 (h) The juvenile court, in proceedings under sections 260B.178, 260C.178, 260C.201,
258.16 260C.202, 260C.204, 260C.301, or 260C.503 to 260C.521, shall make findings and
258.17 conclusions as to the provision of reasonable efforts. When determining whether reasonable
258.18 efforts have been made by the agency, the court shall consider whether services to the child
258.19 and family were:

258.20 (1) selected in collaboration with the child's family and, if appropriate, the child;

606.13 (2) tailored to the individualized needs of the child and child's family;
606.14 ~~(1)~~ (3) relevant to the safety ~~and~~ protection, and well-being of the child;
606.15 ~~(2)~~ (4) adequate to meet the individualized needs of the child and family;
606.16 ~~(3)~~ (5) culturally appropriate;
606.17 ~~(4)~~ (6) available and accessible;
606.18 ~~(5)~~ (7) consistent and timely; and
606.19 ~~(6)~~ (8) realistic under the circumstances.

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

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

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

607.7 (k) Reasonable efforts to place a child for adoption or in another permanent placement
607.8 may be made concurrently with reasonable efforts to prevent placement or to reunify the
607.9 child with the parent or guardian from whom the child was removed. When the responsible
607.10 social services agency decides to concurrently make reasonable efforts for both reunification
607.11 and permanent placement away from the parent under paragraph (a), the agency shall disclose
607.12 ~~its~~ the agency's decision and both plans for concurrent reasonable efforts to all parties and
607.13 the court. When the agency discloses ~~its~~ the agency's decision to proceed ~~on~~ with both plans
607.14 for reunification and permanent placement away from the parent, the court's review of the
607.15 agency's reasonable efforts shall include the agency's efforts under both plans.

258.21 (2) tailored to the individualized needs of the child and child's family;
258.22 ~~(1)~~ (3) relevant to the safety ~~and~~ protection, and well-being of the child;
258.23 ~~(2)~~ (4) adequate to meet the individualized needs of the child and family;
258.24 ~~(3)~~ (5) culturally appropriate;
258.25 ~~(4)~~ (6) available and accessible;
258.26 ~~(5)~~ (7) consistent and timely; and
258.27 ~~(6)~~ (8) realistic under the circumstances.

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

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

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

259.15 (k) Reasonable efforts to place a child for adoption or in another permanent placement
259.16 may be made concurrently with reasonable efforts to prevent placement or to reunify the
259.17 child with the parent or guardian from whom the child was removed. When the responsible
259.18 social services agency decides to concurrently make reasonable efforts for both reunification
259.19 and permanent placement away from the parent under paragraph (a), the agency shall disclose
259.20 ~~its~~ the agency's decision and both plans for concurrent reasonable efforts to all parties and
259.21 the court. When the agency discloses ~~its~~ the agency's decision to proceed ~~on~~ with both plans
259.22 for reunification and permanent placement away from the parent, the court's review of the
259.23 agency's reasonable efforts shall include the agency's efforts under both plans.

SENATE ART. 10, SEC. 19 WAS INCLUDED IN HOUSE ART. 14 SIDE BY SIDE.

607.16 Sec. 2. Minnesota Statutes 2020, section 260C.001, subdivision 3, is amended to read:

607.17 Subd. 3. **Permanency, termination of parental rights, and adoption.** The purpose of
607.18 the laws relating to permanency, termination of parental rights, and children who come
607.19 under the guardianship of the commissioner of human services is to ensure that:

607.20 (1) when required and appropriate, reasonable efforts have been made by the social
607.21 services agency to reunite the child with the child's parents in a home that is safe and
607.22 permanent;

607.23 (2) if placement with the parents is not reasonably foreseeable, to secure for the child a
607.24 safe and permanent placement according to the requirements of section 260C.212, subdivision
607.25 2, preferably ~~with adoptive parents~~ with a relative through an adoption or a transfer of
607.26 permanent legal and physical custody or, if that is not possible or in the best interests of the
607.27 child, ~~a fit and willing relative through transfer of permanent legal and physical custody to~~
607.28 ~~that relative~~ with a nonrelative caregiver through adoption; and

607.29 (3) when a child is under the guardianship of the commissioner of human services,
607.30 reasonable efforts are made to finalize an adoptive home for the child in a timely manner.

607.31 Nothing in this section requires reasonable efforts to prevent placement or to reunify
607.32 the child with the parent or guardian to be made in circumstances where the court has
607.33 determined that the child has been subjected to egregious harm, when the child is an
608.1 abandoned infant, the parent has involuntarily lost custody of another child through a
608.2 proceeding under section 260C.515, subdivision 4, or similar law of another state, the
608.3 parental rights of the parent to a sibling have been involuntarily terminated, or the court has
608.4 determined that reasonable efforts or further reasonable efforts to reunify the child with the
608.5 parent or guardian would be futile.

608.6 The paramount consideration in all proceedings for permanent placement of the child
608.7 under sections 260C.503 to 260C.521, or the termination of parental rights is the best interests
608.8 of the child. In proceedings involving an American Indian child, as defined in section
608.9 260.755, subdivision 8, the best interests of the child must be determined consistent with
608.10 the Indian Child Welfare Act of 1978, United States Code, title 25, section 1901, et seq.

608.11 Sec. 3. Minnesota Statutes 2020, section 260C.007, subdivision 27, is amended to read:

608.12 Subd. 27. **Relative.** "Relative" means a person related to the child by blood, marriage,
608.13 or adoption; the legal parent, guardian, or custodian of the child's siblings; or an individual
608.14 who is an important friend of the child or of the child's parent or custodian, including an
608.15 individual with whom the child has resided or had significant contact or who has a significant
608.16 relationship to the child or the child's parent or custodian.

608.17 Sec. 4. Minnesota Statutes 2020, section 260C.151, subdivision 6, is amended to read:

608.18 Subd. 6. **Immediate custody.** If the court makes individualized, explicit findings, based
608.19 on the notarized petition or sworn affidavit, that there are reasonable grounds to believe
608.20 that the child is in surroundings or conditions which ~~which~~ that endanger the child's health, safety,

261.28 Sec. 20. Minnesota Statutes 2020, section 260C.001, subdivision 3, is amended to read:

261.29 Subd. 3. **Permanency, termination of parental rights, and adoption.** The purpose of
261.30 the laws relating to permanency, termination of parental rights, and children who come
261.31 under the guardianship of the commissioner of human services is to ensure that:

262.1 (1) when required and appropriate, reasonable efforts have been made by the social
262.2 services agency to reunite the child with the child's parents in a home that is safe and
262.3 permanent;

262.4 (2) if placement with the parents is not reasonably foreseeable, to secure for the child a
262.5 safe and permanent placement according to the requirements of section 260C.212, subdivision
262.6 2, preferably ~~with adoptive parents~~ with a relative through an adoption or a transfer of
262.7 permanent legal and physical custody or, if that is not possible or in the best interests of the
262.8 child, ~~a fit and willing relative through transfer of permanent legal and physical custody to~~
262.9 ~~that relative~~ with a nonrelative caregiver through adoption; and

262.10 (3) when a child is under the guardianship of the commissioner of human services,
262.11 reasonable efforts are made to finalize an adoptive home for the child in a timely manner.

262.12 Nothing in this section requires reasonable efforts to prevent placement or to reunify
262.13 the child with the parent or guardian to be made in circumstances where the court has
262.14 determined that the child has been subjected to egregious harm, when the child is an
262.15 abandoned infant, the parent has involuntarily lost custody of another child through a
262.16 proceeding under section 260C.515, subdivision 4, or similar law of another state, the
262.17 parental rights of the parent to a sibling have been involuntarily terminated, or the court has
262.18 determined that reasonable efforts or further reasonable efforts to reunify the child with the
262.19 parent or guardian would be futile.

262.20 The paramount consideration in all proceedings for permanent placement of the child
262.21 under sections 260C.503 to 260C.521, or the termination of parental rights is the best interests
262.22 of the child. In proceedings involving an American Indian child, as defined in section
262.23 260.755, subdivision 8, the best interests of the child must be determined consistent with
262.24 the Indian Child Welfare Act of 1978, United States Code, title 25, section 1901, et seq.

262.25 Sec. 21. Minnesota Statutes 2020, section 260C.007, subdivision 27, is amended to read:

262.26 Subd. 27. **Relative.** "Relative" means a person related to the child by blood, marriage,
262.27 or adoption; the legal parent, guardian, or custodian of the child's siblings; or an individual
262.28 who is an important friend of the child or of the child's parent or custodian, including an
262.29 individual with whom the child has resided or had significant contact or who has a significant
262.30 relationship to the child or the child's parent or custodian.

263.1 Sec. 22. Minnesota Statutes 2020, section 260C.151, subdivision 6, is amended to read:

263.2 Subd. 6. **Immediate custody.** If the court makes individualized, explicit findings, based
263.3 on the notarized petition or sworn affidavit, that there are reasonable grounds to believe
263.4 that the child is in surroundings or conditions which ~~which~~ that endanger the child's health, safety,

608.21 or welfare that require that responsibility for the child's care and custody be immediately
608.22 assumed by the responsible social services agency and that continuation of the child in the
608.23 custody of the parent or guardian is contrary to the child's welfare, the court may order that
608.24 the officer serving the summons take the child into immediate custody for placement of the
608.25 child in foster care, preferably with a relative. In ordering that responsibility for the care,
608.26 custody, and control of the child be assumed by the responsible social services agency, the
608.27 court is ordering emergency protective care as that term is defined in the juvenile court
608.28 rules.

608.29 Sec. 5. Minnesota Statutes 2020, section 260C.152, subdivision 5, is amended to read:

608.30 Subd. 5. **Notice to foster parents and preadoptive parents and relatives.** The foster
608.31 parents, if any, of a child and any preadoptive parent or relative providing care for the child
608.32 must be provided notice of and a right to be heard in any review or hearing to be held with
609.1 respect to the child. Any other relative may also request, and must be granted, a notice and
609.2 the opportunity right to be heard under this section. This subdivision does not require that
609.3 a foster parent, preadoptive parent, or any relative providing care for the child be made a
609.4 party to a review or hearing solely on the basis of the notice and right to be heard.

609.5 Sec. 6. Minnesota Statutes 2020, section 260C.175, subdivision 2, is amended to read:

609.6 Subd. 2. **Notice to parent or custodian and child; emergency placement with**
609.7 **relative.** ~~Whenever~~ (a) At the time that a peace officer takes a child into custody for relative
609.8 placement or shelter care or relative placement pursuant to subdivision 1, section 260C.151,
609.9 subdivision 5, or section 260C.154, the officer shall notify the child's parent or custodian
609.10 and the child, if the child is ten years of age or older, that under section 260C.181, subdivision
609.11 2, the parent or custodian or the child may request ~~that to place the child be placed~~ with a
609.12 relative ~~or a designated caregiver under~~ as defined in section 260C.007, subdivision 27,
609.13 ~~chapter 257A~~ instead of in a shelter care facility. When a child who is not alleged to be
609.14 delinquent is taken into custody pursuant to subdivision 1, clause (1) or (2), item (ii), and
609.15 placement with an identified relative is requested, the peace officer shall coordinate with
609.16 the responsible social services agency to ensure the child's safety and well-being; and comply
609.17 with section 260C.181, subdivision 2.

609.18 (c) The officer also shall give the parent or custodian of the child a list of names,
609.19 addresses, and telephone numbers of social services agencies that offer child welfare services.
609.20 If the parent or custodian was not present when the child was removed from the residence,
609.21 the list shall be left with an adult on the premises or left in a conspicuous place on the
609.22 premises if no adult is present. If the officer has reason to believe the parent or custodian
609.23 is not able to read and understand English, the officer must provide a list that is written in
609.24 the language of the parent or custodian. The list shall be prepared by the commissioner of
609.25 human services. The commissioner shall prepare lists for each county and provide each
609.26 county with copies of the list without charge. The list shall be reviewed annually by the
609.27 commissioner and updated if it is no longer accurate. Neither the commissioner nor any

263.5 or welfare that require that responsibility for the child's care and custody be immediately
263.6 assumed by the responsible social services agency and that continuation of the child in the
263.7 custody of the parent or guardian is contrary to the child's welfare, the court may order that
263.8 the officer serving the summons take the child into immediate custody for placement of the
263.9 child in foster care, preferably with a relative. In ordering that responsibility for the care,
263.10 custody, and control of the child be assumed by the responsible social services agency, the
263.11 court is ordering emergency protective care as that term is defined in the juvenile court
263.12 rules.

263.13 Sec. 23. Minnesota Statutes 2020, section 260C.152, subdivision 5, is amended to read:

263.14 Subd. 5. **Notice to foster parents and preadoptive parents and relatives.** The foster
263.15 parents, if any, of a child and any preadoptive parent or relative providing care for the child
263.16 must be provided notice of and a right to be heard in any review or hearing to be held with
263.17 respect to the child. Any other relative may also request, and must be granted, a notice and
263.18 the opportunity right to be heard under this section. This subdivision does not require that
263.19 a foster parent, preadoptive parent, or relative providing care for the child, or any other
263.20 relative be made a party to a review or hearing solely on the basis of the notice and right to
263.21 be heard.

263.22 Sec. 24. Minnesota Statutes 2020, section 260C.175, subdivision 2, is amended to read:

263.23 Subd. 2. **Notice to parent or custodian and child; emergency placement with**
263.24 **relative.** ~~Whenever~~ (a) At the time that a peace officer takes a child into custody for relative
263.25 placement or shelter care or relative placement pursuant to subdivision 1, section 260C.151,
263.26 subdivision 5, or section 260C.154, the officer shall notify the child's parent or custodian
263.27 and the child, if the child is ten years of age or older, that under section 260C.181, subdivision
263.28 2, the parent or custodian or the child may request ~~that to place the child be placed~~ with a
263.29 relative ~~or a designated caregiver under chapter 257A~~ as defined in section 260C.007,
263.30 subdivision 27, instead of in a shelter care facility.

263.31 (b) When a child who is not alleged to be delinquent is taken into custody pursuant to
263.32 subdivision 1, clause (1) or (2), item (ii), and placement with an identified relative is
264.1 requested, the peace officer shall coordinate with the responsible social services agency to
264.2 ensure the child's safety and well-being and comply with section 260C.181, subdivision 2.

264.3 (c) The officer also shall give the parent or custodian of the child a list of names,
264.4 addresses, and telephone numbers of social services agencies that offer child welfare services.
264.5 If the parent or custodian was not present when the child was removed from the residence,
264.6 the list shall be left with an adult on the premises or left in a conspicuous place on the
264.7 premises if no adult is present. If the officer has reason to believe the parent or custodian
264.8 is not able to read and understand English, the officer must provide a list that is written in
264.9 the language of the parent or custodian. The list shall be prepared by the commissioner of
264.10 human services. The commissioner shall prepare lists for each county and provide each
264.11 county with copies of the list without charge. The list shall be reviewed annually by the
264.12 commissioner and updated if it is no longer accurate. Neither the commissioner nor any

609.28 peace officer or the officer's employer shall be liable to any person for mistakes or omissions
609.29 in the list. The list does not constitute a promise that any agency listed will ~~in fact~~ assist the
609.30 parent or custodian.

610.1 Sec. 7. Minnesota Statutes 2020, section 260C.176, subdivision 2, is amended to read:

610.2 Subd. 2. **Reasons for detention.** (a) If the child is not released as provided in subdivision
610.3 1, the person taking the child into custody shall notify the court as soon as possible of the
610.4 detention of the child and the reasons for detention.

610.5 (b) No child taken into custody and placed in a relative's home or shelter care facility
610.6 ~~or relative's home~~ by a peace officer pursuant to section 260C.175, subdivision 1, clause
610.7 (1) or (2), item (ii), may be held in custody longer than 72 hours, excluding Saturdays,
610.8 Sundays and holidays, unless a petition has been filed and the judge or referee determines
610.9 pursuant to section 260C.178 that the child shall remain in custody or unless the court has
610.10 made a finding of domestic abuse perpetrated by a minor after a hearing under Laws 1997,
610.11 chapter 239, article 10, sections 2 to 26, in which case the court may extend the period of
610.12 detention for an additional seven days, within which time the social services agency shall
610.13 conduct an assessment and shall provide recommendations to the court regarding voluntary
610.14 services or file a child in need of protection or services petition.

610.15 Sec. 8. Minnesota Statutes 2020, section 260C.178, subdivision 1, is amended to read:

610.16 Subdivision 1. **Hearing and release requirements.** (a) If a child was taken into custody
610.17 under section 260C.175, subdivision 1, clause (1) or (2), item (ii), the court shall hold a
610.18 hearing within 72 hours of the time that the child was taken into custody, excluding
610.19 Saturdays, Sundays, and holidays, to determine whether the child should continue to be in
610.20 custody.

610.21 (b) Unless there is reason to believe that the child would endanger self or others or not
610.22 return for a court hearing, or that the child's health or welfare would be immediately
610.23 endangered, the child shall be released to the custody of a parent, guardian, custodian, or
610.24 other suitable person, subject to reasonable conditions of release including, but not limited
610.25 to, a requirement that the child undergo a chemical use assessment as provided in section
610.26 260C.157, subdivision 1.

610.27 (c) If the court determines that there is reason to believe that the child would endanger
610.28 self or others or not return for a court hearing, or that the child's health or welfare would be
610.29 immediately endangered if returned to the care of the parent or guardian who has custody
610.30 and from whom the child was removed, the court shall order the child:

610.31 (1) into the care of the child's noncustodial parent and order the noncustodial parent to
610.32 comply with any conditions that the court determines appropriate to ensure the safety and
610.33 care of the child, including requiring the noncustodial parent to cooperate with paternity
611.1 establishment proceedings if the noncustodial parent has not been adjudicated the child's
611.2 father; or

264.13 peace officer or the officer's employer shall be liable to any person for mistakes or omissions
264.14 in the list. The list does not constitute a promise that any agency listed will ~~in fact~~ assist the
264.15 parent or custodian.

264.16 Sec. 25. Minnesota Statutes 2020, section 260C.176, subdivision 2, is amended to read:

264.17 Subd. 2. **Reasons for detention.** (a) If the child is not released as provided in subdivision
264.18 1, the person taking the child into custody shall notify the court as soon as possible of the
264.19 detention of the child and the reasons for detention.

264.20 (b) No child taken into custody and placed in a relative's home or shelter care facility
264.21 ~~or relative's home~~ by a peace officer pursuant to section 260C.175, subdivision 1, clause
264.22 (1) or (2), item (ii), may be held in custody longer than 72 hours, excluding Saturdays,
264.23 Sundays and holidays, unless a petition has been filed and the judge or referee determines
264.24 pursuant to section 260C.178 that the child shall remain in custody or unless the court has
264.25 made a finding of domestic abuse perpetrated by a minor after a hearing under Laws 1997,
264.26 chapter 239, article 10, sections 2 to 26, in which case the court may extend the period of
264.27 detention for an additional seven days, within which time the social services agency shall
264.28 conduct an assessment and shall provide recommendations to the court regarding voluntary
264.29 services or file a child in need of protection or services petition.

264.30 Sec. 26. Minnesota Statutes 2020, section 260C.178, subdivision 1, is amended to read:

264.31 Subdivision 1. **Hearing and release requirements.** (a) If a child was taken into custody
264.32 under section 260C.175, subdivision 1, clause (1) or (2), item (ii), the court shall hold a
264.33 hearing within 72 hours of the time that the child was taken into custody, excluding
265.1 Saturdays, Sundays, and holidays, to determine whether the child should continue to be in
265.2 custody.

265.3 (b) Unless there is reason to believe that the child would endanger self or others or not
265.4 return for a court hearing, or that the child's health or welfare would be immediately
265.5 endangered, the child shall be released to the custody of a parent, guardian, custodian, or
265.6 other suitable person, subject to reasonable conditions of release including, but not limited
265.7 to, a requirement that the child undergo a chemical use assessment as provided in section
265.8 260C.157, subdivision 1.

265.9 (c) If the court determines that there is reason to believe that the child would endanger
265.10 self or others or not return for a court hearing, or that the child's health or welfare would be
265.11 immediately endangered if returned to the care of the parent or guardian who has custody
265.12 and from whom the child was removed, the court shall order the child:

265.13 (1) into the care of the child's noncustodial parent and order the noncustodial parent to
265.14 comply with any conditions that the court determines appropriate to ensure the safety and
265.15 care of the child, including requiring the noncustodial parent to cooperate with paternity
265.16 establishment proceedings if the noncustodial parent has not been adjudicated the child's
265.17 father; or

611.3 (2) into foster care as defined in section 260C.007, subdivision 18, under the legal
611.4 responsibility of the responsible social services agency or responsible probation or corrections
611.5 agency for the purposes of protective care as that term is used in the juvenile court rules ~~or~~
611.6 ~~into the home of a noncustodial parent and order the noncustodial parent to comply with~~
611.7 ~~any conditions the court determines to be appropriate to the safety and care of the child,~~
611.8 ~~including cooperating with paternity establishment proceedings in the case of a man who~~
611.9 ~~has not been adjudicated the child's father.~~ The court shall not give the responsible social
611.10 services legal custody and order a trial home visit at any time prior to adjudication and
611.11 disposition under section 260C.201, subdivision 1, paragraph (a), clause (3), but may order
611.12 the child returned to the care of the parent or guardian who has custody and from whom the
611.13 child was removed and order the parent or guardian to comply with any conditions the court
611.14 determines to be appropriate to meet the safety, health, and welfare of the child.

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

611.18 (e) The court, before determining whether a child should be placed in or continue in
611.19 foster care under the protective care of the responsible agency, shall also make a
611.20 determination, consistent with section 260.012 as to whether reasonable efforts were made
611.21 to prevent placement or whether reasonable efforts to prevent placement are not required.
611.22 In the case of an Indian child, the court shall determine whether active efforts, according
611.23 to section 260.762 and the Indian Child Welfare Act of 1978, United States Code, title 25,
611.24 section 1912(d), were made to prevent placement. The court shall enter a finding that the
611.25 responsible social services agency has made reasonable efforts to prevent placement when
611.26 the agency establishes either:

611.27 (1) that ~~the agency~~ the agency has actually provided services or made efforts in an attempt to
611.28 prevent the child's removal but that such services or efforts have not proven sufficient to
611.29 permit the child to safely remain in the home; or

611.30 (2) that there are no services or other efforts that could be made at the time of the hearing
611.31 that could safely permit the child to remain home or to return home. The court shall not
611.32 make a reasonable efforts determination under this clause unless the court is satisfied that
611.33 the agency has sufficiently demonstrated to the court that there were no services or other
611.34 efforts that the agency was able to provide at the time of the hearing enabling the child to
612.1 safely remain home or to safely return home. When reasonable efforts to prevent placement
612.2 are required and there are services or other efforts that could be ordered ~~which that~~ would
612.3 permit the child to safely return home, the court shall order the child returned to the care of
612.4 the parent or guardian and the services or efforts put in place to ensure the child's safety.
612.5 When the court makes a prima facie determination that one of the circumstances under
612.6 paragraph (g) exists, the court shall determine that reasonable efforts to prevent placement
612.7 and to return the child to the care of the parent or guardian are not required.

612.8 (f) If the court finds the social services agency's preventive or reunification efforts have
612.9 not been reasonable but further preventive or reunification efforts could not permit the child

265.18 (2) into foster care as defined in section 260C.007, subdivision 18, under the legal
265.19 responsibility of the responsible social services agency or responsible probation or corrections
265.20 agency for the purposes of protective care as that term is used in the juvenile court rules ~~or~~
265.21 ~~into the home of a noncustodial parent and order the noncustodial parent to comply with~~
265.22 ~~any conditions the court determines to be appropriate to the safety and care of the child,~~
265.23 ~~including cooperating with paternity establishment proceedings in the case of a man who~~
265.24 ~~has not been adjudicated the child's father.~~ The court shall not give the responsible social
265.25 services legal custody and order a trial home visit at any time prior to adjudication and
265.26 disposition under section 260C.201, subdivision 1, paragraph (a), clause (3), but may order
265.27 the child returned to the care of the parent or guardian who has custody and from whom the
265.28 child was removed and order the parent or guardian to comply with any conditions the court
265.29 determines to be appropriate to meet the safety, health, and welfare of the child.

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

265.33 (e) The court, before determining whether a child should be placed in or continue in
265.34 foster care under the protective care of the responsible agency, shall also make a
266.1 determination, consistent with section 260.012 as to whether reasonable efforts were made
266.2 to prevent placement or whether reasonable efforts to prevent placement are not required.
266.3 In the case of an Indian child, the court shall determine whether active efforts, according
266.4 to section 260.762 and the Indian Child Welfare Act of 1978, United States Code, title 25,
266.5 section 1912(d), were made to prevent placement. The court shall enter a finding that the
266.6 responsible social services agency has made reasonable efforts to prevent placement when
266.7 the agency establishes either:

266.8 (1) that ~~the agency~~ the agency has actually provided services or made efforts in an attempt to
266.9 prevent the child's removal but that such services or efforts have not proven sufficient to
266.10 permit the child to safely remain in the home; or

266.11 (2) that there are no services or other efforts that could be made at the time of the hearing
266.12 that could safely permit the child to remain home or to return home. The court shall not
266.13 make a reasonable efforts determination under this clause unless the court is satisfied that
266.14 the agency has sufficiently demonstrated to the court that there were no services or other
266.15 efforts that the agency was able to provide at the time of the hearing enabling the child to
266.16 safely remain home or to safely return home. When reasonable efforts to prevent placement
266.17 are required and there are services or other efforts that could be ordered ~~which that~~ would
266.18 permit the child to safely return home, the court shall order the child returned to the care of
266.19 the parent or guardian and the services or efforts put in place to ensure the child's safety.
266.20 When the court makes a prima facie determination that one of the circumstances under
266.21 paragraph (g) exists, the court shall determine that reasonable efforts to prevent placement
266.22 and to return the child to the care of the parent or guardian are not required.

266.23 (f) If the court finds the social services agency's preventive or reunification efforts have
266.24 not been reasonable but further preventive or reunification efforts could not permit the child

612.10 to safely remain at home, the court may nevertheless authorize or continue the removal of
612.11 the child.

612.12 ~~(f)~~ (g) The court may not order or continue the foster care placement of the child unless
612.13 the court makes explicit, individualized findings that continued custody of the child by the
612.14 parent or guardian would be contrary to the welfare of the child and that placement is in the
612.15 best interest of the child.

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

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

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

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

612.24 (4) the parents' custodial rights to another child have been involuntarily transferred to a
612.25 relative under Minnesota Statutes 2010, section 260C.201, subdivision 11, paragraph (e),
612.26 clause (1); section 260C.515, subdivision 4; or a similar law of another jurisdiction;

612.27 (5) the parent has committed sexual abuse as defined in section 260E.03, against the
612.28 child or another child of the parent;

612.29 (6) the parent has committed an offense that requires registration as a predatory offender
612.30 under section 243.166, subdivision 1b, paragraph (a) or (b); or

612.31 (7) the provision of services or further services for the purpose of reunification is futile
612.32 and therefore unreasonable.

613.1 ~~(h)~~ (i) When a petition to terminate parental rights is required under section 260C.301,
613.2 subdivision 4, or 260C.503, subdivision 2, but the county attorney has determined not to
613.3 proceed with a termination of parental rights petition, and has instead filed a petition to
613.4 transfer permanent legal and physical custody to a relative under section 260C.507, the
613.5 court shall schedule a permanency hearing within 30 days of the filing of the petition.

613.6 ~~(i)~~ (j) If the county attorney has filed a petition under section 260C.307, the court shall
613.7 schedule a trial under section 260C.163 within 90 days of the filing of the petition except
613.8 when the county attorney determines that the criminal case shall proceed to trial first under
613.9 section 260C.503, subdivision 2, paragraph (c).

613.10 ~~(j)~~ (k) If the court determines the child should be ordered into foster care and the child's
613.11 parent refuses to give information to the responsible social services agency regarding the
613.12 child's father or relatives of the child, the court may order the parent to disclose the names,
613.13 addresses, telephone numbers, and other identifying information to the responsible social

266.25 to safely remain at home, the court may nevertheless authorize or continue the removal of
266.26 the child.

266.27 ~~(f)~~ (g) The court may not order or continue the foster care placement of the child unless
266.28 the court makes explicit, individualized findings that continued custody of the child by the
266.29 parent or guardian would be contrary to the welfare of the child and that placement is in the
266.30 best interest of the child.

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

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

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

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

267.6 (4) the parents' custodial rights to another child have been involuntarily transferred to a
267.7 relative under Minnesota Statutes 2010, section 260C.201, subdivision 11, paragraph (e),
267.8 clause (1); section 260C.515, subdivision 4; or a similar law of another jurisdiction;

267.9 (5) the parent has committed sexual abuse as defined in section 260E.03, against the
267.10 child or another child of the parent;

267.11 (6) the parent has committed an offense that requires registration as a predatory offender
267.12 under section 243.166, subdivision 1b, paragraph (a) or (b); or

267.13 (7) the provision of services or further services for the purpose of reunification is futile
267.14 and therefore unreasonable.

267.15 ~~(h)~~ (i) When a petition to terminate parental rights is required under section 260C.301,
267.16 subdivision 4, or 260C.503, subdivision 2, but the county attorney has determined not to
267.17 proceed with a termination of parental rights petition, and has instead filed a petition to
267.18 transfer permanent legal and physical custody to a relative under section 260C.507, the
267.19 court shall schedule a permanency hearing within 30 days of the filing of the petition.

267.20 ~~(i)~~ (j) If the county attorney has filed a petition under section 260C.307, the court shall
267.21 schedule a trial under section 260C.163 within 90 days of the filing of the petition except
267.22 when the county attorney determines that the criminal case shall proceed to trial first under
267.23 section 260C.503, subdivision 2, paragraph (c).

267.24 ~~(j)~~ (k) If the court determines the child should be ordered into foster care and the child's
267.25 parent refuses to give information to the responsible social services agency regarding the
267.26 child's father or relatives of the child, the court may order the parent to disclose the names,
267.27 addresses, telephone numbers, and other identifying information to the responsible social

613.14 services agency for the purpose of complying with sections 260C.150, 260C.151, 260C.212,
613.15 260C.215, 260C.219, and 260C.221.

