

369.22

ARTICLE 16

369.23

MINNESOTA AFRICAN AMERICAN FAMILY PRESERVATION AND CHILD

369.24

WELFARE DISPROPORTIONALITY ACT

369.25

Section 1. [260.61] CITATION.

369.26

Sections 260.61 to 260.693 may be cited as the "Minnesota African American Family

369.27

Preservation and Child Welfare Disproportionality Act."

369.28

EFFECTIVE DATE. This section is effective July 1, 2026, except as provided under

369.29

section 20 of this article.

370.1

Sec. 2. [260.62] PURPOSES.

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(a) The purposes of the Minnesota African American Family Preservation and Child

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Welfare Disproportionality Act are to:

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

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children;

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(2) promote the stability and security of African American and disproportionately

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represented children and their families by establishing minimum standards to prevent the

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arbitrary and unnecessary removal of African American and disproportionately represented

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children from their families; and

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(3) improve permanency outcomes, including family reunification, for African American

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and disproportionately represented children.

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(b) Nothing in this legislation is intended to interfere with the protections of the Indian

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Child Welfare Act of 1978, United States Code, title 25, sections 1901 to 1963, or the

370.14

Minnesota Indian Family Preservation Act, Minnesota Statutes, sections 260.751 to 260.835.

370.15

EFFECTIVE DATE. This section is effective July 1, 2026, except as provided under

370.16

section 20 of this article.

370.17

Sec. 3. [260.63] DEFINITIONS.

370.18

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

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Subd. 2. **Active efforts.** "Active efforts" means a rigorous and concerted level of effort

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that the responsible social services agency must continuously make throughout the time

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that the responsible social services agency is involved with an African American or a

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disproportionately represented child and the child's family. To provide active efforts to

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preserve an African American or a disproportionately represented child's family, the

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responsible social services agency must continuously involve an African American or a

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disproportionately represented child's family in all services for the family, including case

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planning and choosing services and providers, and inform the family of the ability to file a

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report of noncompliance with this act with the commissioner through the child welfare

370.28 compliance and feedback portal. When providing active efforts, a responsible social services
370.29 agency must consider an African American or a disproportionately represented child's
370.30 family's social and cultural values at all times while providing services to the African
370.31 American or disproportionately represented child and the child's family. Active efforts
370.32 includes continuous efforts to preserve an African American or a disproportionately
370.33 represented child's family and to prevent the out-of-home placement of an African American
371.1 or a disproportionately represented child. If an African American or a disproportionately
371.2 represented child enters out-of-home placement, the responsible social services agency must
371.3 make active efforts to reunify the African American or disproportionately represented child
371.4 with the child's family as soon as possible. Active efforts sets a higher standard for the
371.5 responsible social services agency than reasonable efforts to preserve the child's family,
371.6 prevent the child's out-of-home placement, and reunify the child with the child's family.
371.7 Active efforts includes the provision of reasonable efforts as required by Title IV-E of the
371.8 Social Security Act, United States Code, title 42, sections 670 to 679c.

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

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

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

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

- 371.27 (1) an adoptive placement;
371.28 (2) a foster care placement;
371.29 (3) a preadoptive placement; or
371.30 (4) a termination of parental rights.

371.31 (b) Judicial proceedings under this subdivision include a child's placement based upon
371.32 a child's juvenile status offense but do not include a child's placement based upon:

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

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

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

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

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

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

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

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

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

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

373.1 Subd. 15. **Parent.** "Parent" means the biological parent of an African American or a
373.2 disproportionately represented child or any person who has legally adopted an African

373.3 American or a disproportionately represented child. Parent includes an unmarried father
373.4 whose paternity has been acknowledged or established and a putative father. Paternity has
373.5 been acknowledged when an unmarried father takes any action to hold himself out as the
373.6 biological father of a child.

