ARTICLE 16

MINNESOTA AFRICAN AMERICAN FAMILY PRESERVATION AND CHILD WELFARE DISPROPORTIONALITY ACT

Section 1. [260.61] CITATION.

Sections 260.61 to 260.693 may be cited as the "Minnesota African American Family Preservation and Child Welfare Disproportionality Act."

EFFECTIVE DATE. This section is effective July 1, 2026, except as provided under section 20 of this article.

Sec. 2. [260.62] PURPOSES.

(a) The purposes of the Minnesota African American Family Preservation and Child Welfare Disproportionality Act are to:

(1) protect the best interests of African American and disproportionately represented children;

(2) promote the stability and security of African American and disproportionately represented children and their families by establishing minimum standards to prevent the arbitrary and unnecessary removal of African American and disproportionately represented children from their families; and

(3) improve permanency outcomes, including family reunification, for African American and disproportionately represented children.

(b) Nothing in this legislation is intended to interfere with the protections of the Indian Child Welfare Act of 1978, United States Code, title 25, sections 1901 to 1963, or the Minnesota Indian Family Preservation Act, Minnesota Statutes, sections 260.751 to 260.835.

EFFECTIVE DATE. This section is effective July 1, 2026, except as provided under section 20 of this article.

Sec. 3. [260.63] DEFINITIONS.

Subdivision 1. Scope. The definitions in this section apply to sections 260.61 to 260.693.

Subd. 2. Active efforts. "Active efforts" means a rigorous and concerted level of effort that the responsible social services agency must continuously make throughout the time that the responsible social services agency is involved with an African American or a disproportionately represented child and the child's family. To provide active efforts to preserve an African American or a disproportionately represented child's family, the responsible social services agency must continuously involve an African American or a disproportionately represented child's family in all services for the family, including case planning and choosing services and providers, and inform the family of the ability to file a report of noncompliance with this act with the commissioner through the child welfare...
compliance and feedback portal. When providing active efforts, a responsible social services agency must consider an African American or a disproportionately represented child's family's social and cultural values at all times while providing services to the African American or disproportionately represented child and the child's family. Active efforts includes continuous efforts to preserve an African American or a disproportionately represented child's family and to prevent the out-of-home placement of an African American or a disproportionately represented child. If an African American or a disproportionately represented child enters out-of-home placement, the responsible social services agency must make active efforts to reunify the African American or disproportionately represented child with the child's family as soon as possible. Active efforts sets a higher standard for the responsible social services agency than reasonable efforts to preserve the child's family, prevent the child's out-of-home placement, and reunify the child with the child's family. Active efforts includes the provision of reasonable efforts as required by Title IV-E of the Social Security Act, United States Code, title 42, sections 670 to 679c.

Subd. 3. Adoptive placement. "Adoptive placement" means the permanent placement of an African American or a disproportionately represented child made by the responsible social services agency upon a fully executed adoption placement agreement, including the signatures of the adopting parent, the responsible social services agency, and the commissioner of human services according to section 260C.613, subdivision 1.

Subd. 4. African American child. "African American child" means a child having origins in Africa, including a child of two or more races who has at least one parent with origins in Africa. Whether a child or parent has origins in Africa is based upon self-identification or identification of the child's origins by the parent or guardian.

Subd. 5. Best interests of the African American or disproportionately represented child. The "best interests of the African American or disproportionately represented child" means providing a culturally informed practice lens that acknowledges, utilizes, and embraces the African American or disproportionately represented child's community and cultural norms and allows the child to remain safely at home with the child's family. The best interests of the African American or disproportionately represented child support the child's sense of belonging to the child's family, extended family, kin, and cultural community.

Subd. 6. Child placement proceeding. (a) "Child placement proceeding" means any judicial proceeding that could result in:

(1) an adoptive placement;
(2) a foster care placement;
(3) a preadoptive placement; or
(4) a termination of parental rights.
Judicial proceedings under this subdivision include a child's placement based upon:

(1) an act which if committed by an adult would be deemed a crime; or

(2) an award of child custody in a divorce proceeding to one of the child's parents.

Subd. 7. Commissioner. "Commissioner" means the commissioner of human services or the commissioner's designee.

Subd. 8. Custodian. "Custodian" means any person who is under a legal obligation to provide care and support for an African American or a disproportionately represented child, or who is in fact providing daily care and support for an African American or a disproportionately represented child. This subdivision does not impose a legal obligation upon a person who is not otherwise legally obligated to provide a child with necessary food, clothing, shelter, education, or medical care.

Subd. 9. Disproportionality. "Disproportionality" means the overrepresentation of African American children and other disproportionately represented children in Minnesota's child welfare system population as compared to the representation of those children in Minnesota's total child population.

Subd. 10. Disproportionately represented child. "Disproportionately represented child" means an unmarried person who is under the age of 18 and who is a member of a community whose race, culture, ethnicity, disability status, or low-income socioeconomic status is disproportionately encountered, engaged, or identified in the child welfare system as compared to the representation in the state's total child population, as determined on an annual basis by the commissioner. A child's race, culture, or ethnicity is determined based upon a child's self-identification or identification of a child's race, culture, or ethnicity as reported by the child's parent or guardian.

