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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 342

- 01/24/2019 Authored by Moran, Hassan, Vang, Liebling, Lippert and others
The bill was read for the first time and referred to the Committee on Health and Human Services Policy
- 03/07/2019 Adoption of Report: Amended and re-referred to the Committee on Government Operations
- 03/13/2019 Adoption of Report: Re-referred to the Judiciary Finance and Civil Law Division

1.1 A bill for an act

1.2 relating to human services; establishing the Minnesota African American Family

1.3 Preservation and Child Welfare Disproportionality Act; creating an African

1.4 American and Disproportionality Child Welfare Oversight Council; requiring a

1.5 report; appropriating money; amending Minnesota Statutes 2018, section 260C.329,

1.6 subdivisions 3, 7, 8, by adding a subdivision; proposing coding for new law in

1.7 Minnesota Statutes, chapter 260; repealing Minnesota Statutes 2018, section

1.8 260C.329, subdivision 5.

1.9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.10 Section 1. [260.61] CITATION.

1.11 Sections 260.61 to 260.695 may be cited as the "Minnesota African American Family

1.12 Preservation and Child Welfare Disproportionality Act."

1.13 Sec. 2. [260.62] PURPOSES.

1.14 The purposes of the Minnesota African American Family Preservation and Child Welfare

1.15 Disproportionality Act are to:

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

1.17 children;

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

1.19 represented children and families by establishing minimum standards to prevent arbitrary

1.20 and unnecessary removal of African American and other disproportionately represented

1.21 children from their families; and

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

1.23 and other disproportionately represented children.

2.1 Sec. 3. **[260.63] DEFINITIONS.**

2.2 Subdivision 1. **Scope.** The definitions in this section apply to sections 260.61 to 260.695.

2.3 Subd. 2. **African American child.** "African American child" is a child having origins
2.4 in any of the black racial groups of Africa, including a child of two or more races who has
2.5 at least one parent having origins in any of the black racial groups of Africa.

2.6 Subd. 3. **Best interest of the child.** "Best interest of the child" means providing a
2.7 culturally informed practice lens that acknowledges, utilizes, and embraces the community
2.8 and cultural norms of an African American or disproportionately represented child and
2.9 allows the child to remain safely at home. The best interest of the child supports the child's
2.10 sense of belonging to family, extended family, kin, and cultural community.

2.11 Subd. 4. **Child placement proceeding.** (a) "Child placement proceeding" includes a
2.12 judicial proceeding which could have a result described in paragraphs (b) to (e).

2.13 (b) "Adoptive placement" means the permanent placement of an African American or
2.14 other disproportionately represented child for adoption, including an action resulting in a
2.15 final decree of adoption.

2.16 (c) "Involuntary foster care placement" means an action removing an African American
2.17 or other disproportionately represented child from the child's parents or persons who have
2.18 legal custody for temporary placement in a foster home, shelter care, or the home of a
2.19 guardian, where the parent or person who has legal custody cannot have the child returned
2.20 upon demand but parental rights have not been terminated.

2.21 (d) "Preadoptive placement" means a family-based placement of a child who is under
2.22 the guardianship of the commissioner and for whom an adoptive placement agreement
2.23 (APA) has been signed.

2.24 (e) "Termination of parental rights" means an action resulting in the termination of the
2.25 parent-child relationship under section 260C.301.

2.26 (f) The terms in this subdivision include a placement based upon a juvenile status offense,
2.27 but do not include a placement based upon (1) an act which if committed by an adult would
2.28 be deemed a crime, or (2) an award of custody in a divorce proceeding to one of the parents.

2.29 Subd. 5. **Child welfare disproportionality.** "Child welfare disproportionality" means
2.30 the underrepresentation or overrepresentation of disproportionately represented children in
2.31 the state's child welfare system population as compared to the group's representation in the
2.32 state's total child population.