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

373.11 Subd. 17. **Relative.** "Relative" has the meaning given in section 260C.007, subdivision
373.12 27.

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

373.17 Subd. 19. **Sexual abuse.** "Sexual abuse" has the meaning given in section 260E.03,
373.18 subdivision 20.

373.19 Subd. 20. **Termination of parental rights.** "Termination of parental rights" means an
373.20 action resulting in the termination of the parent-child relationship under section 260C.301.

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

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

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

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

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

374.5 (2) assess the family's cultural and economic needs;

374.6 (3) hold a family group consultation meeting and connect the family with supports to
374.7 establish a safety network for the family; and

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

374.10 (b) The safety plan must:

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

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

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

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

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

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

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

375.9 Sec. 5. **[260.641] ENSURING FREQUENT VISITATION FOR AFRICAN**
375.10 **AMERICAN AND DISPROPORTIONATELY REPRESENTED CHILDREN IN**
375.11 **OUT-OF-HOME PLACEMENT.**

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

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

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

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

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

376.13 (b) If an African American or a disproportionately represented child's noncustodial or
376.14 nonadjudicated parent is unwilling or unable to provide daily care for the child and the court
376.15 has determined that the child's continued placement in the home of the child's noncustodial

376.16 or nonadjudicated parent would endanger the child's health, safety, or welfare, the child's
376.17 parent, custodian, or the child, when appropriate, has the right to select one or more relatives
376.18 who may be willing and able to provide temporary care for the child. The responsible social
376.19 services agency must place the child with a selected relative after assessing the relative's
376.20 willingness and ability to provide daily care for the child. If selected relatives are not available
376.21 or there is a documented safety concern with the relative placement, the responsible social
376.22 services agency shall consider additional relatives for the child's placement.

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

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

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

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

377.10 Sec. 7. **[260.66] EMERGENCY REMOVAL.**

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

377.16 Subd. 2. **Petition for emergency removal; placement requirements.** A petition for a
377.17 court order authorizing the emergency removal or continued emergency placement of an
377.18 African American or a disproportionately represented child or the petition's accompanying
377.19 documents must contain a statement of the risk of imminent physical damage or harm to

377.20 the African American or disproportionately represented child and any evidence that the
377.21 emergency removal or placement continues to be necessary to prevent imminent physical
377.22 damage or harm to the child. The petition or its accompanying documents must also contain
377.23 the following information:

377.24 (1) the name, age, and last known address of the child;

377.25 (2) the name and address of the child's parents and custodians, or, if unknown, a detailed
377.26 explanation of efforts made to locate and contact them;

377.27 (3) the steps taken to provide notice to the child's parents and custodians about the
377.28 emergency proceeding;

377.29 (4) a specific and detailed account of the circumstances that led the agency responsible
377.30 for the emergency removal of the child to take that action; and

377.31 (5) a statement of the efforts that have been taken to assist the child's parents or custodians
377.32 so that the child may safely be returned to their custody.

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

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

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

378.16 Subd. 4. **Termination of emergency removal or placement.** (a) An emergency removal
378.17 or placement of an African American or a disproportionately represented child must
378.18 immediately terminate once the responsible social services agency or court possesses
378.19 sufficient evidence to determine that the emergency removal or placement is no longer
378.20 necessary to prevent imminent physical damage or harm to the child and the child shall be
378.21 immediately returned to the custody of the child's parent or custodian. The responsible social
378.22 services agency or court shall ensure that the emergency removal or placement terminates
378.23 immediately when the removal or placement is no longer necessary to prevent imminent
378.24 physical damage or harm to the African American or disproportionately represented child.

378.25 (b) An emergency removal or placement ends when the court orders, after service upon
378.26 the African American or disproportionately represented child's parents or custodian, that
378.27 the child shall be placed in foster care upon a determination supported by clear and
378.28 convincing evidence that custody of the child by the child's parent or custodian is likely to
378.29 result in serious emotional or physical damage to the child.

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

378.33 (1) continued emergency removal or placement is necessary to prevent imminent physical
378.34 damage or harm to the child; and

379.1 (2) it has not been possible to initiate a child placement proceeding with all of the
379.2 protections under sections 260.61 to 260.68.