Subd. 11. Egregious harm. "Egregious harm" has the meaning given in section 260E.03, subdivision 5.

Subd. 12. Foster care placement. "Foster care placement" means the temporary placement in foster care as defined in section 260C.007, subdivision 18, following the court-ordered removal of an African American or a disproportionately represented child when the parent or legal custodian cannot have the child returned upon demand.

Subd. 13. Imminent physical damage or harm. "Imminent physical damage or harm" means that a child is threatened with immediate and present conditions that are life-threatening or likely to result in abandonment, sexual abuse, or serious physical injury.

Subd. 14. Responsible social services agency. "Responsible social services agency" has the meaning given in section 260C.007, subdivision 27a.

Subd. 15. Parent. "Parent" means the biological parent of an African American or a disproportionately represented child or any person who has legally adopted an African American.
American or a disproportionately represented child. Parent includes an unmarried father whose paternity has been acknowledged or established and a putative father. Paternity has been acknowledged when an unmarried father takes any action to hold himself out as the biological father of a child.

Subd. 16. Preadoptive placement. "Preadoptive placement" means a responsible social services agency's placement of an African American or a disproportionately represented child when the child is under the guardianship of the commissioner for the purpose of adoption but an adoptive placement agreement for the child has not been fully executed.

Subd. 17. Relative. "Relative" has the meaning given in section 260C.007, subdivision 27.

Subd. 18. Safety network. "Safety network" means a group of individuals identified by the parent and child, when appropriate, that is accountable for developing, implementing, sustaining, supporting, or improving a safety plan to protect the safety and well-being of a child.


EFFECTIVE DATE. This section is effective July 1, 2026, except as provided under section 20 of this article.

Sec. 4. [260.64] DUTY TO PREVENT OUT-OF-HOME PLACEMENT AND PROMOTE FAMILY REUNIFICATION.

Subdivision 1. Active efforts. A responsible social services agency shall make active efforts to prevent the out-of-home placement of an African American or a disproportionately represented child, eliminate the need for a child’s removal from the child’s home, and reunify an African American or a disproportionately represented child with the child’s family as soon as practicable.

Subd. 2. Safety plan. (a) Prior to petitioning the court to remove an African American or a disproportionately represented child from the child’s home under section 260.66, a responsible social services agency must work with the child’s family to allow the child to remain in the child’s home while implementing a safety plan based on the family’s needs.

The responsible social services agency must:

(1) make active efforts to engage the child’s parent or custodian and the child, when appropriate;

(2) assess the family’s cultural and economic needs;
(3) hold a family group consultation meeting and connect the family with supports to establish a safety network for the family; and

(4) provide support, guidance, and input to assist the family and the family's safety network with developing the safety plan.

(b) The safety plan must:

(1) address the specific allegations impacting the child's safety in the home. If neglect is alleged, the safety plan must incorporate economic services and supports for the child and the child's family, if eligible, to address the family’s specific needs and prevent neglect;

(2) incorporate family and community support to ensure the child's safety while keeping the family intact; and

(3) be adjusted as needed to address the child's and family's ongoing needs and support.

(c) The responsible social services agency is not required to establish a safety plan in a case with allegations of sexual abuse or egregious harm.

Subd. 3. Out-of-home placement prohibited. Unless the court finds by clear and convincing evidence that the child would be at risk of serious emotional damage or serious physical damage if the child were to remain in the child's home, a court shall not order a foster care or permanent out-of-home placement of an African American or a disproportionately represented child alleged to be in need of protection or services. At each hearing regarding an African American or a disproportionately represented child who is alleged or adjudicated to be in need of child protective services, the court shall review whether the responsible social services agency has provided active efforts to the child and the child's family and shall require the responsible social services agency to provide evidence and documentation that demonstrates that the agency is providing culturally informed, strength-based, community-involved, and community-based services to the child and the child's family.

Subd. 4. Required findings that active efforts were provided. When determining whether the responsible social services agency has made active efforts to preserve the child's family, the court shall make findings regarding whether the responsible social services agency made appropriate and meaningful services available to the child's family based upon the family's specific needs. If a court determines that the responsible social services agency did not make active efforts to preserve the family as required by this section, the court shall order the responsible social services agency to immediately provide active efforts to the child and child's family to preserve the family.

EFFECTIVE DATE. This section is effective July 1, 2026, except as provided under section 20 of this article.
Sec. 5. [260.641] ENSURING FREQUENT VISITATION FOR AFRICAN AMERICAN AND DISPROPORTIONATELY REPRESENTED CHILDREN IN OUT-OF-HOME PLACEMENT.

A responsible social services agency must engage in best practices related to visitation when an African American or a disproportionately represented child is in out-of-home placement. When the child is in out-of-home placement, the responsible social services agency shall make active efforts to facilitate regular and frequent visitation between the child and the child's parents or custodians, the child's siblings, and the child's relatives. If visitation is infrequent between the child and the child's parents, custodians, siblings, or relatives, the responsible social services agency shall make active efforts to increase the frequency of visitation and address any barriers to visitation.

EFFECTIVE DATE. This section is effective July 1, 2026, except as provided under section 20 of this article.

Sec. 6. [260.65] NONCUSTODIAL PARENTS; TEMPORARY OUT-OF-HOME PLACEMENT.