- 3.1 Subd. 6. **Commissioner.** "Commissioner" means the commissioner of human services.
- 3.2 Subd. 7. **Customized efforts.** "Customized efforts" means diligent efforts combined
3.3 with customized action by the local social services child welfare agency to provide culturally
3.4 informed or appropriate services to preserve African American and other disproportionately
3.5 represented children safely in their homes. If removal occurs, customized efforts include
3.6 enhanced reasonable efforts to reunify the family with trauma-informed, culturally sensitive,
3.7 strength-based in-home or community-based services.
- 3.8 Subd. 8. **Disproportionately represented child** "Disproportionately represented child"
3.9 means a child whose race, culture, ethnicity, language, sexual orientation, religion, or
3.10 disability status is disproportionately encountered, engaged, or identified in the child welfare
3.11 system as compared to the representation in the state's total child population.
- 3.12 Subd. 9. **Family-based services.** "Family-based services" means intensive
3.13 family-centered services to a family primarily in the family's own home and for a limited
3.14 time.
- 3.15 Subd. 10. **Local social services agency.** "Local social services agency" means the local
3.16 agency under the authority of the county welfare or human services board or county board
3.17 of commissioners which is responsible for human services and child protection.
- 3.18 Subd. 11. **Parent.** "Parent" means the biological parent of an African American or other
3.19 disproportionately represented child or any person who has lawfully adopted an African
3.20 American or other disproportionately represented child. Parent does not include an unmarried
3.21 father whose paternity has not been acknowledged or established. Paternity has been
3.22 acknowledged when an unmarried father takes any action to hold himself out as the biological
3.23 father of a child.
- 3.24 Subd. 12. **Relative.** "Relative" means a person related to the child by blood, marriage,
3.25 or adoption, an individual who is an important friend with whom the child has resided or
3.26 had significant contact, or a person whom the child and family identify as related.
- 3.27 Subd. 13. **Sexual abuse.** "Sexual abuse" has the meaning given in section 626.556,
3.28 subdivision 2, paragraph (n).
- 3.29 Subd. 14. **Substantial child endangerment.** "Substantial child endangerment" has the
3.30 meaning given in section 626.556, subdivision 2, paragraph (o).

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

4.3 (a) A local social services agency shall make customized efforts to prevent out-of-home
4.4 placement of an African American or other disproportionately represented child, eliminate
4.5 the need for a child's removal from the home, and reunify a child and family as soon as
4.6 practicable.

4.7 (b) Prior to removal of an African American or other disproportionately represented
4.8 child, a local social services agency must work with the child's family to implement a 60-day
4.9 in-home safety plan. The child's parent or guardian must actively participate in creating the
4.10 safety plan with guidance and input from the local social services agency. The safety plan
4.11 must address the child's basic needs and incorporate familial and community support to
4.12 ensure the child's safety while keeping the family intact. This paragraph does not apply to
4.13 cases with allegations of sexual abuse, physical abuse, or egregious harm.

4.14 (c) For a disproportionately represented child who is alleged to be in need of child
4.15 protective services, the court shall review the local social services agency's efforts to make
4.16 and provide customized efforts. The court shall require the agency to document and identify
4.17 the provision of culturally informed, strength-based, community-involved, or
4.18 community-based services to the family and child. If a court determines that the local social
4.19 services agency did not make customized efforts as required under this section, the court
4.20 shall order the local social services agency to immediately provide remedial family-based
4.21 services.

4.22 (d) A court shall not, unless the court finds that the child's health or welfare would be
4.23 immediately endangered, order an out-of-home or permanency placement for an African
4.24 American or other disproportionately represented child alleged to be in need of protective
4.25 services unless the court finds that the local social services agency made customized efforts
4.26 to preserve the child's family. In determining whether the local social services agency made
4.27 customized efforts for purposes of out-of-home placement and permanency, the court shall
4.28 make findings regarding whether the local social services agency made appropriate and
4.29 meaningful family-based services available to the family based upon that family's specific
4.30 needs. If a court determines that the local social services agency did not make customized
4.31 efforts as required under this section, the court shall order the local social services agency
4.32 to immediately provide appropriate and meaningful in-home family services.

4.33 (e) Unless allegations of sexual abuse, physical abuse, or egregious harm are present, a
4.34 court shall not order an out-of-home or permanency placement for an African American or

5.1 other disproportionately represented child alleged to be in need of protective services absent
5.2 clear and convincing evidence that multiple risk factors to the child's safety are present.
5.3 Multiple risk factors does not include a risk factor which the local social services agency
5.4 may resolve with an in-home safety plan.

5.5 **Sec. 5. [260.65] TEMPORARY OUT-OF-HOME PLACEMENT.**

5.6 (a) Prior to an African American or other disproportionately represented child's placement
5.7 in foster care, the responsible local social services agency must make customized efforts to
5.8 identify and locate the child's relatives and the noncustodial or nonadjudicated parent, notify
5.9 them of the need for a foster home for the child, and provide them with a list of legal
5.10 resources. The agency must also inform the relatives and noncustodial or nonadjudicated
5.11 parent of the option to become a placement resource for the child and the possibility that
5.12 the child will need a permanent placement. If prior notice is not practicable, the agency
5.13 must notify identified relatives and the noncustodial or nonadjudicated parent of the need
5.14 for a foster home for the child within 48 hours of a child's removal from the custodial parent's
5.15 care. The local social services agency must keep detailed records of its efforts to notify
5.16 parents and relatives under this section.