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

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

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

379.14 (1) a noncustodial parent under section 260C.515, subdivision 4, if the child cannot
379.15 return to the care of the parent or custodian from whom the child was removed or who had
379.16 legal custody at the time that the child was placed in foster care; or

379.17 (2) a willing and able relative, according to the requirements of section 260C.515,
379.18 subdivision 4. When the responsible social services agency is the petitioner, prior to the
379.19 court ordering a transfer of permanent legal and physical custody to a relative, the responsible
379.20 social services agency must inform the relative of Northstar kinship assistance benefits and
379.21 eligibility requirements, and of the relative's ability to apply for benefits on behalf of the
379.22 child under chapter 256N.

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

379.26 (b) A court shall not terminate the parental rights of a parent of an African American or
379.27 a disproportionately represented child in a child placement proceeding unless the allegations
379.28 against the parent involve sexual abuse; egregious harm; murder in the first, second, or third

379.29 degree under section 609.185, 609.19, or 609.195; murder of an unborn child in the first,
379.30 second, or third degree under section 609.2661, 609.2662, or 609.2663; manslaughter of
379.31 an unborn child in the first or second degree under section 609.2664 or 609.2665; domestic
379.32 assault by strangulation under section 609.2247; felony domestic assault under section
379.33 609.2242 or 609.2243; kidnapping under section 609.25; solicitation, inducement, and
380.1 promotion of prostitution under section 609.322, subdivision 1, and subdivision 1a if one
380.2 or more aggravating factors are present; criminal sexual conduct under sections 609.342 to
380.3 609.3451; engaging in, hiring, or agreeing to hire a minor to engage in prostitution under
380.4 section 609.324, subdivision 1; solicitation of children to engage in sexual conduct under
380.5 section 609.352; possession of pornographic work involving minors under section 617.247;
380.6 malicious punishment or neglect or endangerment of a child under section 609.377 or
380.7 609.378; use of a minor in sexual performance under section 617.246; or failing to protect
380.8 a child from an overt act or condition that constitutes egregious harm.

380.9 (c) Nothing in this subdivision precludes the court from terminating the parental rights
380.10 of a parent of an African American or a disproportionately represented child if the parent
380.11 desires to voluntarily terminate the parent's own parental rights for good cause under section
380.12 260C.301, subdivision 1, paragraph (a).

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

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

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

380.21 Subdivision 1. **Responsible social services agency conduct.** (a) A responsible social
380.22 services agency employee who has duties related to child protection shall not knowingly:

380.23 (1) make untrue statements about any case involving a child alleged to be in need of
380.24 protection or services;

380.25 (2) intentionally withhold any information that may be material to a case involving a
380.26 child alleged to be in need of protection or services; or

380.27 (3) fabricate or falsify any documentation or evidence relating to a case involving a child
380.28 alleged to be in need of protection or services.

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

380.31 Subd. 2. **Case review.** (a) Each responsible social services agency shall conduct a review
380.32 of all child welfare cases for African American and other disproportionately represented
381.1 children handled by the agency. Each responsible social services agency shall create a

381.2 summary report of trends identified under paragraphs (b) and (c), a remediation plan as
381.3 provided in paragraph (d), and an update on implementation of any previous remediation
381.4 plans. The first report shall be provided to the commission and chairs and ranking minority
381.5 members of the legislative committees with jurisdiction over child welfare by October 1,
381.6 2029, and annually thereafter. For purposes of determining outcomes in this subdivision,
381.7 responsible social services agencies shall use guidance from the commissioner under section
381.8 260.63, subdivision 10. The commissioner shall provide guidance starting on November 1,
381.9 2028, and annually thereafter.

381.10 (b) The case review must include:

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

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

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

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

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

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

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

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

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

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

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

381.32 (c) The required case review must also:

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

382.2 (2) identify the family conditions that led to the out-of-home placement;

382.3 (3) identify any barriers to accessing culturally informed mental health or substance use
382.4 disorder treatment services for the parents or children;

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

382.7 (5) document and summarize court reviews of active efforts.