Subdivision 1. Active efforts required; responsible social services agency. Prior to or within 48 hours of the removal of an African American or a disproportionately represented child from the child's home under section 260.66, the responsible social services agency must make active efforts to identify and locate the child's noncustodial or nonadjudicated parent and the child's relatives to notify the child's parent and relatives that the child is or will be placed in foster care and provide the child's parent and relatives with a list of legal resources. The notice to the child's noncustodial or nonadjudicated parent and relatives must also include the information required under section 260C.221, subdivision 2. The responsible social services agency must maintain detailed records of the agency's efforts to notify parents and relatives under this section.

Subd. 2. Placement with noncustodial or nonadjudicated parent. (a) Notwithstanding the provisions of section 260C.219, if an African American or disproportionately represented child's noncustodial or nonadjudicated parent is identified and located under subdivision 1, the responsible social services agency must assess the child's noncustodial or nonadjudicated parent's ability to care for the child before placing the child in foster care. If a child's noncustodial or nonadjudicated parent is willing and able to provide daily care for the African American or disproportionately represented child temporarily or permanently, the court shall order the child into the home of the noncustodial or nonadjudicated parent pursuant to section 260C.178 or 260C.201, subdivision 1. The responsible social services agency must make active efforts to assist a noncustodial or nonadjudicated parent with remedying any issues that may prevent the child from being placed with the noncustodial or nonadjudicated parent.

(b) If an African American or a disproportionately represented child's noncustodial or nonadjudicated parent is unwilling or unable to provide daily care for the child and the court has determined that the child's continued placement in the home of the child's noncustodial
or nonadjudicated parent would endanger the child's health, safety, or welfare, the child's
parent, custodian, or the child, when appropriate, has the right to select one or more relatives
who may be willing and able to provide temporary care for the child. The responsible social
services agency must place the child with a selected relative after assessing the relative's
willingness and ability to provide daily care for the child. If selected relatives are not available
or there is a documented safety concern with the relative placement, the responsible social
services agency shall consider additional relatives for the child's placement.

Subd. 3. Informal kinship care agreement. The responsible social services agency
must inform selected relatives and the child's parent or custodian of the difference between
informal kinship care arrangements and court-ordered foster care. If a selected relative and
the child's parent or custodian request an informal kinship care arrangement for a child's
placement instead of court-ordered foster care and such an arrangement will maintain the
child's safety and well-being, the responsible social services agency shall comply with the
request and inform the court of the plan for the child. The court shall honor the request to
forego a court-ordered foster care placement of the child in favor of an informal kinship
care arrangement, unless the court determines that the request is not in the best interests of
the African American or disproportionately represented child.

Subd. 4. Active efforts; child foster care licensure process. The responsible social
services agency must make active efforts to support relatives with whom a child is placed
in completing the child foster care licensure process and addressing barriers, disqualifications,
or other issues affecting the relatives' licensure, including but not limited to assisting relatives
with requesting reconsideration of a disqualification under section 245C.21.

Subd. 5. Future placement not prohibited. The decision by a relative not to be
considered as an African American or a disproportionately represented child's foster care
or temporary placement option shall not be a basis for the responsible social services agency
or the court to rule out the relative for placement in the future or for denying the relative's
request to be considered or selected as a foster care or permanent placement for the child.

EFFECTIVE DATE. This section is effective July 1, 2026, except as provided under
section 20 of this article.

Sec. 7. [260.66] EMERGENCY REMOVAL.

Subdivision 1. Emergency removal or placement permitted. Nothing in this section
shall be construed to prevent the emergency removal of an African American or a
disproportionately represented child's parent or custodian or the emergency placement of
the child in a foster setting in order to prevent imminent physical damage or harm to the
child.

Subd. 2. Petition for emergency removal; placement requirements. A petition for a
court order authorizing the emergency removal or continued emergency placement of an
African American or a disproportionately represented child or the petition's accompanying
documents must contain a statement of the risk of imminent physical damage or harm to
the African American or disproportionately represented child and any evidence that the
emergency removal or placement continues to be necessary to prevent imminent physical
damage or harm to the child. The petition or its accompanying documents must also contain
the following information:

1. the name, age, and last known address of the child;
2. the name and address of the child's parents and custodians, or, if unknown, a detailed
   explanation of efforts made to locate and contact them;
3. the steps taken to provide notice to the child's parents and custodians about the
   emergency proceeding;
4. a specific and detailed account of the circumstances that led the agency responsible
   for the emergency removal of the child to take that action; and
5. a statement of the efforts that have been taken to assist the child's parents or custodians
   so that the child may safely be returned to their custody.

Subd. 3. Emergency proceeding requirements. (a) The court shall hold a hearing no
later than 72 hours, excluding weekends and holidays, after the emergency removal of an
African American or a disproportionately represented child. The court shall determine
whether the emergency removal continues to be necessary to prevent imminent physical
damage or harm to the child.

(b) The court shall hold additional hearings whenever new information indicates that
the emergency situation has ended. At any court hearing after the emergency proceeding,
the court must determine whether the emergency removal or placement is no longer necessary
to prevent imminent physical damage or harm to the child.