5.17 (b) Notwithstanding the provisions of section 260C.219, if a noncustodial or
5.18 nonadjudicated parent is willing to and capable of providing for the day-to-day care of the
5.19 African American or other disproportionately represented child temporarily or permanently,
5.20 the local social services agency shall temporarily place the child with the noncustodial or
5.21 nonadjudicated parent. Prior to initial placement with a noncustodial or nonadjudicated
5.22 parent, the local social services agency must conduct an immediate assessment of the parent's
5.23 ability to care for the child.

5.24 (c) If a noncustodial or nonadjudicated parent is unwilling to or incapable of caring for
5.25 the child, and the local social services agency has determined that continued placement of
5.26 the child in the home of either parent would endanger the child's health, safety, or welfare,
5.27 the local social services agency shall comply with the custodial parent or legal custodian's
5.28 request to temporarily place the child with a selected relative. Prior to initial placement with
5.29 the relative, the local social services agency must conduct an assessment of the relative's
5.30 ability to care for the child.

5.31 (d) The local social services agency must provide a reasonable time period to allow a
5.32 noncustodial and nonadjudicated parent or a selected relative to remedy minor
5.33 disqualifications.

6.1 (e) If, after conducting an assessment, the local social services agency determines that
6.2 the child cannot be placed with the relative or the noncustodial or nonadjudicated parent,
6.3 the local social services agency must provide specific findings of fact, in writing, explaining
6.4 why the placement is not possible.

6.5 **Sec. 6. [260.66] EMERGENCY REMOVAL HEARING.**

6.6 Notwithstanding section 260C.163, subdivision 3, and the provisions of Minnesota Rules
6.7 of Juvenile Protection Procedure Rule 25, a parent of an African American or other
6.8 disproportionately represented child who is subject to an emergency protective care hearing
6.9 pursuant to section 260C.178 and Minnesota Rules of Juvenile Protection Procedure Rule
6.10 30 has the right to be represented by counsel. The court must appoint qualified counsel to
6.11 represent the parent if the parent meets the eligibility requirements under section 611.17.

6.12 **Sec. 7. [260.67] TERMINATION OF PARENTAL RIGHTS; CHILD PLACEMENT**
6.13 **PROCEEDINGS.**

6.14 Subdivision 1. **Termination of parental rights not permitted.** (a) A court shall not
6.15 terminate the parental rights of an African American or other disproportionately represented
6.16 parent based solely on that parent's failure to complete case plan requirements.

6.17 (b) A court shall not terminate the parental rights of an African American or other
6.18 disproportionately represented parent in child placement proceedings that do not involve
6.19 alleged: sexual abuse; egregious harm as defined in section 260C.007, subdivision 14;
6.20 murder in the first, second, or third degree under section 609.185, 609.19, or 609.195;
6.21 murder of an unborn child in the first, second, or third degree under sections 609.2661,
6.22 609.2662, or 609.2663; manslaughter in the first or second degree under section 609.20 or
6.23 609.205; manslaughter of an unborn child in the first or second degree under sections
6.24 609.2664 or 609.2665; assault in the first, second, or third degree under section 609.221,
6.25 609.222, or 609.223; domestic assault by strangulation under section 609.2247; felony
6.26 domestic assault under sections 609.2242 or 609.2243; kidnapping under section 609.25;
6.27 solicitation, inducement, and promotion of prostitution under section 609.322; criminal
6.28 sexual conduct under sections 609.342 to 609.3451; engaging in, hiring, or agreeing to hire
6.29 a minor to engage in prostitution under section 609.324, subdivision 1; solicitation of children
6.30 to engage in sexual conduct under section 609.352; possession of pornographic work
6.31 involving minors under section 617.247; malicious punishment or neglect or endangerment
6.32 of a child under section 609.377 or 609.378; use of a minor in sexual performance under
6.33 section 617.246; or failing to protect a child from an overt act or condition that constitutes

7.1 egregious harm. The court shall, if possible, transfer permanent legal and physical custody
7.2 to a fit and willing relative or third party, if the court determines that there is continued need
7.3 for out-of-home placement of the child.

7.4 Subd. 2. Appeals. Notwithstanding the provisions of Minnesota Rules of Juvenile
7.5 Protection Procedure Rule 47.02, subdivision 2, an African American or other
7.6 disproportionately represented parent whose parental rights have been terminated may
7.7 appeal the decision within 120 days of the service of notice by the court administrator of
7.8 the filing of the court's order.