613.16 ~~(k)~~ (l) If a child ordered into foster care has siblings, whether full, half, or step, who are
613.17 also ordered into foster care, the court shall inquire of the responsible social services agency
613.18 of the efforts to place the children together as required by section 260C.212, subdivision 2,
613.19 paragraph (d), if placement together is in each child's best interests, unless a child is in
613.20 placement for treatment or a child is placed with a previously noncustodial parent who is
613.21 not a parent to all siblings. If the children are not placed together at the time of the hearing,
613.22 the court shall inquire at each subsequent hearing of the agency's reasonable efforts to place
613.23 the siblings together, as required under section 260.012. If any sibling is not placed with
613.24 another sibling or siblings, the agency must develop a plan to facilitate visitation or ongoing
613.25 contact among the siblings as required under section 260C.212, subdivision 1, unless it is
613.26 contrary to the safety or well-being of any of the siblings to do so.

613.27 ~~(k)~~ (m) When the court has ordered the child into the care of a noncustodial parent or in
613.28 foster care or into the home of a noncustodial parent, the court may order a chemical
613.29 dependency evaluation, mental health evaluation, medical examination, and parenting
613.30 assessment for the parent as necessary to support the development of a plan for reunification
613.31 required under subdivision 7 and section 260C.212, subdivision 1, or the child protective
613.32 services plan under section 260E.26, and Minnesota Rules, part 9560.0228.

614.1 Sec. 9. Minnesota Statutes 2020, section 260C.181, subdivision 2, is amended to read:

614.2 Subd. 2. **Least restrictive setting.** Notwithstanding the provisions of subdivision 1, if
614.3 the child had been taken into custody pursuant to section 260C.175, subdivision 1, clause
614.4 (1) or (2), item (ii), and is not alleged to be delinquent, the child shall be detained in the
614.5 least restrictive setting consistent with the child's health and welfare and in closest proximity
614.6 to the child's family as possible. Placement may be with a child's relative, ~~a designated~~
614.7 ~~caregiver under chapter 257A~~, or, if no placement is available with a relative, in a shelter
614.8 care facility. The placing officer shall comply with this section and shall document why a
614.9 less restrictive setting will or will not be in the best interests of the child for placement
614.10 purposes.

614.11 Sec. 10. Minnesota Statutes 2020, section 260C.193, subdivision 3, is amended to read:

614.12 Subd. 3. **Best interests of the child.** (a) The policy of the state is to ensure that the best
614.13 interests of children in foster care, who experience a transfer of permanent legal and physical
614.14 custody to a relative under section 260C.515, subdivision 4, or adoption under this chapter,
614.15 are met by:

614.16 (1) considering placement of a child with relatives in the order specified in section
614.17 260C.212, subdivision 2, paragraph (a); and

614.18 (2) requiring individualized determinations under section 260C.212, subdivision 2,
614.19 paragraph (b), of the needs of the child and of how the selected home will serve the needs
614.20 of the child.

267.28 services agency for the purpose of complying with sections 260C.150, 260C.151, 260C.212,
267.29 260C.215, 260C.219, and 260C.221.

267.30 ~~(k)~~ (l) If a child ordered into foster care has siblings, whether full, half, or step, who are
267.31 also ordered into foster care, the court shall inquire of the responsible social services agency
267.32 of the efforts to place the children together as required by section 260C.212, subdivision 2,
267.33 paragraph (d), if placement together is in each child's best interests, unless a child is in
268.1 placement for treatment or a child is placed with a previously noncustodial parent who is
268.2 not a parent to all siblings. If the children are not placed together at the time of the hearing,
268.3 the court shall inquire at each subsequent hearing of the agency's reasonable efforts to place
268.4 the siblings together, as required under section 260.012. If any sibling is not placed with
268.5 another sibling or siblings, the agency must develop a plan to facilitate visitation or ongoing
268.6 contact among the siblings as required under section 260C.212, subdivision 1, unless it is
268.7 contrary to the safety or well-being of any of the siblings to do so.

268.8 ~~(k)~~ (m) When the court has ordered the child into the care of a noncustodial parent or in
268.9 foster care or into the home of a noncustodial parent, the court may order a chemical
268.10 dependency evaluation, mental health evaluation, medical examination, and parenting
268.11 assessment for the parent as necessary to support the development of a plan for reunification
268.12 required under subdivision 7 and section 260C.212, subdivision 1, or the child protective
268.13 services plan under section 260E.26, and Minnesota Rules, part 9560.0228.

268.14 Sec. 27. Minnesota Statutes 2020, section 260C.181, subdivision 2, is amended to read:

268.15 Subd. 2. **Least restrictive setting.** Notwithstanding the provisions of subdivision 1, if
268.16 the child had been taken into custody pursuant to section 260C.175, subdivision 1, clause
268.17 (1) or (2), item (ii), and is not alleged to be delinquent, the child shall be detained in the
268.18 least restrictive setting consistent with the child's health and welfare and in closest proximity
268.19 to the child's family as possible. Placement may be with a child's relative, ~~a designated~~
268.20 ~~caregiver under chapter 257A~~, or, if no placement is available with a relative, in a shelter
268.21 care facility. The placing officer shall comply with this section and shall document why a
268.22 less restrictive setting will or will not be in the best interests of the child for placement
268.23 purposes.

268.24 Sec. 28. Minnesota Statutes 2020, section 260C.193, subdivision 3, is amended to read:

268.25 Subd. 3. **Best interests of the child.** (a) The policy of the state is to ensure that the best
268.26 interests of children in foster care, who experience a transfer of permanent legal and physical
268.27 custody to a relative under section 260C.515, subdivision 4, or adoption under this chapter,
268.28 are met by:

268.29 (1) considering placement of a child with relatives in the order specified in section
268.30 260C.212, subdivision 2, paragraph (a); and

268.31 (2) requiring individualized determinations under section 260C.212, subdivision 2,
268.32 paragraph (b), of the needs of the child and of how the selected home will serve the needs
268.33 of the child.

614.21 (b) No later than three months after a child is ordered to be removed from the care of a
614.22 parent in the hearing required under section 260C.202, the court shall review and enter
614.23 findings regarding whether the responsible social services agency ~~made~~:

614.24 (1) ~~diligent efforts~~ exercised due diligence to identify and, search for, notify, and engage
614.25 relatives as required under section 260C.221; and

614.26 (2) ~~made a placement consistent with section 260C.212, subdivision 2, that is based on~~
614.27 ~~an individualized determination as required under section 260C.212, subdivision 2, of the~~
614.28 ~~child's needs~~ to select a home that meets the needs of the child.

614.29 (c) If the court finds that the agency has not ~~made efforts~~ exercised due diligence as
614.30 required under section 260C.221, and the court shall order the agency to make reasonable
614.31 efforts. If there is a relative who qualifies to be licensed to provide family foster care under
614.32 chapter 245A, the court may order the child to be placed with the relative consistent with
614.33 the child's best interests.

615.1 (d) If the agency's efforts under section 260C.221 are found by the court to be sufficient,
615.2 the court shall order the agency to continue to appropriately engage relatives who responded
615.3 to the notice under section 260C.221 in placement and case planning decisions and to
615.4 appropriately engage relatives who subsequently come to the agency's attention. A court's
615.5 finding that the agency has made reasonable efforts under this paragraph does not relieve
615.6 the agency of the duty to continue notifying relatives who come to the agency's attention
615.7 and engaging and considering relatives who respond to the notice under section 260C.221
615.8 in child placement and case planning decisions.

615.9 (e) If the child's birth parent ~~or parents~~ explicitly ~~request~~ requests that a specific relative
615.10 ~~or important friend~~ not be considered for placement of the child, the court shall honor that
615.11 request if it is consistent with the best interests of the child and consistent with the
615.12 requirements of section 260C.221. The court shall not waive relative search, notice, and
615.13 consideration requirements, unless section 260C.139 applies. If the child's birth parent or
615.14 ~~parents express~~ expresses a preference for placing the child in a foster or adoptive home of
615.15 the same or a similar religious background ~~to~~ as that of the birth parent or parents, the court
615.16 shall order placement of the child with an individual who meets the birth parent's religious
615.17 preference.

615.18 (f) Placement of a child ~~cannot~~ must not be delayed or denied based on race, color, or
615.19 national origin of the foster parent or the child.

615.20 (g) Whenever possible, siblings requiring foster care placement ~~should~~ shall be placed
615.21 together unless it is determined not to be in the best interests of one or more of the siblings
615.22 after weighing the benefits of separate placement against the benefits of sibling connections
615.23 for each sibling. The agency shall consider section 260C.008 when making this determination.
615.24 If siblings were not placed together according to section 260C.212, subdivision 2, paragraph
615.25 (d), the responsible social services agency shall report to the court the efforts made to place
615.26 the siblings together and why the efforts were not successful. If the court is not satisfied

269.1 (b) No later than three months after a child is ordered to be removed from the care of a
269.2 parent in the hearing required under section 260C.202, the court shall review and enter
269.3 findings regarding whether the responsible social services agency ~~made~~:

269.4 (1) ~~diligent efforts~~ exercised due diligence to identify and, search for, notify, and engage
269.5 relatives as required under section 260C.221; and

269.6 (2) ~~made a placement consistent with section 260C.212, subdivision 2, that is based on~~
269.7 ~~an individualized determination as required under section 260C.212, subdivision 2, of the~~
269.8 ~~child's needs~~ to select a home that meets the needs of the child.

269.9 (c) If the court finds that the agency has not ~~made efforts~~ exercised due diligence as
269.10 required under section 260C.221, and the court shall order the agency to make reasonable
269.11 efforts. If there is a relative who qualifies to be licensed to provide family foster care under
269.12 chapter 245A, the court may order the child to be placed with the relative consistent with
269.13 the child's best interests.

269.14 (d) If the agency's efforts under section 260C.221 are found by the court to be sufficient,
269.15 the court shall order the agency to continue to appropriately engage relatives who responded
269.16 to the notice under section 260C.221 in placement and case planning decisions and to
269.17 appropriately engage relatives who subsequently come to the agency's attention. A court's
269.18 finding that the agency has made reasonable efforts under this paragraph does not relieve
269.19 the agency of the duty to continue notifying relatives who come to the agency's attention
269.20 and engaging and considering relatives who respond to the notice under section 260C.221
269.21 in child placement and case planning decisions.

269.22 (e) If the child's birth parent ~~or parents~~ explicitly ~~request~~ requests that a specific relative
269.23 ~~or important friend~~ not be considered for placement of the child, the court shall honor that
269.24 request if it is consistent with the best interests of the child and consistent with the
269.25 requirements of section 260C.221. The court shall not waive relative search, notice, and
269.26 consideration requirements, unless section 260C.139 applies. If the child's birth parent or
269.27 ~~parents express~~ expresses a preference for placing the child in a foster or adoptive home of
269.28 the same or a similar religious background ~~to~~ as that of the birth parent or parents, the court
269.29 shall order placement of the child with an individual who meets the birth parent's religious
269.30 preference.

269.31 (f) Placement of a child ~~cannot~~ must not be delayed or denied based on race, color, or
269.32 national origin of the foster parent or the child.

269.33 (g) Whenever possible, siblings requiring foster care placement ~~should~~ shall be placed
269.34 together unless it is determined not to be in the best interests of one or more of the siblings
270.1 after weighing the benefits of separate placement against the benefits of sibling connections
270.2 for each sibling. The agency shall consider section 260C.008 when making this determination.
270.3 If siblings were not placed together according to section 260C.212, subdivision 2, paragraph
270.4 (d), the responsible social services agency shall report to the court the efforts made to place
270.5 the siblings together and why the efforts were not successful. If the court is not satisfied

615.27 that the agency has made reasonable efforts to place siblings together, the court must order
615.28 the agency to make further reasonable efforts. If siblings are not placed together, the court
615.29 shall order the responsible social services agency to implement the plan for visitation among
615.30 siblings required as part of the out-of-home placement plan under section 260C.212.

615.31 (h) This subdivision does not affect the Indian Child Welfare Act, United States Code,
615.32 title 25, sections 1901 to 1923, and the Minnesota Indian Family Preservation Act, sections
615.33 260.751 to 260.835.

616.1 Sec. 11. Minnesota Statutes 2020, section 260C.201, subdivision 1, is amended to read:

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

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

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

616.11 (ii) if the court orders the child into the home of a father who is not adjudicated, the
616.12 father must cooperate with paternity establishment proceedings regarding the child in the
616.13 appropriate jurisdiction as one of the conditions prescribed by the court for the child to
616.14 continue in the father's home; and

616.15 (iii) the court may order the child into the home of a noncustodial parent with conditions
616.16 and may also order both the noncustodial and the custodial parent to comply with the
616.17 requirements of a case plan under subdivision 2; or

616.18 (2) transfer legal custody to one of the following:

616.19 (i) a child-placing agency; or

616.20 (ii) the responsible social services agency. In making a foster care placement ~~for~~ of a
616.21 child whose custody has been transferred under this subdivision, the agency shall make an
616.22 individualized determination of how the placement is in the child's best interests using the
616.23 placement consideration order for relatives; and the best interest factors in section 260C.212,
616.24 ~~subdivision 2, paragraph (b),~~ and may include a child colocated with a parent in a licensed
616.25 residential family-based substance use disorder treatment program under section 260C.190;
616.26 or

616.27 (3) order a trial home visit without modifying the transfer of legal custody to the
616.28 responsible social services agency under clause (2). Trial home visit means the child is
616.29 returned to the care of the parent or guardian from whom the child was removed for a period

270.6 that the agency has made reasonable efforts to place siblings together, the court must order
270.7 the agency to make further reasonable efforts. If siblings are not placed together, the court
270.8 shall order the responsible social services agency to implement the plan for visitation among
270.9 siblings required as part of the out-of-home placement plan under section 260C.212.

270.10 (h) This subdivision does not affect the Indian Child Welfare Act, United States Code,
270.11 title 25, sections 1901 to 1923, and the Minnesota Indian Family Preservation Act, sections
270.12 260.751 to 260.835.

270.13 Sec. 29. Minnesota Statutes 2020, section 260C.201, subdivision 1, is amended to read:

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

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

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

270.23 (ii) if the court orders the child into the home of a father who is not adjudicated, the
270.24 father must cooperate with paternity establishment proceedings regarding the child in the
270.25 appropriate jurisdiction as one of the conditions prescribed by the court for the child to
270.26 continue in the father's home; and

270.27 (iii) the court may order the child into the home of a noncustodial parent with conditions
270.28 and may also order both the noncustodial and the custodial parent to comply with the
270.29 requirements of a case plan under subdivision 2; or

270.30 (2) transfer legal custody to one of the following:

270.31 (i) a child-placing agency; or

271.1 (ii) the responsible social services agency. In making a foster care placement ~~for~~ of a
271.2 child whose custody has been transferred under this subdivision, the agency shall make an
271.3 individualized determination of how the placement is in the child's best interests using the
271.4 placement consideration order for relatives; and the best interest factors in section 260C.212,
271.5 ~~subdivision 2, paragraph (b),~~ and may include a child colocated with a parent in a licensed
271.6 residential family-based substance use disorder treatment program under section 260C.190;
271.7 or

271.8 (3) order a trial home visit without modifying the transfer of legal custody to the
271.9 responsible social services agency under clause (2). Trial home visit means the child is
271.10 returned to the care of the parent or guardian from whom the child was removed for a period

616.30 not to exceed six months. During the period of the trial home visit, the responsible social
616.31 services agency:

617.1 (i) shall continue to have legal custody of the child, which means that the agency may
617.2 see the child in the parent's home, at school, in a child care facility, or other setting as the
617.3 agency deems necessary and appropriate;

617.4 (ii) shall continue to have the ability to access information under section 260C.208;

617.5 (iii) shall continue to provide appropriate services to both the parent and the child during
617.6 the period of the trial home visit;

617.7 (iv) without previous court order or authorization, may terminate the trial home visit in
617.8 order to protect the child's health, safety, or welfare and may remove the child to foster care;

617.9 (v) shall advise the court and parties within three days of the termination of the trial
617.10 home visit when a visit is terminated by the responsible social services agency without a
617.11 court order; and

617.12 (vi) shall prepare a report for the court when the trial home visit is terminated whether
617.13 by the agency or court order ~~which~~ that describes the child's circumstances during the trial
617.14 home visit and recommends appropriate orders, if any, for the court to enter to provide for
617.15 the child's safety and stability. In the event a trial home visit is terminated by the agency
617.16 by removing the child to foster care without prior court order or authorization, the court
617.17 shall conduct a hearing within ten days of receiving notice of the termination of the trial
617.18 home visit by the agency and shall order disposition under this subdivision or commence
617.19 permanency proceedings under sections 260C.503 to 260C.515. The time period for the
617.20 hearing may be extended by the court for good cause shown and if it is in the best interests
617.21 of the child as long as the total time the child spends in foster care without a permanency
617.22 hearing does not exceed 12 months;

617.23 (4) if the child has been adjudicated as a child in need of protection or services because
617.24 the child is in need of special services or care to treat or ameliorate a physical or mental
617.25 disability or emotional disturbance as defined in section 245.4871, subdivision 15, the court
617.26 may order the child's parent, guardian, or custodian to provide it. The court may order the
617.27 child's health plan company to provide mental health services to the child. Section 62Q.535
617.28 applies to an order for mental health services directed to the child's health plan company.
617.29 If the health plan, parent, guardian, or custodian fails or is unable to provide this treatment
617.30 or care, the court may order it provided. Absent specific written findings by the court that
617.31 the child's disability is the result of abuse or neglect by the child's parent or guardian, the
617.32 court shall not transfer legal custody of the child for the purpose of obtaining special
617.33 treatment or care solely because the parent is unable to provide the treatment or care. If the
617.34 court's order for mental health treatment is based on a diagnosis made by a treatment
618.1 professional, the court may order that the diagnosing professional not provide the treatment
618.2 to the child if it finds that such an order is in the child's best interests; or

271.11 not to exceed six months. During the period of the trial home visit, the responsible social
271.12 services agency:

271.13 (i) shall continue to have legal custody of the child, which means that the agency may
271.14 see the child in the parent's home, at school, in a child care facility, or other setting as the
271.15 agency deems necessary and appropriate;

271.16 (ii) shall continue to have the ability to access information under section 260C.208;

271.17 (iii) shall continue to provide appropriate services to both the parent and the child during
271.18 the period of the trial home visit;

271.19 (iv) without previous court order or authorization, may terminate the trial home visit in
271.20 order to protect the child's health, safety, or welfare and may remove the child to foster care;

271.21 (v) shall advise the court and parties within three days of the termination of the trial
271.22 home visit when a visit is terminated by the responsible social services agency without a
271.23 court order; and

271.24 (vi) shall prepare a report for the court when the trial home visit is terminated whether
271.25 by the agency or court order ~~which~~ that describes the child's circumstances during the trial
271.26 home visit and recommends appropriate orders, if any, for the court to enter to provide for
271.27 the child's safety and stability. In the event a trial home visit is terminated by the agency
271.28 by removing the child to foster care without prior court order or authorization, the court
271.29 shall conduct a hearing within ten days of receiving notice of the termination of the trial
271.30 home visit by the agency and shall order disposition under this subdivision or commence
271.31 permanency proceedings under sections 260C.503 to 260C.515. The time period for the
271.32 hearing may be extended by the court for good cause shown and if it is in the best interests
271.33 of the child as long as the total time the child spends in foster care without a permanency
271.34 hearing does not exceed 12 months;

272.1 (4) if the child has been adjudicated as a child in need of protection or services because
272.2 the child is in need of special services or care to treat or ameliorate a physical or mental
272.3 disability or emotional disturbance as defined in section 245.4871, subdivision 15, the court
272.4 may order the child's parent, guardian, or custodian to provide it. The court may order the
272.5 child's health plan company to provide mental health services to the child. Section 62Q.535
272.6 applies to an order for mental health services directed to the child's health plan company.
272.7 If the health plan, parent, guardian, or custodian fails or is unable to provide this treatment
272.8 or care, the court may order it provided. Absent specific written findings by the court that
272.9 the child's disability is the result of abuse or neglect by the child's parent or guardian, the
272.10 court shall not transfer legal custody of the child for the purpose of obtaining special
272.11 treatment or care solely because the parent is unable to provide the treatment or care. If the
272.12 court's order for mental health treatment is based on a diagnosis made by a treatment
272.13 professional, the court may order that the diagnosing professional not provide the treatment
272.14 to the child if it finds that such an order is in the child's best interests; or

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

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

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

618.12 (2) place the child under the supervision of a probation officer or other suitable person
618.13 in the child's own home under conditions prescribed by the court, including reasonable rules
618.14 for the child's conduct and the conduct of the parents, guardian, or custodian, designed for
618.15 the physical, mental, and moral well-being and behavior of the child;

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

618.18 (i) a reputable person of good moral character. No person may receive custody of two
618.19 or more unrelated children unless licensed to operate a residential program under sections
618.20 245A.01 to 245A.16; or

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

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

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

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

618.29 (7) if the court believes that it is in the best interests of the child or of public safety that
618.30 the child's driver's license or instruction permit be canceled, the court may order the
618.31 commissioner of public safety to cancel the child's license or permit for any period up to
618.32 the child's 18th birthday. If the child does not have a driver's license or permit, the court
619.1 may order a denial of driving privileges for any period up to the child's 18th birthday. The
619.2 court shall forward an order issued under this clause to the commissioner, who shall cancel
619.3 the license or permit or deny driving privileges without a hearing for the period specified
619.4 by the court. At any time before the expiration of the period of cancellation or denial, the
619.5 court may, for good cause, order the commissioner of public safety to allow the child to
619.6 apply for a license or permit, and the commissioner shall so authorize;

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

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

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

272.24 (2) place the child under the supervision of a probation officer or other suitable person
272.25 in the child's own home under conditions prescribed by the court, including reasonable rules
272.26 for the child's conduct and the conduct of the parents, guardian, or custodian, designed for
272.27 the physical, mental, and moral well-being and behavior of the child;

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

272.30 (i) a reputable person of good moral character. No person may receive custody of two
272.31 or more unrelated children unless licensed to operate a residential program under sections
272.32 245A.01 to 245A.16; or

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

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

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

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

273.7 (7) if the court believes that it is in the best interests of the child or of public safety that
273.8 the child's driver's license or instruction permit be canceled, the court may order the
273.9 commissioner of public safety to cancel the child's license or permit for any period up to
273.10 the child's 18th birthday. If the child does not have a driver's license or permit, the court
273.11 may order a denial of driving privileges for any period up to the child's 18th birthday. The
273.12 court shall forward an order issued under this clause to the commissioner, who shall cancel
273.13 the license or permit or deny driving privileges without a hearing for the period specified
273.14 by the court. At any time before the expiration of the period of cancellation or denial, the
273.15 court may, for good cause, order the commissioner of public safety to allow the child to
273.16 apply for a license or permit, and the commissioner shall so authorize;

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

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

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

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

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

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

620.1 Sec. 12. Minnesota Statutes 2020, section 260C.201, subdivision 2, is amended to read:

620.2 Subd. 2. **Written findings.** (a) Any order for a disposition authorized under this section
620.3 shall contain written findings of fact to support the disposition and case plan ordered and
620.4 shall also set forth in writing the following information:

620.5 (1) why the best interests and safety of the child are served by the disposition and case
620.6 plan ordered;

620.7 (2) what alternative dispositions or services under the case plan were considered by the
620.8 court and why such dispositions or services were not appropriate in the instant case;

620.9 (3) when legal custody of the child is transferred, the appropriateness of the particular
620.10 placement made or to be made by the placing agency using the relative and sibling placement
620.11 considerations and best interest factors in section 260C.212, subdivision 2, ~~paragraph (b),~~

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

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

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

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

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

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

274.10 Sec. 30. Minnesota Statutes 2020, section 260C.201, subdivision 2, is amended to read:

274.11 Subd. 2. **Written findings.** (a) Any order for a disposition authorized under this section
274.12 shall contain written findings of fact to support the disposition and case plan ordered and
274.13 shall also set forth in writing the following information:

274.14 (1) why the best interests and safety of the child are served by the disposition and case
274.15 plan ordered;

274.16 (2) what alternative dispositions or services under the case plan were considered by the
274.17 court and why such dispositions or services were not appropriate in the instant case;

274.18 (3) when legal custody of the child is transferred, the appropriateness of the particular
274.19 placement made or to be made by the placing agency using the relative and sibling placement
274.20 considerations and best interest factors in section 260C.212, subdivision 2, ~~paragraph (b),~~

620.12 or the appropriateness of a child colocated with a parent in a licensed residential family-based
620.13 substance use disorder treatment program under section 260C.190;

620.14 (4) whether reasonable efforts to finalize the permanent plan for the child consistent
620.15 with section 260.012 were made including reasonable efforts:

620.16 (i) to prevent the child's placement and to reunify the child with the parent or guardian
620.17 from whom the child was removed at the earliest time consistent with the child's safety.
620.18 The court's findings must include a brief description of what preventive and reunification
620.19 efforts were made and why further efforts could not have prevented or eliminated the
620.20 necessity of removal or that reasonable efforts were not required under section 260.012 or
620.21 260C.178, subdivision 1;

620.22 (ii) to identify and locate any noncustodial or nonresident parent of the child and to
620.23 assess such parent's ability to provide day-to-day care of the child, and, where appropriate,
620.24 provide services necessary to enable the noncustodial or nonresident parent to safely provide
620.25 day-to-day care of the child as required under section 260C.219, unless such services are
620.26 not required under section 260.012 or 260C.178, subdivision 1; The court's findings must
620.27 include a description of the agency's efforts to:

620.28 (A) identify and locate the child's noncustodial or nonresident parent;

620.29 (B) assess the noncustodial or nonresident parent's ability to provide day-to-day care of
620.30 the child; and

620.31 (C) if appropriate, provide services necessary to enable the noncustodial or nonresident
620.32 parent to safely provide the child's day-to-day care, including efforts to engage the
620.33 noncustodial or nonresident parent in assuming care and responsibility of the child;

621.1 (iii) to make the diligent search for relatives and provide the notices required under
621.2 section 260C.221; a finding made pursuant to a hearing under section 260C.202 that the
621.3 agency has made diligent efforts to conduct a relative search and has appropriately engaged
621.4 relatives who responded to the notice under section 260C.221 and other relatives, who came
621.5 to the attention of the agency after notice under section 260C.221 was sent, in placement
621.6 and case planning decisions fulfills the requirement of this item;

621.7 (iv) to identify and make a foster care placement of the child, considering the order in
621.8 section 260C.212, subdivision 2, paragraph (a), in the home of an unlicensed relative,
621.9 according to the requirements of section 245A.035, a licensed relative, or other licensed
621.10 foster care provider, who will commit to being the permanent legal parent or custodian for
621.11 the child in the event reunification cannot occur, but who will actively support the
621.12 reunification plan for the child. If the court finds that the agency has not appropriately
621.13 considered relatives for placement of the child, the court shall order the agency to comply
621.14 with section 260C.212, subdivision 2, paragraph (a). The court may order the agency to
621.15 continue considering relatives for placement of the child regardless of the child's current
621.16 placement setting; and

274.21 or the appropriateness of a child colocated with a parent in a licensed residential family-based
274.22 substance use disorder treatment program under section 260C.190;

274.23 (4) whether reasonable efforts to finalize the permanent plan for the child consistent
274.24 with section 260.012 were made including reasonable efforts:

274.25 (i) to prevent the child's placement and to reunify the child with the parent or guardian
274.26 from whom the child was removed at the earliest time consistent with the child's safety.
274.27 The court's findings must include a brief description of what preventive and reunification
274.28 efforts were made and why further efforts could not have prevented or eliminated the
274.29 necessity of removal or that reasonable efforts were not required under section 260.012 or
274.30 260C.178, subdivision 1;

274.31 (ii) to identify and locate any noncustodial or nonresident parent of the child and to
274.32 assess such parent's ability to provide day-to-day care of the child, and, where appropriate,
274.33 provide services necessary to enable the noncustodial or nonresident parent to safely provide
275.1 day-to-day care of the child as required under section 260C.219, unless such services are
275.2 not required under section 260.012 or 260C.178, subdivision 1; The court's findings must
275.3 include a description of the agency's efforts to:

275.4 (A) identify and locate the child's noncustodial or nonresident parent;

275.5 (B) assess the noncustodial or nonresident parent's ability to provide day-to-day care of
275.6 the child; and

275.7 (C) if appropriate, provide services necessary to enable the noncustodial or nonresident
275.8 parent to safely provide the child's day-to-day care, including efforts to engage the
275.9 noncustodial or nonresident parent in assuming care and responsibility of the child;

275.10 (iii) to make the diligent search for relatives and provide the notices required under
275.11 section 260C.221; a finding made pursuant to a hearing under section 260C.202 that the
275.12 agency has made diligent efforts to conduct a relative search and has appropriately engaged
275.13 relatives who responded to the notice under section 260C.221 and other relatives, who came
275.14 to the attention of the agency after notice under section 260C.221 was sent, in placement
275.15 and case planning decisions fulfills the requirement of this item;

275.16 (iv) to identify and make a foster care placement of the child, considering the order in
275.17 section 260C.212, subdivision 2, paragraph (a), in the home of an unlicensed relative,
275.18 according to the requirements of section 245A.035, a licensed relative, or other licensed
275.19 foster care provider, who will commit to being the permanent legal parent or custodian for
275.20 the child in the event reunification cannot occur, but who will actively support the
275.21 reunification plan for the child. If the court finds that the agency has not appropriately
275.22 considered relatives for placement of the child, the court shall order the agency to comply
275.23 with section 260C.212, subdivision 2, paragraph (a). The court may order the agency to
275.24 continue considering relatives for placement of the child regardless of the child's current
275.25 placement setting; and

621.17 (v) to place siblings together in the same home or to ensure visitation is occurring when
621.18 siblings are separated in foster care placement and visitation is in the siblings' best interests
621.19 under section 260C.212, subdivision 2, paragraph (d); and

621.20 (5) if the child has been adjudicated as a child in need of protection or services because
621.21 the child is in need of special services or care to treat or ameliorate a mental disability or
621.22 emotional disturbance as defined in section 245.4871, subdivision 15, the written findings
621.23 shall also set forth:

621.24 (i) whether the child has mental health needs that must be addressed by the case plan;

621.25 (ii) what consideration was given to the diagnostic and functional assessments performed
621.26 by the child's mental health professional and to health and mental health care professionals'
621.27 treatment recommendations;

621.28 (iii) what consideration was given to the requests or preferences of the child's parent or
621.29 guardian with regard to the child's interventions, services, or treatment; and

621.30 (iv) what consideration was given to the cultural appropriateness of the child's treatment
621.31 or services.