(c) Notwithstanding section 260C.163, subdivision 3, and the provisions of Minnesota
Rules of Juvenile Protection Procedure, rule 25, a parent or custodian of an African American
or a disproportionately represented child who is subject to an emergency hearing under this
section and Minnesota Rules of Juvenile Protection Procedure, rule 30, must be represented
by counsel. The court must appoint qualified counsel to represent a parent if the parent
meets the eligibility requirements in section 611.17.

Subd. 4. Termination of emergency removal or placement. (a) An emergency removal
or placement of an African American or a disproportionately represented child must
immediately terminate once the responsible social services agency or court possesses
sufficient evidence to determine that the emergency removal or placement is no longer
necessary to prevent imminent physical damage or harm to the child and the child shall be
immediately returned to the custody of the child's parent or custodian. The responsible social
services agency or court shall ensure that the emergency removal or placement terminates
immediately when the removal or placement is no longer necessary to prevent imminent
physical damage or harm to the African American or disproportionately represented child.
An emergency removal or placement ends when the court orders, after service upon the African American or disproportionately represented child's parents or custodian, that the child shall be placed in foster care upon a determination supported by clear and convincing evidence that custody of the child by the child's parent or custodian is likely to result in serious emotional or physical damage to the child.

In no instance shall emergency removal or emergency placement of an African American or a disproportionately represented child extend beyond 30 days unless the court finds by a showing of clear and convincing evidence that:

1. continued emergency removal or placement is necessary to prevent imminent physical damage or harm to the child; and
2. it has not been possible to initiate a child placement proceeding with all of the protections under sections 260.61 to 260.68.

EFFECTIVE DATE.

This section is effective July 1, 2026, except as provided under section 20 of this article.

Sec. 8. [260.67] TRANSFER OF PERMANENT LEGAL AND PHYSICAL CUSTODY; TERMINATION OF PARENTAL RIGHTS; CHILD PLACEMENT PROCEEDINGS.

Subdivision 1. Preference for permanency placement with a relative. Consistent with section 260C.513, if an African American or disproportionately represented child cannot be returned to the child's parent, permanency placement with a relative is preferred. The court shall consider the requirements of and responsibilities under section 260.012, paragraph (a), and if possible and if requirements under section 260C.515, subdivision 4, are met, transfer permanent legal and physical custody of the child to:

1. a noncustodial parent under section 260C.515, subdivision 4, if the child cannot return to the care of the parent or custodian from whom the child was removed or who had legal custody at the time that the child was placed in foster care; or
2. a willing and able relative, according to the requirements of section 260C.515, subdivision 4. When the responsible social services agency is the petitioner, prior to the court ordering a transfer of permanent legal and physical custody to a relative, the responsible social services agency must inform the relative of Northstar kinship assistance benefits and eligibility requirements, and of the relative's ability to apply for benefits on behalf of the child under chapter 256N.

Subd. 2. Termination of parental rights restrictions. (a) A court shall not terminate the parental rights of a parent of an African American or a disproportionately represented child based solely on the parent's failure to complete case plan requirements.

(b) A court shall not terminate the parental rights of a parent of an African American or a disproportionately represented child in a child placement proceeding unless the allegations against the parent involve sexual abuse; egregious harm; murder in the first, second, or third
degree under section 609.185, 609.19, or 609.195; murder of an unborn child in the first,
second, or third degree under section 609.2661, 609.2662, or 609.2663; manslaughter of
an unborn child in the first or second degree under section 609.2664 or 609.2665; domestic
assault by strangulation under section 609.2247; felony domestic assault under section
609.2242 or 609.2243; kidnapping under section 609.25; solicitation, inducement, and
promotion of prostitution under section 609.322, subdivision 1, and subdivision 1a if one
or more aggravating factors are present; criminal sexual conduct under sections 609.342 to
609.3451; engaging in, hiring, or agreeing to hire a minor to engage in prostitution under
609.352; possession of pornographic work involving minors under section 617.247;
malicious punishment or neglect or endangerment of a child under section 609.377 or
609.378; use of a minor in sexual performance under section 617.246; or failing to protect
a child from an overt act or condition that constitutes egregious harm.

(c) Nothing in this subdivision precludes the court from terminating the parental rights
of a parent of an African American or a disproportionately represented child if the parent
desires to voluntarily terminate the parent's own parental rights for good cause under section
260C.301, subdivision 1, paragraph (a).

Subd. 3. Appeals. Notwithstanding the Minnesota Rules of Juvenile Protection Procedure,
rule 47.02, subdivision 2, a parent of an African American or a disproportionately represented
child whose parental rights have been terminated may appeal the decision within 90 days
of the service of notice by the court administrator of the filing of the court's order.

EFFECTIVE DATE. This section is effective July 1, 2026, except as provided under
section 20 of this article.

Sec. 9. [260.68] RESPONSIBLE SOCIAL SERVICES AGENCY CONDUCT AND
CASE REVIEW.

Subd. 1. Responsible social services agency conduct. (a) A responsible social
services agency employee who has duties related to child protection shall not knowingly:
(1) make untrue statements about any case involving a child alleged to be in need of
protection or services;
(2) intentionally withhold any information that may be material to a case involving a
child alleged to be in need of protection or services; or
(3) fabricate or falsify any documentation or evidence relating to a case involving a child
alleged to be in need of protection or services.