7.9 **Sec. 8. [260.68] LOCAL WELFARE AGENCY CONDUCT AND CASE REVIEW.**

7.10 (a) A local social services agency employee who has duties related to child protection
7.11 shall not knowingly:

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

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

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

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

7.20 (c) When a local social services agency screens in a report alleging maltreatment of an
7.21 African American or other disproportionately represented child or places an African
7.22 American or other disproportionately represented child in an involuntary out-of-home
7.23 placement, the agency shall, within seven days after screening in the report or initiating the
7.24 out-of-home placement, notify child welfare disproportionality specialists in the Department
7.25 of Human Services of the report or placement and of the steps taken to investigate and
7.26 remedy the conditions that led to the report or placement. At all stages of a case involving
7.27 an African American or other disproportionately represented child, the local social services
7.28 agency shall, upon request, fully cooperate with child welfare disproportionality specialists
7.29 in the Department of Human Services and the African American and Disproportionality
7.30 Child Welfare Oversight Council, and provide access to all relevant case files.

7.31 (d) In any involuntary adoptive or preadoptive placement proceeding involving an
7.32 African American or other disproportionately represented child, the local social services
7.33 agency shall notify child welfare disproportionality specialists in the Department of Human

8.1 Services by registered mail with return receipt requested of the pending proceeding and of
8.2 the right of intervention. No preadoptive or adoptive placement proceeding may be held
8.3 until at least 30 days after receipt of the notice by the child welfare disproportionality
8.4 specialists in the Department of Human Services. Upon request, child welfare
8.5 disproportionality specialists in the Department of Human Services must be granted up to
8.6 30 additional days to prepare for the proceeding. The agency or notifying party shall include
8.7 in the notice the identity of the birth parents and child. In cases where an agency or party
8.8 to an adoptive placement knows or has reason to believe that a child is or may be an African
8.9 American or other disproportionately represented child, proof of service upon child welfare
8.10 disproportionality specialists in the Department of Human Services must be filed with the
8.11 adoption petition.

8.12 (e) The local social services agency shall conduct a case review every 24 months after
8.13 a 2019 baseline is established. The local social services agency shall report their findings
8.14 to the county board, related child welfare committees, the Children's Justice Initiative team,
8.15 the African American and Disproportionality Oversight Council, and community stakeholders
8.16 within six months of gathering data. The review must include:

8.17 (1) the number of disproportionately represented children in the local county child
8.18 welfare system;

8.19 (2) the number of maltreatment reports received and reports accepted for investigation
8.20 or referred for family assessment;

8.21 (3) the number of children and parents who receive in-home preventive case management
8.22 services;

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

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

8.26 (6) the number of children reunified with their parents;

8.27 (7) the number of children offered family group decision making services;

8.28 (8) the number of children offered the parent support outreach program;

8.29 (9) the number of children in out-of-home placement;

8.30 (10) the number of children who find permanency through guardianship and adoption;
8.31 and

9.1 (11) the number of children under guardianship of the commissioner or waiting to be
9.2 adopted.

9.3 (f) Case review shall also:

9.4 (1) identify barriers to reunifying children with their parents;

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

9.6 (3) identify any barriers to accessing culturally informed mental health and substance
9.7 use disorder treatment services for the parent or child, if applicable;

9.8 (4) document efforts to identify a child's father and paternal relatives, and provision of
9.9 services to custodial and noncustodial fathers, if appropriate; and

9.10 (5) document and summarize court reviews of customized efforts.

9.11 (g) Any local social services agency found to have a disproportionate rate of outcomes
9.12 across the child welfare process must work to create a remediation plan to address and
9.13 reduce the factors that led to the disproportionate outcomes. The plan must include
9.14 information on how trauma-informed, positive child well-being outcomes will be achieved
9.15 and documented as a result of the remediation efforts.

9.16 (h) Any local social services agency that is found to be out of compliance with the
9.17 provisions of this chapter will be subject to a fine to be determined by the commissioner.

9.18 **Sec. 9. [260.69] AFRICAN AMERICAN AND DISPROPORTIONALITY CHILD**
9.19 **WELFARE OVERSIGHT COUNCIL.**

9.20 Subdivision 1. **Creation.** (a) The commissioner shall appoint an African American and
9.21 Disproportionality Child Welfare Oversight Council to help formulate policies and procedures
9.22 relating to child welfare services for African American and other disproportionately
9.23 represented children in order to ensure that African American and other disproportionately
9.24 represented families are provided with all possible services and opportunities to care for
9.25 their children in their homes.

9.26 (b) The terms, compensation, and removal of council members shall be as provided in
9.27 section 15.059. The advisory council does not expire.