621.32 (b) If the court finds that the social services agency's preventive or reunification efforts
621.33 have not been reasonable but that further preventive or reunification efforts could not permit
622.1 the child to safely remain at home, the court may nevertheless authorize or continue the
622.2 removal of the child.

622.3 (c) If the child has been identified by the responsible social services agency as the subject
622.4 of concurrent permanency planning, the court shall review the reasonable efforts of the
622.5 agency to develop a permanency plan for the child that includes a primary plan ~~which that~~
622.6 is for reunification with the child's parent or guardian and a secondary plan ~~which that~~ is
622.7 for an alternative, legally permanent home for the child in the event reunification cannot
622.8 be achieved in a timely manner.

622.9 Sec. 13. Minnesota Statutes 2020, section 260C.202, is amended to read:

622.10 **260C.202 COURT REVIEW OF FOSTER CARE.**

622.11 (a) If the court orders a child placed in foster care, the court shall review the out-of-home
622.12 placement plan and the child's placement at least every 90 days as required in juvenile court
622.13 rules to determine whether continued out-of-home placement is necessary and appropriate
622.14 or whether the child should be returned home. This review is not required if the court has
622.15 returned the child home, ordered the child permanently placed away from the parent under
622.16 sections 260C.503 to 260C.521, or terminated rights under section 260C.301. Court review
622.17 for a child permanently placed away from a parent, including where the child is under
622.18 guardianship of the commissioner, shall be governed by section 260C.607. When a child
622.19 is placed in a qualified residential treatment program setting as defined in section 260C.007,
622.20 subdivision 26d, the responsible social services agency must submit evidence to the court
622.21 as specified in section 260C.712.

275.26 (v) to place siblings together in the same home or to ensure visitation is occurring when
275.27 siblings are separated in foster care placement and visitation is in the siblings' best interests
275.28 under section 260C.212, subdivision 2, paragraph (d); and

275.29 (5) if the child has been adjudicated as a child in need of protection or services because
275.30 the child is in need of special services or care to treat or ameliorate a mental disability or
275.31 emotional disturbance as defined in section 245.4871, subdivision 15, the written findings
275.32 shall also set forth:

275.33 (i) whether the child has mental health needs that must be addressed by the case plan;

276.1 (ii) what consideration was given to the diagnostic and functional assessments performed
276.2 by the child's mental health professional and to health and mental health care professionals'
276.3 treatment recommendations;

276.4 (iii) what consideration was given to the requests or preferences of the child's parent or
276.5 guardian with regard to the child's interventions, services, or treatment; and

276.6 (iv) what consideration was given to the cultural appropriateness of the child's treatment
276.7 or services.

276.8 (b) If the court finds that the social services agency's preventive or reunification efforts
276.9 have not been reasonable but that further preventive or reunification efforts could not permit
276.10 the child to safely remain at home, the court may nevertheless authorize or continue the
276.11 removal of the child.

276.12 (c) If the child has been identified by the responsible social services agency as the subject
276.13 of concurrent permanency planning, the court shall review the reasonable efforts of the
276.14 agency to develop a permanency plan for the child that includes a primary plan ~~which that~~
276.15 is for reunification with the child's parent or guardian and a secondary plan ~~which that~~ is
276.16 for an alternative, legally permanent home for the child in the event reunification cannot
276.17 be achieved in a timely manner.

276.18 Sec. 31. Minnesota Statutes 2020, section 260C.202, is amended to read:

276.19 **260C.202 COURT REVIEW OF FOSTER CARE.**

276.20 (a) If the court orders a child placed in foster care, the court shall review the out-of-home
276.21 placement plan and the child's placement at least every 90 days as required in juvenile court
276.22 rules to determine whether continued out-of-home placement is necessary and appropriate
276.23 or whether the child should be returned home. This review is not required if the court has
276.24 returned the child home, ordered the child permanently placed away from the parent under
276.25 sections 260C.503 to 260C.521, or terminated rights under section 260C.301. Court review
276.26 for a child permanently placed away from a parent, including where the child is under
276.27 guardianship of the commissioner, shall be governed by section 260C.607. When a child
276.28 is placed in a qualified residential treatment program setting as defined in section 260C.007,
276.29 subdivision 26d, the responsible social services agency must submit evidence to the court
276.30 as specified in section 260C.712.

622.22 (b) No later than three months after the child's placement in foster care, the court shall
622.23 review agency efforts to search for and notify relatives pursuant to section 260C.221, and
622.24 order that the agency's efforts begin immediately, or continue, if the agency has failed to
622.25 perform, or has not adequately performed, the duties under that section. The court must
622.26 order the agency to continue to appropriately engage relatives who responded to the notice
622.27 under section 260C.221 in placement and case planning decisions and to consider relatives
622.28 for foster care placement consistent with section 260C.221. Notwithstanding a court's finding
622.29 that the agency has made reasonable efforts to search for and notify relatives under section
622.30 260C.221, the court may order the agency to continue making reasonable efforts to search
622.31 for, notify, engage other, and consider relatives who came to the agency's attention after
622.32 sending the initial notice under section 260C.221 ~~was sent.~~

622.33 (c) The court shall review the out-of-home placement plan and may modify the plan as
622.34 provided under section 260C.201, subdivisions 6 and 7.

623.1 (d) When the court ~~orders transfer of~~ transfers the custody of a child to a responsible
623.2 social services agency resulting in foster care or protective supervision with a noncustodial
623.3 parent under subdivision 1, the court shall notify the parents of the provisions of sections
623.4 260C.204 and 260C.503 to 260C.521, as required under juvenile court rules.

623.5 (e) When a child remains in or returns to foster care pursuant to section 260C.451 and
623.6 the court has jurisdiction pursuant to section 260C.193, subdivision 6, paragraph (c), the
623.7 court shall at least annually conduct the review required under section 260C.203.

623.8 Sec. 14. Minnesota Statutes 2020, section 260C.203, is amended to read:

623.9 **260C.203 ADMINISTRATIVE OR COURT REVIEW OF PLACEMENTS.**

623.10 (a) Unless the court is conducting the reviews required under section 260C.202, there
623.11 shall be an administrative review of the out-of-home placement plan of each child placed
623.12 in foster care no later than 180 days after the initial placement of the child in foster care
623.13 and at least every six months thereafter if the child is not returned to the home of the parent
623.14 or parents within that time. The out-of-home placement plan must be monitored and updated
623.15 by the responsible social services agency at each administrative review. The administrative
623.16 review shall be conducted by the responsible social services agency using a panel of
623.17 appropriate persons at least one of whom is not responsible for the case management of, or
623.18 the delivery of services to, either the child or the parents who are the subject of the review.
623.19 The administrative review shall be open to participation by the parent or guardian of the
623.20 child and the child, as appropriate.

623.21 (b) As an alternative to the administrative review required in paragraph (a), the court
623.22 may, as part of any hearing required under the Minnesota Rules of Juvenile Protection
623.23 Procedure, conduct a hearing to monitor and update the out-of-home placement plan pursuant
623.24 to the procedure and standard in section 260C.201, subdivision 6, paragraph (d). The party
623.25 requesting review of the out-of-home placement plan shall give parties to the proceeding
623.26 notice of the request to review and update the out-of-home placement plan. A court review

276.31 (b) No later than three months after the child's placement in foster care, the court shall
276.32 review agency efforts to search for and notify relatives pursuant to section 260C.221, and
276.33 order that the agency's efforts begin immediately, or continue, if the agency has failed to
277.1 perform, or has not adequately performed, the duties under that section. The court must
277.2 order the agency to continue to appropriately engage relatives who responded to the notice
277.3 under section 260C.221 in placement and case planning decisions and to consider relatives
277.4 for foster care placement consistent with section 260C.221. Notwithstanding a court's finding
277.5 that the agency has made reasonable efforts to search for and notify relatives under section
277.6 260C.221, the court may order the agency to continue making reasonable efforts to search
277.7 for, notify, engage other, and consider relatives who came to the agency's attention after
277.8 sending the initial notice under section 260C.221 ~~was sent.~~

277.9 (c) The court shall review the out-of-home placement plan and may modify the plan as
277.10 provided under section 260C.201, subdivisions 6 and 7.

277.11 (d) When the court ~~orders transfer of~~ transfers the custody of a child to a responsible
277.12 social services agency resulting in foster care or protective supervision with a noncustodial
277.13 parent under subdivision 1, the court shall notify the parents of the provisions of sections
277.14 260C.204 and 260C.503 to 260C.521, as required under juvenile court rules.

277.15 (e) When a child remains in or returns to foster care pursuant to section 260C.451 and
277.16 the court has jurisdiction pursuant to section 260C.193, subdivision 6, paragraph (c), the
277.17 court shall at least annually conduct the review required under section 260C.203.

277.18 Sec. 32. Minnesota Statutes 2020, section 260C.203, is amended to read:

277.19 **260C.203 ADMINISTRATIVE OR COURT REVIEW OF PLACEMENTS.**

277.20 (a) Unless the court is conducting the reviews required under section 260C.202, there
277.21 shall be an administrative review of the out-of-home placement plan of each child placed
277.22 in foster care no later than 180 days after the initial placement of the child in foster care
277.23 and at least every six months thereafter if the child is not returned to the home of the parent
277.24 or parents within that time. The out-of-home placement plan must be monitored and updated
277.25 by the responsible social services agency at each administrative review. The administrative
277.26 review shall be conducted by the responsible social services agency using a panel of
277.27 appropriate persons at least one of whom is not responsible for the case management of, or
277.28 the delivery of services to, either the child or the parents who are the subject of the review.
277.29 The administrative review shall be open to participation by the parent or guardian of the
277.30 child and the child, as appropriate.

277.31 (b) As an alternative to the administrative review required in paragraph (a), the court
277.32 may, as part of any hearing required under the Minnesota Rules of Juvenile Protection
277.33 Procedure, conduct a hearing to monitor and update the out-of-home placement plan pursuant
278.1 to the procedure and standard in section 260C.201, subdivision 6, paragraph (d). The party
278.2 requesting review of the out-of-home placement plan shall give parties to the proceeding
278.3 notice of the request to review and update the out-of-home placement plan. A court review

623.27 conducted pursuant to section 260C.141, subdivision 2; 260C.193; 260C.201, subdivision
623.28 1; 260C.202; 260C.204; 260C.317; or 260D.06 shall satisfy the requirement for the review
623.29 so long as the other requirements of this section are met.

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

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

624.1 (2) the continuing necessity for and appropriateness of the placement, including whether
624.2 the placement is consistent with the child's best interests and other placement considerations,
624.3 including relative and sibling placement considerations under section 260C.212, subdivision
624.4 2;

624.5 (3) the extent of compliance with the out-of-home placement plan required under section
624.6 260C.212, subdivisions 1 and 1a, including services and resources that the agency has
624.7 provided to the child and child's parents, services and resources that other agencies and
624.8 individuals have provided to the child and child's parents, and whether the out-of-home
624.9 placement plan is individualized to the needs of the child and child's parents;

624.10 (4) the extent of progress that has been made toward alleviating or mitigating the causes
624.11 necessitating placement in foster care;

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

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

624.16 (d) When a child is age 14 or older:

624.17 (1) in addition to any administrative review conducted by the responsible social services
624.18 agency, at the in-court review required under section 260C.317, subdivision 3, clause (3),
624.19 or 260C.515, subdivision 5 or 6, the court shall review the independent living plan required
624.20 under section 260C.212, subdivision 1, paragraph (c), clause (12), and the provision of
624.21 services to the child related to the well-being of the child as the child prepares to leave foster
624.22 care. The review shall include the actual plans related to each item in the plan necessary to
624.23 the child's future safety and well-being when the child is no longer in foster care; and

624.24 (2) consistent with the requirements of the independent living plan, the court shall review
624.25 progress toward or accomplishment of the following goals:

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

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

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

278.4 conducted pursuant to section 260C.141, subdivision 2; 260C.193; 260C.201, subdivision
278.5 1; 260C.202; 260C.204; 260C.317; or 260D.06 shall satisfy the requirement for the review
278.6 so long as the other requirements of this section are met.

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

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

278.10 (2) the continuing necessity for and appropriateness of the placement, including whether
278.11 the placement is consistent with the child's best interests and other placement considerations,
278.12 including relative and sibling placement considerations under section 260C.212, subdivision
278.13 2;

278.14 (3) the extent of compliance with the out-of-home placement plan required under section
278.15 260C.212, subdivisions 1 and 1a, including services and resources that the agency has
278.16 provided to the child and child's parents, services and resources that other agencies and
278.17 individuals have provided to the child and child's parents, and whether the out-of-home
278.18 placement plan is individualized to the needs of the child and child's parents;

278.19 (4) the extent of progress that has been made toward alleviating or mitigating the causes
278.20 necessitating placement in foster care;

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

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

278.25 (d) When a child is age 14 or older:

278.26 (1) in addition to any administrative review conducted by the responsible social services
278.27 agency, at the in-court review required under section 260C.317, subdivision 3, clause (3),
278.28 or 260C.515, subdivision 5 or 6, the court shall review the independent living plan required
278.29 under section 260C.212, subdivision 1, paragraph (c), clause (12), and the provision of
278.30 services to the child related to the well-being of the child as the child prepares to leave foster
278.31 care. The review shall include the actual plans related to each item in the plan necessary to
278.32 the child's future safety and well-being when the child is no longer in foster care; and

279.1 (2) consistent with the requirements of the independent living plan, the court shall review
279.2 progress toward or accomplishment of the following goals:

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

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

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

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

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

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

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

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

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

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

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

625.13 Sec. 15. Minnesota Statutes 2020, section 260C.204, is amended to read:

625.14 **260C.204 PERMANENCY PROGRESS REVIEW FOR CHILDREN IN FOSTER**
625.15 **CARE FOR SIX MONTHS.**

625.16 (a) When a child continues in placement out of the home of the parent or guardian from
625.17 whom the child was removed, no later than six months after the child's placement the court
625.18 shall conduct a permanency progress hearing to review:

625.19 (1) the progress of the case, the parent's progress on the case plan or out-of-home
625.20 placement plan, whichever is applicable;

625.21 (2) the agency's reasonable, or in the case of an Indian child, active efforts for
625.22 reunification and its provision of services;

625.23 (3) the agency's reasonable efforts to finalize the permanent plan for the child under
625.24 section 260.012, paragraph (e), and to make a placement as required under section 260C.212,
625.25 subdivision 2, in a home that will commit to being the legally permanent family for the
625.26 child in the event the child cannot return home according to the timelines in this section;
625.27 and

625.28 (4) in the case of an Indian child, active efforts to prevent the breakup of the Indian
625.29 family and to make a placement according to the placement preferences under United States
625.30 Code, title 25, chapter 21, section 1915.

626.1 (b) When a child is placed in a qualified residential treatment program setting as defined
626.2 in section 260C.007, subdivision 26d, the responsible social services agency must submit
626.3 evidence to the court as specified in section 260C.712.

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

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

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

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

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

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

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

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

279.21 Sec. 33. Minnesota Statutes 2020, section 260C.204, is amended to read:

279.22 **260C.204 PERMANENCY PROGRESS REVIEW FOR CHILDREN IN FOSTER**
279.23 **CARE FOR SIX MONTHS.**

279.24 (a) When a child continues in placement out of the home of the parent or guardian from
279.25 whom the child was removed, no later than six months after the child's placement the court
279.26 shall conduct a permanency progress hearing to review:

279.27 (1) the progress of the case, the parent's progress on the case plan or out-of-home
279.28 placement plan, whichever is applicable;

279.29 (2) the agency's reasonable, or in the case of an Indian child, active efforts for
279.30 reunification and its provision of services;

280.1 (3) the agency's reasonable efforts to finalize the permanent plan for the child under
280.2 section 260.012, paragraph (e), and to make a placement as required under section 260C.212,
280.3 subdivision 2, in a home that will commit to being the legally permanent family for the
280.4 child in the event the child cannot return home according to the timelines in this section;
280.5 and

280.6 (4) in the case of an Indian child, active efforts to prevent the breakup of the Indian
280.7 family and to make a placement according to the placement preferences under United States
280.8 Code, title 25, chapter 21, section 1915.

280.9 (b) When a child is placed in a qualified residential treatment program setting as defined
280.10 in section 260C.007, subdivision 26d, the responsible social services agency must submit
280.11 evidence to the court as specified in section 260C.712.

626.4 (c) The court shall ensure that notice of the hearing is sent to any relative who:

626.5 (1) responded to the agency's notice provided under section 260C.221, indicating an

626.6 interest in participating in planning for the child or being a permanency resource for the

626.7 child and who has kept the court apprised of the relative's address; or

626.8 (2) asked to be notified of court proceedings regarding the child as is permitted in section

626.9 260C.152, subdivision 5.

626.10 (d)(1) If the parent or guardian has maintained contact with the child and is complying

626.11 with the court-ordered out-of-home placement plan, and if the child would benefit from

626.12 reunification with the parent, the court may either:

626.13 (i) return the child home, if the conditions ~~which~~ that led to the out-of-home placement

626.14 have been sufficiently mitigated that it is safe and in the child's best interests to return home;

626.15 or

626.16 (ii) continue the matter up to a total of six additional months. If the child has not returned

626.17 home by the end of the additional six months, the court must conduct a hearing according

626.18 to sections 260C.503 to 260C.521.

626.19 (2) If the court determines that the parent or guardian is not complying, is not making

626.20 progress with or engaging with services in the out-of-home placement plan, or is not

626.21 maintaining regular contact with the child as outlined in the visitation plan required as part

626.22 of the out-of-home placement plan under section 260C.212, the court may order the

626.23 responsible social services agency:

626.24 (i) to develop a plan for legally permanent placement of the child away from the parent;

626.25 (ii) to consider, identify, recruit, and support one or more permanency resources from

626.26 the child's relatives and foster parent, consistent with section 260C.212, subdivision 2,

626.27 paragraph (a), to be the legally permanent home in the event the child cannot be returned

626.28 to the parent. Any relative or the child's foster parent may ask the court to order the agency

626.29 to consider them for permanent placement of the child in the event the child cannot be

626.30 returned to the parent. A relative or foster parent who wants to be considered under this

626.31 item shall cooperate with the background study required under section 245C.08, if the

626.32 individual has not already done so, and with the home study process required under chapter

626.33 245A for providing child foster care and for adoption under section 259.41. The home study

627.1 referred to in this item shall be a single-home study in the form required by the commissioner

627.2 of human services or similar study required by the individual's state of residence when the

627.3 subject of the study is not a resident of Minnesota. The court may order the responsible

627.4 social services agency to make a referral under the Interstate Compact on the Placement of

627.5 Children when necessary to obtain a home study for an individual who wants to be considered

627.6 for transfer of permanent legal and physical custody or adoption of the child; and

627.7 (iii) to file a petition to support an order for the legally permanent placement plan.

627.8 (e) Following the review under this section:

280.12 (c) The court shall ensure that notice of the hearing is sent to any relative who:

280.13 (1) responded to the agency's notice provided under section 260C.221, indicating an

280.14 interest in participating in planning for the child or being a permanency resource for the

280.15 child and who has kept the court apprised of the relative's address; or

280.16 (2) asked to be notified of court proceedings regarding the child as is permitted in section

280.17 260C.152, subdivision 5.

280.18 (d)(1) If the parent or guardian has maintained contact with the child and is complying

280.19 with the court-ordered out-of-home placement plan, and if the child would benefit from

280.20 reunification with the parent, the court may either:

280.21 (i) return the child home, if the conditions ~~which~~ that led to the out-of-home placement

280.22 have been sufficiently mitigated that it is safe and in the child's best interests to return home;

280.23 or

280.24 (ii) continue the matter up to a total of six additional months. If the child has not returned

280.25 home by the end of the additional six months, the court must conduct a hearing according

280.26 to sections 260C.503 to 260C.521.

280.27 (2) If the court determines that the parent or guardian is not complying, is not making

280.28 progress with or engaging with services in the out-of-home placement plan, or is not

280.29 maintaining regular contact with the child as outlined in the visitation plan required as part

280.30 of the out-of-home placement plan under section 260C.212, the court may order the

280.31 responsible social services agency:

280.32 (i) to develop a plan for legally permanent placement of the child away from the parent;

281.1 (ii) to consider, identify, recruit, and support one or more permanency resources from

281.2 the child's relatives and foster parent, consistent with section 260C.212, subdivision 2,

281.3 paragraph (a), to be the legally permanent home in the event the child cannot be returned

281.4 to the parent. Any relative or the child's foster parent may ask the court to order the agency

281.5 to consider them for permanent placement of the child in the event the child cannot be

281.6 returned to the parent. A relative or foster parent who wants to be considered under this

281.7 item shall cooperate with the background study required under section 245C.08, if the

281.8 individual has not already done so, and with the home study process required under chapter

281.9 245A for providing child foster care and for adoption under section 259.41. The home study

281.10 referred to in this item shall be a single-home study in the form required by the commissioner

281.11 of human services or similar study required by the individual's state of residence when the

281.12 subject of the study is not a resident of Minnesota. The court may order the responsible

281.13 social services agency to make a referral under the Interstate Compact on the Placement of

281.14 Children when necessary to obtain a home study for an individual who wants to be considered

281.15 for transfer of permanent legal and physical custody or adoption of the child; and

281.16 (iii) to file a petition to support an order for the legally permanent placement plan.

281.17 (e) Following the review under this section:

627.9 (1) if the court has either returned the child home or continued the matter up to a total
627.10 of six additional months, the agency shall continue to provide services to support the child's
627.11 return home or to make reasonable efforts to achieve reunification of the child and the parent
627.12 as ordered by the court under an approved case plan;

627.13 (2) if the court orders the agency to develop a plan for the transfer of permanent legal
627.14 and physical custody of the child to a relative, a petition supporting the plan shall be filed
627.15 in juvenile court within 30 days of the hearing required under this section and a trial on the
627.16 petition held within 60 days of the filing of the pleadings; or

627.17 (3) if the court orders the agency to file a termination of parental rights, unless the county
627.18 attorney can show cause why a termination of parental rights petition should not be filed,
627.19 a petition for termination of parental rights shall be filed in juvenile court within 30 days
627.20 of the hearing required under this section and a trial on the petition held within 60 days of
627.21 the filing of the petition.

627.22 Sec. 16. Minnesota Statutes 2021 Supplement, section 260C.212, subdivision 1, is amended
627.23 to read:

627.24 Subdivision 1. **Out-of-home placement; plan.** (a) An out-of-home placement plan shall
627.25 be prepared within 30 days after any child is placed in foster care by court order or a
627.26 voluntary placement agreement between the responsible social services agency and the
627.27 child's parent pursuant to section 260C.227 or chapter 260D.

627.28 (b) An out-of-home placement plan means a written document ~~which~~ individualized to
627.29 ~~the needs of the child and the child's parents or guardians that~~ is prepared by the responsible
627.30 social services agency jointly with ~~the parent or parents or guardian of the child~~ the child's
627.31 parents or guardians and in consultation with the child's guardian ad litem; the child's tribe,
627.32 if the child is an Indian child; the child's foster parent or representative of the foster care
627.33 facility; and, ~~where~~ when appropriate, the child. When a child is age 14 or older, the child
628.1 may include two other individuals on the team preparing the child's out-of-home placement
628.2 plan. The child may select one member of the case planning team to be designated as the
628.3 child's advisor and to advocate with respect to the application of the reasonable and prudent
628.4 parenting standards. The responsible social services agency may reject an individual selected
628.5 by the child if the agency has good cause to believe that the individual would not act in the
628.6 best interest of the child. For a child in voluntary foster care for treatment under chapter
628.7 260D, preparation of the out-of-home placement plan shall additionally include the child's
628.8 mental health treatment provider. For a child 18 years of age or older, the responsible social
628.9 services agency shall involve the child and the child's parents as appropriate. As appropriate,
628.10 the plan shall be:

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

628.12 (2) ordered by the court, either as presented or modified after hearing, under section
628.13 260C.178, subdivision 7, or 260C.201, subdivision 6; and

281.18 (1) if the court has either returned the child home or continued the matter up to a total
281.19 of six additional months, the agency shall continue to provide services to support the child's
281.20 return home or to make reasonable efforts to achieve reunification of the child and the parent
281.21 as ordered by the court under an approved case plan;

281.22 (2) if the court orders the agency to develop a plan for the transfer of permanent legal
281.23 and physical custody of the child to a relative, a petition supporting the plan shall be filed
281.24 in juvenile court within 30 days of the hearing required under this section and a trial on the
281.25 petition held within 60 days of the filing of the pleadings; or

281.26 (3) if the court orders the agency to file a termination of parental rights, unless the county
281.27 attorney can show cause why a termination of parental rights petition should not be filed,
281.28 a petition for termination of parental rights shall be filed in juvenile court within 30 days
281.29 of the hearing required under this section and a trial on the petition held within 60 days of
281.30 the filing of the petition.

282.1 Sec. 34. Minnesota Statutes 2021 Supplement, section 260C.212, subdivision 1, is amended
282.2 to read:

282.3 Subdivision 1. **Out-of-home placement; plan.** (a) An out-of-home placement plan shall
282.4 be prepared within 30 days after any child is placed in foster care by court order or a
282.5 voluntary placement agreement between the responsible social services agency and the
282.6 child's parent pursuant to section 260C.227 or chapter 260D.

282.7 (b) An out-of-home placement plan means a written document ~~which~~ individualized to
282.8 ~~the needs of the child and the child's parents or guardians that~~ is prepared by the responsible
282.9 social services agency jointly with ~~the parent or parents or guardian of the child~~ the child's
282.10 parents or guardians and in consultation with the child's guardian ad litem; the child's tribe,
282.11 if the child is an Indian child; the child's foster parent or representative of the foster care
282.12 facility; and, ~~where~~ when appropriate, the child. When a child is age 14 or older, the child
282.13 may include two other individuals on the team preparing the child's out-of-home placement
282.14 plan. The child may select one member of the case planning team to be designated as the
282.15 child's advisor and to advocate with respect to the application of the reasonable and prudent
282.16 parenting standards. The responsible social services agency may reject an individual selected
282.17 by the child if the agency has good cause to believe that the individual would not act in the
282.18 best interest of the child. For a child in voluntary foster care for treatment under chapter
282.19 260D, preparation of the out-of-home placement plan shall additionally include the child's
282.20 mental health treatment provider. For a child 18 years of age or older, the responsible social
282.21 services agency shall involve the child and the child's parents as appropriate. As appropriate,
282.22 the plan shall be:

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

282.24 (2) ordered by the court, either as presented or modified after hearing, under section
282.25 260C.178, subdivision 7, or 260C.201, subdivision 6; and

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

628.17 (c) The out-of-home placement plan shall be explained by the responsible social services
628.18 agency to all persons involved in ~~its~~ the plan's implementation, including the child who has
628.19 signed the plan, and shall set forth:

628.20 (1) a description of the foster care home or facility selected, including how the
628.21 out-of-home placement plan is designed to achieve a safe placement for the child in the
628.22 least restrictive, most family-like; setting available ~~which~~ that is in close proximity to the
628.23 home of the ~~parent or child's~~ parents or ~~guardian of the child~~ guardians when the case plan
628.24 goal is reunification; and how the placement is consistent with the best interests and special
628.25 needs of the child according to the factors under subdivision 2, paragraph (b);

628.26 (2) the specific reasons for the placement of the child in foster care, and when
628.27 reunification is the plan, a description of the problems or conditions in the home of the
628.28 parent or parents ~~which~~ that necessitated removal of the child from home and the changes
628.29 the parent or parents must make for the child to safely return home;

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

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

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

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

629.12 (5) the visitation plan for the parent or parents or guardian, other relatives as defined in
629.13 section 260C.007, subdivision 26b or 27, and siblings of the child if the siblings are not
629.14 placed together in foster care, and whether visitation is consistent with the best interest of
629.15 the child, during the period the child is in foster care;

629.16 (6) when a child cannot return to or be in the care of either parent, documentation of
629.17 steps to finalize adoption as the permanency plan for the child through reasonable efforts
629.18 to place the child for adoption pursuant to section 260C.605. At a minimum, the
629.19 documentation must include consideration of whether adoption is in the best interests of
629.20 the child; and child-specific recruitment efforts such as a relative search, consideration of

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

282.29 (c) The out-of-home placement plan shall be explained by the responsible social services
282.30 agency to all persons involved in ~~its~~ the plan's implementation, including the child who has
282.31 signed the plan, and shall set forth:

282.32 (1) a description of the foster care home or facility selected, including how the
282.33 out-of-home placement plan is designed to achieve a safe placement for the child in the
282.34 least restrictive, most family-like; setting available ~~which~~ that is in close proximity to the
283.1 home of the ~~parent or child's~~ parents or ~~guardian of the child~~ guardians when the case plan
283.2 goal is reunification; and how the placement is consistent with the best interests and special
283.3 needs of the child according to the factors under subdivision 2, paragraph (b);

283.4 (2) the specific reasons for the placement of the child in foster care, and when
283.5 reunification is the plan, a description of the problems or conditions in the home of the
283.6 parent or parents ~~which~~ that necessitated removal of the child from home and the changes
283.7 the parent or parents must make for the child to safely return home;

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

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

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

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

283.21 (5) the visitation plan for the parent or parents or guardian, other relatives as defined in
283.22 section 260C.007, subdivision 26b or 27, and siblings of the child if the siblings are not
283.23 placed together in foster care, and whether visitation is consistent with the best interest of
283.24 the child, during the period the child is in foster care;

283.25 (6) when a child cannot return to or be in the care of either parent, documentation of
283.26 steps to finalize adoption as the permanency plan for the child through reasonable efforts
283.27 to place the child for adoption pursuant to section 260C.605. At a minimum, the
283.28 documentation must include consideration of whether adoption is in the best interests of
283.29 the child; and child-specific recruitment efforts such as a relative search, consideration of

629.21 relatives for adoptive placement, and the use of state, regional, and national adoption
629.22 exchanges to facilitate orderly and timely placements in and outside of the state. A copy of
629.23 this documentation shall be provided to the court in the review required under section
629.24 260C.317, subdivision 3, paragraph (b);