(b) Any of the actions listed in paragraph (a) shall constitute grounds for adverse
employment action.

Subd. 2. Case review. (a) Each responsible social services agency shall conduct a review
of all child welfare cases for African American and other disproportionately represented
children handled by the agency. Each responsible social services agency shall create a
summary report of trends identified under paragraphs (b) and (c), a remediation plan as
provided in paragraph (d), and an update on implementation of any previous remediation
plans. The first report shall be provided to the commission and chairs and ranking minority
members of the legislative committees with jurisdiction over child welfare by October 1, 2029, and annually thereafter. For purposes of determining outcomes in this subdivision, responsible social services agencies shall use guidance from the commissioner under section 260.63, subdivision 10. The commissioner shall provide guidance starting on November 1, 2028, and annually thereafter.

(b) The case review must include:

(1) the number of African American and disproportionately represented children represented in the county child welfare system;

(2) the number and sources of maltreatment reports received and reports screened in for investigation or referred for family assessment and the race of the children and parents or custodians involved in each report;

(3) the number and race of children and parents or custodians who receive in-home preventive case management services;

(4) the number and race of children whose parents or custodians are referred to community-based, culturally appropriate, strength-based, or trauma-informed services;

(5) the number and race of children removed from their homes;

(6) the number and race of children reunified with their parents or custodians;

(7) the number and race of children whose parents or custodians are offered family group decision-making services;

(8) the number and race of children whose parents or custodians are offered the parent support outreach program;

(9) the number and race of children in foster care or out-of-home placement at the time that the data is gathered;

(10) the number and race of children who achieve permanency through a transfer of permanent legal and physical custody to a relative or an adoption; and

(11) the number and race of children who are under the guardianship of the commissioner or awaiting a permanency disposition.

(c) The required case review must also:

(1) identify barriers to reunifying children with their families;

(2) identify the family conditions that led to the out-of-home placement;
(3) Identify any barriers to accessing culturally informed mental health or substance use disorder treatment services for the parents or children;

(4) Document efforts to identify fathers and maternal and paternal relatives and to provide services to custodial and noncustodial fathers, if appropriate; and

(5) Document and summarize court reviews of active efforts.

(d) Any responsible social services agency that has a case review showing disproportionality and disparities in child welfare outcomes for African American and other disproportionately represented children and the children's families, compared to the agency's overall outcomes, must include in their case review summary report a remediation plan with measurable outcomes to identify, address, and reduce the factors that led to the disproportionality and disparities in the agency's child welfare outcomes. The remediation plan shall also include information about how the responsible social services agency will achieve and document trauma-informed, positive child well-being outcomes through remediation efforts.

EFFECTIVE DATE. This section is effective July 1, 2026, except as provided under section 20 of this article.

Sec. 10. [260.69] CULTURAL COMPETENCY TRAINING FOR INDIVIDUALS WORKING WITH AFRICAN AMERICAN AND DISPROPORTIONATELY REPRESENTED CHILDREN.

Subdivision 1. Applicability. The commissioner of human services must collaborate with the Children's Justice Initiative to ensure that cultural competency training is given to individuals working in the child welfare system, including child welfare workers, supervisors, attorneys, juvenile court judges, and family law judges.

Subd. 2. Training. (a) The commissioner must develop training content and establish the frequency of training.

(b) The cultural competency training under this section is required prior to or within six months of beginning work with any African American or disproportionately represented child and their family. A responsible social services agency staff person who is unable to complete the cultural competency training prior to working with African American or disproportionately represented children and their families must work with a qualified staff person within the agency who has completed cultural competency training until the person is able to complete the required training. The training must be available by January 1, 2027, and must:

(1) be provided by an African American individual or individual from a community that is disproportionately represented in the child welfare system who is knowledgeable about African American and other disproportionately represented social and cultural norms and historical trauma;
(2) raise awareness and increase a person's competency to value diversity, conduct a
self-assessment, manage the dynamics of difference, acquire cultural knowledge, and adapt
to diversity and the cultural contexts of communities served;

(3) include instruction on effectively developing a safety plan and instruction on engaging
a safety network; and

(4) be accessible and comprehensive and include the ability to ask questions.

(c) The training may be provided in a series of segments, either in person or online.

Subd. 3. Update. The commissioner must provide an update to the chairs and ranking
minority members of the legislative committees with jurisdiction over child protection by
July 1, 2027, on the rollout of the training under subdivision 1 and the content and
accessibility of the training under subdivision 2.

EFFECTIVE DATE. This section is effective July 1, 2026, except as provided under
section 20 of this article.

Sec. 11. [260.691] AFRICAN AMERICAN CHILD WELL-BEING ADVISORY
COUNCIL.