9.28 Subd. 2. **Membership and composition.** (a) The council shall consist of 33 members
9.29 and must include:

10.1 (1) 15 members from disproportionately represented groups listed in section 260.63,
10.2 subdivision 8, including child welfare policy and social work professionals and
10.3 paraprofessionals, community leaders, and community members;

10.4 (2) local social services agency representatives from the six counties with the highest
10.5 populations of disproportionately represented children in the state;

10.6 (3) two parents of disproportionately represented children from each of the four regions
10.7 of the state; and

10.8 (4) one representative each from Hennepin and Ramsey Counties.

10.9 (b) The council shall have two cochairs, one from the Department of Human Services
10.10 or a local social services county agency, and the other a member of a disproportionately
10.11 represented group listed in section 260.63, subdivision 8.

10.12 Subd. 3. **Meeting.** The council shall meet at least eight times per year, but may meet
10.13 more frequently at the call of the chair, a majority of the council members, or the
10.14 commissioner.

10.15 Subd. 4. **Duties.** The African American and Disproportionality Child Welfare Oversight
10.16 Council shall:

10.17 (1) monitor the number of African American and other disproportionately represented
10.18 children in out-of-home placement and collect and distribute data on African American and
10.19 other disproportionately represented children in out-of-home placement;

10.20 (2) monitor and review case plans and services offered by local social services agencies
10.21 and interview local social services agency child welfare staff to ensure that case plans and
10.22 services address the unique needs of each African American or other disproportionately
10.23 represented family and comply with the provisions of the Minnesota African American
10.24 Family Preservation and Child Welfare Disproportionality Act under sections 260.61 to
10.25 260.695;

10.26 (3) partner with child welfare disproportionality specialists in the Department of Human
10.27 Services to screen shelter and foster care settings to ensure that African American and other
10.28 disproportionately represented children are receiving appropriate and adequate care;

10.29 (4) develop and promote public policies and child protection laws that specifically
10.30 consider the needs of African American and other disproportionately represented children
10.31 and families;

11.1 (5) coordinate stakeholder and agency efforts to improve child welfare outcomes for
11.2 African American and other disproportionately represented children and families;

11.3 (6) initiate a public awareness campaign on the issue of racial disparities in out-of-home
11.4 placement of children;

11.5 (7) partner with child welfare disproportionality specialists in the Department of Human
11.6 Services to coordinate services and create partnerships to provide housing assistance,
11.7 employment assistance, and education support and training for African American and other
11.8 disproportionately represented children and families; and

11.9 (8) partner with the commissioner and local social services agencies to ensure that child
11.10 welfare staff represent the populations served in each county as closely as possible.

11.11 Subd. 5. **Data considerations for case review.** (a) Members of the African American
11.12 and Disproportionality Child Welfare Oversight Council have access to the following data
11.13 for specific case review under this subdivision:

11.14 (1) police investigative data;

11.15 (2) autopsy records and coroner or medical examiner investigative data;

11.16 (3) hospital, public health, or other medical records of the African American or other
11.17 disproportionately represented child;

11.18 (4) hospital and other medical records of the African American or other disproportionately
11.19 represented child's parent that relate to prenatal care;

11.20 (5) records created by social service agencies that provided services to the African
11.21 American or other disproportionately represented child or family; and

11.22 (6) personnel data related to an employee's performance in discharging child protection
11.23 responsibilities.

11.24 A state agency, statewide system, or political subdivision shall provide the data upon request
11.25 of the commissioner. Not public data may be shared with members of the council in
11.26 connection with an individual case.

11.27 (b) Notwithstanding the data's classification in the possession of any other agency, data
11.28 acquired by the African American and Disproportionality Child Welfare Oversight Council
11.29 in the exercise of its duties are protected nonpublic or confidential data as defined in section
11.30 13.02, but may be disclosed as necessary to carry out the purposes of the council. The data
11.31 are not subject to subpoena or discovery. The commissioner may disclose conclusions of
11.32 the council, but may not disclose data on individuals that were classified as confidential or

12.1 private data on individuals in the possession of the state agency, statewide system, or political
12.2 subdivision from which the data were received, except that the commissioner may disclose
12.3 local social service agency data as provided in section 626.556, subdivision 11d, on individual
12.4 cases involving a fatality or near fatality of a person served by the local social service agency
12.5 prior to the date of death.

12.6 (c) A person attending an African American and Disproportionality Child Welfare
12.7 Oversight Council meeting may not disclose what transpired at the meeting, except to carry
12.8 out the purposes of the council. The proceedings and records of the council are protected
12.9 nonpublic data as defined in section 13.02, subdivision 13, and are not subject to discovery
12.10 or introduction into evidence in a civil or criminal action against a professional, the state,
12.11 or a county agency arising out of the matters the panel is reviewing. Information, documents,
12.12 and records otherwise available from other sources are not immune from discovery or use
12.13 in a civil or criminal action solely because they were presented during proceedings of the
12.14 council. A person who presented information before the council or who is a member of the
12.15 council is not prevented from testifying about matters within the person's knowledge.
12.16 However, in a civil or criminal proceeding, a person must not be questioned about the
12.17 person's presentation of information to the council or opinions formed by the person as a
12.18 result of the council meetings.