629.25 (7) when a child cannot return to or be in the care of either parent, documentation of
629.26 steps to finalize the transfer of permanent legal and physical custody to a relative as the
629.27 permanency plan for the child. This documentation must support the requirements of the
629.28 kinship placement agreement under section 256N.22 and must include the reasonable efforts
629.29 used to determine that it is not appropriate for the child to return home or be adopted, and
629.30 reasons why permanent placement with a relative through a Northstar kinship assistance
629.31 arrangement is in the child's best interest; how the child meets the eligibility requirements
629.32 for Northstar kinship assistance payments; agency efforts to discuss adoption with the child's
629.33 relative foster parent and reasons why the relative foster parent chose not to pursue adoption,
629.34 if applicable; and agency efforts to discuss with the child's parent or parents the permanent
630.1 transfer of permanent legal and physical custody or the reasons why these efforts were not
630.2 made;

630.3 (8) efforts to ensure the child's educational stability while in foster care for a child who
630.4 attained the minimum age for compulsory school attendance under state law and is enrolled
630.5 full time in elementary or secondary school, or instructed in elementary or secondary
630.6 education at home, or instructed in an independent study elementary or secondary program,
630.7 or incapable of attending school on a full-time basis due to a medical condition that is
630.8 documented and supported by regularly updated information in the child's case plan.
630.9 Educational stability efforts include:

630.10 (i) efforts to ensure that the child remains in the same school in which the child was
630.11 enrolled prior to placement or upon the child's move from one placement to another, including
630.12 efforts to work with the local education authorities to ensure the child's educational stability
630.13 and attendance; or

630.14 (ii) if it is not in the child's best interest to remain in the same school that the child was
630.15 enrolled in prior to placement or move from one placement to another, efforts to ensure
630.16 immediate and appropriate enrollment for the child in a new school;

630.17 (9) the educational records of the child including the most recent information available
630.18 regarding:

630.19 (i) the names and addresses of the child's educational providers;

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

630.21 (iii) the child's school record;

630.22 (iv) a statement about how the child's placement in foster care takes into account
630.23 proximity to the school in which the child is enrolled at the time of placement; and

630.24 (v) any other relevant educational information;

283.30 relatives for adoptive placement, and the use of state, regional, and national adoption
283.31 exchanges to facilitate orderly and timely placements in and outside of the state. A copy of
283.32 this documentation shall be provided to the court in the review required under section
283.33 260C.317, subdivision 3, paragraph (b);

284.1 (7) when a child cannot return to or be in the care of either parent, documentation of
284.2 steps to finalize the transfer of permanent legal and physical custody to a relative as the
284.3 permanency plan for the child. This documentation must support the requirements of the
284.4 kinship placement agreement under section 256N.22 and must include the reasonable efforts
284.5 used to determine that it is not appropriate for the child to return home or be adopted, and
284.6 reasons why permanent placement with a relative through a Northstar kinship assistance
284.7 arrangement is in the child's best interest; how the child meets the eligibility requirements
284.8 for Northstar kinship assistance payments; agency efforts to discuss adoption with the child's
284.9 relative foster parent and reasons why the relative foster parent chose not to pursue adoption,
284.10 if applicable; and agency efforts to discuss with the child's parent or parents the permanent
284.11 transfer of permanent legal and physical custody or the reasons why these efforts were not
284.12 made;

284.13 (8) efforts to ensure the child's educational stability while in foster care for a child who
284.14 attained the minimum age for compulsory school attendance under state law and is enrolled
284.15 full time in elementary or secondary school, or instructed in elementary or secondary
284.16 education at home, or instructed in an independent study elementary or secondary program,
284.17 or incapable of attending school on a full-time basis due to a medical condition that is
284.18 documented and supported by regularly updated information in the child's case plan.
284.19 Educational stability efforts include:

284.20 (i) efforts to ensure that the child remains in the same school in which the child was
284.21 enrolled prior to placement or upon the child's move from one placement to another, including
284.22 efforts to work with the local education authorities to ensure the child's educational stability
284.23 and attendance; or

284.24 (ii) if it is not in the child's best interest to remain in the same school that the child was
284.25 enrolled in prior to placement or move from one placement to another, efforts to ensure
284.26 immediate and appropriate enrollment for the child in a new school;

284.27 (9) the educational records of the child including the most recent information available
284.28 regarding:

284.29 (i) the names and addresses of the child's educational providers;

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

284.31 (iii) the child's school record;

284.32 (iv) a statement about how the child's placement in foster care takes into account
284.33 proximity to the school in which the child is enrolled at the time of placement; and

285.1 (v) any other relevant educational information;

630.25 (10) the efforts by the responsible social services agency to ensure the oversight and
630.26 continuity of health care services for the foster child, including:

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

630.28 (ii) how the child's known medical problems and identified needs from the screens,
630.29 including any known communicable diseases, as defined in section 144.4172, subdivision
630.30 2, shall be monitored and treated while the child is in foster care;

630.31 (iii) how the child's medical information shall be updated and shared, including the
630.32 child's immunizations;

631.1 (iv) who is responsible to coordinate and respond to the child's health care needs,
631.2 including the role of the parent, the agency, and the foster parent;

631.3 (v) who is responsible for oversight of the child's prescription medications;

631.4 (vi) how physicians or other appropriate medical and nonmedical professionals shall be
631.5 consulted and involved in assessing the health and well-being of the child and determine
631.6 the appropriate medical treatment for the child; and

631.7 (vii) the responsibility to ensure that the child has access to medical care through either
631.8 medical insurance or medical assistance;

631.9 (11) the health records of the child including information available regarding:

631.10 (i) the names and addresses of the child's health care and dental care providers;

631.11 (ii) a record of the child's immunizations;

631.12 (iii) the child's known medical problems, including any known communicable diseases
631.13 as defined in section 144.4172, subdivision 2;

631.14 (iv) the child's medications; and

631.15 (v) any other relevant health care information such as the child's eligibility for medical
631.16 insurance or medical assistance;

631.17 (12) an independent living plan for a child 14 years of age or older, developed in
631.18 consultation with the child. The child may select one member of the case planning team to
631.19 be designated as the child's advisor and to advocate with respect to the application of the
631.20 reasonable and prudent parenting standards in subdivision 14. The plan should include, but
631.21 not be limited to, the following objectives:

631.22 (i) educational, vocational, or employment planning;

631.23 (ii) health care planning and medical coverage;

631.24 (iii) transportation including, where appropriate, assisting the child in obtaining a driver's
631.25 license;

285.2 (10) the efforts by the responsible social services agency to ensure the oversight and
285.3 continuity of health care services for the foster child, including:

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

285.5 (ii) how the child's known medical problems and identified needs from the screens,
285.6 including any known communicable diseases, as defined in section 144.4172, subdivision
285.7 2, shall be monitored and treated while the child is in foster care;

285.8 (iii) how the child's medical information shall be updated and shared, including the
285.9 child's immunizations;

285.10 (iv) who is responsible to coordinate and respond to the child's health care needs,
285.11 including the role of the parent, the agency, and the foster parent;

285.12 (v) who is responsible for oversight of the child's prescription medications;

285.13 (vi) how physicians or other appropriate medical and nonmedical professionals shall be
285.14 consulted and involved in assessing the health and well-being of the child and determine
285.15 the appropriate medical treatment for the child; and

285.16 (vii) the responsibility to ensure that the child has access to medical care through either
285.17 medical insurance or medical assistance;

285.18 (11) the health records of the child including information available regarding:

285.19 (i) the names and addresses of the child's health care and dental care providers;

285.20 (ii) a record of the child's immunizations;

285.21 (iii) the child's known medical problems, including any known communicable diseases
285.22 as defined in section 144.4172, subdivision 2;

285.23 (iv) the child's medications; and

285.24 (v) any other relevant health care information such as the child's eligibility for medical
285.25 insurance or medical assistance;

285.26 (12) an independent living plan for a child 14 years of age or older, developed in
285.27 consultation with the child. The child may select one member of the case planning team to
285.28 be designated as the child's advisor and to advocate with respect to the application of the
285.29 reasonable and prudent parenting standards in subdivision 14. The plan should include, but
285.30 not be limited to, the following objectives:

285.31 (i) educational, vocational, or employment planning;

286.1 (ii) health care planning and medical coverage;

286.2 (iii) transportation including, where appropriate, assisting the child in obtaining a driver's
286.3 license;

631.26 (iv) money management, including the responsibility of the responsible social services
631.27 agency to ensure that the child annually receives, at no cost to the child, a consumer report
631.28 as defined under section 13C.001 and assistance in interpreting and resolving any inaccuracies
631.29 in the report;

631.30 (v) planning for housing;

631.31 (vi) social and recreational skills;

632.1 (vii) establishing and maintaining connections with the child's family and community;
632.2 and

632.3 (viii) regular opportunities to engage in age-appropriate or developmentally appropriate
632.4 activities typical for the child's age group, taking into consideration the capacities of the
632.5 individual child;

632.6 (13) for a child in voluntary foster care for treatment under chapter 260D, diagnostic
632.7 and assessment information, specific services relating to meeting the mental health care
632.8 needs of the child, and treatment outcomes;

632.9 (14) for a child 14 years of age or older, a signed acknowledgment that describes the
632.10 child's rights regarding education, health care, visitation, safety and protection from
632.11 exploitation, and court participation; receipt of the documents identified in section 260C.452;
632.12 and receipt of an annual credit report. The acknowledgment shall state that the rights were
632.13 explained in an age-appropriate manner to the child; and

632.14 (15) for a child placed in a qualified residential treatment program, the plan must include
632.15 the requirements in section 260C.708.

632.16 (d) The parent or parents or guardian and the child each shall have the right to legal
632.17 counsel in the preparation of the case plan and shall be informed of the right at the time of
632.18 placement of the child. The child shall also have the right to a guardian ad litem. If unable
632.19 to employ counsel from their own resources, the court shall appoint counsel upon the request
632.20 of the parent or parents or the child or the child's legal guardian. The parent or parents may
632.21 also receive assistance from any person or social services agency in preparation of the case
632.22 plan.

632.23 (e) After the plan has been agreed upon by the parties involved or approved or ordered
632.24 by the court, the foster parents shall be fully informed of the provisions of the case plan and
632.25 shall be provided a copy of the plan.

632.26 (f) Upon the child's discharge from foster care, the responsible social services agency
632.27 must provide the child's parent, adoptive parent, or permanent legal and physical custodian,
632.28 and the child, if the child is 14 years of age or older, with a current copy of the child's health
632.29 and education record. If a child meets the conditions in subdivision 15, paragraph (b), the
632.30 agency must also provide the child with the child's social and medical history. The responsible
632.31 social services agency may give a copy of the child's health and education record and social

286.4 (iv) money management, including the responsibility of the responsible social services
286.5 agency to ensure that the child annually receives, at no cost to the child, a consumer report
286.6 as defined under section 13C.001 and assistance in interpreting and resolving any inaccuracies
286.7 in the report;

286.8 (v) planning for housing;

286.9 (vi) social and recreational skills;

286.10 (vii) establishing and maintaining connections with the child's family and community;
286.11 and

286.12 (viii) regular opportunities to engage in age-appropriate or developmentally appropriate
286.13 activities typical for the child's age group, taking into consideration the capacities of the
286.14 individual child;

286.15 (13) for a child in voluntary foster care for treatment under chapter 260D, diagnostic
286.16 and assessment information, specific services relating to meeting the mental health care
286.17 needs of the child, and treatment outcomes;

286.18 (14) for a child 14 years of age or older, a signed acknowledgment that describes the
286.19 child's rights regarding education, health care, visitation, safety and protection from
286.20 exploitation, and court participation; receipt of the documents identified in section 260C.452;
286.21 and receipt of an annual credit report. The acknowledgment shall state that the rights were
286.22 explained in an age-appropriate manner to the child; and

286.23 (15) for a child placed in a qualified residential treatment program, the plan must include
286.24 the requirements in section 260C.708.

286.25 (d) The parent or parents or guardian and the child each shall have the right to legal
286.26 counsel in the preparation of the case plan and shall be informed of the right at the time of
286.27 placement of the child. The child shall also have the right to a guardian ad litem. If unable
286.28 to employ counsel from their own resources, the court shall appoint counsel upon the request
286.29 of the parent or parents or the child or the child's legal guardian. The parent or parents may
286.30 also receive assistance from any person or social services agency in preparation of the case
286.31 plan.

287.1 (e) After the plan has been agreed upon by the parties involved or approved or ordered
287.2 by the court, the foster parents shall be fully informed of the provisions of the case plan and
287.3 shall be provided a copy of the plan.

287.4 (f) Upon the child's discharge from foster care, the responsible social services agency
287.5 must provide the child's parent, adoptive parent, or permanent legal and physical custodian,
287.6 and the child, if the child is 14 years of age or older, with a current copy of the child's health
287.7 and education record. If a child meets the conditions in subdivision 15, paragraph (b), the
287.8 agency must also provide the child with the child's social and medical history. The responsible
287.9 social services agency may give a copy of the child's health and education record and social

632.32 and medical history to a child who is younger than 14 years of age, if it is appropriate and
632.33 if subdivision 15, paragraph (b), applies.

633.1 Sec. 17. Minnesota Statutes 2021 Supplement, section 260C.212, subdivision 2, is amended
633.2 to read:

633.3 Subd. 2. **Placement decisions based on best interests of the child.** (a) The policy of
633.4 the state of Minnesota is to ensure that the child's best interests are met by requiring an
633.5 individualized determination of the needs of the child in consideration of paragraphs (a) to
633.6 (f), and of how the selected placement will serve the current and future needs of the child
633.7 being placed. The authorized child-placing agency shall place a child, released by court
633.8 order or by voluntary release by the parent or parents, in a family foster home selected by
633.9 considering placement with relatives and important friends in the following order:

633.10 (1) with an individual who is related to the child by blood, marriage, or adoption,
633.11 including the legal parent, guardian, or custodian of the child's ~~siblings~~ sibling; or

633.12 (2) with an individual who is an important friend of the child or of the child's parent or
633.13 custodian, including an individual with whom the child has resided or had significant contact
633.14 or who has a significant relationship to the child or the child's parent or custodian.

633.15 ~~(2) with an individual who is an important friend with whom the child has resided or~~
633.16 ~~had significant contact.~~

633.17 For an Indian child, the agency shall follow the order of placement preferences in the Indian
633.18 Child Welfare Act of 1978, United States Code, title 25, section 1915.

633.19 (b) Among the factors the agency shall consider in determining the current and future
633.20 needs of the child are the following:

633.21 (1) the child's current functioning and behaviors;

633.22 (2) the medical needs of the child;

633.23 (3) the educational needs of the child;

633.24 (4) the developmental needs of the child;

633.25 (5) the child's history and past experience;

633.26 (6) the child's religious and cultural needs;

633.27 (7) the child's connection with a community, school, and faith community;

633.28 (8) the child's interests and talents;

633.29 (9) the child's relationship to current caretakers, current and long-term needs regarding
633.30 relationships with parents, siblings, and relatives, and other caretakers;

287.10 and medical history to a child who is younger than 14 years of age, if it is appropriate and
287.11 if subdivision 15, paragraph (b), applies.

287.12 Sec. 35. Minnesota Statutes 2021 Supplement, section 260C.212, subdivision 2, is amended
287.13 to read:

287.14 Subd. 2. **Placement decisions based on best interests of the child.** (a) The policy of
287.15 the state of Minnesota is to ensure that the child's best interests are met by requiring an
287.16 individualized determination of the needs of the child in consideration of paragraphs (a) to
287.17 (f), and of how the selected placement will serve the current and future needs of the child
287.18 being placed. The authorized child-placing agency shall place a child, released by court
287.19 order or by voluntary release by the parent or parents, in a family foster home selected by
287.20 considering placement with relatives and important friends in the following order:

287.21 (1) with an individual who is related to the child by blood, marriage, or adoption,
287.22 including the legal parent, guardian, or custodian of the child's ~~siblings~~ sibling; or

287.23 (2) with an individual who is an important friend ~~with whom the child has resided or~~
287.24 ~~had significant contact~~ of the child or the child's parent or custodian, including an individual
287.25 with whom the child has resided or had significant contact or who has a significant
287.26 relationship to the child or the child's parent or custodian.

287.27 For an Indian child, the agency shall follow the order of placement preferences in the Indian
287.28 Child Welfare Act of 1978, United States Code, title 25, section 1915.

287.29 (b) Among the factors the agency shall consider in determining the current and future
287.30 needs of the child are the following:

287.31 (1) the child's current functioning and behaviors;

287.32 (2) the medical needs of the child;

288.1 (3) the educational needs of the child;

288.2 (4) the developmental needs of the child;

288.3 (5) the child's history and past experience;

288.4 (6) the child's religious and cultural needs;

288.5 (7) the child's connection with a community, school, and faith community;

288.6 (8) the child's interests and talents;

288.7 (9) the child's relationship to current caretakers, current and long-term needs regarding
288.8 relationships with parents, siblings, and relatives, and other caretakers;

634.1 (10) the reasonable preference of the child, if the court, or the child-placing agency in
634.2 the case of a voluntary placement, deems the child to be of sufficient age to express
634.3 preferences; and

634.4 (11) for an Indian child, the best interests of an Indian child as defined in section 260.755,
634.5 subdivision 2a.

634.6 When placing a child in foster care or in a permanent placement based on an individualized
634.7 determination of the child's needs, the agency must not use one factor in this paragraph to
634.8 the exclusion of all others, and the agency shall consider that the factors in paragraph (b)
634.9 may be interrelated.

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

634.12 (d) Siblings should be placed together for foster care and adoption at the earliest possible
634.13 time unless it is documented that a joint placement would be contrary to the safety or
634.14 well-being of any of the siblings or unless it is not possible after reasonable efforts by the
634.15 responsible social services agency. In cases where siblings cannot be placed together, the
634.16 agency is required to provide frequent visitation or other ongoing interaction between
634.17 siblings unless the agency documents that the interaction would be contrary to the safety
634.18 or well-being of any of the siblings.

634.19 (e) Except for emergency placement as provided for in section 245A.035, the following
634.20 requirements must be satisfied before the approval of a foster or adoptive placement in a
634.21 related or unrelated home: (1) a completed background study under section 245C.08; and
634.22 (2) a completed review of the written home study required under section 260C.215,
634.23 subdivision 4, clause (5), or 260C.611, to assess the capacity of the prospective foster or
634.24 adoptive parent to ensure the placement will meet the needs of the individual child.

634.25 (f) The agency must determine whether colocation with a parent who is receiving services
634.26 in a licensed residential family-based substance use disorder treatment program is in the
634.27 child's best interests according to paragraph (b) and include that determination in the child's
634.28 case plan under subdivision 1. The agency may consider additional factors not identified
634.29 in paragraph (b). The agency's determination must be documented in the child's case plan
634.30 before the child is colocated with a parent.

634.31 (g) The agency must establish a juvenile treatment screening team under section 260C.157
634.32 to determine whether it is necessary and appropriate to recommend placing a child in a
634.33 qualified residential treatment program, as defined in section 260C.007, subdivision 26d.

288.9 (10) the reasonable preference of the child, if the court, or the child-placing agency in
288.10 the case of a voluntary placement, deems the child to be of sufficient age to express
288.11 preferences; and

288.12 (11) for an Indian child, the best interests of an Indian child as defined in section 260.755,
288.13 subdivision 2a.

288.14 When placing a child in foster care or in a permanent placement based on an individualized
288.15 determination of the child's needs, the agency must not use one factor in this paragraph to
288.16 the exclusion of all others, and the agency shall consider that the factors in paragraph (b)
288.17 may be interrelated.

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

288.20 (d) Siblings should be placed together for foster care and adoption at the earliest possible
288.21 time unless it is documented that a joint placement would be contrary to the safety or
288.22 well-being of any of the siblings or unless it is not possible after reasonable efforts by the
288.23 responsible social services agency. In cases where siblings cannot be placed together, the
288.24 agency is required to provide frequent visitation or other ongoing interaction between
288.25 siblings unless the agency documents that the interaction would be contrary to the safety
288.26 or well-being of any of the siblings.

288.27 (e) Except for emergency placement as provided for in section 245A.035, the following
288.28 requirements must be satisfied before the approval of a foster or adoptive placement in a
288.29 related or unrelated home: (1) a completed background study under section 245C.08; and
288.30 (2) a completed review of the written home study required under section 260C.215,
288.31 subdivision 4, clause (5), or 260C.611, to assess the capacity of the prospective foster or
288.32 adoptive parent to ensure the placement will meet the needs of the individual child.

289.1 (f) The agency must determine whether colocation with a parent who is receiving services
289.2 in a licensed residential family-based substance use disorder treatment program is in the
289.3 child's best interests according to paragraph (b) and include that determination in the child's
289.4 case plan under subdivision 1. The agency may consider additional factors not identified
289.5 in paragraph (b). The agency's determination must be documented in the child's case plan
289.6 before the child is colocated with a parent.

289.7 (g) The agency must establish a juvenile treatment screening team under section 260C.157
289.8 to determine whether it is necessary and appropriate to recommend placing a child in a
289.9 qualified residential treatment program, as defined in section 260C.007, subdivision 26d.

289.10 Sec. 36. Minnesota Statutes 2020, section 260C.212, subdivision 4a, is amended to read:

289.11 Subd. 4a. **Monthly caseworker visits.** (a) Every child in foster care or on a trial home
289.12 visit shall be visited by the child's caseworker or another person who has responsibility for
289.13 visitation of the child on a monthly basis, with the majority of visits occurring in the child's

289.14 residence. The responsible social services agency may designate another person responsible
289.15 for monthly case visits. For the purposes of this section, the following definitions apply:

289.16 (1) "visit" is defined as a face-to-face contact between a child and the child's caseworker;
289.17 (2) "visited on a monthly basis" is defined as at least one visit per calendar month;

289.18 (3) "the child's caseworker" is defined as the person who has responsibility for managing
289.19 the child's foster care placement case as assigned by the responsible social services agency;

289.20 (4) "another person" means the professional staff whom the responsible social services
289.21 agency has assigned in the out-of-home placement plan or case plan. Another person must
289.22 be professionally trained to assess the child's safety, permanency, well-being, and case
289.23 progress. The agency may not designate the guardian ad litem, the child foster care provider,
289.24 residential facility staff, or a qualified individual as defined in section 260C.007,
289.25 subdivision26b, as another person; and

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

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

290.1 (c) Every effort shall be made by the responsible social services agency and professional
290.2 staff to have the monthly visit with the child outside the presence of the child's parents,
290.3 foster parents, or facility staff. There may be situations related to the child's needs when a
290.4 caseworker visit cannot occur with the child alone. The reason the caseworker visit occurred
290.5 in the presence of others must be documented in the case record and may include:

290.6 (1) that the child exhibits intense emotion or behavior indicating that visiting without
290.7 the presence of the parent, foster parent, or facility staff would be traumatic for the child;

290.8 (2) that despite a caseworker's efforts, the child declines to visit with the caseworker
290.9 outside the presence of the parent, foster parent, or facility staff; and

290.10 (3) that the child has a specific developmental delay, physical limitation, incapacity,
290.11 medical device, or significant medical need, such that the parent, foster parent, or facility
290.12 staff is required to be present with the child during the visit.

290.13 Sec. 37. Minnesota Statutes 2020, section 260C.221, is amended to read:

290.14 **260C.221 RELATIVE SEARCH AND ENGAGEMENT; PLACEMENT**
290.15 **CONSIDERATION.**

290.16 Subdivision 1. **Relative search requirements.** (a) The responsible social services agency
290.17 shall exercise due diligence to identify and notify adult relatives of a child as well as current

635.1 Sec. 18. Minnesota Statutes 2020, section 260C.221, is amended to read:

635.2 **260C.221 RELATIVE SEARCH AND ENGAGEMENT; PLACEMENT**
635.3 **CONSIDERATION.**

635.4 Subdivision 1. **Relative search requirements.** (a) The responsible social services agency
635.5 shall exercise due diligence to identify and notify adult relatives and current caregivers of

635.6 ~~a child's sibling, prior to placement or within 30 days after the child's removal from the~~
635.7 ~~parent, regardless of whether a child is placed in a relative's home, as required under~~
635.8 ~~subdivision 2. The county agency shall consider placement with a relative under this section~~
635.9 ~~without delay and whenever the child must move from or be returned to foster care. The~~
635.10 ~~relative search required by this section shall be comprehensive in scope. After a finding~~
635.11 ~~that the agency has made reasonable efforts to conduct the relative search under this~~
635.12 ~~paragraph, the agency has the continuing responsibility to appropriately involve relatives,~~
635.13 ~~who have responded to the notice required under this paragraph, in planning for the child~~
635.14 ~~and to continue to consider relatives according to the requirements of section 260C.212,~~
635.15 ~~subdivision 2. At any time during the course of juvenile protection proceedings, the court~~
635.16 ~~may order the agency to reopen its search for relatives when it is in the child's best interest~~
635.17 ~~to do so.~~

635.18 (b) The relative search required by this section shall include both maternal and paternal
635.19 adult relatives of the child; all adult grandparents; all legal parents, guardians, or custodians
635.20 of the child's siblings; and any other adult relatives suggested by the child's parents, subject
635.21 to the exceptions due to family violence in subdivision 5, paragraph ~~(e)~~ (b). The search shall
635.22 also include getting information from the child in an age-appropriate manner about who the
635.23 child considers to be family members and important friends with whom the child has resided
635.24 or had significant contact. The relative search required under this section must fulfill the
635.25 agency's duties under the Indian Child Welfare Act regarding active efforts to prevent the
635.26 breakup of the Indian family under United States Code, title 25, section 1912(d), and to
635.27 meet placement preferences under United States Code, title 25, section 1915.

635.28 (c) The responsible social services agency has a continuing responsibility to search for
635.29 and identify relatives of a child and send the notice to relatives that is required under
635.30 subdivision 2, unless the court has relieved the agency of this duty under subdivision 5,
635.31 paragraph (e).

635.32 Subd. 2. **Relative notice requirements.** (a) The agency may provide oral or written
635.33 notice to a child's relatives. In the child's case record, the agency must document providing
636.1 the required notice to each of the child's relatives. The responsible social services agency
636.2 must notify relatives ~~must be notified:~~

636.3 (1) of the need for a foster home for the child, the option to become a placement resource
636.4 for the child, the order of placement that the agency will consider under section 260C.212,
636.5 subdivision 2, paragraph (a), and the possibility of the need for a permanent placement for
636.6 the child;

636.7 (2) of their responsibility to keep the responsible social services agency and the court
636.8 informed of their current address in order to receive notice in the event that a permanent
636.9 placement is sought for the child and to receive notice of the permanency progress review
636.10 hearing under section 260C.204. A relative who fails to provide a current address to the
636.11 responsible social services agency and the court forfeits the right to receive notice of the
636.12 possibility of permanent placement and of the permanency progress review hearing under
636.13 section 260C.204, until the relative provides a current address to the responsible social

290.18 ~~caregivers of the child's sibling, prior to placement or within 30 days after the child's removal~~
290.19 ~~from the parent, regardless of whether a child is placed in a relative's home, as required~~
290.20 ~~under subdivision 2. The county agency shall consider placement with a relative under this~~
290.21 ~~section without delay and whenever the child must move from or be returned to foster care.~~
290.22 ~~The relative search required by this section shall be comprehensive in scope. After a finding~~
290.23 ~~that the agency has made reasonable efforts to conduct the relative search under this~~
290.24 ~~paragraph, the agency has the continuing responsibility to appropriately involve relatives,~~
290.25 ~~who have responded to the notice required under this paragraph, in planning for the child~~
290.26 ~~and to continue to consider relatives according to the requirements of section 260C.212,~~
290.27 ~~subdivision 2. At any time during the course of juvenile protection proceedings, the court~~
290.28 ~~may order the agency to reopen its search for relatives when it is in the child's best interest~~
290.29 ~~to do so.~~

290.30 (b) The relative search required by this section shall include both maternal and paternal
290.31 adult relatives of the child; all adult grandparents; all legal parents, guardians, or custodians
290.32 of the child's siblings; and any other adult relatives suggested by the child's parents, subject
290.33 to the exceptions due to family violence in subdivision 5, paragraph ~~(e)~~ (b). The search shall
291.1 also include getting information from the child in an age-appropriate manner about who the
291.2 child considers to be family members and important friends with whom the child has resided
291.3 or had significant contact. The relative search required under this section must fulfill the
291.4 agency's duties under the Indian Child Welfare Act regarding active efforts to prevent the
291.5 breakup of the Indian family under United States Code, title 25, section 1912(d), and to
291.6 meet placement preferences under United States Code, title 25, section 1915.

291.7 (c) The responsible social services agency has a continuing responsibility to search for
291.8 and identify relatives of a child and send the notice to relatives that is required under
291.9 subdivision 2, unless the court has relieved the agency of this duty under subdivision 5,
291.10 paragraph (e).

291.11 Subd. 2. **Relative notice requirements.** (a) The agency may provide oral or written
291.12 notice to a child's relatives. In the child's case record, the agency must document providing
291.13 the required notice to each of the child's relatives. The responsible social services agency
291.14 must notify relatives ~~must be notified:~~

291.15 (1) of the need for a foster home for the child, the option to become a placement resource
291.16 for the child, the order of placement that the agency will consider under section 260C.212,
291.17 subdivision 2, paragraph (a), and the possibility of the need for a permanent placement for
291.18 the child;

291.19 (2) of their responsibility to keep the responsible social services agency and the court
291.20 informed of their current address in order to receive notice in the event that a permanent
291.21 placement is sought for the child and to receive notice of the permanency progress review
291.22 hearing under section 260C.204. A relative who fails to provide a current address to the
291.23 responsible social services agency and the court forfeits the right to receive notice of the
291.24 possibility of permanent placement and of the permanency progress review hearing under
291.25 section 260C.204, until the relative provides a current address to the responsible social

636.14 services agency and the court. A decision by a relative not to be identified as a potential
636.15 permanent placement resource or participate in planning for the child at the beginning of
636.16 the case shall not affect whether the relative is considered for placement of, or as a
636.17 permanency resource for, the child with that relative later at any time in the case, and shall
636.18 not be the sole basis for the court to rule out the relative as the child's placement or
636.19 permanency resource;

636.20 (3) that the relative may participate in the care and planning for the child, as specified
636.21 in subdivision 3, including that the opportunity for such participation may be lost by failing
636.22 to respond to the notice sent under this subdivision. "Participate in the care and planning"
636.23 includes, but is not limited to, participation in case planning for the parent and child,
636.24 identifying the strengths and needs of the parent and child, supervising visits, providing
636.25 respite and vacation visits for the child, providing transportation to appointments, suggesting
636.26 other relatives who might be able to help support the case plan, and to the extent possible,
636.27 helping to maintain the child's familiar and regular activities and contact with friends and
636.28 relatives;

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

637.1 (5) of the relatives' right to ask to be notified of any court proceedings regarding the
637.2 child, to attend the hearings, and of a relative's right or opportunity to be heard by the court
637.3 as required under section 260C.152, subdivision 5;

637.4 (6) that regardless of the relative's response to the notice sent under this subdivision, the
637.5 agency is required to establish permanency for a child, including planning for alternative
637.6 permanency options if the agency's reunification efforts fail or are not required; and

637.7 (7) that by responding to the notice, a relative may receive information about participating
637.8 in a child's family and permanency team if the child is placed in a qualified residential
637.9 treatment program as defined in section 260C.007, subdivision 26d.