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

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

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

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

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

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

383.4 (1) be provided by an African American individual or individual from a community that
383.5 is disproportionately represented in the child welfare system who is knowledgeable about
383.6 African American and other disproportionately represented social and cultural norms and
383.7 historical trauma;

383.8 (2) raise awareness and increase a person's competency to value diversity, conduct a
383.9 self-assessment, manage the dynamics of difference, acquire cultural knowledge, and adapt
383.10 to diversity and the cultural contexts of communities served;

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

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

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

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

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

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

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

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

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

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

384.7 (4) assist the Cultural and Ethnic Communities Leadership Council with making
384.8 recommendations to the commissioner and the legislature for public policy and statutory
384.9 changes that specifically consider the needs of African American children and their families
384.10 involved in the child welfare system;

384.11 (5) advise the commissioner on stakeholder engagement strategies and actions that the
384.12 commissioner and responsible social services agencies may take to improve child welfare
384.13 outcomes for African American children and their families;

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

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

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

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

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

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

385.2 Subdivision 1. **Duties.** The African American Child Well-Being Unit, currently
385.3 established by the commissioner, must:

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

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

385.13 (3) monitor individual county and statewide disaggregated and nondisaggregated data
385.14 to identify trends and patterns in child welfare outcomes, including but not limited to

385.15 reporting, maltreatment, out-of-home placement, and permanency of African American
385.16 children and develop strategies to address disproportionality and disparities in the child
385.17 welfare system;

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

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

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

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

386.5 Subd. 2. **Case reviews.** (a) The African American Child Well-Being Unit must conduct
386.6 systemic case reviews to monitor targeted child welfare outcomes, including but not limited
386.7 to maltreatment, out-of-home placement, and permanency of African American children.

386.8 (b) The reviews under this subdivision must be conducted using a random sampling of
386.9 representative child welfare cases stratified for certain case related factors, including but
386.10 not limited to case type, maltreatment type, if the case involves out-of-home placement,
386.11 and other demographic variables. In conducting the reviews, unit staff may use court records
386.12 and documents, information from the social services information system, and other available
386.13 case file information to complete the case reviews.

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

386.18 (d) The unit must monitor all case reviews and use the collective case review information
386.19 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 Subdivision 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 placement prevention and reunification services;

387.24 (2) family-based services and reunification therapy;
387.25 (3) culturally specific individual and family counseling;
387.26 (4) court advocacy;
387.27 (5) training and consultation to responsible social services agencies and private social
387.28 services agencies regarding this act;
387.29 (6) development and promotion of culturally informed, affirming, and responsive
387.30 community-based prevention and family preservation services that target the children, youth,
387.31 families, and communities of African American and African heritage experiencing the
388.1 highest disparities, disproportionality, and overrepresentation in the Minnesota child welfare
388.2 system;
388.3 (7) culturally affirming and responsive services that work with children and families in
388.4 their communities to address their needs and ensure child and family safety and well-being
388.5 within a culturally appropriate lens and framework;
388.6 (8) services to support informal kinship care arrangements; and
388.7 (9) other activities and services approved by the commissioner that further the goals of
388.8 the Minnesota African American Family Preservation and Child Welfare Disproportionality
388.9 Act, including but not limited to the recruitment of African American staff and staff from
388.10 other communities disproportionately represented in the child welfare system to work for
388.11 responsible social services agencies and licensed child-placing agencies.
388.12 (b) The commissioner may specify the priority of an activity and service based on its
388.13 success in furthering these goals. The commissioner shall give preference to programs and
388.14 service providers that are located in or serve counties with the highest rates of child welfare
388.15 disproportionality for African American and other disproportionately represented children
388.16 and their families and employ staff who represent the population primarily served.
388.17 Subd. 3. **Ineligible services.** Grant money may not be used to supplant funding for
388.18 existing services or for the following purposes:
388.19 (1) child day care that is necessary solely because of the employment or training for
388.20 employment of a parent or another relative with whom the child is living;
388.21 (2) foster care maintenance or difficulty of care payments;
388.22 (3) residential treatment facility payments;
388.23 (4) adoption assistance or Northstar kinship assistance payments under chapter 259A
388.24 or 256N;