12.19 Subd. 6. **Annual report.** By January 1 of each year, beginning January 1, 2020, the
12.20 council shall report to the chairs and ranking minority members of the legislative committees
12.21 with jurisdiction over child protection on the council's activities under subdivision 4 and
12.22 other issues on which the council may choose to report.

12.23 Sec. 10. **[260.694] CHILD WELFARE DISPROPORTIONALITY SPECIALISTS.**

12.24 Subdivision 1. **Establishment.** The commissioner shall appoint six child welfare
12.25 disproportionality specialists to provide assistance to counties and monitor child welfare
12.26 processes and outcomes in order to address and mitigate child welfare disparities.

12.27 Subd. 2. **Location.** Two specialists shall serve Hennepin County and two specialists
12.28 shall serve Ramsey County. The two other specialists shall serve northern and southern
12.29 Minnesota, respectively.

12.30 Subd. 3. **Duties.** The child welfare disproportionality specialists shall perform the
12.31 following functions:

12.32 (1) assist with the development and review of child welfare curriculum in the Minnesota
12.33 Child Welfare Training System to enhance workers' engagement with training, improve

13.1 outcomes and child well-being for African American and other disproportionately represented
13.2 children, and better equip workers to provide services to parents;

13.3 (2) provide on-site technical assistance to counties;

13.4 (3) monitor the number of African American and other disproportionately represented
13.5 children in out-of-home placement statewide;

13.6 (4) directly oversee, review, and consult on case plans and services offered by local
13.7 social services agencies to ensure that case plans and services address the unique needs of
13.8 each African American or other disproportionately represented family and comply with the
13.9 Minnesota African American Family Preservation and Child Welfare Disproportionality
13.10 Act;

13.11 (5) screen shelter and foster care settings, in cooperation with the African American and
13.12 Disproportionality Child Welfare Oversight Council;

13.13 (6) establish and administer a request for proposals process for existing child welfare
13.14 disparities grants and any new child welfare disparity or disproportionality grants, monitor
13.15 grant activities, and provide technical assistance to grantees; and

13.16 (7) coordinate services and create partnerships to provide housing assistance, employment
13.17 assistance, and education support and training for African American and other
13.18 disproportionately represented children and families, in cooperation with the African
13.19 American and Disproportionality Child Welfare Oversight Council.

13.20 Subd. 4. **Report.** The child welfare disproportionality specialists shall provide a quarterly
13.21 report outlining their activities to the commissioner and the African American and
13.22 Disproportionality Child Welfare Oversight Council, and shall publish an annual census of
13.23 all disproportionately represented children residing in out-of-home placements statewide.
13.24 The annual census shall include data on the types of placements, age and sex of the children,
13.25 how long the children have been in out-of-home placements, and other relevant demographic
13.26 information.

13.27 Subd. 5. **Representation.** Individuals appointed as specialists must represent the
13.28 population being served.

13.29 Sec. 11. **[260.695] CHILD WELFARE DISPARITIES AND**
13.30 **DISPROPORTIONALITY GRANTS.**

13.31 Subdivision 1. **Primary support grants.** The commissioner shall establish direct grants
13.32 to organizations, service providers, and programs led by African Americans or persons from

14.1 other disproportionately represented groups that serve African American or other
 14.2 disproportionately represented children and their families, to provide primary support for
 14.3 programs to implement the Minnesota African American Family Preservation and Child
 14.4 Welfare Disproportionality Act.

14.5 Subd. 2. **Eligible services.** (a) Services eligible for grant funds include, but are not
 14.6 limited to:

14.7 (1) placement prevention and reunification services;

14.8 (2) family-based services and reunification therapy;

14.9 (3) culturally specific individual and family counseling;

14.10 (4) court advocacy;

14.11 (5) training and consultation to county and private social services agencies regarding
 14.12 the Minnesota African American Family Preservation and Child Welfare Disproportionality
 14.13 Act under sections 260.61 to 260.695; and

14.14 (6) other activities and services approved by the commissioner that further the goals of
 14.15 the Minnesota African American Family Preservation and Child Welfare Disproportionality
 14.16 Act, including but not limited to recruitment of African American and other
 14.17 disproportionately represented staff for local social services agencies and licensed
 14.18 child-placing agencies.

