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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 912

01/26/2023 Authored by Agbaje, Richardson, Clardy, Noor, Hussein and others
The bill was read for the first time and referred to the Committee on Children and Families Finance and Policy
04/02/2024 Adoption of Report: Amended and re-referred to the Committee on Judiciary Finance and Civil Law

1.1 A bill for an act
1.2 relating to human services; establishing the Layla Jackson Law; modifying child
1.3 welfare provisions; requiring reports; appropriating money; amending Minnesota
1.4 Statutes 2022, section 260C.329, subdivisions 3, 8; proposing coding for new law
1.5 in Minnesota Statutes, chapter 260.

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

1.7 Section 1. [260.61] CITATION.

1.8 Sections 260.61 to 260.697 may be cited as the "Layla Jackson Law."

1.9 Sec. 2. [260.62] PURPOSES.

1.10 (a) The purposes of the Layla Jackson Law are to:

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

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

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

1.19 (b) Nothing in this legislation is intended to interfere with the protections of the Indian
1.20 Child Welfare Act of 1978, United States Code, title 25, sections 1901 to 1963.

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

2.2 Subdivision 1. **Scope.** The definitions in this section apply to sections 260.61 to 260.697.

2.3 Subd. 2. **Active efforts.** "Active efforts" means a rigorous and concerted level of effort
2.4 that the responsible social services agency must continuously make throughout the time
2.5 that the responsible social services agency is involved with an African American or a
2.6 disproportionately represented child and the child's family. To provide active efforts to
2.7 preserve an African American or a disproportionately represented child's family, the
2.8 responsible social services agency must continuously involve an African American or a
2.9 disproportionately represented child's family in all services for the family, including case
2.10 planning and choosing services and providers, and inform the family of the ability to request
2.11 a case review by the commissioner under section 260.694. When providing active efforts,
2.12 a responsible social services agency must consider an African American or a
2.13 disproportionately represented family's social and cultural values at all times while providing
2.14 services to the African American or disproportionately represented child and family. Active
2.15 efforts includes continuous efforts to preserve an African American or a disproportionately
2.16 represented child's family and to prevent the out-of-home placement of an African American
2.17 or a disproportionately represented child. If an African American or a disproportionately
2.18 represented child enters out-of-home placement, the responsible social services agency must
2.19 make active efforts to reunify the African American or disproportionately represented child
2.20 with the child's family as soon as possible. Active efforts sets a higher standard for the
2.21 responsible social services agency than reasonable efforts to preserve the child's family,
2.22 prevent the child's out-of-home placement, and reunify the child with the child's family.
2.23 Active efforts includes the provision of reasonable efforts as required by Title IV-E of the
2.24 Social Security Act, United States Code, title 42, sections 670 to 679c.

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

2.30 Subd. 4. **African American child.** "African American child" means a child having
2.31 origins in Africa, including a child of two or more races who has at least one parent with
2.32 origins in Africa.

2.33 Subd. 5. **Best interests of the African American or disproportionately represented**
2.34 **child.** The "best interests of the African American or disproportionately represented child"

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

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

3.8 (1) an adoptive placement;

3.9 (2) a foster care placement;

3.10 (3) a preadoptive placement; or

3.11 (4) a termination of parental rights.

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

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

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

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

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

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

3.28 Subd. 10. **Disproportionately represented child.** "Disproportionately represented child"
3.29 means a child whose race, culture, ethnicity, disability status, or low-income socioeconomic
3.30 status is disproportionately encountered, engaged, or identified in the child welfare system
3.31 as compared to the representation in the state's total child population.

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

4.3 Subd. 12. **Foster care placement.** "Foster care placement" means the court-ordered
4.4 removal of an African American or a disproportionately represented child from the child's
4.5 home with the child's parent or legal custodian and the temporary placement of the child in
4.6 a foster home, in shelter care or a facility, or in the home of a guardian, when the parent or
4.7 legal custodian cannot have the child returned upon demand, but the parent's parental rights
4.8 have not been terminated. A foster care placement includes an order placing the child under
4.9 the guardianship of the commissioner, pursuant to section 260C.325, prior to an adoption
4.10 being finalized.