637.10 (b) The responsible social services agency shall send the notice required under paragraph
637.11 (a) to relatives who become known to the responsible social services agency, except for
637.12 relatives that the agency does not contact due to safety reasons under subdivision 5, paragraph
637.13 (b). The responsible social services agency shall continue to send notice to relatives
637.14 notwithstanding a court's finding that the agency has made reasonable efforts to conduct a
637.15 relative search.

637.16 (c) The responsible social services agency is not required to send the notice under
637.17 paragraph (a) to a relative who becomes known to the agency after an adoption placement
637.18 agreement has been fully executed under section 260C.613, subdivision 1. If the relative
637.19 wishes to be considered for adoptive placement of the child, the agency shall inform the

291.26 services agency and the court. A decision by a relative not to be identified as a potential
291.27 permanent placement resource or participate in planning for the child at the beginning of
291.28 the case shall not affect whether the relative is considered for placement of, or as a
291.29 permanency resource for, the child with that relative later at any time in the case, and shall
291.30 not be the sole basis for the court to rule out the relative as the child's placement or
291.31 permanency resource;

291.32 (3) that the relative may participate in the care and planning for the child, as specified
291.33 in subdivision 3, including that the opportunity for such participation may be lost by failing
291.34 to respond to the notice sent under this subdivision. "Participate in the care and planning"
292.1 includes, but is not limited to, participation in case planning for the parent and child,
292.2 identifying the strengths and needs of the parent and child, supervising visits, providing
292.3 respite and vacation visits for the child, providing transportation to appointments, suggesting
292.4 other relatives who might be able to help support the case plan, and to the extent possible,
292.5 helping to maintain the child's familiar and regular activities and contact with friends and
292.6 relatives;

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

292.12 (5) of the relatives' right to ask to be notified of any court proceedings regarding the
292.13 child, to attend the hearings, and of a relative's right or opportunity to be heard by the court
292.14 as required under section 260C.152, subdivision 5;

292.15 (6) that regardless of the relative's response to the notice sent under this subdivision, the
292.16 agency is required to establish permanency for a child, including planning for alternative
292.17 permanency options if the agency's reunification efforts fail or are not required; and

292.18 (7) that by responding to the notice, a relative may receive information about participating
292.19 in a child's family and permanency team if the child is placed in a qualified residential
292.20 treatment program as defined in section 260C.007, subdivision 26d.

292.21 (b) The responsible social services agency shall send the notice required under paragraph
292.22 (a) to relatives who become known to the responsible social services agency, except for
292.23 relatives that the agency does not contact due to safety reasons under subdivision 5, paragraph
292.24 (b). The responsible social services agency shall continue to send notice to relatives
292.25 notwithstanding a court's finding that the agency has made reasonable efforts to conduct a
292.26 relative search.

292.27 (c) The responsible social services agency is not required to send the notice under
292.28 paragraph (a) to relatives who become known to the agency after an adoption placement
292.29 agreement has been fully executed under section 260C.613, subdivision 1. If such a relative
292.30 wishes to be considered for adoptive placement of the child, the agency shall inform the

637.20 relative of the relative's ability to file a motion for an order for adoptive placement under
637.21 section 260C.607, subdivision 6.

637.22 Subd. 3. **Relative engagement requirements.** (a) A relative who responds to the notice
637.23 under subdivision 2 has the opportunity to participate in care and planning for a child, which
637.24 must not be limited based solely on the relative's prior inconsistent participation or
637.25 nonparticipation in care and planning for the child. Care and planning for a child may include
637.26 but is not limited to:

637.27 (1) participating in case planning for the child and child's parent, including identifying
637.28 services and resources that meet the individualized needs of the child and child's parent. A
637.29 relative's participation in case planning may be in person, via phone call, or by electronic
637.30 means;

637.31 (2) identifying the strengths and needs of the child and child's parent;

637.32 (3) asking the responsible social services agency to consider the relative for placement
637.33 of the child according to subdivision 4;

638.1 (4) acting as a support person for the child, the child's parents, and the child's current
638.2 caregiver;

638.3 (5) supervising visits;

638.4 (6) providing respite care for the child and having vacation visits with the child;

638.5 (7) providing transportation;

638.6 (8) suggesting other relatives who may be able to participate in the case plan or that the
638.7 agency may consider for placement of the child. The agency shall send a notice to each
638.8 relative identified by other relatives according to subdivision 2, paragraph (b), unless a
638.9 relative received this notice earlier in the case;

638.10 (9) helping to maintain the child's familiar and regular activities and contact with the
638.11 child's friends and relatives, including providing supervision of the child at family gatherings
638.12 and events; and

638.13 (10) participating in the child's family and permanency team if the child is placed in a
638.14 qualified residential treatment program as defined in section 260C.007, subdivision 26d.

638.15 (b) The responsible social services agency shall make reasonable efforts to contact and
638.16 engage relatives who respond to the notice required under this section. Upon a request by
638.17 a relative or party to the proceeding, the court may conduct a review of the agency's
638.18 reasonable efforts to contact and engage relatives who respond to the notice. If the court
638.19 finds that the agency did not make reasonable efforts to contact and engage relatives who
638.20 respond to the notice, the court may order the agency to make reasonable efforts to contact
638.21 and engage relatives who respond to the notice in care and planning for the child.

292.31 relative of the relative's ability to file a motion for an order for adoptive placement under
292.32 section 260C.607, subdivision 6.

292.33 Subd. 3. **Relative engagement requirements.** (a) A relative who responds to the notice
292.34 under subdivision 2 has the opportunity to participate in care and planning for a child, which
293.1 must not be limited based solely on the relative's prior inconsistent participation or
293.2 nonparticipation in care and planning for the child. Care and planning for a child may include
293.3 but is not limited to:

293.4 (1) participating in case planning for the child and child's parent, including identifying
293.5 services and resources that meet the individualized needs of the child and child's parent. A
293.6 relative's participation in case planning may be in person, via phone call, or by electronic
293.7 means;

293.8 (2) identifying the strengths and needs of the child and child's parent;

293.9 (3) asking the responsible social services agency to consider the relative for placement
293.10 of the child according to subdivision 4;

293.11 (4) acting as a support person for the child, the child's parents, and the child's current
293.12 caregiver;

293.13 (5) supervising visits;

293.14 (6) providing respite care for the child and having vacation visits with the child;

293.15 (7) providing transportation;

293.16 (8) suggesting other relatives who may be able to participate in the case plan or that the
293.17 agency may consider for placement of the child. The agency shall send a notice to each
293.18 relative identified by other relatives according to subdivision 2, paragraph (b), unless a
293.19 relative received this notice earlier in the case;

293.20 (9) helping to maintain the child's familiar and regular activities and contact with the
293.21 child's friends and relatives, including providing supervision of the child at family gatherings
293.22 and events; and

293.23 (10) participating in the child's family and permanency team if the child is placed in a
293.24 qualified residential treatment program as defined in section 260C.007, subdivision 26d.

293.25 (b) The responsible social services agency shall make reasonable efforts to contact and
293.26 engage relatives who respond to the notice required under this section. Upon a request by
293.27 a relative or party to the proceeding, the court may conduct a review of the agency's
293.28 reasonable efforts to contact and engage relatives who respond to the notice. If the court
293.29 finds that the agency did not make reasonable efforts to contact and engage relatives who
293.30 respond to the notice, the court may order the agency to make reasonable efforts to contact
293.31 and engage relatives who respond to the notice in care and planning for the child.

638.22 Subd. 4. **Placement considerations.** (a) The responsible social services agency shall
638.23 consider placing a child with a relative under this section without delay and when the child:

638.24 (1) enters foster care;

638.25 (2) must be moved from the child's current foster setting;

638.26 (3) must be permanently placed away from the child's parent; or

638.27 (4) returns to foster care after permanency has been achieved for the child.

638.28 (b) The agency shall consider placing a child with relatives:

638.29 (1) in the order specified in section 260C.212, subdivision 2, paragraph (a); and

638.30 (2) based on the child's best interests using the factors in section 260C.212, subdivision
638.31 2.

639.1 (c) The agency shall document how the agency considered relatives in the child's case
639.2 record.

639.3 (d) Any relative who requests to be a placement option for a child in foster care has the
639.4 right to be considered for placement of the child according to section 260C.212, subdivision
639.5 2, paragraph (a), unless the court finds that placing the child with a specific relative would
639.6 endanger the child, sibling, parent, guardian, or any other family member under subdivision
639.7 5, paragraph (b).

639.8 (e) When adoption is the responsible social services agency's permanency goal for the
639.9 child, the agency shall consider adoptive placement of the child with a relative in the order
639.10 specified under section 260C.212, subdivision 2, paragraph (a).

639.11 Subd. 5. **Data disclosure; court review.** ~~(e)~~ (a) A responsible social services agency
639.12 may disclose private data, as defined in section 13.02 and chapter 260E, to relatives of the
639.13 child for the purpose of locating and assessing a suitable placement and may use any
639.14 reasonable means of identifying and locating relatives including the Internet or other
639.15 electronic means of conducting a search. The agency shall disclose data that is necessary
639.16 to facilitate possible placement with relatives and to ensure that the relative is informed of
639.17 the needs of the child so the relative can participate in planning for the child and be supportive
639.18 of services to the child and family.

639.19 (b) If the child's parent refuses to give the responsible social services agency information
639.20 sufficient to identify the maternal and paternal relatives of the child, the agency shall ask
639.21 the juvenile court to order the parent to provide the necessary information and shall use
639.22 other resources to identify the child's maternal and paternal relatives. If a parent makes an
639.23 explicit request that a specific relative not be contacted or considered for placement due to
639.24 safety reasons, including past family or domestic violence, the agency shall bring the parent's
639.25 request to the attention of the court to determine whether the parent's request is consistent
639.26 with the best interests of the child and. The agency shall not contact the specific relative

294.1 Subd. 4. **Placement considerations.** (a) The responsible social services agency shall
294.2 consider placing a child with a relative under this section without delay and when the child:

294.3 (1) enters foster care;

294.4 (2) must be moved from the child's current foster setting;

294.5 (3) must be permanently placed away from the child's parent; or

294.6 (4) returns to foster care after permanency has been achieved for the child.

294.7 (b) The agency shall consider placing a child with relatives:

294.8 (1) in the order specified in section 260C.212, subdivision 2, paragraph (a); and

294.9 (2) based on the child's best interests using the factors in section 260C.212, subdivision
294.10 2.

294.11 (c) The agency shall document how the agency considered relatives in the child's case
294.12 record.

294.13 (d) Any relative who requests to be a placement option for a child in foster care has the
294.14 right to be considered for placement of the child according to section 260C.212, subdivision
294.15 2, paragraph (a), unless the court finds that placing the child with a specific relative would
294.16 endanger the child, sibling, parent, guardian, or any other family member under subdivision
294.17 5, paragraph (b).

294.18 (e) When adoption is the responsible social services agency's permanency goal for the
294.19 child, the agency shall consider adoptive placement of the child with a relative in the order
294.20 specified under section 260C.212, subdivision 2, paragraph (a).

294.21 Subd. 5. **Data disclosure; court review.** ~~(e)~~ (a) A responsible social services agency
294.22 may disclose private data, as defined in section 13.02 and chapter 260E, to relatives of the
294.23 child for the purpose of locating and assessing a suitable placement and may use any
294.24 reasonable means of identifying and locating relatives including the Internet or other
294.25 electronic means of conducting a search. The agency shall disclose data that is necessary
294.26 to facilitate possible placement with relatives and to ensure that the relative is informed of
294.27 the needs of the child so the relative can participate in planning for the child and be supportive
294.28 of services to the child and family.

294.29 (b) If the child's parent refuses to give the responsible social services agency information
294.30 sufficient to identify the maternal and paternal relatives of the child, the agency shall ask
294.31 the juvenile court to order the parent to provide the necessary information and shall use
294.32 other resources to identify the child's maternal and paternal relatives. If a parent makes an
295.1 explicit request that a specific relative not be contacted or considered for placement due to
295.2 safety reasons, including past family or domestic violence, the agency shall bring the parent's
295.3 request to the attention of the court to determine whether the parent's request is consistent
295.4 with the best interests of the child and. The agency shall not contact the specific relative

639.27 when the juvenile court finds that contacting or placing the child with the specific relative
639.28 would endanger the parent, guardian, child, sibling, or any family member. Unless section
639.29 260C.139 applies to the child's case, a court shall not waive or relieve the responsible social
639.30 services agency of reasonable efforts to:

639.31 (1) conduct a relative search;
639.32 (2) notify relatives;
639.33 (3) contact and engage relatives in case planning; and
640.1 (4) consider relatives for placement of the child.

640.2 (c) Notwithstanding chapter 13, the agency shall disclose data to the court about particular
640.3 relatives that the agency has identified, contacted, or considered for the child's placement
640.4 for the court to review the agency's due diligence.

640.5 (d) At a regularly scheduled hearing not later than three months after the child's placement
640.6 in foster care and as required in section sections 260C.193 and 260C.202, the agency shall
640.7 report to the court:

640.8 (1) ~~its~~ the agency's efforts to identify maternal and paternal relatives of the child and to
640.9 engage the relatives in providing support for the child and family, and document that the
640.10 relatives have been provided the notice required under ~~paragraph (a)~~ subdivision 2; and

640.11 (2) ~~its~~ the agency's decision regarding placing the child with a relative as required under
640.12 section 260C.212, subdivision 2, and to ask. If the responsible social services agency decides
640.13 that relative placement is not in the child's best interests at the time of the hearing, the agency
640.14 shall inform the court of the agency's decision, including:

640.15 (i) why the agency decided against relative placement of the child; and

640.16 (ii) the agency's efforts to engage relatives to visit or maintain contact with the child in
640.17 order as required under subdivision 3 to support family connections for the child, when
640.18 placement with a relative is not possible or appropriate.

640.19 ~~(e) Notwithstanding chapter 13, the agency shall disclose data about particular relatives~~
640.20 ~~identified, searched for, and contacted for the purposes of the court's review of the agency's~~
640.21 ~~due diligence.~~

640.22 ~~(f)~~ (c) When the court is satisfied that the agency has exercised due diligence to identify
640.23 relatives and provide the notice required in ~~paragraph (a)~~ subdivision 2, the court may find
640.24 that the agency made reasonable efforts ~~have been made~~ to conduct a relative search to
640.25 identify and provide notice to adult relatives as required under section 260.012, paragraph
640.26 (e), clause (3). A finding under this paragraph does not relieve the responsible social services
640.27 agency of the ongoing duty to contact, engage, and consider relatives under this section nor

295.5 when the juvenile court finds that contacting or placing the child with the specific relative
295.6 would endanger the parent, guardian, child, sibling, or any family member. Unless section
295.7 260C.139 applies to the child's case, a court shall not waive or relieve the responsible social
295.8 services agency of reasonable efforts to:

295.9 (1) conduct a relative search;
295.10 (2) notify relatives;
295.11 (3) contact and engage relatives in case planning; and
295.12 (4) consider relatives for placement of the child.

295.13 (c) Notwithstanding chapter 13, the agency shall disclose data to the court about particular
295.14 relatives that the agency has identified, contacted, or considered for the child's placement
295.15 for the court to review the agency's due diligence.

295.16 (d) At a regularly scheduled hearing not later than three months after the child's placement
295.17 in foster care and as required in section sections 260C.193 and 260C.202, the agency shall
295.18 report to the court:

295.19 (1) ~~its~~ the agency's efforts to identify maternal and paternal relatives of the child and to
295.20 engage the relatives in providing support for the child and family, and document that the
295.21 relatives have been provided the notice required under ~~paragraph (a)~~ subdivision 2; and

295.22 (2) ~~its~~ the agency's decision regarding placing the child with a relative as required under
295.23 section 260C.212, subdivision 2, and to ask. If the responsible social services agency decides
295.24 that relative placement is not in the child's best interests at the time of the hearing, the agency
295.25 shall inform the court of the agency's decision, including:

295.26 (i) why the agency decided against relative placement of the child; and

295.27 (ii) the agency's efforts to engage relatives to visit or maintain contact with the child in
295.28 order as required under subdivision 3 to support family connections for the child, when
295.29 placement with a relative is not possible or appropriate.

295.30 ~~(e) Notwithstanding chapter 13, the agency shall disclose data about particular relatives~~
295.31 ~~identified, searched for, and contacted for the purposes of the court's review of the agency's~~
295.32 ~~due diligence.~~

296.1 ~~(f)~~ (c) When the court is satisfied that the agency has exercised due diligence to identify
296.2 relatives and provide the notice required in ~~paragraph (a)~~ subdivision 2, the court may find
296.3 that the agency made reasonable efforts ~~have been made~~ to conduct a relative search to
296.4 identify and provide notice to adult relatives as required under section 260.012, paragraph
296.5 (e), clause (3). A finding under this paragraph does not relieve the responsible social services
296.6 agency of the ongoing duty to contact, engage, and consider relatives under this section nor

640.28 is it a basis for the court to rule out any relative from being a foster care or permanent
640.29 placement option for the child. The agency has the continuing responsibility to:

640.30 (1) involve relatives who respond to the notice in planning for the child; and

640.31 (2) continue considering relatives for the child's placement while taking the child's short-
640.32 and long-term permanency goals into consideration, according to the requirements of section
640.33 260C.212, subdivision 2.

641.1 (f) At any time during the course of juvenile protection proceedings, the court may order
641.2 the agency to reopen the search for relatives when it is in the child's best interests.

641.3 (g) If the court is not satisfied that the agency has exercised due diligence to identify
641.4 relatives and provide the notice required in ~~paragraph (a)~~ subdivision 2, the court may order
641.5 the agency to continue its search and notice efforts and to report back to the court.

641.6 (g) ~~When the placing agency determines that permanent placement proceedings are~~
641.7 ~~necessary because there is a likelihood that the child will not return to a parent's care, the~~
641.8 ~~agency must send the notice provided in paragraph (h), may ask the court to modify the~~
641.9 ~~duty of the agency to send the notice required in paragraph (h), or may ask the court to~~
641.10 ~~completely relieve the agency of the requirements of paragraph (h). The relative notification~~
641.11 ~~requirements of paragraph (h) do not apply when the child is placed with an appropriate~~
641.12 ~~relative or a foster home that has committed to adopting the child or taking permanent legal~~
641.13 ~~and physical custody of the child and the agency approves of that foster home for permanent~~
641.14 ~~placement of the child. The actions ordered by the court under this section must be consistent~~
641.15 ~~with the best interests, safety, permanency, and welfare of the child.~~

641.16 (h) ~~Unless required under the Indian Child Welfare Act or relieved of this duty by the~~
641.17 ~~court under paragraph (f),~~ When the agency determines that it is necessary to prepare for
641.18 permanent placement determination proceedings, or in anticipation of filing a termination
641.19 of parental rights petition, the agency shall send notice to ~~the~~ relatives who responded to a
641.20 notice under this section sent at any time during the case, any adult with whom the child is
641.21 currently residing, any adult with whom the child has resided for one year or longer in the
641.22 past, and any adults who have maintained a relationship or exercised visitation with the
641.23 child as identified in the agency case plan. The notice must state that a permanent home is
641.24 sought for the child and that the individuals receiving the notice may indicate to the agency
641.25 their interest in providing a permanent home. The notice must state that within 30 days of
641.26 receipt of the notice an individual receiving the notice must indicate to the agency the
641.27 individual's interest in providing a permanent home for the child or that the individual may
641.28 lose the opportunity to be considered for a permanent placement. A relative's failure to
641.29 respond or timely respond to the notice is not a basis for ruling out the relative from being
641.30 a permanent placement option for the child, should the relative request to be considered for
641.31 permanent placement at a later date.

296.7 is it a basis for the court to rule out any relative from being a foster care or permanent
296.8 placement option for the child. The agency has the continuing responsibility to:

296.9 (1) involve relatives who respond to the notice in planning for the child; and

296.10 (2) continue considering relatives for the child's placement while taking the child's short-
296.11 and long-term permanency goals into consideration, according to the requirements of section
296.12 260C.212, subdivision 2.

296.13 (f) At any time during the course of juvenile protection proceedings, the court may order
296.14 the agency to reopen the search for relatives when it is in the child's best interests.

296.15 (g) If the court is not satisfied that the agency has exercised due diligence to identify
296.16 relatives and provide the notice required in ~~paragraph (a)~~ subdivision 2, the court may order
296.17 the agency to continue its search and notice efforts and to report back to the court.

296.18 (g) ~~When the placing agency determines that permanent placement proceedings are~~
296.19 ~~necessary because there is a likelihood that the child will not return to a parent's care, the~~
296.20 ~~agency must send the notice provided in paragraph (h), may ask the court to modify the~~
296.21 ~~duty of the agency to send the notice required in paragraph (h), or may ask the court to~~
296.22 ~~completely relieve the agency of the requirements of paragraph (h). The relative notification~~
296.23 ~~requirements of paragraph (h) do not apply when the child is placed with an appropriate~~
296.24 ~~relative or a foster home that has committed to adopting the child or taking permanent legal~~
296.25 ~~and physical custody of the child and the agency approves of that foster home for permanent~~
296.26 ~~placement of the child. The actions ordered by the court under this section must be consistent~~
296.27 ~~with the best interests, safety, permanency, and welfare of the child.~~

296.28 (h) ~~Unless required under the Indian Child Welfare Act or relieved of this duty by the~~
296.29 ~~court under paragraph (f),~~ When the agency determines that it is necessary to prepare for
296.30 permanent placement determination proceedings, or in anticipation of filing a termination
296.31 of parental rights petition, the agency shall send notice to ~~the~~ relatives who responded to a
296.32 notice under this section sent at any time during the case, any adult with whom the child is
296.33 currently residing, any adult with whom the child has resided for one year or longer in the
296.34 past, and any adults who have maintained a relationship or exercised visitation with the
297.1 child as identified in the agency case plan. The notice must state that a permanent home is
297.2 sought for the child and that the individuals receiving the notice may indicate to the agency
297.3 their interest in providing a permanent home. The notice must state that within 30 days of
297.4 receipt of the notice an individual receiving the notice must indicate to the agency the
297.5 individual's interest in providing a permanent home for the child or that the individual may
297.6 lose the opportunity to be considered for a permanent placement. A relative's failure to
297.7 respond or timely respond to the notice is not a basis for ruling out the relative from being
297.8 a permanent placement option for the child should the relative request to be considered for
297.9 permanent placement at a later date.

SENATE ART. 10, SEC. 38 IS INCLUDED IN HOUSE ART. 14 SIDE BY SIDE.

642.1 Sec. 19. Minnesota Statutes 2020, section 260C.513, is amended to read:

642.2 **260C.513 PERMANENCY DISPOSITIONS WHEN CHILD CANNOT RETURN**
642.3 **HOME.**

642.4 (a) ~~Termination of parental rights and adoption, or guardianship to the commissioner of~~
642.5 ~~human services through a consent to adopt, are preferred permanency options for a child~~
642.6 ~~who cannot return home. If the court finds that termination of parental rights and guardianship~~
642.7 ~~to the commissioner is not in the child's best interests, the court may transfer permanent~~
642.8 ~~legal and physical custody of the child to a relative when that order is in the child's best~~
642.9 ~~interests. For a child who cannot return home, a permanency placement with a relative is~~
642.10 ~~preferred. A permanency placement with a relative includes termination of parental rights~~
642.11 ~~and adoption by a relative, guardianship to the commissioner of human services through a~~
642.12 ~~consent to adopt with a relative, or a transfer of permanent legal and physical custody to a~~
642.13 ~~relative. The court must consider the best interests of the child and section 260C.212,~~
642.14 ~~subdivision 2, paragraph (a), when making a permanency determination.~~

642.15 (b) When the court has determined that permanent placement of the child away from
642.16 the parent is necessary, the court shall consider permanent alternative homes that are available
642.17 both inside and outside the state.

642.18 Sec. 20. Minnesota Statutes 2021 Supplement, section 260C.605, subdivision 1, is amended
642.19 to read:

642.20 Subdivision 1. **Requirements.** (a) Reasonable efforts to finalize the adoption of a child
642.21 under the guardianship of the commissioner shall be made by the responsible social services
642.22 agency responsible for permanency planning for the child.

642.23 (b) Reasonable efforts to make a placement in a home according to the placement
642.24 considerations under section 260C.212, subdivision 2, with a relative or foster parent who
642.25 will commit to being the permanent resource for the child in the event the child cannot be
642.26 reunified with a parent are required under section 260.012 and may be made concurrently
642.27 with reasonable, or if the child is an Indian child, active efforts to reunify the child with the
642.28 parent.

642.29 (c) Reasonable efforts under paragraph (b) must begin as soon as possible when the
642.30 child is in foster care under this chapter, but not later than the hearing required under section
642.31 260C.204.

642.32 (d) Reasonable efforts to finalize the adoption of the child include:

642.33 (1) considering the child's preference for an adoptive family;

643.1 ~~(1)~~ (2) using age-appropriate engagement strategies to plan for adoption with the child;

299.18 Sec. 39. Minnesota Statutes 2020, section 260C.513, is amended to read:

299.19 **260C.513 PERMANENCY DISPOSITIONS WHEN CHILD CANNOT RETURN**
299.20 **HOME.**

299.21 (a) ~~Termination of parental rights and adoption, or guardianship to the commissioner of~~
299.22 ~~human services through a consent to adopt, are preferred permanency options for a child~~
299.23 ~~who cannot return home. If the court finds that termination of parental rights and guardianship~~
299.24 ~~to the commissioner is not in the child's best interests, the court may transfer permanent~~
299.25 ~~legal and physical custody of the child to a relative when that order is in the child's best~~
299.26 ~~interests. In determining a permanency disposition under section 260C.515 for a child who~~
299.27 ~~cannot return home, the court shall give preference to a permanency disposition that will~~
299.28 ~~result in the child being placed in the permanent care of a relative through a termination of~~
299.29 ~~parental rights and adoption, guardianship to the commissioner of human services through~~
299.30 ~~a consent to adopt, or a transfer of permanent legal and physical custody, consistent with~~
299.31 ~~the best interests of the child and section 260C.212, subdivision 2, paragraph (a). If a relative~~
299.32 ~~is not available to accept placement or the court finds that a permanent placement with a~~
299.33 ~~relative is not in the child's best interests, the court may consider a permanency disposition~~
300.1 ~~that may result in the child being permanently placed in the care of a nonrelative caregiver,~~
300.2 ~~including adoption.~~

300.3 (b) When the court has determined that permanent placement of the child away from
300.4 the parent is necessary, the court shall consider permanent alternative homes that are available
300.5 both inside and outside the state.

300.6 Sec. 40. Minnesota Statutes 2021 Supplement, section 260C.605, subdivision 1, is amended
300.7 to read:

300.8 Subdivision 1. **Requirements.** (a) Reasonable efforts to finalize the adoption of a child
300.9 under the guardianship of the commissioner shall be made by the responsible social services
300.10 agency responsible for permanency planning for the child.

300.11 (b) Reasonable efforts to make a placement in a home according to the placement
300.12 considerations under section 260C.212, subdivision 2, with a relative or foster parent who
300.13 will commit to being the permanent resource for the child in the event the child cannot be
300.14 reunified with a parent are required under section 260.012 and may be made concurrently
300.15 with reasonable, or if the child is an Indian child, active efforts to reunify the child with the
300.16 parent.

300.17 (c) Reasonable efforts under paragraph (b) must begin as soon as possible when the
300.18 child is in foster care under this chapter, but not later than the hearing required under section
300.19 260C.204.