14.19 (b) The commissioner may specify the priority of an activity and service based on its
 14.20 success in furthering these goals. The commissioner shall give preference to programs and
 14.21 service providers that are located in or serve counties with the highest rates of child welfare
 14.22 disproportionality and employ staff that closely represent the population primarily served.

14.23 Subd. 3. **Ineligible services.** Grant funding may not be used for the following purposes:

14.24 (1) child day care necessary solely because of employment or training for employment
 14.25 of a parent or other relative with whom the child is living;

14.26 (2) foster care maintenance or difficulty of care payments;

14.27 (3) residential facility payments;

14.28 (4) adoption assistance payments;

14.29 (5) public assistance payments for Minnesota family investment program assistance,
 14.30 supplemental aid, medical assistance, general assistance, general assistance medical care,
 14.31 or community health services; or

15.1 (6) administrative costs for income maintenance staff.

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

15.4 Sec. 12. Minnesota Statutes 2018, section 260C.329, subdivision 3, is amended to read:

15.5 Subd. 3. **Petition.** ~~Only~~ The county attorney or a parent whose parental rights were
 15.6 terminated under a previous order of the court may file a petition for the reestablishment
 15.7 of the legal parent and child relationship. A parent filing a petition under this section shall
 15.8 pay a filing fee in the amount required under section 357.021, subdivision 2, clause (1). The
 15.9 filing fee may be waived in cases of indigency. A petition for the reestablishment of the
 15.10 legal parent and child relationship may be filed when:

15.11 (1) both the responsible social services agency and the county attorney agree that
 15.12 reestablishment of the legal parent and child relationship is in the child's best interests. This
 15.13 clause must be satisfied only when the county attorney is the petitioning party;

15.14 (2) the parent has corrected the conditions that led to an order terminating parental rights;

15.15 (3) the parent is willing and has the capability to provide day-to-day care and maintain
 15.16 the health, safety, and welfare of the child;

15.17 (4) the child has been in foster care for at least ~~36~~ 24 months after the court issued the
 15.18 order terminating parental rights;

15.19 ~~(5) the child is 15 years of age or older at the time the petition for reestablishment of~~
 15.20 ~~the legal parent and child relationship is filed;~~

15.21 ~~(6)~~ (5) the child has not been adopted; and

15.22 ~~(7)~~ (6) the child is not the subject of a written adoption placement agreement between
 15.23 the responsible social services agency and the prospective adoptive parent, as required under
 15.24 Minnesota Rules, part 9560.0060, subpart 2.

15.25 Sec. 13. Minnesota Statutes 2018, section 260C.329, is amended by adding a subdivision
 15.26 to read:

15.27 Subd. 3a. **Contents of parent's petition.** A parent's petition for reestablishment of the
 15.28 legal parent and child relationship shall be signed under oath by the petitioner and shall
 15.29 state the following:

15.30 (1) the petitioner's full name, date of birth, address, and all other legal names or aliases
 15.31 by which the petitioner has been known at any time;

- 16.1 (2) the name and date of birth of each child for whom reunification is sought;
- 16.2 (3) the petitioner's relationship to each child for whom reunification is sought;
- 16.3 (4) why reunification is sought and why reunification is in the child's best interest;
- 16.4 (5) the details of the termination of parental rights for which reunification is sought,
 16.5 including the date and jurisdiction of the order, and the court file number and date of any
 16.6 prior order terminating parental rights;
- 16.7 (6) what steps the petitioner has taken toward personal rehabilitation since the time of
 16.8 the order terminating parental rights, including treatment, work, or other personal history
 16.9 that demonstrates rehabilitation;
- 16.10 (7) how the petitioner has corrected the conditions that led to the order terminating
 16.11 parental rights for which reunification is sought;
- 16.12 (8) reasons why the petitioner is willing and capable to provide day-to-day care and
 16.13 maintain the health, safety, and welfare of the child; and
- 16.14 (9) all prior requests by the petitioner, whether for the present order terminating parental
 16.15 rights or for any other orders terminating parental rights, whether granted or not.

16.16 Sec. 14. Minnesota Statutes 2018, section 260C.329, subdivision 7, is amended to read:

16.17 Subd. 7. **Service of petition on the parties.** The petition for the reestablishment of the
 16.18 legal parent and child relationship and notice of hearing on the petition must be served on:

- 16.19 (1) the child;
- 16.20 ~~(2) the parent whose rights have been terminated and with whom the legal parent and~~
 16.21 ~~child relationship is proposed to be reestablished;~~
- 16.22 (2) the county attorney;
- 16.23 (3) the responsible social services agency;
- 16.24 ~~(3)~~ (4) the child's guardian ad litem; and
- 16.25 ~~(4)~~ (5) the child's tribe if the child is subject to the Indian Child Welfare Act.