4.11 Subd. 13. **Imminent physical damage or harm.** "Imminent physical damage or harm"
4.12 means that a child is threatened with immediate and present conditions that are
4.13 life-threatening or likely to result in abandonment, sexual abuse, or serious physical injury.
4.14 The immediate and present conditions must have a direct causal relationship with the physical
4.15 harm threatened. The existence of community or family poverty, isolation, single parenthood,
4.16 age of the parent, crowded or inadequate housing, substance use, prenatal drug or alcohol
4.17 exposure, mental illness, disability or special needs of the parent or child, or nonconforming
4.18 social behavior does not by itself constitute imminent physical damage or harm.

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

4.21 Subd. 15. **Parent.** "Parent" means the biological parent of an African American or a
4.22 disproportionately represented child or any person who has legally adopted an African
4.23 American or a disproportionately represented child who, prior to the adoption, was considered
4.24 a relative to the child, as defined in subdivision 17. Parent includes an unmarried father
4.25 whose paternity has been acknowledged or established and a putative father. Paternity has
4.26 been acknowledged when an unmarried father takes any action to hold himself out as the
4.27 biological father of a child.

4.28 Subd. 16. **Preadoptive placement.** "Preadoptive placement" means a responsible social
4.29 services agency's placement of an African American or a disproportionately represented
4.30 child with the child's family or kin when the child is under the guardianship of the
4.31 commissioner, for the purpose of adoption, but an adoptive placement agreement for the
4.32 child has not been fully executed.

4.33 Subd. 17. **Relative.** "Relative" means:

4.34 (1) an individual related to the child by blood, marriage, or adoption;

5.1 (2) a legal parent, guardian, or custodian of the child's sibling;

5.2 (3) an individual who is an important friend of the child or child's family with whom
5.3 the child has resided or has had significant contact; or

5.4 (4) an individual who the child or the child's family identify as related to the child's
5.5 family.

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

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

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

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

5.16 (a) A responsible social services agency shall make active efforts to prevent the
5.17 out-of-home placement of an African American or a disproportionately represented child,
5.18 eliminate the need for a child's removal from the child's home, and reunify an African
5.19 American or a disproportionately represented child with the child's family as soon as
5.20 practicable.

5.21 (b) Prior to petitioning the court to remove an African American or a disproportionately
5.22 represented child from the child's home, a responsible social services agency must work
5.23 with the child's family to allow the child to remain in the child's home while implementing
5.24 a safety plan based on the family's needs. The responsible social services agency must:

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

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

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

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

6.1 (c) The safety plan must:

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

6.5 (2) evaluate whether an order for protection under section 518B.01 or other court order
6.6 expelling an allegedly abusive household member from the home of a parent or custodian
6.7 who is not alleged to be abusive will allow the child to safely remain in the home;

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

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

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

6.13 **Sec. 5. [260.65] EMERGENCY REMOVAL.**

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

6.19 **Subd. 2. Petition for emergency removal; placement requirements.** A petition for a
6.20 court order authorizing the emergency removal or continued emergency placement of an
6.21 African American or a disproportionately represented child or the petition's accompanying
6.22 documents must contain a statement of the risk of imminent physical damage or harm to
6.23 the African American or disproportionately represented child and any evidence that the
6.24 emergency removal or placement continues to be necessary to prevent imminent physical
6.25 damage or harm to the child. The petition or its accompanying documents must also include
6.26 a statement of the efforts that have been made to assist the child's parents or custodians so
6.27 that the child may safely be returned to their custody.

6.28 **Subd. 3. Notice and service requirements.** (a) The petition for emergency removal and
6.29 accompanying documents must be served on the parent and, if the child is not located in
6.30 the child's home at the time that the child is removed, on the entity or individual with custody
6.31 of the child. If the court authorizes an emergency removal under subdivision 2, the petition
6.32 and accompanying documents must be served on the parents or custodians at the time of

7.1 the child's removal unless, after active efforts, the parents or custodians cannot be located
7.2 at the time of removal.