300.20 (d) Reasonable efforts to finalize the adoption of the child include:

300.21 (1) considering the child's preference for an adoptive family;

300.22 ~~(1)~~ (2) using age-appropriate engagement strategies to plan for adoption with the child;

643.2 ~~(2)~~ (3) identifying an appropriate prospective adoptive parent for the child by updating
643.3 the child's identified needs using the factors in section 260C.212, subdivision 2;
643.4 ~~(3)~~ (4) making an adoptive placement that meets the child's needs by:
643.5 (i) completing or updating the relative search required under section 260C.221 and giving
643.6 notice of the need for an adoptive home for the child to:
643.7 (A) relatives who have kept the agency or the court apprised of their whereabouts ~~and~~
643.8 ~~who have indicated an interest in adopting the child~~; or
643.9 (B) relatives of the child who are located in an updated search;
643.10 (ii) an updated search is required whenever:
643.11 (A) there is no identified prospective adoptive placement for the child notwithstanding
643.12 a finding by the court that the agency made diligent efforts under section 260C.221, in a
643.13 hearing required under section 260C.202;
643.14 (B) the child is removed from the home of an adopting parent; or
643.15 (C) the court determines that a relative search by the agency is in the best interests of
643.16 the child;
643.17 (iii) engaging the child's relatives or current or former foster parent ~~and the child's~~
643.18 ~~relatives identified as an adoptive resource during the search conducted under section~~
643.19 ~~260C.221; parents~~ to commit to being the prospective adoptive parent of the child, and
643.20 considering the child's relatives for adoptive placement of the child in the order specified
643.21 under section 260C.212, subdivision 2, paragraph (a); or
643.22 (iv) when there is no identified prospective adoptive parent:
643.23 (A) registering the child on the state adoption exchange as required in section 259.75
643.24 unless the agency documents to the court an exception to placing the child on the state
643.25 adoption exchange reported to the commissioner;
643.26 (B) reviewing all families with approved adoption home studies associated with the
643.27 responsible social services agency;
643.28 (C) presenting the child to adoption agencies and adoption personnel who may assist
643.29 with finding an adoptive home for the child;
643.30 (D) using newspapers and other media to promote the particular child;
644.1 (E) using a private agency under grant contract with the commissioner to provide adoption
644.2 services for intensive child-specific recruitment efforts; and
644.3 (F) making any other efforts or using any other resources reasonably calculated to identify
644.4 a prospective adoption parent for the child;

300.23 ~~(2)~~ (3) identifying an appropriate prospective adoptive parent for the child by updating
300.24 the child's identified needs using the factors in section 260C.212, subdivision 2;
300.25 ~~(3)~~ (4) making an adoptive placement that meets the child's needs by:
300.26 (i) completing or updating the relative search required under section 260C.221 and giving
300.27 notice of the need for an adoptive home for the child to:
300.28 (A) relatives who have kept the agency or the court apprised of their whereabouts ~~and~~
300.29 ~~who have indicated an interest in adopting the child~~; or
300.30 (B) relatives of the child who are located in an updated search;
300.31 (ii) an updated search is required whenever:
301.1 (A) there is no identified prospective adoptive placement for the child notwithstanding
301.2 a finding by the court that the agency made diligent efforts under section 260C.221, in a
301.3 hearing required under section 260C.202;
301.4 (B) the child is removed from the home of an adopting parent; or
301.5 (C) the court determines that a relative search by the agency is in the best interests of
301.6 the child;
301.7 (iii) engaging the child's relatives or current or former foster parent ~~and the child's~~
301.8 ~~relatives identified as an adoptive resource during the search conducted under section~~
301.9 ~~260C.221; parents~~ to commit to being the prospective adoptive parent of the child, and
301.10 considering the child's relatives for adoptive placement of the child in the order specified
301.11 under section 260C.212, subdivision 2, paragraph (a); or
301.12 (iv) when there is no identified prospective adoptive parent:
301.13 (A) registering the child on the state adoption exchange as required in section 259.75
301.14 unless the agency documents to the court an exception to placing the child on the state
301.15 adoption exchange reported to the commissioner;
301.16 (B) reviewing all families with approved adoption home studies associated with the
301.17 responsible social services agency;
301.18 (C) presenting the child to adoption agencies and adoption personnel who may assist
301.19 with finding an adoptive home for the child;
301.20 (D) using newspapers and other media to promote the particular child;
301.21 (E) using a private agency under grant contract with the commissioner to provide adoption
301.22 services for intensive child-specific recruitment efforts; and
301.23 (F) making any other efforts or using any other resources reasonably calculated to identify
301.24 a prospective adoption parent for the child;

644.5 ~~(4)~~ (5) updating and completing the social and medical history required under sections
644.6 260C.212, subdivision 15, and 260C.609;

644.7 ~~(5)~~ (6) making, and keeping updated, appropriate referrals required by section 260.851,
644.8 the Interstate Compact on the Placement of Children;

644.9 ~~(6)~~ (7) giving notice regarding the responsibilities of an adoptive parent to any prospective
644.10 adoptive parent as required under section 259.35;

644.11 ~~(7)~~ (8) offering the adopting parent the opportunity to apply for or decline adoption
644.12 assistance under chapter 256N;

644.13 ~~(8)~~ (9) certifying the child for adoption assistance, assessing the amount of adoption
644.14 assistance, and ascertaining the status of the commissioner's decision on the level of payment
644.15 if the adopting parent has applied for adoption assistance;

644.16 ~~(9)~~ (10) placing the child with siblings. If the child is not placed with siblings, the agency
644.17 must document reasonable efforts to place the siblings together, as well as the reason for
644.18 separation. The agency may not cease reasonable efforts to place siblings together for final
644.19 adoption until the court finds further reasonable efforts would be futile or that placement
644.20 together for purposes of adoption is not in the best interests of one of the siblings; and

644.21 ~~(10)~~ (11) working with the adopting parent to file a petition to adopt the child and with
644.22 the court administrator to obtain a timely hearing to finalize the adoption.

644.23 Sec. 21. Minnesota Statutes 2020, section 260C.607, subdivision 2, is amended to read:

644.24 Subd. 2. **Notice.** Notice of review hearings shall be given by the court to:

644.25 (1) the responsible social services agency;

644.26 (2) the child, if the child is age ten and older;

644.27 (3) the child's guardian ad litem;

644.28 (4) counsel appointed for the child pursuant to section 260C.163, subdivision 3;

644.29 (5) relatives of the child who have kept the court informed of their whereabouts as
644.30 required in section 260C.221 and who have responded to the agency's notice under section
644.31 260C.221, ~~indicating a willingness to provide an adoptive home for the child unless the~~
645.1 relative has been previously ruled out by the court as a suitable foster parent or permanency
645.2 resource for the child;

645.3 (6) the current foster or adopting parent of the child;

645.4 (7) any foster or adopting parents of siblings of the child; and

645.5 (8) the Indian child's tribe.

301.25 ~~(4)~~ (5) updating and completing the social and medical history required under sections
301.26 260C.212, subdivision 15, and 260C.609;

301.27 ~~(5)~~ (6) making, and keeping updated, appropriate referrals required by section 260.851,
301.28 the Interstate Compact on the Placement of Children;

301.29 ~~(6)~~ (7) giving notice regarding the responsibilities of an adoptive parent to any prospective
301.30 adoptive parent as required under section 259.35;

302.1 ~~(7)~~ (8) offering the adopting parent the opportunity to apply for or decline adoption
302.2 assistance under chapter 256N;

302.3 ~~(8)~~ (9) certifying the child for adoption assistance, assessing the amount of adoption
302.4 assistance, and ascertaining the status of the commissioner's decision on the level of payment
302.5 if the adopting parent has applied for adoption assistance;

302.6 ~~(9)~~ (10) placing the child with siblings. If the child is not placed with siblings, the agency
302.7 must document reasonable efforts to place the siblings together, as well as the reason for
302.8 separation. The agency may not cease reasonable efforts to place siblings together for final
302.9 adoption until the court finds further reasonable efforts would be futile or that placement
302.10 together for purposes of adoption is not in the best interests of one of the siblings; and

302.11 ~~(10)~~ (11) working with the adopting parent to file a petition to adopt the child and with
302.12 the court administrator to obtain a timely hearing to finalize the adoption.

302.13 Sec. 41. Minnesota Statutes 2020, section 260C.607, subdivision 2, is amended to read:

302.14 Subd. 2. **Notice.** Notice of review hearings shall be given by the court to:

302.15 (1) the responsible social services agency;

302.16 (2) the child, if the child is age ten and older;

302.17 (3) the child's guardian ad litem;

302.18 (4) counsel appointed for the child pursuant to section 260C.163, subdivision 3;

302.19 (5) relatives of the child who have kept the court informed of their whereabouts as
302.20 required in section 260C.221 and who have responded to the agency's notice under section
302.21 260C.221, ~~indicating a willingness to provide an adoptive home for the child unless the~~
302.22 relative has been previously ruled out by the court as a suitable foster parent or permanency
302.23 resource for the child;

302.24 (6) the current foster or adopting parent of the child;

302.25 (7) any foster or adopting parents of siblings of the child; and

302.26 (8) the Indian child's tribe.

645.6 Sec. 22. Minnesota Statutes 2020, section 260C.607, subdivision 5, is amended to read:

645.7 Subd. 5. **Required placement by responsible social services agency.** (a) No petition
645.8 for adoption shall be filed for a child under the guardianship of the commissioner unless
645.9 the child sought to be adopted has been placed for adoption with the adopting parent by the
645.10 responsible social services agency as required under section 260C.613, subdivision 1. The
645.11 court may order the agency to make an adoptive placement using standards and procedures
645.12 under subdivision 6.

645.13 (b) Any relative or the child's foster parent who believes the responsible agency has not
645.14 reasonably considered the relative's or foster parent's request to be considered for adoptive
645.15 placement as required under section 260C.212, subdivision 2, and who wants to be considered
645.16 for adoptive placement of the child shall bring a request for consideration to the attention
645.17 of the court during a review required under this section. The child's guardian ad litem and
645.18 the child may also bring a request for a relative or the child's foster parent to be considered
645.19 for adoptive placement. After hearing from the agency, the court may order the agency to
645.20 take appropriate action regarding the relative's or foster parent's request for consideration
645.21 under section 260C.212, subdivision 2, paragraph (b).

645.22 Sec. 23. Minnesota Statutes 2021 Supplement, section 260C.607, subdivision 6, is amended
645.23 to read:

645.24 Subd. 6. **Motion and hearing to order adoptive placement.** (a) At any time after the
645.25 district court orders the child under the guardianship of the commissioner of human services,
645.26 but not later than 30 days after receiving notice required under section 260C.613, subdivision
645.27 1, paragraph (c), that the agency has made an adoptive placement, a relative or the child's
645.28 foster parent may file a motion for an order for adoptive placement of a child who is under
645.29 the guardianship of the commissioner if the relative or the child's foster parent:

645.30 (1) has an adoption home study under section 259.41 approving the relative or foster
645.31 parent for adoption ~~and has~~. If the relative or foster parent does not have an adoption home
645.32 study, an affidavit attesting to efforts to complete an adoption home study may be filed with
646.1 the motion instead. The affidavit must be signed by the relative or foster parent and the
646.2 responsible social services agency or licensed child-placing agency completing the adoption
646.3 home study. The relative or foster parent must also have been a resident of Minnesota for
646.4 at least six months before filing the motion; the court may waive the residency requirement
646.5 for the moving party if there is a reasonable basis to do so; or

646.6 (2) is not a resident of Minnesota, but has an approved adoption home study by an agency
646.7 licensed or approved to complete an adoption home study in the state of the individual's
646.8 residence and the study is filed with the motion for adoptive placement. If the relative or
646.9 foster parent does not have an adoption home study in the relative's or foster parent's state
646.10 of residence, an affidavit attesting to efforts to complete an adoption home study may be
646.11 filed with the motion instead. The affidavit must be signed by the relative or foster parent
646.12 and the agency completing the adoption home study.

302.27 Sec. 42. Minnesota Statutes 2020, section 260C.607, subdivision 5, is amended to read:

302.28 Subd. 5. **Required placement by responsible social services agency.** (a) No petition
302.29 for adoption shall be filed for a child under the guardianship of the commissioner unless
302.30 the child sought to be adopted has been placed for adoption with the adopting parent by the
303.1 responsible social services agency as required under section 260C.613, subdivision 1. The
303.2 court may order the agency to make an adoptive placement using standards and procedures
303.3 under subdivision 6.

303.4 (b) Any relative or the child's foster parent who believes the responsible agency has not
303.5 reasonably considered the relative's or foster parent's request to be considered for adoptive
303.6 placement as required under section 260C.212, subdivision 2, and who wants to be considered
303.7 for adoptive placement of the child shall bring a request for consideration to the attention
303.8 of the court during a review required under this section. The child's guardian ad litem and
303.9 the child may also bring a request for a relative or the child's foster parent to be considered
303.10 for adoptive placement. After hearing from the agency, the court may order the agency to
303.11 take appropriate action regarding the relative's or foster parent's request for consideration
303.12 under section 260C.212, subdivision 2, paragraph (b).

303.13 Sec. 43. Minnesota Statutes 2021 Supplement, section 260C.607, subdivision 6, is amended
303.14 to read:

303.15 Subd. 6. **Motion and hearing to order adoptive placement.** (a) At any time after the
303.16 district court orders the child under the guardianship of the commissioner of human services,
303.17 but not later than 30 days after receiving notice required under section 260C.613, subdivision
303.18 1, paragraph (c), that the agency has made an adoptive placement, a relative or the child's
303.19 foster parent may file a motion for an order for adoptive placement of a child who is under
303.20 the guardianship of the commissioner if the relative or the child's foster parent:

303.21 (1) has an adoption home study under section 259.41 or 260C.611 approving the relative
303.22 or foster parent for adoption ~~and has~~. If the relative or foster parent does not have an adoption
303.23 home study, an affidavit attesting to efforts to complete an adoption home study may be
303.24 filed with the motion. The affidavit must be signed by the relative or foster parent and the
303.25 responsible social services agency or licensed child-placing agency completing the adoption
303.26 home study. The relative or foster parent must also have been a resident of Minnesota for
303.27 at least six months before filing the motion; the court may waive the residency requirement
303.28 for the moving party if there is a reasonable basis to do so; or

303.29 (2) is not a resident of Minnesota, but has an approved adoption home study by an agency
303.30 licensed or approved to complete an adoption home study in the state of the individual's
303.31 residence and the study is filed with the motion for adoptive placement. If the relative or
303.32 foster parent does not have an adoption home study in the relative or foster parent's state
303.33 of residence, an affidavit attesting to efforts to complete an adoption home study may be
304.1 filed with the motion instead. The affidavit must be signed by the relative or foster parent
304.2 and the agency completing the adoption home study.

646.13 (b) The motion shall be filed with the court conducting reviews of the child's progress
646.14 toward adoption under this section. The motion and supporting documents must make a
646.15 prima facie showing that the agency has been unreasonable in failing to make the requested
646.16 adoptive placement. The motion must be served according to the requirements for motions
646.17 under the Minnesota Rules of Juvenile Protection Procedure and shall be made on all
646.18 individuals and entities listed in subdivision 2.

646.19 (c) If the motion and supporting documents do not make a prima facie showing for the
646.20 court to determine whether the agency has been unreasonable in failing to make the requested
646.21 adoptive placement, the court shall dismiss the motion. If the court determines a prima facie
646.22 basis is made, the court shall set the matter for evidentiary hearing.

646.23 (d) At the evidentiary hearing, the responsible social services agency shall proceed first
646.24 with evidence about the reason for not making the adoptive placement proposed by the
646.25 moving party. When the agency presents evidence regarding the child's current relationship
646.26 with the identified adoptive placement resource, the court must consider the agency's efforts
646.27 to support the child's relationship with the moving party consistent with section 260C.221.
646.28 The moving party then has the burden of proving by a preponderance of the evidence that
646.29 the agency has been unreasonable in failing to make the adoptive placement.

646.30 (e) The court shall review and enter findings regarding whether, in making an adoptive
646.31 placement decision for the child, the agency:

646.32 (1) considered relatives for adoptive placement in the order specified under section
646.33 260C.212, subdivision 2, paragraph (a); and

647.1 (2) assessed how the identified adoptive placement resource and the moving party are
647.2 each able to meet the child's current and future needs based on an individualized
647.3 determination of the child's needs, as required under sections 260C.612, subdivision 2, and
647.4 260C.613, subdivision 1, paragraph (b).

647.5 ~~(f)~~ (f) At the conclusion of the evidentiary hearing, if the court finds that the agency has
647.6 been unreasonable in failing to make the adoptive placement and that the ~~relative or the~~
647.7 ~~child's foster parent~~ moving party is the most suitable adoptive home to meet the child's
647.8 needs using the factors in section 260C.212, subdivision 2, paragraph (b), the court may:

647.9 (1) order the responsible social services agency to make an adoptive placement in the
647.10 home of the ~~relative or the child's foster parent~~ moving party if the moving party has an
647.11 approved adoption home study; or

647.12 (2) order the responsible social services agency to place the child in the home of the
647.13 moving party upon approval of an adoption home study. The agency must promote and
647.14 support the child's ongoing visitation and contact with the moving party until the child is
647.15 placed in the moving party's home. The agency must provide an update to the court after
647.16 90 days, including progress and any barriers encountered. If the moving party does not have
647.17 an approved adoption home study within 180 days, the moving party and the agency must
647.18 inform the court of any barriers to obtaining the approved adoption home study during a

304.3 (b) The motion shall be filed with the court conducting reviews of the child's progress
304.4 toward adoption under this section. The motion and supporting documents must make a
304.5 prima facie showing that the agency has been unreasonable in failing to make the requested
304.6 adoptive placement. The motion must be served according to the requirements for motions
304.7 under the Minnesota Rules of Juvenile Protection Procedure and shall be made on all
304.8 individuals and entities listed in subdivision 2.

304.9 (c) If the motion and supporting documents do not make a prima facie showing for the
304.10 court to determine whether the agency has been unreasonable in failing to make the requested
304.11 adoptive placement, the court shall dismiss the motion. If the court determines a prima facie
304.12 basis is made, the court shall set the matter for evidentiary hearing.

304.13 (d) At the evidentiary hearing, the responsible social services agency shall proceed first
304.14 with evidence about the reason for not making the adoptive placement proposed by the
304.15 moving party. When the agency presents evidence regarding the child's current relationship
304.16 with the identified adoptive placement resource, the court must consider the agency's efforts
304.17 to support the child's relationship with the moving party consistent with section 260C.221.
304.18 The moving party then has the burden of proving by a preponderance of the evidence that
304.19 the agency has been unreasonable in failing to make the adoptive placement.

304.20 (e) The court shall review and enter findings regarding whether the agency, in making
304.21 an adoptive placement decision for the child:

304.22 (1) considered relatives for adoptive placement in the order specified under section
304.23 260C.212, subdivision 2, paragraph (a); and

304.24 (2) assessed how the identified adoptive placement resource and the moving party are
304.25 each able to meet the child's current and future needs, based on an individualized
304.26 determination of the child's needs, as required under sections 260C.212, subdivision 2, and
304.27 260C.613, subdivision 1, paragraph (b).

304.28 ~~(f)~~ (f) At the conclusion of the evidentiary hearing, if the court finds that the agency has
304.29 been unreasonable in failing to make the adoptive placement and that the ~~relative or the~~
304.30 ~~child's foster parent~~ moving party is the most suitable adoptive home to meet the child's
304.31 needs using the factors in section 260C.212, subdivision 2, paragraph (b), the court may:

305.1 (1) order the responsible social services agency to make an adoptive placement in the
305.2 home of the ~~relative or the child's foster parent~~ moving party if the moving party has an
305.3 approved adoption home study; or

305.4 (2) order the responsible social services agency to place the child in the home of the
305.5 moving party upon approval of an adoption home study. The agency must promote and
305.6 support the child's ongoing visitation and contact with the moving party until the child is
305.7 placed in the moving party's home. The agency must provide an update to the court after
305.8 90 days, including progress and any barriers encountered. If the moving party does not have
305.9 an approved adoption home study within 180 days, the moving party and the agency must
305.10 inform the court of any barriers to obtaining the approved adoption home study during a

647.19 review hearing under this section. If the court finds that the moving party is unable to obtain
647.20 an approved adoption home study, the court must dismiss the order for adoptive placement
647.21 under this subdivision and order the agency to continue making reasonable efforts to finalize
647.22 the adoption of the child as required under section 260C.605.

647.23 ~~(f)~~ (g) If, in order to ensure that a timely adoption may occur, the court orders the
647.24 responsible social services agency to make an adoptive placement under this subdivision,
647.25 the agency shall:

647.26 (1) make reasonable efforts to obtain a fully executed adoption placement agreement,
647.27 including assisting the moving party with the adoption home study process;

647.28 (2) work with the moving party regarding eligibility for adoption assistance as required
647.29 under chapter 256N; and

647.30 (3) if the moving party is not a resident of Minnesota, timely refer the matter for approval
647.31 of the adoptive placement through the Interstate Compact on the Placement of Children.

647.32 ~~(g)~~ (h) Denial or granting of a motion for an order for adoptive placement after an
647.33 evidentiary hearing is an order which may be appealed by the responsible social services
648.1 agency, the moving party, the child, when age ten or over, the child's guardian ad litem,
648.2 and any individual who had a fully executed adoption placement agreement regarding the
648.3 child at the time the motion was filed if the court's order has the effect of terminating the
648.4 adoption placement agreement. An appeal shall be conducted according to the requirements
648.5 of the Rules of Juvenile Protection Procedure.

648.6 Sec. 24. Minnesota Statutes 2020, section 260C.613, subdivision 1, is amended to read:

648.7 Subdivision 1. **Adoptive placement decisions.** (a) The responsible social services agency
648.8 has exclusive authority to make an adoptive placement of a child under the guardianship of
648.9 the commissioner. The child shall be considered placed for adoption when the adopting
648.10 parent, the agency, and the commissioner have fully executed an adoption placement
648.11 agreement on the form prescribed by the commissioner.

648.12 (b) The responsible social services agency shall use an individualized determination of
648.13 the child's current and future needs, pursuant to section 260C.212, subdivision 2, paragraph
648.14 (b), to determine the most suitable adopting parent for the child in the child's best interests.
648.15 The responsible social services agency must consider adoptive placement of the child with
648.16 relatives in the order specified in section 260C.212, subdivision 2, paragraph (a).

648.17 (c) The responsible social services agency shall notify the court and parties entitled to
648.18 notice under section 260C.607, subdivision 2, when there is a fully executed adoption
648.19 placement agreement for the child.

648.20 (d) In the event an adoption placement agreement terminates, the responsible social
648.21 services agency shall notify the court, the parties entitled to notice under section 260C.607,
648.22 subdivision 2, and the commissioner that the agreement and the adoptive placement have
648.23 terminated.

305.11 review hearing under this section. If the court finds that the moving party is unable to obtain
305.12 an approved adoption home study, the court must dismiss the order for adoptive placement
305.13 under this subdivision and order the agency to continue making reasonable efforts to finalize
305.14 the adoption of the child as required under section 260C.605.

305.15 ~~(f)~~ (g) If, in order to ensure that a timely adoption may occur, the court orders the
305.16 responsible social services agency to make an adoptive placement under this subdivision,
305.17 the agency shall:

305.18 (1) make reasonable efforts to obtain a fully executed adoption placement agreement,
305.19 including assisting the moving party with the adoption home study process;

305.20 (2) work with the moving party regarding eligibility for adoption assistance as required
305.21 under chapter 256N; and

305.22 (3) if the moving party is not a resident of Minnesota, timely refer the matter for approval
305.23 of the adoptive placement through the Interstate Compact on the Placement of Children.

305.24 ~~(g)~~ (h) Denial or granting of a motion for an order for adoptive placement after an
305.25 evidentiary hearing is an order which may be appealed by the responsible social services
305.26 agency, the moving party, the child, when age ten or over, the child's guardian ad litem,
305.27 and any individual who had a fully executed adoption placement agreement regarding the
305.28 child at the time the motion was filed if the court's order has the effect of terminating the
305.29 adoption placement agreement. An appeal shall be conducted according to the requirements
305.30 of the Rules of Juvenile Protection Procedure.

305.31 Sec. 44. Minnesota Statutes 2020, section 260C.613, subdivision 1, is amended to read:

305.32 Subdivision 1. **Adoptive placement decisions.** (a) The responsible social services agency
305.33 has exclusive authority to make an adoptive placement of a child under the guardianship of
306.1 the commissioner. The child shall be considered placed for adoption when the adopting
306.2 parent, the agency, and the commissioner have fully executed an adoption placement
306.3 agreement on the form prescribed by the commissioner.

306.4 (b) The responsible social services agency shall use an individualized determination of
306.5 the child's current and future needs, pursuant to section 260C.212, subdivision 2, paragraph
306.6 (b), to determine the most suitable adopting parent for the child in the child's best interests.
306.7 The responsible social services agency must consider adoptive placement of the child with
306.8 relatives in the order specified in section 260C.212, subdivision 2, paragraph (a).

306.9 (c) The responsible social services agency shall notify the court and parties entitled to
306.10 notice under section 260C.607, subdivision 2, when there is a fully executed adoption
306.11 placement agreement for the child.

306.12 (d) In the event an adoption placement agreement terminates, the responsible social
306.13 services agency shall notify the court, the parties entitled to notice under section 260C.607,
306.14 subdivision 2, and the commissioner that the agreement and the adoptive placement have
306.15 terminated.

648.24 Sec. 25. Minnesota Statutes 2020, section 260C.613, subdivision 5, is amended to read:

648.25 Subd. 5. **Required record keeping.** The responsible social services agency shall
648.26 document, in the records required to be kept under section 259.79, the reasons for the
648.27 adoptive placement decision regarding the child, including the individualized determination
648.28 of the child's needs based on the factors in section 260C.212, subdivision 2, paragraph (b);
648.29 the agency's consideration of relatives in the order specified in section 260C.212, subdivision
648.30 2, paragraph (a); and the assessment of how the selected adoptive placement meets the
648.31 identified needs of the child. The responsible social services agency shall retain in the
648.32 records required to be kept under section 259.79, copies of all out-of-home placement plans
649.1 made since the child was ordered under guardianship of the commissioner and all court
649.2 orders from reviews conducted pursuant to section 260C.607.

649.3 Sec. 26. Minnesota Statutes 2021 Supplement, section 260E.20, subdivision 2, is amended
649.4 to read:

649.5 Subd. 2. **Face-to-face contact.** (a) Upon receipt of a screened in report, the local welfare
649.6 agency shall conduct a face-to-face contact with the child reported to be maltreated and
649.7 with the child's primary caregiver sufficient to complete a safety assessment and ensure the
649.8 immediate safety of the child. If the report alleges substantial child endangerment or sexual
649.9 abuse, the local welfare agency or agency responsible for assessing or investigating the
649.10 report is not required to provide notice before conducting the initial face-to-face contact
649.11 with the child and the child's primary caregiver.

649.12 (b) The face-to-face contact with the child and primary caregiver shall occur immediately
649.13 if sexual abuse or substantial child endangerment is alleged and within five calendar days
649.14 for all other reports. If the alleged offender was not already interviewed as the primary
649.15 caregiver, the local welfare agency shall also conduct a face-to-face interview with the
649.16 alleged offender in the early stages of the assessment or investigation. Face-to-face contact
649.17 with the child and primary caregiver in response to a report alleging sexual abuse or
649.18 substantial child endangerment may be postponed for no more than five calendar days if
649.19 the child is residing in a location that is confirmed to restrict contact with the alleged offender
649.20 as established in guidelines issued by the commissioner, or if the local welfare agency is
649.21 pursuing a court order for the child's caregiver to produce the child for questioning under
649.22 section 260E.22, subdivision 5.

649.23 (c) At the initial contact with the alleged offender, the local welfare agency or the agency
649.24 responsible for assessing or investigating the report must inform the alleged offender of the
649.25 complaints or allegations made against the individual in a manner consistent with laws
649.26 protecting the rights of the person who made the report. The interview with the alleged
649.27 offender may be postponed if it would jeopardize an active law enforcement investigation.

649.28 (d) The local welfare agency or the agency responsible for assessing or investigating
649.29 the report must provide the alleged offender with an opportunity to make a statement. The
649.30 alleged offender may submit supporting documentation relevant to the assessment or
649.31 investigation.

306.16 Sec. 45. Minnesota Statutes 2020, section 260C.613, subdivision 5, is amended to read:

306.17 Subd. 5. **Required record keeping.** The responsible social services agency shall
306.18 document, in the records required to be kept under section 259.79, the reasons for the
306.19 adoptive placement decision regarding the child, including the individualized determination
306.20 of the child's needs based on the factors in section 260C.212, subdivision 2, paragraph (b);
306.21 the agency's consideration of relatives in the order specified in section 260C.212, subdivision
306.22 2, paragraph (a); and the assessment of how the selected adoptive placement meets the
306.23 identified needs of the child. The responsible social services agency shall retain in the
306.24 records required to be kept under section 259.79, copies of all out-of-home placement plans
306.25 made since the child was ordered under guardianship of the commissioner and all court
306.26 orders from reviews conducted pursuant to section 260C.607.

306.27 Sec. 46. Minnesota Statutes 2021 Supplement, section 260E.20, subdivision 2, is amended
306.28 to read:

306.29 Subd. 2. **Face-to-face contact.** (a) Upon receipt of a screened in report, the local welfare
306.30 agency shall conduct a face-to-face contact with the child reported to be maltreated and
306.31 with the child's primary caregiver sufficient to complete a safety assessment and ensure the
306.32 immediate safety of the child. When it is possible and the report alleges substantial
306.33 endangerment or sexual abuse, the local welfare agency or agency responsible for assessing
307.1 or investigating the report is not required to provide notice before conducting the initial
307.2 face-to-face contact with the child and the child's primary caregiver.

307.3 (b) The face-to-face contact with the child and primary caregiver shall occur immediately
307.4 if sexual abuse or substantial child endangerment is alleged and within five calendar days
307.5 for all other reports. If the alleged offender was not already interviewed as the primary
307.6 caregiver, the local welfare agency shall also conduct a face-to-face interview with the
307.7 alleged offender in the early stages of the assessment or investigation. Face-to-face contact
307.8 with the child and primary caregiver in response to a report alleging sexual abuse or
307.9 substantial child endangerment may be postponed for no more than five calendar days if
307.10 the child is residing in a location that is confirmed to restrict contact with the alleged offender
307.11 as established in guidelines issued by the commissioner, or if the local welfare agency is
307.12 pursuing a court order for the child's caregiver to produce the child for questioning under
307.13 section 260E.22, subdivision 5.

307.14 (c) At the initial contact with the alleged offender, the local welfare agency or the agency
307.15 responsible for assessing or investigating the report must inform the alleged offender of the
307.16 complaints or allegations made against the individual in a manner consistent with laws
307.17 protecting the rights of the person who made the report. The interview with the alleged
307.18 offender may be postponed if it would jeopardize an active law enforcement investigation.

307.19 (d) The local welfare agency or the agency responsible for assessing or investigating
307.20 the report must provide the alleged offender with an opportunity to make a statement. The
307.21 alleged offender may submit supporting documentation relevant to the assessment or
307.22 investigation.

650.1 Sec. 27. Minnesota Statutes 2020, section 260E.22, subdivision 2, is amended to read:

650.2 Subd. 2. **Child interview procedure.** (a) The interview may take place at school or at
650.3 any facility or other place where the alleged victim or other children might be found or the
650.4 child may be transported to, and the interview may be conducted at a place appropriate for
650.5 the interview of a child designated by the local welfare agency or law enforcement agency.

650.6 (b) When appropriate, the interview ~~may must~~ take place outside the presence of the
650.7 alleged offender or parent, legal custodian, guardian, or school official and may take place
650.8 prior to any interviews of the alleged offender or parent, legal custodian, guardian, foster
650.9 parent, or school official.

650.10 (c) ~~For a family assessment, it is the preferred practice to request a parent or guardian's~~
650.11 ~~permission to interview the child before conducting the child interview, unless doing so~~
650.12 ~~would compromise the safety assessment.~~

650.13 Sec. 28. Minnesota Statutes 2020, section 260E.24, subdivision 2, is amended to read:

650.14 Subd. 2. **Determination after family assessment.** After conducting a family assessment,
650.15 the local welfare agency shall determine whether child protective services are needed to
650.16 address the safety of the child and other family members and the risk of subsequent
650.17 maltreatment. The local welfare agency must document the information collected under
650.18 section 260E.20, subdivision 3, related to the completed family assessment in the child's or
650.19 family's case notes.