16.26 Sec. 15. Minnesota Statutes 2018, section 260C.329, subdivision 8, is amended to read:

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

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

- 17.1 ~~(2)~~ the child is 15 years of age or older;
- 17.2 ~~(3)~~ (2) the child has not been adopted;
- 17.3 ~~(4)~~ (3) the child is not the subject of a written adoption placement agreement between
 17.4 the responsible social services agency and the prospective adoptive parent, as required under
 17.5 Minnesota Rules, part 9560.0060, subpart 2;
- 17.6 ~~(5)~~ (4) at least ~~36~~ 24 months have elapsed following a final order terminating parental
 17.7 rights and the child remains in foster care;
- 17.8 ~~(6)~~ (5) the child desires to reside with the parent;
- 17.9 ~~(7)~~ (6) the parent has corrected the conditions that led to an order terminating parental
 17.10 rights; and
- 17.11 ~~(8)~~ (7) the parent is willing and has the capability to provide day-to-day care and maintain
 17.12 the health, safety, and welfare of the child.

17.13 **Sec. 16. AFRICAN AMERICAN CULTURAL COMPETENCY TRAINING FOR**
 17.14 **INDIVIDUALS WORKING WITH AFRICAN AMERICAN FAMILIES AND**
 17.15 **CHILDREN IN THE CHILD PROTECTION SYSTEM.**

17.16 Subdivision 1. **Applicability.** The commissioner of human services shall ensure African
 17.17 American cultural competency training is given to individuals working in the child protection
 17.18 system, including child welfare workers, supervisors, attorneys, juvenile court judges, and
 17.19 family law judges.

17.20 Subd. 2. **Training.** (a) The commissioner and a representative from the African American
 17.21 community shall work together to develop the training content and frequency, and to hire
 17.22 the African American individual or individuals who will provide the training.

17.23 (b) The training:

17.24 (1) is required prior to working with the African American population and must be
 17.25 provided in a manner that is easily accessible, comprehensive, and includes the option to
 17.26 ask questions;

17.27 (2) must be provided by an African American individual who is knowledgeable about
 17.28 African American social and cultural norms and historical trauma;

17.29 (3) must raise awareness and increase the competency to value diversity, conduct
 17.30 self-assessment, manage the dynamics of difference, acquire cultural knowledge, and adapt
 17.31 to diversity and cultural contexts of communities served;

18.1 (4) must be accessible and may be provided in a series of segments, either in person or
18.2 online; and

18.3 (5) must be available by January 1, 2020.

18.4 Subd. 3. **Update.** The commissioner, in coordination with the NAACP Child Protection
18.5 Committee, shall update the legislative committee with jurisdiction over child protection
18.6 issues by January 1, 2020, on the rollout of the training under subdivision 1 and the content
18.7 and accessibility of the training under subdivision 2.

18.8 **Sec. 17. DISAGGREGATE DATA.**

18.9 The commissioner of human services shall work with representatives of the African
18.10 American community and other disproportionately represented communities to establish a
18.11 method to disaggregate data related to disproportionately represented families, and begin
18.12 disaggregating data by January 1, 2020.

18.13 **Sec. 18. INCREASED VISITATION FOR AFRICAN AMERICAN AND OTHER**
18.14 **DISPROPORTIONATELY REPRESENTED CHILDREN IN OUT-OF-HOME**
18.15 **PLACEMENT.**

18.16 The commissioner of human services shall modify existing practices related to visitation
18.17 after an African American or other disproportionately represented child is placed in
18.18 out-of-home placement. Visitation with the child's parent or guardian must be increased to
18.19 three to five one-hour visits per week until reunified, and a minimum of one two-hour
18.20 weekly visit with a sibling or siblings, if siblings are in separate placements.

18.21 **Sec. 19. APPROPRIATION.**

18.22 \$..... in fiscal year 2020 is appropriated from the general fund to the commissioner of
18.23 human services for the administration of the Minnesota African American Family
18.24 Preservation and Child Welfare Disproportionality Act under Minnesota Statutes, sections
18.25 260.61 to 260.695. This is an ongoing appropriation and shall be added to the base.

18.26 **Sec. 20. REPEALER.**

18.27 Minnesota Statutes 2018, section 260C.329, subdivision 5, is repealed.

APPENDIX
Repealed Minnesota Statutes: H0342-1

260C.329 REESTABLISHMENT OF THE LEGAL PARENT AND CHILD RELATIONSHIP.

Subd. 5. **Decision not appealable.** The decision by the county attorney not to file a petition for the reestablishment of legal parent and child relationship is not appealable.