7.3 (b) Whenever the responsible social services agency is notified that a child is removed
7.4 pursuant to a court order issued under subdivision 2, the responsible social services agency
7.5 shall make active efforts to provide notice to the parent or custodian of:

7.6 (1) the fact that the child has been removed from the child's home;

7.7 (2) the reasons for the child's emergency removal; and

7.8 (3) the parent or custodian's legal rights under this chapter, chapter 260C, and any other
7.9 applicable provisions of statute, including the right to an emergency hearing under
7.10 subdivision 4.

7.11 (c) Notice under paragraph (b) must be provided in plain language and take into
7.12 consideration the parent or custodian's primary language, level of education, and culture.
7.13 Notice may be given by any means reasonably certain of notifying the parent or custodian
7.14 including but not limited to written, telephone, or in-person oral notification. If the initial
7.15 notification is provided by a means other than in writing, the responsible social services
7.16 agency shall make active efforts to also provide written notification.

7.17 (d) Notice required under this subdivision must be provided to the parent or custodian
7.18 no more than 24 hours after the child has been removed or 24 hours after the responsible
7.19 social services agency has been notified that the child has been removed pursuant to
7.20 subdivision 2.

7.21 Subd. 4. **Emergency proceeding requirements.** (a) The court shall hold a hearing no
7.22 later than 72 hours, excluding weekends and holidays, after the emergency removal of the
7.23 African American or disproportionately represented child. The court shall determine whether
7.24 the emergency removal continues to be necessary to prevent imminent physical damage or
7.25 harm to the child and whether, after considering the child's particular circumstances, the
7.26 imminent physical damage or harm to the child outweighs the harm that the child will
7.27 experience as a result of continuing the emergency removal.

7.28 (b) The court shall hold additional hearings whenever new information indicates that
7.29 the emergency situation has ended. The court shall consider all such new information at
7.30 any court hearing after the emergency proceeding to determine whether the emergency
7.31 removal or placement is no longer necessary to prevent imminent physical damage or harm
7.32 to the child.

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

8.7 Subd. 5. **Termination of emergency removal or placement.** (a) An emergency removal
8.8 or placement of an African American or a disproportionately represented child must
8.9 immediately terminate once the responsible social services agency or court possesses
8.10 sufficient evidence to determine that the emergency removal or placement is no longer
8.11 necessary to prevent imminent physical damage or harm to the child and the child shall be
8.12 immediately returned to the custody of the child's parent or custodian. The responsible social
8.13 services agency or court shall ensure that the emergency removal or placement terminates
8.14 immediately when the removal or placement is no longer necessary to prevent imminent
8.15 physical damage or harm to the African American or disproportionately represented child.

8.16 (b) If the court determines that custody of the child by the child's parent or custodian is
8.17 likely to result in serious physical harm to the child, after service upon the African American
8.18 or disproportionately represented child's parents or custodian and upon a determination
8.19 supported by clear and convincing evidence, the court shall further consider whether
8.20 participation by the parents or legal custodians in any prevention services would prevent
8.21 or eliminate the need for removal. If so, the court shall inquire of the parent or custodian
8.22 whether they are willing to participate in such services. If the parent or custodian agrees to
8.23 participate in the prevention services identified by the court that would prevent or eliminate
8.24 the need for removal, the court shall place the child with the parent or custodian and the
8.25 emergency removal shall terminate. The court shall not order a parent to participate in
8.26 prevention services over the parent's or custodian's objection and the parent or custodian
8.27 must have the opportunity to consult with counsel prior to deciding whether to agree to
8.28 proposed prevention services as a condition of the child being returned to the custody of
8.29 the parent or custodian.

8.30 (c) If the court determines that custody of the child by the child's parent or custodian is
8.31 likely to result in serious physical harm to the child, the court shall further consider whether
8.32 an order for protection under section 518B.01 or other court order expelling an allegedly
8.33 abusive household member from the home of a parent or custodian who is not alleged to
8.34 be abusive will allow the child to safely return to the home.

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

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

9.6 (2) it has not been possible to initiate a child placement proceeding with all of the
9.7 protections under sections 260.61 to 260.694.