Subdivision 1. Duties. The African American Child Well-Being Advisory Council must:

(1) review annual reports related to African American children involved in the child
welfare system. These reports may include, but are not limited to the maltreatment,
out-of-home placement, and permanency of African American children;

(2) assist in and make recommendations to the commissioner for developing strategies
to reduce maltreatment determinations, prevent unnecessary out-of-home placement, promote
culturally appropriate foster care and shelter or facility placement decisions and settings for
African American children in need of out-of-home placement, ensure timely achievement
of permanency, and improve child welfare outcomes for African American children and
their families;

(3) review summary reports on targeted case reviews prepared by the commissioner to
ensure that responsible social services agencies meet the needs of African American children
and their families. Based on data collected from those reviews, the council will assist the
commissioner with developing strategies needed to improve any identified child welfare
outcomes, including but not limited to maltreatment, out-of-home placement, and permanency
for African American children;

(4) assist the Cultural and Ethnic Communities Leadership Council with making
recommendations to the commissioner and the legislature for public policy and statutory
changes that specifically consider the needs of African American children and their families
involved in the child welfare system;
(5) advise the commissioner on stakeholder engagement strategies and actions that the commissioner and responsible social services agencies may take to improve child welfare outcomes for African American children and their families;

(6) assist the commissioner with developing strategies for public messaging and communication related to racial disproportionality and disparities in child welfare outcomes for African American children and their families;

(7) assist the commissioner with identifying and developing internal and external partnerships to support adequate access to services and resources for African American children and their families, including but not limited to housing assistance, employment assistance, food and nutrition support, health care, child care assistance, and educational support and training; and

(8) assist the commissioner with developing strategies to promote the development of a culturally diverse and representative child welfare workforce in Minnesota that includes professionals who are reflective of the community served and who have been directly impacted by lived experiences within the child welfare system. The council must also assist the commissioner in exploring strategies and partnerships to address education and training needs, hiring, recruitment, retention, and professional advancement practices.

Subd. 2. Annual report. By January 1, 2026, and annually thereafter, the council shall report to the chairs and ranking minority members of the legislative committees with jurisdiction over child protection on the council's activities under subdivision 1 and other issues on which the council chooses to report. The report may include recommendations for statutory changes to improve the child protection system and child welfare outcomes for African American children and families.

EFFECTIVE DATE. This section is effective July 1, 2024.

Sec. 12. [260.692] AFRICAN AMERICAN CHILD WELL-BEING UNIT.

Subd. 1. Duties. The African American Child Well-Being Unit, currently established by the commissioner, must:

(1) assist with the development of African American cultural competency training and review child welfare curriculum in the Minnesota Child Welfare Training Academy to ensure that responsible social services agency staff and other child welfare professionals are appropriately prepared to engage with African American children and their families and to support family preservation and reunification;

(2) provide technical assistance, including on-site technical assistance, and case consultation to responsible social services agencies to assist agencies with implementing and complying with the Minnesota African American Family Preservation and Child Welfare Disproportionality Act;

(3) monitor individual county and statewide disaggregated and nondisaggregated data to identify trends and patterns in child welfare outcomes, including but not limited to
reporting, maltreatment, out-of-home placement, and permanency of African American
children and develop strategies to address disproportionality and disparities in the child
welfare system;

(4) develop and implement a system for conducting case reviews when the commissioner
receives reports of noncompliance with the Minnesota African American Family Preservation
and Child Welfare Disproportionality Act or when requested by the parent or custodian of
an African American child. Case reviews may include but are not limited to a review of
placement prevention efforts, safety planning, case planning and service provision by the
responsible social services agency, relative placement consideration, and permanency
planning;

(5) establish and administer a request for proposals process for African American and
disproportionately represented family preservation grants under section 260.693, monitor
grant activities, and provide technical assistance to grantees;

(6) in coordination with the African American Child Well-Being Advisory Council,
coordinate services and create internal and external partnerships to support adequate access
to services and resources for African American children and their families, including but
not limited to housing assistance, employment assistance, food and nutrition support, health
care, child care assistance, and educational support and training; and

(7) develop public messaging and communication to inform the public about racial
disparities in child welfare outcomes, current efforts and strategies to reduce racial disparities,
and resources available to African American children and their families involved in the
child welfare system.

Subd. 2. Case reviews. (a) The African American Child Well-Being Unit must conduct
systemic case reviews to monitor targeted child welfare outcomes, including but not limited
to maltreatment, out-of-home placement, and permanency of African American children.
(b) The reviews under this subdivision must be conducted using a random sampling of
representative child welfare cases stratified for certain case related factors, including but
not limited to case type, maltreatment type, if the case involves out-of-home placement,
and other demographic variables. In conducting the reviews, unit staff may use court records
and documents, information from the social services information system, and other available
case file information to complete the case reviews.

(c) The frequency of the reviews and the number of cases, child welfare outcomes, and
selected counties reviewed will be determined by the unit in consultation with the African
American Child Well-Being Advisory Council, with consideration given to the availability
of unit resources needed to conduct the reviews.