388.25 (5) public assistance payments for Minnesota family investment program assistance,
388.26 supplemental aid, medical assistance, general assistance, general assistance medical care,
388.27 or community health services; or

388.28 (6) administrative costs for income maintenance staff.

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

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

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

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

389.9 ~~(1) in cases where the county attorney is the petitioning party, both the responsible social~~
389.10 ~~services agency and the county attorney agree that reestablishment of the legal parent and~~
389.11 ~~child relationship is in the child's best interests;~~

389.12 ~~(2)~~ (1) the parent has corrected the conditions that led to an order terminating parental
389.13 rights;

389.14 ~~(3)~~ (2) the parent is willing and has the capability to provide day-to-day care and maintain
389.15 the health, safety, and welfare of the child;

389.16 ~~(4) the child has been in foster care for at least 48 months after the court issued the order~~
389.17 ~~terminating parental rights;~~

389.18 ~~(5)~~ (3) the child has not been adopted; and

389.19 ~~(6)~~ (4) the child is not the subject of a written adoption placement agreement between
389.20 the responsible social services agency and the prospective adoptive parent, as required under
389.21 Minnesota Rules, part 9560.0060, subpart 2.

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

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

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

389.27 (1) reestablishment of the legal parent and child relationship is in the child's best interests;

389.28 (2) the child has not been adopted;

389.29 (3) the child is not the subject of a written adoption placement agreement between the
389.30 responsible social services agency and the prospective adoptive parent, as required under
389.31 Minnesota Rules, part 9560.0060, subpart 2;

390.1 ~~(4) at least 48 months have elapsed following a final order terminating parental rights~~
390.2 ~~and the child remains in foster care;~~

390.3 ~~(5)~~ (4) the child desires to reside with the parent;

390.4 ~~(6)~~ (5) the parent has corrected the conditions that led to an order terminating parental
390.5 rights; and

390.6 ~~(7)~~ (6) the parent is willing and has the capability to provide day-to-day care and maintain
390.7 the health, safety, and welfare of the child.

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

390.10 Sec. 16. **DIRECTION TO COMMISSIONER OF HUMAN SERVICES;**
390.11 **DISAGGREGATE DATA.**

390.12 The commissioner of human services must establish a process to improve the
390.13 disaggregation of data to monitor child welfare outcomes for African American and other
390.14 disproportionately represented children in the child welfare system. The commissioner must
390.15 begin disaggregating data by January 1, 2027.

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

390.17 Sec. 17. **CHILD WELFARE COMPLIANCE AND FEEDBACK PORTAL.**

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

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

390.28 Sec. 18. **DIRECTION TO COMMISSIONER; MAINTAINING CONNECTIONS**
390.29 **IN FOSTER CARE BEST PRACTICES.**

390.30 The commissioner of human services shall develop and publish guidance on best practices
390.31 for ensuring that African American and disproportionately represented children in foster

391.1 care maintain connections and relationships with their parents, custodians, and extended
391.2 relatives. The commissioner shall also develop and publish best practice guidance on
391.3 engaging and assessing noncustodial and nonadjudicated parents to care for their African
391.4 American or disproportionately represented children who cannot remain with the children's
391.5 custodial parents.

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

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

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

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

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

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

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

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

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

391.31 (d) This section expires July 1, 2027.

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

392.2 Sec. 21. **MINNESOTA AFRICAN AMERICAN FAMILY PRESERVATION AND**
392.3 **CHILD WELFARE DISPROPORTIONALITY ACT; WORKING GROUP.**

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

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

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

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

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