9.8 **Sec. 6. [260.66] NONCUSTODIAL PARENTS; TEMPORARY OUT-OF-HOME**
9.9 **PLACEMENT.**

9.10 (a) Prior to the removal of an African American or a disproportionately represented child
9.11 from the child's home, the responsible social services agency must make active efforts to
9.12 identify and locate the child's noncustodial or nonadjudicated parent and the child's relatives
9.13 to notify the child's parent and relatives that the child is or will be placed in foster care, and
9.14 provide the child's parent and relatives with a list of legal resources. The notice to the child's
9.15 noncustodial or nonadjudicated parent and relatives must also include the information
9.16 required under section 260C.221, subdivision 2, paragraph (b). The responsible social
9.17 services agency must maintain detailed records of the agency's efforts to notify parents and
9.18 relatives under this section.

9.19 (b) Notwithstanding the provisions of section 260C.219, the responsible social services
9.20 agency must assess an African American or a disproportionately represented child's
9.21 noncustodial or nonadjudicated parent's ability to care for the child before placing the child
9.22 in foster care. If a child's noncustodial or nonadjudicated parent is willing and able to provide
9.23 daily care for the African American or disproportionately represented child temporarily or
9.24 permanently, the court shall order that the child be placed in the home of the noncustodial
9.25 or nonadjudicated parent pursuant to section 260C.178 or 260C.201, subdivision 1. The
9.26 responsible social services agency must make active efforts to assist a noncustodial or
9.27 nonadjudicated parent with remedying any issues that may prevent the child from being
9.28 placed with the noncustodial or nonadjudicated parent.

9.29 **Sec. 7. [260.67] RELATIVE PLACEMENT.**

9.30 Subdivision 1. **Relative placement procedures and requirements.** (a) If an African
9.31 American or a disproportionately represented child's noncustodial or nonadjudicated parent
9.32 is unwilling or unable to provide daily care for the child and the court has determined that
9.33 the child's continued placement in the home of the child's parent or custodian would endanger

10.1 the child's health, safety, or welfare, the child's parent, custodian, or the child, when
10.2 appropriate, has the right to select one or more relatives who may be willing and able to
10.3 temporarily care for the child. The responsible social services agency must place the child
10.4 with a selected relative after assessing the relative's willingness and ability to provide daily
10.5 care for the child.

10.6 (b) The responsible social services agency shall consider additional relatives for the
10.7 child's placement if:

10.8 (1) the selected relative or relatives are unavailable, unwilling, or unable to provide daily
10.9 care for the child; or

10.10 (2) conditions or circumstances exist that would disqualify the selected relative or
10.11 relatives from being licensed family foster parents and the disqualifying conditions or
10.12 circumstances would not be eligible for a variance from the commissioner.

10.13 (c) The responsible social services agency must inform selected relatives and the child's
10.14 parent or custodian of the difference between informal kinship care arrangements and
10.15 court-ordered foster care. If a selected relative and the child's parent or custodian request
10.16 an informal kinship care arrangement for a child's placement instead of court-ordered foster
10.17 care and such an arrangement will maintain the child's safety and well-being, the responsible
10.18 social services agency shall comply with the request and inform the court of the plan for
10.19 the child. The court shall honor the request to forego a court-ordered foster care placement
10.20 of the child in favor of an informal kinship care arrangement, unless the court determines
10.21 that the request is not in the best interests of the African American or disproportionately
10.22 represented child.

10.23 (d) The responsible social services agency must make active efforts to support a relative
10.24 with whom a child is placed in completing the family foster care licensure process and
10.25 addressing barriers, disqualifications, or other issues affecting the relative's licensure,
10.26 including but not limited to assisting the relative with requesting reconsideration of a
10.27 disqualification under section 245C.21.

10.28 (e) The decision by a relative to not be considered as an African American or a
10.29 disproportionately represented child's foster care or temporary placement option shall not
10.30 be a basis for the responsible social services agency or the court to rule out the relative for
10.31 placement in the future or for denying the relative's request to be considered or selected as
10.32 a foster care or permanent placement of the child.