(d) The unit must monitor all case reviews and use the collective case review information
and data to generate summary case review reports, ensure compliance with the Minnesota
386.20 African American Family Preservation and Child Welfare Disproportionality Act, and
386.21 identify trends or patterns in child welfare outcomes for African American children.
386.22 (e) The unit must review information from members of the public received through the
386.23 compliance and feedback portal, including policy and practice concerns related to individual
386.24 child welfare cases. After assessing a case concern, the unit may determine if further
386.25 necessary action should be taken, which may include coordinating case remediation with
386.26 other relevant child welfare agencies in accordance with data privacy laws, including the
386.27 African American Child Well-Being Advisory Council, and offering case consultation and
386.28 technical assistance to the responsible local social service agency as needed or requested
386.29 by the agency.
386.30 Subd. 3. Reports. (a) The African American Child Well-Being Unit must provide regular
386.31 updates on unit activities, including summary reports of case reviews, to the African
386.32 American Child Well-Being Advisory Council, and must publish an annual census of African
386.33 American children in out-of-home placements statewide. The annual census must include
387.1 data on the types of placements, age and sex of the children, how long the children have
387.2 been in out-of-home placements, and other relevant demographic information.
387.3 (b) The African American Child Well-Being Unit will gather summary data about the
387.4 practice and policy inquiries and individual case concerns received through the compliance
387.5 and feedback portal under subdivision 2, paragraph (e). The unit will provide regular reports
387.6 of the nonidentifying compliance and feedback portal summary data to the African American
387.7 Child Well-Being Advisory Council to identify child welfare trends and patterns to assist
387.8 with developing policy and practice recommendations to support eliminating disparity and
387.9 disproportionality for African American children.
387.10 EFFECTIVE DATE. This section is effective July 1, 2024.
387.11 Sec. 13. [260.693] AFRICAN AMERICAN AND DISPROPORTIONATELY
387.12 REPRESENTED FAMILY PRESERVATION GRANTS.
387.13 Subd. 1. Primary support grants. The commissioner shall establish direct grants
387.14 to organizations, service providers, and programs owned and led by African Americans and
387.15 other individuals from communities disproportionately represented in the child welfare
387.16 system to provide services and support for African American and disproportionately
387.17 represented children and their families involved in Minnesota's child welfare system,
387.18 including supporting existing eligible services and facilitating the development of new
387.19 services and providers, to create a more expansive network of service providers available
387.20 for African American and disproportionately represented children and their families.
387.21 Subd. 2. Eligible services. (a) Services eligible for grants under this section include but
387.22 are not limited to:
387.23 (1) child out-of-home prevention and reunification services.
387.24 PAGE R16A16
387.25 REVISOR FULL-TEXT SIDE-BY-SIDE
(2) family-based services and reunification therapy;
(3) culturally specific individual and family counseling;
(4) court advocacy;
(5) training and consultation to responsible social services agencies and private social
services agencies regarding this act;
(6) development and promotion of culturally informed, affirming, and responsive
community-based prevention and family preservation services that target the children, youth,
families, and communities of African American and African heritage experiencing the
highest disparities, disproportionality, and overrepresentation in the Minnesota child welfare
system;
(7) culturally affirming and responsive services that work with children and families in
their communities to address their needs and ensure child and family safety and well-being
within a culturally appropriate lens and framework;
(8) services to support informal kinship care arrangements; and
(9) other activities and services approved by the commissioner that further the goals of
the Minnesota African American Family Preservation and Child Welfare Disproportionality
Act, including but not limited to the recruitment of African American staff and staff from
other communities disproportionately represented in the child welfare system to work for
responsible social services agencies and licensed child-placing agencies.

Subd. 3. Ineligible services. Grant money may not be used to supplant funding for
existing services or for the following purposes:
(1) child day care that is necessary solely because of the employment or training for
employment of a parent or another relative with whom the child is living;
(2) foster care maintenance or difficulty of care payments;
(3) residential treatment facility payments;
(4) adoption assistance or Northstar kinship assistance payments under chapter 259A
or 256N;
(5) public assistance payments for Minnesota family investment program assistance, supplemental aid, medical assistance, general assistance, general assistance medical care, or community health services; or

(6) administrative costs for income maintenance staff.

Subd. 4. Requests for proposals. The commissioner shall request proposals for grants under subdivisions 1, 2, and 3 and specify the information and criteria required.

EFFECTIVE DATE. This section is effective July 1, 2024.

Sec. 14. Minnesota Statutes 2022, section 260C.329, subdivision 3, is amended to read:

Subd. 3. Petition. The county attorney, a parent whose parental rights were terminated under a previous order of the court, a child who is ten years of age or older, the responsible social services agency, or a guardian ad litem may file a petition for the reestablishment of the legal parent and child relationship. A parent filing a petition under this section shall pay a filing fee in the amount required under section 357.021, subdivision 2, clause (1). The filing fee may be waived pursuant to chapter 563. A petition for the reestablishment of the legal parent and child relationship may be filed when:

(1) in cases where the county attorney is the petitioning party, both the responsible social services agency and the county attorney agree that reestablishment of the legal parent and child relationship is in the child's best interests;
(2) the parent has corrected the conditions that led to an order terminating parental rights;
(3) the parent is willing and has the capability to provide day-to-day care and maintain the health, safety, and welfare of the child;
(4) the child has been in foster care for at least 48 months after the court issued the order terminating parental rights;
(5) the child has not been adopted; and
(6) the child is not the subject of a written adoption placement agreement between the responsible social services agency and the prospective adoptive parent, as required under Minnesota Rules, part 9560.0060, subpart 2.

EFFECTIVE DATE. This section is effective July 1, 2026, except as provided under section 20 of this article.