650.20 Sec. 29. Minnesota Statutes 2020, section 260E.34, is amended to read:

650.21 **260E.34 IMMUNITY.**

650.22 (a) The following persons, including persons under the age of 18, are immune from any
650.23 civil or criminal liability that otherwise might result from the person's actions if the person
650.24 is acting in good faith:

650.25 (1) a person making a voluntary or mandated report under this chapter or assisting in an
650.26 assessment under this chapter;

650.27 (2) a person with responsibility for performing duties under this section or supervisor
650.28 employed by a local welfare agency, the commissioner of an agency responsible for operating
650.29 or supervising a licensed or unlicensed day care facility, residential facility, agency, hospital,
650.30 sanitarium, or other facility or institution required to be licensed or certified under sections
650.31 144.50 to 144.58; 241.021; 245A.01 to 245A.16; or chapter 245B or 245H; or a school as
650.32 defined in section 120A.05, subdivisions 9, 11, and 13; and chapter 124E; or a nonlicensed
651.1 personal care provider organization as defined in section 256B.0625, subdivision 19a,
651.2 complying with sections 260E.23, subdivisions 2 and 3, and 260E.30; and

651.3 (3) a public or private school, facility as defined in section 260E.03, or the employee of
651.4 any public or private school or facility who permits access by a local welfare agency, the

307.23 Sec. 47. Minnesota Statutes 2020, section 260E.22, subdivision 2, is amended to read:

307.24 Subd. 2. **Child interview procedure.** (a) The interview may take place at school or at
307.25 any facility or other place where the alleged victim or other children might be found or the
307.26 child may be transported to, and the interview may be conducted at a place appropriate for
307.27 the interview of a child designated by the local welfare agency or law enforcement agency.

307.28 (b) When it is possible and the report alleges substantial endangerment or sexual abuse,
307.29 the interview may take place outside the presence of the alleged offender or parent, legal
307.30 custodian, guardian, or school official and may take place prior to any interviews of the
307.31 alleged offender.

308.1 (c) ~~For a family assessment, it is the preferred practice to request a parent or guardian's~~
308.2 ~~permission to interview the child before conducting the child interview, unless doing so~~
308.3 ~~would compromise the safety assessment.~~

308.4 Sec. 48. Minnesota Statutes 2020, section 260E.24, subdivision 2, is amended to read:

308.5 Subd. 2. **Determination after family assessment.** After conducting a family assessment,
308.6 the local welfare agency shall determine whether child protective services are needed to
308.7 address the safety of the child and other family members and the risk of subsequent
308.8 maltreatment. The local welfare agency must document the information collected under
308.9 section 260E.20, subdivision 3, related to the completed family assessment in the child's or
308.10 family's case notes.

651.5 Department of Education, or a local law enforcement agency and assists in an investigation
651.6 or assessment pursuant to this chapter.

651.7 (b) A person who is a supervisor or person with responsibility for performing duties
651.8 under this chapter employed by a local welfare agency, the commissioner of human services,
651.9 or the commissioner of education complying with this chapter or any related rule or provision
651.10 of law is immune from any civil or criminal liability that might otherwise result from the
651.11 person's actions if the person is (1) acting in good faith and exercising due care, or (2) acting
651.12 in good faith and following the information collection procedures established under section
651.13 260E.20, subdivision 3.

651.14 (c) Any physician or other medical personnel administering a toxicology test under
651.15 section 260E.32 to determine the presence of a controlled substance in a pregnant woman,
651.16 in a woman within eight hours after delivery, or in a child at birth or during the first month
651.17 of life is immune from civil or criminal liability arising from administration of the test if
651.18 the physician ordering the test believes in good faith that the test is required under this
651.19 section and the test is administered in accordance with an established protocol and reasonable
651.20 medical practice.

651.21 (d) This section does not provide immunity to any person for failure to make a required
651.22 report or for committing maltreatment.

651.23 (e) If a person who makes a voluntary or mandatory report under section 260E.06 prevails
651.24 in a civil action from which the person has been granted immunity under this section, the
651.25 court may award the person attorney fees and costs.

SENATE ART. 10, SEC. 49 IS INCLUDED IN HOUSE ART. 15 SIDE BY SIDE.

310.12 Sec. 50. Minnesota Statutes 2020, section 477A.0126, is amended by adding a subdivision
310.13 to read:

310.14 Subd. 3a. **Transfer of withheld aid amounts.** (a) For aid payable in 2023 and later, the
310.15 commissioner must transfer the total amount of the aid reductions under subdivision 3,
310.16 paragraph (d), for that year to the Board of Regents of the University of Minnesota for the
310.17 Tribal and Training Certification Partnership in the College of Education and Human Service
310.18 Professions at the University of Minnesota, Duluth.

310.19 (b) In order to support consistent training and county compliance with the Indian Child
310.20 Welfare Act and the Minnesota Indian Family Preservation Act, the Tribal Training and
310.21 Certification Partnership must use funds transferred under this subdivision to (1) enhance
310.22 training on the Indian Child Welfare Act and Minnesota Indian Family Preservation Act
310.23 for county workers and state guardians ad litem, and (2) build indigenous child welfare
310.24 training for the Tribal child welfare workforce.

310.25 **EFFECTIVE DATE.** This section is effective for aid payable in 2023 and later.

310.26 Sec. 51. Minnesota Statutes 2020, section 477A.0126, subdivision 7, is amended to read:

310.27 Subd. 7. **Appropriation.** (a) \$5,000,000 is annually appropriated to the commissioner
310.28 of revenue from the general fund to pay aid and make transfers required under this section.

310.29 (b) \$390,000 is appropriated annually from the general fund to the commissioner of
310.30 human services to implement subdivision 6.

310.31 **EFFECTIVE DATE.** This section is effective for aid payable in 2023 and later.

SENATE ART. 10, SEC. 52 IS INCLUDED IN HOUSE ART. 14 SIDE BY SIDE.

311.27 Sec. 53. Laws 2021, First Special Session chapter 7, article 10, section 1, the effective
311.28 date, is amended to read:

311.29 **EFFECTIVE DATE.** This section is effective June 1, 2022 2023.

312.1 Sec. 54. Laws 2021, First Special Session chapter 7, article 10, section 3, is amended to
312.2 read:

312.3 Sec. 3. **LEGISLATIVE TASK FORCE; CHILD PROTECTION.**

312.4 (a) A legislative task force is created to:

312.5 ~~(1) review the efforts being made to implement the recommendations of the Governor's~~
312.6 ~~Task Force on the Protection of Children;~~

312.7 ~~(2) expand the efforts into related areas of the child welfare system;~~

312.8 ~~(3) work with the commissioner of human services and community partners to establish~~
312.9 ~~and evaluate child protection grants to address disparities in child welfare pursuant to~~
312.10 ~~Minnesota Statutes, section 256E.28;~~

312.11 ~~(4) review and recommend alternatives to law enforcement responding to a maltreatment~~
312.12 ~~report by removing the child and evaluate situations in which it may be appropriate for a~~
312.13 ~~social worker or other child protection worker to remove the child from the home;~~

312.14 ~~(5) (1) evaluate current statutes governing mandatory reporters, consider the modification~~
312.15 ~~of mandatory reporting requirements for private or public youth recreation programs, and,~~
312.16 ~~if necessary, introduce legislation by February 15, 2022 2023, to implement appropriate~~
312.17 ~~modifications; and~~

312.18 ~~(6) evaluate and consider the intersection of educational neglect and the child protection~~
312.19 ~~system; and~~

312.20 ~~(7) (2) identify additional areas within the child welfare system that need to be addressed~~
312.21 ~~by the legislature.~~

312.22 (b) Members of the legislative task force shall include:

312.23 (1) six members from the house of representatives appointed by the speaker of the house,
312.24 including three from the majority party and three from the minority party; and

- 312.25 (2) six members from the senate, including three members appointed by the senate
312.26 majority leader and three members appointed by the senate minority leader.
- 312.27 (c) Members of the task force shall serve a term that expires on December 31 of the
312.28 ~~even-numbered~~ odd-numbered year following the year they are appointed. The speaker of
312.29 the house and the majority leader of the senate shall each appoint a chair and vice-chair
312.30 from the membership of the task force. The chair shall rotate after each meeting. The task
312.31 force must meet at least quarterly.
- 313.1 (d) Initial appointments to the task force shall be made by July 15, ~~2024~~ 2022. The chair
313.2 shall convene the first meeting of the task force by August 15, ~~2024~~ 2022.
- 313.3 (e) The task force may provide oversight and monitoring of:
- 313.4 (1) the efforts by the Department of Human Services, counties, and Tribes to implement
313.5 laws related to child protection;
- 313.6 (2) efforts by the Department of Human Services, counties, and Tribes to implement the
313.7 recommendations of the Governor's Task Force on the Protection of Children;
- 313.8 (3) efforts by agencies including but not limited to the Department of Education, the
313.9 Housing Finance Agency, the Department of Corrections, and the Department of Public
313.10 Safety, to work with the Department of Human Services to assure safety and well-being for
313.11 children at risk of harm or children in the child welfare system; and
- 313.12 (4) efforts by the Department of Human Services, other agencies, counties, and Tribes
313.13 to implement best practices to ensure every child is protected from maltreatment and neglect
313.14 and to ensure every child has the opportunity for healthy development.
- 313.15 ~~(f) The task force, in cooperation with the commissioner of human services, shall issue~~
313.16 ~~a report to the legislature and governor by February 1, 2024. The report must contain~~
313.17 ~~information on the progress toward implementation of changes to the child protection system,~~
313.18 ~~recommendations for additional legislative changes and procedures affecting child protection~~
313.19 ~~and child welfare, and funding needs to implement recommended changes.~~
- 313.20 ~~(g)~~ (f) This section expires December 31, ~~2024~~ 2025.

SENATE ART. 10, SEC. 55 IS INCLUDED IN HOUSE ARTICLE 18 SIDE BY SIDE.

651.26 Sec. 30. Minnesota Statutes 2020, section 626.557, subdivision 4, is amended to read:

651.27 Subd. 4. **Reporting.** (a) Except as provided in paragraph (b), a mandated reporter shall
651.28 immediately make ~~an oral~~ a report to the common entry point. ~~The common entry point~~
651.29 ~~may accept electronic reports submitted through a web-based reporting system established~~
651.30 ~~by the commissioner. Use of a telecommunications device for the deaf or other similar~~
651.31 ~~device shall be considered an oral report. The common entry point may not require written~~
651.32 ~~reports.~~ To the extent possible, the report must be of sufficient content to identify the

651.33 vulnerable adult, the caregiver, the nature and extent of the suspected maltreatment, any
652.1 evidence of previous maltreatment, the name and address of the reporter, the time, date,
652.2 and location of the incident, and any other information that the reporter believes might be
652.3 helpful in investigating the suspected maltreatment. A mandated reporter may disclose not
652.4 public data, as defined in section 13.02, and medical records under sections 144.291 to
652.5 144.298, to the extent necessary to comply with this subdivision.

652.6 (b) A boarding care home that is licensed under sections 144.50 to 144.58 and certified
652.7 under Title 19 of the Social Security Act, a nursing home that is licensed under section
652.8 144A.02 and certified under Title 18 or Title 19 of the Social Security Act, or a hospital
652.9 that is licensed under sections 144.50 to 144.58 and has swing beds certified under Code
652.10 of Federal Regulations, title 42, section 482.66, may submit a report electronically to the
652.11 common entry point instead of submitting an oral report. The report may be a duplicate of
652.12 the initial report the facility submits electronically to the commissioner of health to comply
652.13 with the reporting requirements under Code of Federal Regulations, title 42, section 483.12.
652.14 The commissioner of health may modify these reporting requirements to include items
652.15 required under paragraph (a) that are not currently included in the electronic reporting form.

652.16 Sec. 31. Minnesota Statutes 2020, section 626.557, subdivision 9, is amended to read:

652.17 Subd. 9. **Common entry point designation.** (a) ~~Each county board shall designate a~~
652.18 ~~common entry point for reports of suspected maltreatment, for use until the commissioner~~
652.19 ~~of human services establishes a common entry point. Two or more county boards may~~
652.20 ~~jointly designate a single common entry point.~~ The commissioner of human services shall
652.21 establish a common entry point effective July 1, 2015. The common entry point is the unit
652.22 responsible for receiving the report of suspected maltreatment under this section.

652.23 (b) The common entry point must be available 24 hours per day to take calls from
652.24 reporters of suspected maltreatment. The common entry point shall use a standard intake
652.25 form that includes:

652.26 (1) the time and date of the report;

652.27 (2) the name, relationship, and identifying and contact information for the person believed
652.28 to be a vulnerable adult and the individual or facility alleged responsible for maltreatment;

652.29 (3) the name, address, and telephone number of the person reporting; relationship, and
652.30 contact information for the:

652.31 (i) reporter;

652.32 (ii) initial reporter, witnesses, and persons who may have knowledge about the
652.33 maltreatment; and

653.1 (iii) legal surrogate and persons who may provide support to the vulnerable adult;

653.2 (4) the basis of vulnerability for the vulnerable adult;

- 653.3 ~~(3)~~ (5) the time, date, and location of the incident;
- 653.4 ~~(4) the names of the persons involved, including but not limited to, perpetrators, alleged~~
- 653.5 ~~victims, and witnesses;~~
- 653.6 ~~(5) whether there was a risk of imminent danger to the alleged victim;~~
- 653.7 (6) the immediate safety risk to the vulnerable adult;
- 653.8 ~~(6)~~ (7) a description of the suspected maltreatment;
- 653.9 ~~(7) the disability, if any, of the alleged victim;~~
- 653.10 ~~(8) the relationship of the alleged perpetrator to the alleged victim;~~
- 653.11 (8) the impact of the suspected maltreatment on the vulnerable adult;
- 653.12 (9) whether a facility was involved and, if so, which agency licenses the facility;
- 653.13 ~~(10) any action taken by the common entry point;~~
- 653.14 ~~(11) whether law enforcement has been notified;~~
- 653.15 (10) the actions taken to protect the vulnerable adult;
- 653.16 (11) the required notifications and referrals made by the common entry point; and
- 653.17 (12) whether the reporter wishes to receive notification of the ~~initial and final reports;~~
- 653.18 ~~and disposition.~~
- 653.19 ~~(13) if the report is from a facility with an internal reporting procedure, the name, mailing~~
- 653.20 ~~address, and telephone number of the person who initiated the report internally.~~
- 653.21 (c) The common entry point is not required to complete each item on the form prior to
- 653.22 dispatching the report to the appropriate lead investigative agency.
- 653.23 (d) The common entry point shall immediately report to a law enforcement agency any
- 653.24 incident in which there is reason to believe a crime has been committed.
- 653.25 (e) If a report is initially made to a law enforcement agency or a lead investigative agency,
- 653.26 those agencies shall take the report on the appropriate common entry point intake forms
- 653.27 and immediately forward a copy to the common entry point.
- 653.28 (f) The common entry point staff must receive training on how to screen and dispatch
- 653.29 reports efficiently and in accordance with this section.
- 654.1 (g) The commissioner of human services shall maintain a centralized database for the
- 654.2 collection of common entry point data, lead investigative agency data including maltreatment
- 654.3 report disposition, and appeals data. The common entry point shall have access to the
- 654.4 centralized database and must log the reports into the database ~~and immediately identify~~
- 654.5 ~~and locate prior reports of abuse, neglect, or exploitation.~~

654.6 (h) When appropriate, the common entry point staff must refer calls that do not allege
654.7 the abuse, neglect, or exploitation of a vulnerable adult to other organizations that might
654.8 resolve the reporter's concerns.

654.9 (i) A common entry point must be operated in a manner that enables the commissioner
654.10 of human services to:

654.11 (1) track critical steps in the reporting, evaluation, referral, response, disposition, and
654.12 investigative process to ensure compliance with all requirements for all reports;

654.13 (2) maintain data to facilitate the production of aggregate statistical reports for monitoring
654.14 patterns of abuse, neglect, or exploitation;

654.15 (3) serve as a resource for the evaluation, management, and planning of preventative
654.16 and remedial services for vulnerable adults who have been subject to abuse, neglect, or
654.17 exploitation;

654.18 (4) set standards, priorities, and policies to maximize the efficiency and effectiveness
654.19 of the common entry point; and

654.20 (5) track and manage consumer complaints related to the common entry point.

654.21 (j) The commissioners of human services and health shall collaborate on the creation of
654.22 a system for referring reports to the lead investigative agencies. This system shall enable
654.23 the commissioner of human services to track critical steps in the reporting, evaluation,
654.24 referral, response, disposition, investigation, notification, determination, and appeal processes.

654.25 Sec. 32. Minnesota Statutes 2020, section 626.557, subdivision 9b, is amended to read:

654.26 Subd. 9b. **Response to reports.** Law enforcement is the primary agency to conduct
654.27 investigations of any incident in which there is reason to believe a crime has been committed.
654.28 Law enforcement shall initiate a response immediately. If the common entry point notified
654.29 a county agency for emergency adult protective services, law enforcement shall cooperate
654.30 with that county agency when both agencies are involved and shall exchange data to the
654.31 extent authorized in subdivision 12b, paragraph (g). County adult protection shall initiate
654.32 a response immediately. Each lead investigative agency shall complete the investigative
655.1 process for reports within its jurisdiction. A lead investigative agency, county, adult protective
655.2 agency, licensed facility, or law enforcement agency shall cooperate with other agencies in
655.3 the provision of protective services, coordinating its investigations, and assisting another
655.4 agency within the limits of its resources and expertise and shall exchange data to the extent
655.5 authorized in subdivision 12b, paragraph (g). The lead investigative agency shall obtain the
655.6 results of any investigation conducted by law enforcement officials. The lead investigative
655.7 agency has the right to enter facilities and inspect and copy records as part of investigations.
655.8 The lead investigative agency has access to not public data, as defined in section 13.02, and
655.9 medical records under sections 144.291 to 144.298, that are maintained by facilities to the
655.10 extent necessary to conduct its investigation. Each lead investigative agency shall develop
655.11 guidelines for prioritizing reports for investigation. When a county acts as a lead investigative

655.12 agency, the county shall make guidelines available to the public regarding which reports
655.13 the county prioritizes for investigation and adult protective services.

655.14 Sec. 33. Minnesota Statutes 2020, section 626.557, subdivision 9c, is amended to read:

655.15 Subd. 9c. **Lead investigative agency; notifications, dispositions, determinations.** (a)
655.16 Upon request of the reporter, the lead investigative agency shall notify the reporter that it
655.17 has received the report, and provide information on the initial disposition of the report within
655.18 five business days of receipt of the report, provided that the notification will not endanger
655.19 the vulnerable adult or hamper the investigation.

655.20 (b) In making the initial disposition of a report alleging maltreatment of a vulnerable
655.21 adult, the lead investigative agency may consider previous reports of suspected maltreatment
655.22 and may request and consider public information, records maintained by a lead investigative
655.23 agency or licensed providers, and information from any person who may have knowledge
655.24 regarding the alleged maltreatment and the basis for the adult's vulnerability.

655.25 (c) Unless the lead investigative agency believes that: (1) the information would endanger
655.26 the well-being of the vulnerable adult; or (2) it would not be in the best interests of the
655.27 vulnerable adult, the lead investigative agency shall inform the vulnerable adult, or vulnerable
655.28 adult's guardian or health care agent, if known and when applicable to the authority of the
655.29 vulnerable adult's guardian or health care agent, of all reports accepted by the agency for
655.30 investigation, including the maltreatment allegation, investigation guidelines, time frame,
655.31 and evidence standards that the agency uses for determinations. If the allegation is applicable
655.32 to the guardian or health care agent, the lead investigative agency must also inform the
655.33 vulnerable adult's guardian or health care agent of all reports accepted for investigation by
656.1 the agency, including the maltreatment allegation, investigation guidelines, time frame, and
656.2 evidence standards that the agency uses for determinations.

656.3 (d) When the county social service agency does not accept a report for adult protective
656.4 services or investigation, the agency may offer assistance to the reporter or the person who
656.5 was the subject of the report.

656.6 (e) When the county is the lead investigative agency or the agency responsible for adult
656.7 protective services, the agency may coordinate and share data with the Native American
656.8 Tribes and case management agencies as allowed under chapter 13 to support a vulnerable
656.9 adult's health, safety, or comfort or to prevent, stop, or remediate maltreatment. The identity
656.10 of the reporter shall not be disclosed, except as provided in subdivision 12b.

656.11 (f) While investigating reports and providing adult protective services, the lead
656.12 investigative agency may coordinate with entities identified under subdivision 12b, paragraph
656.13 (g), and may coordinate with support persons to safeguard the welfare of the vulnerable
656.14 adult and prevent further maltreatment of the vulnerable adult.

656.15 ~~(b)~~ (g) Upon conclusion of every investigation it conducts, the lead investigative agency
656.16 shall make a final disposition as defined in section 626.5572, subdivision 8.

656.17 ~~(h)~~ (h) When determining whether the facility or individual is the responsible party for
656.18 substantiated maltreatment or whether both the facility and the individual are responsible
656.19 for substantiated maltreatment, the lead investigative agency shall consider at least the
656.20 following mitigating factors:

656.21 (1) whether the actions of the facility or the individual caregivers were in accordance
656.22 with, and followed the terms of, an erroneous physician order, prescription, resident care
656.23 plan, or directive. This is not a mitigating factor when the facility or caregiver is responsible
656.24 for the issuance of the erroneous order, prescription, plan, or directive or knows or should
656.25 have known of the errors and took no reasonable measures to correct the defect before
656.26 administering care;

656.27 (2) the comparative responsibility between the facility, other caregivers, and requirements
656.28 placed upon the employee, including but not limited to, the facility's compliance with related
656.29 regulatory standards and factors such as the adequacy of facility policies and procedures,
656.30 the adequacy of facility training, the adequacy of an individual's participation in the training,
656.31 the adequacy of caregiver supervision, the adequacy of facility staffing levels, and a
656.32 consideration of the scope of the individual employee's authority; and

657.1 (3) whether the facility or individual followed professional standards in exercising
657.2 professional judgment.

657.3 ~~(i)~~ (i) When substantiated maltreatment is determined to have been committed by an
657.4 individual who is also the facility license holder, both the individual and the facility must
657.5 be determined responsible for the maltreatment, and both the background study
657.6 disqualification standards under section 245C.15, subdivision 4, and the licensing actions
657.7 under section 245A.06 or 245A.07 apply.

657.8 ~~(j)~~ (j) The lead investigative agency shall complete its final disposition within 60 calendar
657.9 days. If the lead investigative agency is unable to complete its final disposition within 60
657.10 calendar days, the lead investigative agency shall notify the following persons provided
657.11 that the notification will not endanger the vulnerable adult or hamper the investigation: (1)
657.12 the vulnerable adult or the vulnerable adult's guardian or health care agent, when known,
657.13 if the lead investigative agency knows them to be aware of the investigation; and (2) the
657.14 facility, where applicable. The notice shall contain the reason for the delay and the projected
657.15 completion date. If the lead investigative agency is unable to complete its final disposition
657.16 by a subsequent projected completion date, the lead investigative agency shall again notify
657.17 the vulnerable adult or the vulnerable adult's guardian or health care agent, when known if
657.18 the lead investigative agency knows them to be aware of the investigation, and the facility,
657.19 where applicable, of the reason for the delay and the revised projected completion date
657.20 provided that the notification will not endanger the vulnerable adult or hamper the
657.21 investigation. The lead investigative agency must notify the health care agent of the
657.22 vulnerable adult only if the health care agent's authority to make health care decisions for
657.23 the vulnerable adult is currently effective under section 145C.06 and not suspended under
657.24 section 524.5-310 and the investigation relates to a duty assigned to the health care agent
657.25 by the principal. A lead investigative agency's inability to complete the final disposition

657.26 within 60 calendar days or by any projected completion date does not invalidate the final
657.27 disposition.

657.28 ~~(f) Within ten calendar days of completing the final disposition~~ (k) When the lead
657.29 investigative agency is the Department of Health or the Department of Human Services,
657.30 the lead investigative agency shall provide a copy of the public investigation memorandum
657.31 under subdivision 12b, paragraph (b), clause (1), ~~when required to be completed under this~~
657.32 ~~section, within ten calendar days of completing the final disposition~~ to the following persons:

657.33 (1) the vulnerable adult, or the vulnerable adult's guardian or health care agent, if known,
657.34 unless the lead investigative agency knows that the notification would endanger the
657.35 well-being of the vulnerable adult;

658.1 (2) the reporter, if the reporter requested notification when making the report, provided
658.2 this notification would not endanger the well-being of the vulnerable adult;

658.3 (3) ~~the alleged perpetrator~~ person or facility alleged responsible for maltreatment, if
658.4 known;

658.5 (4) the facility; and

658.6 (5) the ombudsman for long-term care, or the ombudsman for mental health and
658.7 developmental disabilities, as appropriate.

658.8 (l) When the lead investigative agency is a county agency, within ten calendar days of
658.9 completing the final disposition, the lead investigative agency shall provide notification of
658.10 the final disposition to the following persons:

658.11 (1) the vulnerable adult, or the vulnerable adult's guardian or health care agent, if known,
658.12 when the allegation is applicable to the authority of the vulnerable adult's guardian or health
658.13 care agent, unless the agency knows that the notification would endanger the well-being of
658.14 the vulnerable adult;

658.15 (2) the individual determined responsible for maltreatment, if known; and

658.16 (3) when the alleged incident involves a personal care assistant or provider agency, the
658.17 personal care provider organization under section 256B.0659. Upon implementation of
658.18 Community First Services and Supports (CFSS), this notification requirement applies to
658.19 the CFSS support worker or CFSS agency under section 256B.85.

658.20 ~~(g)~~ (m) If, as a result of a reconsideration, review, or hearing, the lead investigative
658.21 agency changes the final disposition, or if a final disposition is changed on appeal, the lead
658.22 investigative agency shall notify the parties specified in paragraph ~~(f)~~ (k).

658.23 ~~(h)~~ (n) The lead investigative agency shall notify the vulnerable adult who is the subject
658.24 of the report or the vulnerable adult's guardian or health care agent, if known, and any person
658.25 or facility determined to have maltreated a vulnerable adult, of their appeal or review rights
658.26 under this section or section 256.021.

658.27 ~~(j)~~ (o) The lead investigative agency shall routinely provide investigation memoranda
658.28 for substantiated reports to the appropriate licensing boards. These reports must include the
658.29 names of substantiated perpetrators. The lead investigative agency may not provide
658.30 investigative memoranda for inconclusive or false reports to the appropriate licensing boards
658.31 unless the lead investigative agency's investigation gives reason to believe that there may
658.32 have been a violation of the applicable professional practice laws. If the investigation
659.1 memorandum is provided to a licensing board, the subject of the investigation memorandum
659.2 shall be notified and receive a summary of the investigative findings.

659.3 ~~(j)~~ (p) In order to avoid duplication, licensing boards shall consider the findings of the
659.4 lead investigative agency in their investigations if they choose to investigate. This does not
659.5 preclude licensing boards from considering other information.

659.6 ~~(k)~~ (q) The lead investigative agency must provide to the commissioner of human services
659.7 its final dispositions, including the names of all substantiated perpetrators. The commissioner
659.8 of human services shall establish records to retain the names of substantiated perpetrators.

659.9 Sec. 34. Minnesota Statutes 2020, section 626.557, subdivision 9d, is amended to read:

659.10 Subd. 9d. **Administrative reconsideration; review panel.** (a) Except as provided under
659.11 paragraph (e), any individual or facility which a lead investigative agency determines has
659.12 maltreated a vulnerable adult, or the vulnerable adult or an interested person acting on behalf
659.13 of the vulnerable adult, regardless of the lead investigative agency's determination, who
659.14 contests the lead investigative agency's final disposition of an allegation of maltreatment,
659.15 may request the lead investigative agency to reconsider its final disposition. The request
659.16 for reconsideration must be submitted in writing to the lead investigative agency within 15
659.17 calendar days after receipt of notice of final disposition or, if the request is made by an
659.18 interested person who is not entitled to notice, within 15 days after receipt of the notice by
659.19 the vulnerable adult or the vulnerable adult's guardian or health care agent. If mailed, the
659.20 request for reconsideration must be postmarked and sent to the lead investigative agency
659.21 within 15 calendar days of the individual's or facility's receipt of the final disposition. If the
659.22 request for reconsideration is made by personal service, it must be received by the lead
659.23 investigative agency within 15 calendar days of the individual's or facility's receipt of the
659.24 final disposition. An individual who was determined to have maltreated a vulnerable adult
659.25 under this section and who was disqualified on the basis of serious or recurring maltreatment
659.26 under sections 245C.14 and 245C.15, may request reconsideration of the maltreatment
659.27 determination and the disqualification. The request for reconsideration of the maltreatment
659.28 determination and the disqualification must be submitted in writing within 30 calendar days
659.29 of the individual's receipt of the notice of disqualification under sections 245C.16 and
659.30 245C.17. If mailed, the request for reconsideration of the maltreatment determination and
659.31 the disqualification must be postmarked and sent to the lead investigative agency within 30
659.32 calendar days of the individual's receipt of the notice of disqualification. If the request for
659.33 reconsideration is made by personal service, it must be received by the lead investigative
659.34 agency within 30 calendar days after the individual's receipt of the notice of disqualification.

660.1 (b) Except as provided under paragraphs (e) and (f), if the lead investigative agency
660.2 denies the request or fails to act upon the request within 15 working days after receiving
660.3 the request for reconsideration, the person or facility entitled to a fair hearing under section
660.4 256.045, may submit to the commissioner of human services a written request for a hearing
660.5 under that statute. The vulnerable adult, or an interested person acting on behalf of the
660.6 vulnerable adult, may request a review by the Vulnerable Adult Maltreatment Review Panel
660.7 under section 256.021 if the lead investigative agency denies the request or fails to act upon
660.8 the request, or if the vulnerable adult or interested person contests a reconsidered disposition.
660.9 The Vulnerable Adult Maltreatment Review Panel shall not conduct a review if the interested
660.10 person making the request on behalf of the vulnerable adult is also the individual or facility
660.11 alleged responsible for the maltreatment of the vulnerable adult. The lead investigative
660.12 agency shall notify persons who request reconsideration of their rights under this paragraph.
660.13 The request must be submitted in writing to the review panel and a copy sent to the lead
660.14 investigative agency within 30 calendar days of receipt of notice of a denial of a request for
660.15 reconsideration or of a reconsidered disposition. The request must specifically identify the
660.16 aspects of the lead investigative agency determination with which the person is dissatisfied.