10.33 Subd. 2. **Authorization for nonrelative foster care or temporary placement.** (a) An
10.34 African American or a disproportionately represented child must be placed with a

11.1 noncustodial or nonadjudicated parent under section 260.66 or with a relative pursuant to
11.2 subdivision 1, unless the responsible social services agency establishes that there is reasonable
11.3 cause to believe that:

11.4 (1) placement in nonrelative foster care is necessary to prevent imminent physical damage
11.5 or harm to the child, including that which would result from sexual abuse or sexual
11.6 exploitation, because no noncustodial or nonadjudicated parent or relative is capable of
11.7 ensuring the child's basic safety; or

11.8 (2) placement with a noncustodial or nonadjudicated parent or relative would hinder
11.9 efforts to reunify the child and the parent.

11.10 (b) If the court orders the placement of an African American or a disproportionately
11.11 represented child in nonrelative foster care, the court order must state the reasons for
11.12 placement in nonrelative foster care.

11.13 (c) Before authorizing nonrelative foster care or temporary placement for an African
11.14 American or a disproportionately represented child under paragraph (a), the court must ask
11.15 the petitioner and any other person present at the hearing whether any relatives are willing
11.16 and able to care for the child, including:

11.17 (1) whether any relative is able to meet any special needs of the child;

11.18 (2) whether the relative is willing to facilitate the child's sibling and parent or custodian
11.19 visitation if such visitation is ordered by the court; and

11.20 (3) whether the relative supports reunification of the parent or custodian and child once
11.21 reunification can safely occur.

11.22 (d) If a relative has been determined to be willing and able to be a placement resource
11.23 for the child, the following shall not prevent the child's placement with the relative:

11.24 (1) an incomplete background study, if the relative is otherwise willing and able to
11.25 provide care and safety, provided that the background study must be completed as soon as
11.26 possible after placement;

11.27 (2) the relative's uncertainty regarding potential adoption of the child;

11.28 (3) the relative's disbelief that the parent or custodian presents a danger to the child,
11.29 provided that the relative will protect the safety of the child and comply with court orders
11.30 regarding contact with a parent or custodian; or

12.1 (4) the conditions of the relative's home are not sufficient to satisfy the requirements for
12.2 foster parent licensure. The court may order the responsible social services agency to provide
12.3 active efforts under subdivision 1, paragraph (c).

12.4 Sec. 8. **[260.68] CHILD IN NEED OF PROTECTION OR SERVICES;**
12.5 **OUT-OF-HOME PLACEMENT PROCEEDINGS.**

12.6 Subdivision 1. **Standard for ordering out-of-home placement.** (a) A court shall not
12.7 order a foster care or permanent out-of-home placement of an African American or a
12.8 disproportionately represented child alleged to be in need of protection or services unless
12.9 the court finds by clear and convincing evidence that the child would be at risk of serious
12.10 physical harm if the child were to remain in the child's home.

12.11 (b) Before ordering a foster care placement or permanent out-of-home placement of an
12.12 African American or a disproportionately represented child under paragraph (a), the court
12.13 must:

12.14 (1) find that no alternative resources or arrangements are available to the family that
12.15 would adequately safeguard the child without requiring out-of-home placement;

12.16 (2) evaluate the harm to the child that may result from foster care placement or permanent
12.17 out-of-home placement by considering:

12.18 (i) the disruption to the child's schooling and social relationships that may result from
12.19 placement out of the child's home or neighborhood;

12.20 (ii) detrimental long-term emotional and psychological impacts of disrupting the
12.21 relationship between children and their parents; and

12.22 (iii) any measures that may be taken to alleviate such a disruption;

12.23 (3) determine whether a parent or custodian's noncompliance with any conditions or
12.24 requirements of an out-of-home placement plan resulted from circumstances beyond the
12.25 parent or custodian's control and if so, give due consideration to those circumstances;

12.26 (4) inquire into efforts that have been made to place the child with a relative, including
12.27 asking a parent or custodian whether the responsible social services agency discussed with
12.28 them the placement of the child with a relative;

12.29 (5) determine that the out-of-home placement proposed by the responsible services
12.30 agency is the least disruptive and most family-like setting that meets the needs of the child;

12.31 (6) evaluate the services provided to the family to prevent or eliminate the need for
12.32 removal of the child from the child's home. If the petition for a child in need of child

13.1 protective services or other information before the court alleges that homelessness or the
13.2 lack of suitable housing was a significant factor contributing to the removal of the child,
13.3 the court shall inquire as to whether housing assistance was provided to the family to prevent
13.4 or eliminate the need for the removal of the child or children; and

13.5 (7) determine whether it is in the best interests of the child to remain enrolled in the
13.6 school, developmental program, or child care program where the child was enrolled prior
13.7 to the removal and evaluate the efforts that have been made to maintain the child in the
13.8 school or program if it is in the child's best interests.