Sec. 15. Minnesota Statutes 2022, section 260C.329, subdivision 8, is amended to read:

Subd. 8. Hearing. The court may grant the petition ordering the reestablishment of the legal parent and child relationship only if it finds by clear and convincing evidence that:

(1) reestablishment of the legal parent and child relationship is in the child's best interests;
the child has not been adopted;
(3) the child is not the subject of a written adoption placement agreement between the
responsible social services agency and the prospective adoptive parent, as required under
Minnesota Rules, part 9560.0060, subpart 2;
(4) at least 48 months have elapsed following a final order terminating parental rights
and the child remains in foster care;
(4) the child desires to reside with the parent;
(5) the parent has corrected the conditions that led to an order terminating parental
rights; and
(6) the parent is willing and has the capability to provide day-to-day care and maintain
the health, safety, and welfare of the child.

EFFECTIVE DATE. This section is effective July 1, 2026, except as provided under
section 20 of this article.

Sec. 16. DIRECTION TO COMMISSIONER OF HUMAN SERVICES;
DISAGGREGATE DATA.
The commissioner of human services must establish a process to improve the
disaggregation of data to monitor child welfare outcomes for African American and other
disproportionately represented children in the child welfare system. The commissioner must
begin disaggregating data by January 1, 2027.

EFFECTIVE DATE. This section is effective July 1, 2026.

Sec. 17. CHILD WELFARE COMPLIANCE AND FEEDBACK PORTAL.
The commissioner of human services shall develop, maintain, and administer a publicly
accessible online compliance and feedback portal to receive reports of noncompliance with
the Minnesota African American Family Preservation and Child Welfare Disproportionality
Act under Minnesota Statutes, sections 260.61 to 260.69, and other statutes related to child
maltreatment, safety, and placement. Reports received through the portal must be transferred
for review and further action to the appropriate unit or department within the Department
of Human Services, including but not limited to the African American Child Well-Being
Unit.

EFFECTIVE DATE. This section is effective July 1, 2026, except as provided under
section 20 of this article.

Sec. 18. DIRECTION TO COMMISSIONER; MAINTAINING CONNECTIONS
IN FOSTER CARE BEST PRACTICES.
The commissioner of human services shall develop and publish guidance on best practices
for ensuring that African American and disproportionately represented children in foster
care maintain connections and relationships with their parents, custodians, and extended
relatives. The commissioner shall also develop and publish best practice guidance on
engaging and assessing noncustodial and nonadjudicated parents to care for their African
American or disproportionately represented children who cannot remain with the children's
custodial parents.

**EFFECTIVE DATE.** This section is effective July 1, 2026, except as provided under
section 20 of this article.

Sec. 19. **DIRECTION TO THE COMMISSIONER; COMPLIANCE SYSTEM
REVIEW DEVELOPMENT.**

(a) By January 1, 2026, the commissioner of human services, in consultation with counties
and the working group established under section 21 of this article, must develop a system
to review county compliance with the Minnesota African American Family Preservation
and Child Welfare Disproportionality Act. The system may include, but is not limited to,
the cases to be reviewed, the criteria to be reviewed to demonstrate compliance, the rate of
noncompliance and the coordinating penalty, the program improvement plan, and training.

(b) By January 1, 2026, the commissioner of human services must provide a report to
the chairs and ranking minority members of the legislative committees with jurisdiction
over child welfare on the proposed compliance system review process and language to
codify that process in statute.

**EFFECTIVE DATE.** This section is effective July 1, 2024.

Sec. 20. **MINNESOTA AFRICAN AMERICAN FAMILY PRESERVATION AND
CHILD WELFARE DISPROPORTIONALITY ACT; PILOT PROGRAMS.**

(a) The commissioner of human services must establish a pilot program that implements
sections 1 to 18 in Hennepin and Ramsey Counties.

(b) The commissioner of human services must report on the outcomes of the pilot
program, including the number of participating families, the rate of children in out-of-home
placement, and the measures taken to prevent out-of-home placement for each participating
family to the chairs and ranking minority members of the legislative committees with
jurisdiction over child welfare.

(c) Sections 1 to 18 are effective July 1, 2024, for purposes of this pilot program.

(d) This section expires July 1, 2027.

**EFFECTIVE DATE.** This section is effective July 1, 2024.
Sec. 21. MINNESOTA AFRICAN AMERICAN FAMILY PRESERVATION AND
CHILD WELFARE DISPROPORTIONALITY ACT; WORKING GROUP.

(a) The commissioner of human services must establish a working group to provide
guidance and oversight for the Minnesota African American Family Preservation and Child
Welfare Disproportionality Act pilot programs in Hennepin and Ramsey Counties.

(b) The members of the working group must include representatives from the Minnesota
Association of County Social Service Administrators, the Association of Minnesota Counties,
Hennepin County, Ramsey County, the Department of Human Services, and community
organizations with experience in child welfare. The legislature may provide recommendations
to the commissioner on the selection of the representatives from the community organizations.

(c) The working group must provide oversight of the pilot programs and evaluate the
cost of the pilot program. The working group must also assess future costs of implementing
the Minnesota African American Family Preservation and Child Welfare Disproportionality
Act statewide.

(d) By June 30, 2026, the working group must develop an implementation plan and best
practices for the Minnesota African American Family Preservation and Child Welfare
Disproportionality Act to go into effect statewide.

EFFECTIVE DATE. This section is effective July 1, 2024.