660.17 (c) If, as a result of a reconsideration or review, the lead investigative agency changes
660.18 the final disposition, it shall notify the parties specified in subdivision 9c, paragraph (i).

660.19 (d) For purposes of this subdivision, "interested person acting on behalf of the vulnerable
660.20 adult" means a person designated in writing by the vulnerable adult to act on behalf of the
660.21 vulnerable adult, or a legal guardian or conservator or other legal representative, a proxy
660.22 or health care agent appointed under chapter 145B or 145C, or an individual who is related
660.23 to the vulnerable adult, as defined in section 245A.02, subdivision 13.

660.24 (e) If an individual was disqualified under sections 245C.14 and 245C.15, on the basis
660.25 of a determination of maltreatment, which was serious or recurring, and the individual has
660.26 requested reconsideration of the maltreatment determination under paragraph (a) and
660.27 reconsideration of the disqualification under sections 245C.21 to 245C.27, reconsideration
660.28 of the maltreatment determination and requested reconsideration of the disqualification
660.29 shall be consolidated into a single reconsideration. If reconsideration of the maltreatment
660.30 determination is denied and the individual remains disqualified following a reconsideration
660.31 decision, the individual may request a fair hearing under section 256.045. If an individual
660.32 requests a fair hearing on the maltreatment determination and the disqualification, the scope
660.33 of the fair hearing shall include both the maltreatment determination and the disqualification.

660.34 (f) If a maltreatment determination or a disqualification based on serious or recurring
660.35 maltreatment is the basis for a denial of a license under section 245A.05 or a licensing
661.1 sanction under section 245A.07, the license holder has the right to a contested case hearing
661.2 under chapter 14 and Minnesota Rules, parts 1400.8505 to 1400.8612. As provided for
661.3 under section 245A.08, the scope of the contested case hearing must include the maltreatment
661.4 determination, disqualification, and licensing sanction or denial of a license. In such cases,
661.5 a fair hearing must not be conducted under section 256.045. Except for family child care
661.6 and child foster care, reconsideration of a maltreatment determination under this subdivision,

661.7 and reconsideration of a disqualification under section 245C.22, must not be conducted
661.8 when:

661.9 (1) a denial of a license under section 245A.05, or a licensing sanction under section
661.10 245A.07, is based on a determination that the license holder is responsible for maltreatment
661.11 or the disqualification of a license holder based on serious or recurring maltreatment;

661.12 (2) the denial of a license or licensing sanction is issued at the same time as the
661.13 maltreatment determination or disqualification; and

661.14 (3) the license holder appeals the maltreatment determination or disqualification, and
661.15 denial of a license or licensing sanction.

661.16 Notwithstanding clauses (1) to (3), if the license holder appeals the maltreatment
661.17 determination or disqualification, but does not appeal the denial of a license or a licensing
661.18 sanction, reconsideration of the maltreatment determination shall be conducted under sections
661.19 260E.33 and 626.557, subdivision 9d, and reconsideration of the disqualification shall be
661.20 conducted under section 245C.22. In such cases, a fair hearing shall also be conducted as
661.21 provided under sections 245C.27, 260E.33, and 626.557, subdivision 9d.

661.22 If the disqualified subject is an individual other than the license holder and upon whom
661.23 a background study must be conducted under chapter 245C, the hearings of all parties may
661.24 be consolidated into a single contested case hearing upon consent of all parties and the
661.25 administrative law judge.

661.26 (g) Until August 1, 2002, an individual or facility that was determined by the
661.27 commissioner of human services or the commissioner of health to be responsible for neglect
661.28 under section 626.5572, subdivision 17, after October 1, 1995, and before August 1, 2001,
661.29 that believes that the finding of neglect does not meet an amended definition of neglect may
661.30 request a reconsideration of the determination of neglect. The commissioner of human
661.31 services or the commissioner of health shall mail a notice to the last known address of
661.32 individuals who are eligible to seek this reconsideration. The request for reconsideration
661.33 must state how the established findings no longer meet the elements of the definition of
661.34 neglect. The commissioner shall review the request for reconsideration and make a
662.1 determination within 15 calendar days. The commissioner's decision on this reconsideration
662.2 is the final agency action.

662.3 (1) For purposes of compliance with the data destruction schedule under subdivision
662.4 12b, paragraph (d), when a finding of substantiated maltreatment has been changed as a
662.5 result of a reconsideration under this paragraph, the date of the original finding of a
662.6 substantiated maltreatment must be used to calculate the destruction date.

662.7 (2) For purposes of any background studies under chapter 245C, when a determination
662.8 of substantiated maltreatment has been changed as a result of a reconsideration under this
662.9 paragraph, any prior disqualification of the individual under chapter 245C that was based
662.10 on this determination of maltreatment shall be rescinded, and for future background studies
662.11 under chapter 245C the commissioner must not use the previous determination of

662.12 substantiated maltreatment as a basis for disqualification or as a basis for referring the
662.13 individual's maltreatment history to a health-related licensing board under section 245C.31.

662.14 Sec. 35. Minnesota Statutes 2020, section 626.557, subdivision 10, is amended to read:

662.15 Subd. 10. **Duties of county social service agency.** (a) When the common entry point
662.16 refers a report to the county social service agency as the lead investigative agency or makes
662.17 a referral to the county social service agency for emergency adult protective services, or
662.18 when another lead investigative agency requests assistance from the county social service
662.19 agency for adult protective services, the county social service agency shall immediately
662.20 assess and offer emergency and continuing protective social services for purposes of
662.21 preventing further maltreatment and for safeguarding the welfare of the maltreated vulnerable
662.22 adult. The county shall use a standardized tool tools and the data system made available by
662.23 the commissioner. The information entered by the county into the standardized tool must
662.24 be accessible to the Department of Human Services. In cases of suspected sexual abuse, the
662.25 county social service agency shall immediately arrange for and make available to the
662.26 vulnerable adult appropriate medical examination and treatment. When necessary in order
662.27 to protect the vulnerable adult from further harm, the county social service agency shall
662.28 seek authority to remove the vulnerable adult from the situation in which the maltreatment
662.29 occurred. The county social service agency may also investigate to determine whether the
662.30 conditions which resulted in the reported maltreatment place other vulnerable adults in
662.31 jeopardy of being maltreated and offer protective social services that are called for by its
662.32 determination.

662.33 (b) Within five business days of receipt of a report screened in by the county social
662.34 service agency for investigation, the county social service agency shall determine whether,
663.1 in addition to an assessment and services for the vulnerable adult, to also conduct an
663.2 investigation for final disposition of the individual or facility alleged to have maltreated the
663.3 vulnerable adult.

663.4 (c) The county social service agency must investigate for a final disposition the individual
663.5 or facility alleged to have maltreated a vulnerable adult for each report accepted as lead
663.6 investigative agency involving an allegation of abuse, caregiver neglect that resulted in
663.7 harm to the vulnerable adult, financial exploitation that may be criminal, or an allegation
663.8 against a caregiver under chapter 256B.

663.9 (d) An investigating county social service agency must make a final disposition for any
663.10 allegation when the county social service agency determines that a final disposition may
663.11 safeguard a vulnerable adult or may prevent further maltreatment.

663.12 (e) If the county social service agency learns of an allegation listed in paragraph (c) after
663.13 the determination in paragraph (a), the county social service agency must change the initial
663.14 determination and conduct an investigation for final disposition of the individual or facility
663.15 alleged to have maltreated the vulnerable adult.

663.16 ~~(b)~~ (f) County social service agencies may enter facilities and inspect and copy records
663.17 as part of an investigation. The county social service agency has access to not public data,
663.18 as defined in section 13.02, and medical records under sections 144.291 to 144.298, that
663.19 are maintained by facilities to the extent necessary to conduct its investigation. The inquiry
663.20 is not limited to the written records of the facility, but may include every other available
663.21 source of information.

663.22 ~~(e)~~ (g) When necessary in order to protect a vulnerable adult from serious harm, the
663.23 county social service agency shall immediately intervene on behalf of that adult to help the
663.24 family, vulnerable adult, or other interested person by seeking any of the following:

663.25 (1) a restraining order or a court order for removal of the perpetrator from the residence
663.26 of the vulnerable adult pursuant to section 518B.01;

663.27 (2) the appointment of a guardian or conservator pursuant to sections 524.5-101 to
663.28 524.5-502, or guardianship or conservatorship pursuant to chapter 252A;

663.29 (3) replacement of a guardian or conservator suspected of maltreatment and appointment
663.30 of a suitable person as guardian or conservator, pursuant to sections 524.5-101 to 524.5-502;
663.31 or

663.32 (4) a referral to the prosecuting attorney for possible criminal prosecution of the
663.33 perpetrator under chapter 609.

664.1 The expenses of legal intervention must be paid by the county in the case of indigent
664.2 persons, under section 524.5-502 and chapter 563.

664.3 In proceedings under sections 524.5-101 to 524.5-502, if a suitable relative or other
664.4 person is not available to petition for guardianship or conservatorship, a county employee
664.5 shall present the petition with representation by the county attorney. The county shall contract
664.6 with or arrange for a suitable person or organization to provide ongoing guardianship
664.7 services. If the county presents evidence to the court exercising probate jurisdiction that it
664.8 has made a diligent effort and no other suitable person can be found, a county employee
664.9 may serve as guardian or conservator. The county shall not retaliate against the employee
664.10 for any action taken on behalf of the ~~ward or protected~~ person subject to guardianship or
664.11 conservatorship, even if the action is adverse to the county's interest. Any person retaliated
664.12 against in violation of this subdivision shall have a cause of action against the county and
664.13 shall be entitled to reasonable attorney fees and costs of the action if the action is upheld
664.14 by the court.

664.15 Sec. 36. Minnesota Statutes 2020, section 626.557, subdivision 10b, is amended to read:

664.16 Subd. 10b. **Investigations; guidelines.** (a) Each lead investigative agency shall develop
664.17 guidelines for prioritizing reports for investigation.

664.18 (b) When investigating a report, the lead investigative agency shall conduct the following
664.19 activities, as appropriate:

664.20 (1) interview of the ~~alleged victim~~ vulnerable adult;

664.21 (2) interview of the reporter and others who may have relevant information;

664.22 (3) interview of the ~~alleged perpetrator~~ individual or facility alleged responsible for

664.23 maltreatment; and

664.24 ~~(4) examination of the environment surrounding the alleged incident;~~

664.25 ~~(5) (4) review of records and pertinent documentation of the alleged incident; and~~

664.26 ~~(6) consultation with professionals.~~

664.27 (c) The lead investigative agency shall conduct the following activities as appropriate

664.28 to further the investigation, to prevent further maltreatment, or to safeguard the vulnerable

664.29 adult:

664.30 (1) examining the environment surrounding the alleged incident;

664.31 (2) consulting with professionals; and

665.1 (3) communicating with state, federal, tribal, and other agencies including:

665.2 (i) service providers;

665.3 (ii) case managers;

665.4 (iii) ombudsmen; and

665.5 (iv) support persons for the vulnerable adult.

665.6 (d) The lead investigative agency may decide not to conduct an interview of a vulnerable

665.7 adult, reporter, or witness under paragraph (b) if:

665.8 (1) the vulnerable adult, reporter, or witness declines to have an interview with the

665.9 agency or is unable to be contacted despite the agency's diligent attempts;

665.10 (2) an interview of the vulnerable adult or reporter was conducted by law enforcement

665.11 or a professional trained in forensic interview and an additional interview will not further

665.12 the investigation;

665.13 (3) an interview of the witness will not further the investigation; or

665.14 (4) the agency has a reason to believe that the interview will endanger the vulnerable

665.15 adult.

665.16 Sec. 37. Minnesota Statutes 2020, section 626.557, subdivision 12b, is amended to read:

665.17 Subd. 12b. **Data management.** (a) In performing any of the duties of this section as a

665.18 lead investigative agency, the county social service agency shall maintain appropriate

665.19 records. Data collected by the county social service agency under this section while providing

665.20 adult protective services are welfare data under section 13.46. Investigative data collected

HOUSE ARTICLE 13, SECTION 37 AMENDS THE SAME STATUTE AS
SENATE ARTICLE 16, SECTION 34 BUT DOES NOT SUBSTANTIVELY
MATCH.

665.21 under this section are confidential data on individuals or protected nonpublic data as defined
665.22 under section 13.02. Notwithstanding section 13.46, subdivision 1, paragraph (a), data under
665.23 this paragraph that are inactive investigative data on an individual who is a vendor of services
665.24 are private data on individuals, as defined in section 13.02. The identity of the reporter may
665.25 only be disclosed as provided in paragraph (c).

665.26 Data maintained by the common entry point are confidential data on individuals or
665.27 protected nonpublic data as defined in section 13.02. Notwithstanding section 138.163, the
665.28 common entry point shall maintain data for three calendar years after date of receipt and
665.29 then destroy the data unless otherwise directed by federal requirements.

665.30 (b) The commissioners of health and human services shall prepare an investigation
665.31 memorandum for each report alleging maltreatment investigated under this section. County
666.1 social service agencies must maintain private data on individuals but are not required to
666.2 prepare an investigation memorandum. During an investigation by the commissioner of
666.3 health or the commissioner of human services, data collected under this section are
666.4 confidential data on individuals or protected nonpublic data as defined in section 13.02.
666.5 Upon completion of the investigation, the data are classified as provided in clauses (1) to
666.6 (3) and paragraph (c).

666.7 (1) The investigation memorandum must contain the following data, which are public:

666.8 (i) the name of the facility investigated;

666.9 (ii) a statement of the nature of the alleged maltreatment;

666.10 (iii) pertinent information obtained from medical or other records reviewed;

666.11 (iv) the identity of the investigator;

666.12 (v) a summary of the investigation's findings;

666.13 (vi) statement of whether the report was found to be substantiated, inconclusive, false,
666.14 or that no determination will be made;

666.15 (vii) a statement of any action taken by the facility;

666.16 (viii) a statement of any action taken by the lead investigative agency; and

666.17 (ix) when a lead investigative agency's determination has substantiated maltreatment, a
666.18 statement of whether an individual, individuals, or a facility were responsible for the
666.19 substantiated maltreatment, if known.

666.20 The investigation memorandum must be written in a manner which protects the identity
666.21 of the reporter and of the vulnerable adult and may not contain the names or, to the extent
666.22 possible, data on individuals or private data listed in clause (2).

666.23 (2) Data on individuals collected and maintained in the investigation memorandum are
666.24 private data, including:

666.25 (i) the name of the vulnerable adult;

666.26 (ii) the identity of the individual alleged to be the perpetrator;

666.27 (iii) the identity of the individual substantiated as the perpetrator; and

666.28 (iv) the identity of all individuals interviewed as part of the investigation.

666.29 (3) Other data on individuals maintained as part of an investigation under this section

666.30 are private data on individuals upon completion of the investigation.

667.1 (c) ~~After the assessment or investigation is completed,~~ The name of the reporter must

667.2 be confidential. The subject of the report may compel disclosure of the name of the reporter

667.3 only with the consent of the reporter or upon a written finding by a court that the report was

667.4 false and there is evidence that the report was made in bad faith. This subdivision does not

667.5 alter disclosure responsibilities or obligations under the Rules of Criminal Procedure, except

667.6 that where the identity of the reporter is relevant to a criminal prosecution, the district court

667.7 shall do an in-camera review prior to determining whether to order disclosure of the identity

667.8 of the reporter.

667.9 (d) Notwithstanding section 138.163, data maintained under this section by the

667.10 commissioners of health and human services must be maintained under the following

667.11 schedule and then destroyed unless otherwise directed by federal requirements:

667.12 (1) data from reports determined to be false, maintained for three years after the finding

667.13 was made;

667.14 (2) data from reports determined to be inconclusive, maintained for four years after the

667.15 finding was made;

667.16 (3) data from reports determined to be substantiated, maintained for seven years after

667.17 the finding was made; and

667.18 (4) data from reports which were not investigated by a lead investigative agency and for

667.19 which there is no final disposition, maintained for three years from the date of the report.

667.20 (e) The commissioners of health and human services shall annually publish on their

667.21 websites the number and type of reports of alleged maltreatment involving licensed facilities

667.22 reported under this section, the number of those requiring investigation under this section,

667.23 and the resolution of those investigations. On a biennial basis, the commissioners of health

667.24 and human services shall jointly report the following information to the legislature and the

667.25 governor:

667.26 (1) the number and type of reports of alleged maltreatment involving licensed facilities

667.27 reported under this section, the number of those requiring investigations under this section,

667.28 the resolution of those investigations, and which of the two lead agencies was responsible;

667.29 (2) trends about types of substantiated maltreatment found in the reporting period;

667.30 (3) if there are upward trends for types of maltreatment substantiated, recommendations
667.31 for addressing and responding to them;

667.32 (4) efforts undertaken or recommended to improve the protection of vulnerable adults;

668.1 (5) whether and where backlogs of cases result in a failure to conform with statutory
668.2 time frames and recommendations for reducing backlogs if applicable;

668.3 (6) recommended changes to statutes affecting the protection of vulnerable adults; and

668.4 (7) any other information that is relevant to the report trends and findings.

668.5 (f) Each lead investigative agency must have a record retention policy.

668.6 (g) Lead investigative agencies, county agencies responsible for adult protective services,
668.7 prosecuting authorities, and law enforcement agencies may exchange not public data, as
668.8 defined in section 13.02, with a tribal agency, facility, service provider, vulnerable adult,
668.9 primary support person for a vulnerable adult, state licensing board, federal or state agency,
668.10 the ombudsman for long-term care, or the ombudsman for mental health and developmental
668.11 disabilities, if the agency or authority requesting providing the data determines that the data
668.12 are pertinent and necessary to the requesting agency in initiating, furthering, or completing
668.13 to prevent further maltreatment of a vulnerable adult, to safeguard a vulnerable adult, or for
668.14 an investigation under this section. Data collected under this section must be made available
668.15 to prosecuting authorities and law enforcement officials, local county agencies, and licensing
668.16 agencies investigating the alleged maltreatment under this section. The lead investigative
668.17 agency shall exchange not public data with the vulnerable adult maltreatment review panel
668.18 established in section 256.021 if the data are pertinent and necessary for a review requested
668.19 under that section. Notwithstanding section 138.17, upon completion of the review, not
668.20 public data received by the review panel must be destroyed.

668.21 (h) Each lead investigative agency shall keep records of the length of time it takes to
668.22 complete its investigations.

668.23 (i) A lead investigative agency may notify other affected parties and their authorized
668.24 representative if the lead investigative agency has reason to believe maltreatment has occurred
668.25 and determines the information will safeguard the well-being of the affected parties or dispel
668.26 widespread rumor or unrest in the affected facility.

668.27 (j) Under any notification provision of this section, where federal law specifically
668.28 prohibits the disclosure of patient identifying information, a lead investigative agency may
668.29 not provide any notice unless the vulnerable adult has consented to disclosure in a manner
668.30 which conforms to federal requirements.

668.31 Sec. 38. Minnesota Statutes 2020, section 626.5571, subdivision 1, is amended to read:

668.32 Subdivision 1. **Establishment of team.** A county may establish a multidisciplinary adult
668.33 protection team comprised of the director of the local welfare agency or designees, the
669.1 county attorney or designees, the county sheriff or designees, and representatives of health

SENATE ARTICLE 4, SECTION 61 MODIFIES THE SAME STATUTE AS
HOUSE ARTICLE 13, SECTION 38 BUT IS IN THE HOUSE ARTICLE 10 SIDE
BY SIDE.

669.2 care. In addition, representatives of mental health or other appropriate human service
669.3 agencies, representatives from local tribal governments, ~~and~~ adult advocate groups, and any
669.4 other organization with relevant expertise may be added to the adult protection team.

669.5 Sec. 39. Minnesota Statutes 2020, section 626.5571, subdivision 2, is amended to read:

669.6 Subd. 2. **Duties of team.** A multidisciplinary adult protection team may provide public
669.7 and professional education, develop resources for prevention, intervention, and treatment,
669.8 and provide case consultation to the local welfare agency to better enable the agency to
669.9 carry out its ~~adult protection~~ functions under section 626.557 and to meet the community's
669.10 needs ~~for adult protection services~~. Case consultation may be performed by a committee of
669.11 the team composed of the team members representing social services, law enforcement, the
669.12 county attorney, health care, and persons directly involved in an individual case as determined
669.13 by the case consultation committee. Case consultation ~~is~~ includes a case review process that
669.14 results in recommendations about services to be provided to the identified adult and family.

669.15 Sec. 40. Minnesota Statutes 2020, section 626.5572, subdivision 2, is amended to read:

669.16 Subd. 2. **Abuse.** "Abuse" means:

669.17 (a) An act against a vulnerable adult that constitutes a violation of, an attempt to violate,
669.18 or aiding and abetting a violation of:

669.19 (1) assault in the first through fifth degrees as defined in sections 609.221 to 609.224;

669.20 (2) the use of drugs to injure or facilitate crime as defined in section 609.235;

669.21 (3) the solicitation, inducement, and promotion of prostitution as defined in section
669.22 609.322; and

669.23 (4) criminal sexual conduct in the first through fifth degrees as defined in sections
669.24 609.342 to 609.3451.

669.25 A violation includes any action that meets the elements of the crime, regardless of
669.26 whether there is a criminal proceeding or conviction.

669.27 (b) Conduct which is not an accident or therapeutic conduct as defined in this section,
669.28 which produces or could reasonably be expected to produce physical pain or injury or
669.29 emotional distress including, but not limited to, the following:

669.30 (1) hitting, slapping, kicking, pinching, biting, or corporal punishment of a vulnerable
669.31 adult;

670.1 (2) use of repeated or malicious oral, written, or gestured language toward a vulnerable
670.2 adult or the treatment of a vulnerable adult which would be considered by a reasonable
670.3 person to be disparaging, derogatory, humiliating, harassing, or threatening; or

670.4 (3) use of any aversive or deprivation procedure, unreasonable confinement, or
670.5 involuntary seclusion, including the forced separation of the vulnerable adult from other

670.6 persons against the will of the vulnerable adult or the legal representative of the vulnerable
670.7 adult; ~~and unless authorized under applicable licensing requirements or Minnesota Rules,~~
670.8 ~~chapter 9544.~~

670.9 ~~(4) use of any aversive or deprivation procedures for persons with developmental~~
670.10 ~~disabilities or related conditions not authorized under section 245.825.~~

670.11 (c) Any sexual contact or penetration as defined in section 609.341, between a facility
670.12 staff person or a person providing services in the facility and a resident, patient, or client
670.13 of that facility.

670.14 (d) The act of forcing, compelling, coercing, or enticing a vulnerable adult against the
670.15 vulnerable adult's will to perform services for the advantage of another.

670.16 (e) For purposes of this section, a vulnerable adult is not abused for the sole reason that
670.17 the vulnerable adult or a person with authority to make health care decisions for the
670.18 vulnerable adult under sections 144.651, 144A.44, chapter 145B, 145C or 252A, or section
670.19 253B.03 or 524.5-313, refuses consent or withdraws consent, consistent with that authority
670.20 and within the boundary of reasonable medical practice, to any therapeutic conduct, including
670.21 any care, service, or procedure to diagnose, maintain, or treat the physical or mental condition
670.22 of the vulnerable adult or, where permitted under law, to provide nutrition and hydration
670.23 parenterally or through intubation. This paragraph does not enlarge or diminish rights
670.24 otherwise held under law by:

670.25 (1) a vulnerable adult or a person acting on behalf of a vulnerable adult, including an
670.26 involved family member, to consent to or refuse consent for therapeutic conduct; or

670.27 (2) a caregiver to offer or provide or refuse to offer or provide therapeutic conduct.

670.28 (f) For purposes of this section, a vulnerable adult is not abused for the sole reason that
670.29 the vulnerable adult, a person with authority to make health care decisions for the vulnerable
670.30 adult, or a caregiver in good faith selects and depends upon spiritual means or prayer for
670.31 treatment or care of disease or remedial care of the vulnerable adult in lieu of medical care,
670.32 provided that this is consistent with the prior practice or belief of the vulnerable adult or
670.33 with the expressed intentions of the vulnerable adult.

671.1 (g) For purposes of this section, a vulnerable adult is not abused for the sole reason that
671.2 the vulnerable adult, who is not impaired in judgment or capacity by mental or emotional
671.3 dysfunction or undue influence, engages in consensual sexual contact with:

671.4 (1) a person, including a facility staff person, when a consensual sexual personal
671.5 relationship existed prior to the caregiving relationship; or

671.6 (2) a personal care attendant, regardless of whether the consensual sexual personal
671.7 relationship existed prior to the caregiving relationship.

671.8 Sec. 41. Minnesota Statutes 2020, section 626.5572, subdivision 4, is amended to read:

671.9 Subd. 4. **Caregiver.** "Caregiver" means an individual or facility who has responsibility
671.10 for all or a portion of the care of a vulnerable adult as a result of a family relationship, or
671.11 who has assumed responsibility for all or a portion of the care of a vulnerable adult
671.12 voluntarily, by contract, or by agreement.

671.13 Sec. 42. Minnesota Statutes 2020, section 626.5572, subdivision 17, is amended to read:

671.14 Subd. 17. **Neglect.** ~~"Neglect" means:~~ Neglect means neglect by a caregiver or self-neglect.

671.15 (a) "Caregiver neglect" means the failure or omission by a caregiver to supply a vulnerable
671.16 adult with care or services, including but not limited to, food, clothing, shelter, health care,
671.17 or supervision which is:

671.18 (1) reasonable and necessary to obtain or maintain the vulnerable adult's physical or
671.19 mental health or safety, considering the physical and mental capacity or dysfunction of the
671.20 vulnerable adult; and

671.21 (2) which is not the result of an accident or therapeutic conduct.

671.22 (b) ~~The absence or likelihood of absence of care or services, including but not limited~~
671.23 ~~to, food, clothing, shelter, health care, or supervision necessary to maintain the physical~~
671.24 ~~and mental health of the vulnerable adult "Self-neglect" means neglect by a vulnerable adult~~
671.25 ~~of the vulnerable adult's own food, clothing, shelter, health care, or other services that are~~
671.26 ~~not the responsibility of a caregiver which a reasonable person would deem essential to~~
671.27 ~~obtain or maintain the vulnerable adult's health, safety, or comfort considering the physical~~
671.28 ~~or mental capacity or dysfunction of the vulnerable adult.~~

671.29 (c) For purposes of this section, a vulnerable adult is not neglected for the sole reason
671.30 that:

672.1 (1) the vulnerable adult or a person with authority to make health care decisions for the
672.2 vulnerable adult under sections 144.651, 144A.44, chapter 145B, 145C, or 252A, or sections
672.3 253B.03 or 524.5-101 to 524.5-502, refuses consent or withdraws consent, consistent with
672.4 that authority and within the boundary of reasonable medical practice, to any therapeutic
672.5 conduct, including any care, service, or procedure to diagnose, maintain, or treat the physical
672.6 or mental condition of the vulnerable adult, or, where permitted under law, to provide
672.7 nutrition and hydration parenterally or through intubation; this paragraph does not enlarge
672.8 or diminish rights otherwise held under law by:

672.9 (i) a vulnerable adult or a person acting on behalf of a vulnerable adult, including an
672.10 involved family member, to consent to or refuse consent for therapeutic conduct; or

672.11 (ii) a caregiver to offer or provide or refuse to offer or provide therapeutic conduct; or

672.12 (2) the vulnerable adult, a person with authority to make health care decisions for the
672.13 vulnerable adult, or a caregiver in good faith selects and depends upon spiritual means or

672.14 prayer for treatment or care of disease or remedial care of the vulnerable adult in lieu of
672.15 medical care, provided that this is consistent with the prior practice or belief of the vulnerable
672.16 adult or with the expressed intentions of the vulnerable adult;

672.17 (3) the vulnerable adult, who is not impaired in judgment or capacity by mental or
672.18 emotional dysfunction or undue influence, engages in consensual sexual contact with:

672.19 (i) a person including a facility staff person when a consensual sexual personal
672.20 relationship existed prior to the caregiving relationship; or

672.21 (ii) a personal care attendant, regardless of whether the consensual sexual personal
672.22 relationship existed prior to the caregiving relationship; or

672.23 (4) an individual makes an error in the provision of therapeutic conduct to a vulnerable
672.24 adult which does not result in injury or harm which reasonably requires medical or mental
672.25 health care; or

672.26 (5) an individual makes an error in the provision of therapeutic conduct to a vulnerable
672.27 adult that results in injury or harm, which reasonably requires the care of a physician, and:

672.28 (i) the necessary care is provided in a timely fashion as dictated by the condition of the
672.29 vulnerable adult;

672.30 (ii) if after receiving care, the health status of the vulnerable adult can be reasonably
672.31 expected, as determined by the attending physician, to be restored to the vulnerable adult's
672.32 preexisting condition;

673.1 (iii) the error is not part of a pattern of errors by the individual;

673.2 (iv) if in a facility, the error is immediately reported as required under section 626.557,
673.3 and recorded internally in the facility;

673.4 (v) if in a facility, the facility identifies and takes corrective action and implements
673.5 measures designed to reduce the risk of further occurrence of this error and similar errors;
673.6 and

673.7 (vi) if in a facility, the actions required under items (iv) and (v) are sufficiently
673.8 documented for review and evaluation by the facility and any applicable licensing,
673.9 certification, and ombudsman agency.

673.10 (d) Nothing in this definition requires a caregiver, if regulated, to provide services in
673.11 excess of those required by the caregiver's license, certification, registration, or other
673.12 regulation.

673.13 (e) If the findings of an investigation by a lead investigative agency result in a
673.14 determination of substantiated maltreatment for the sole reason that the actions required of
673.15 a facility under paragraph (c), clause (5), item (iv), (v), or (vi), were not taken, then the
673.16 facility is subject to a correction order. An individual will not be found to have neglected
673.17 or maltreated the vulnerable adult based solely on the facility's not having taken the actions

- 673.18 required under paragraph (c), clause (5), item (iv), (v), or (vi). This must not alter the lead
- 673.19 investigative agency's determination of mitigating factors under section 626.557, subdivision
- 673.20 9c, paragraph ~~(e)~~ (f).