13.9 Subd. 2. **Active efforts.** (a) At each hearing regarding an African American or a
13.10 disproportionately represented child who is alleged or adjudicated to be in need of protection
13.11 or services, the court shall review whether the responsible social services agency has provided
13.12 active efforts to the child and the child's family and shall require the responsible social
13.13 services agency to provide evidence and documentation that demonstrates that the agency
13.14 is providing culturally informed, strength-based, community-involved, and community-based
13.15 services to the child and the child's family.

13.16 (b) When determining whether the responsible social services agency has made active
13.17 efforts to preserve the child's family, the court shall make findings regarding whether the
13.18 responsible social services agency made appropriate and meaningful services available to
13.19 the child's family based upon the family's specific needs. If a court determines that the
13.20 responsible social services agency did not make active efforts to preserve the family as
13.21 required by this section, the court shall order the responsible social services agency to
13.22 immediately provide active efforts to the child and child's family to preserve the family.

13.23 **Sec. 9. [260.69] TRANSFER OF PERMANENT LEGAL AND PHYSICAL**
13.24 **CUSTODY; TERMINATION OF PARENTAL RIGHTS; CHILD PLACEMENT**
13.25 **PROCEEDINGS.**

13.26 Subdivision 1. **Preference for transfer of permanent legal and physical custody.** If
13.27 an African American or a disproportionately represented child cannot be returned to the
13.28 child's parent, the court shall, if possible, transfer permanent legal and physical custody of
13.29 the child to:

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

14.1 (2) a willing and able relative, according to the requirements of section 260C.515,
14.2 subdivision 4, if the court determines that reunification with the child's family is not an
14.3 appropriate permanency option for the child. Prior to the court ordering a transfer of
14.4 permanent legal and physical custody to a relative who is not a parent, the responsible social
14.5 services agency must inform the relative of Northstar kinship assistance benefits and
14.6 eligibility requirements, and of the relative's ability to apply for benefits on behalf of the
14.7 child under chapter 256N.

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

14.11 (b) Except as provided in paragraph (c), a court shall not terminate the parental rights
14.12 of a parent of an African American or a disproportionately represented child in a child
14.13 placement proceeding unless the allegations against the parent involve sexual abuse;
14.14 egregious harm as defined in section 260C.007, subdivision 14; murder in the first, second,
14.15 or third degree under section 609.185, 609.19, or 609.195; murder of an unborn child in the
14.16 first, second, or third degree under section 609.2661, 609.2662, or 609.2663; manslaughter
14.17 of an unborn child in the first or second degree under section 609.2664 or 609.2665; domestic
14.18 assault by strangulation under section 609.2247; felony domestic assault under section
14.19 609.2242 or 609.2243; kidnapping under section 609.25; solicitation, inducement, and
14.20 promotion of prostitution under section 609.322, subdivision 1, and subdivision 1a if one
14.21 or more aggravating factors are present; criminal sexual conduct under sections 609.342 to
14.22 609.3451; engaging in, hiring, or agreeing to hire a minor to engage in prostitution under
14.23 section 609.324, subdivision 1; solicitation of children to engage in sexual conduct under
14.24 section 609.352; possession of pornographic work involving minors under section 617.247;
14.25 malicious punishment or neglect or endangerment of a child under section 609.377 or
14.26 609.378; use of a minor in sexual performance under section 617.246; or failing to protect
14.27 a child from an overt act or condition that constitutes egregious harm.

14.28 (c) The court may terminate the parental rights of a parent of an African American or a
14.29 disproportionately represented child under section 260C.301, subdivision 1, paragraph (b),
14.30 clause (4) or (6), if a transfer of permanent legal and physical custody under subdivision 1
14.31 is not possible because the child has no willing or able noncustodial parent or relative to
14.32 whom custody can be transferred.

14.33 (d) Nothing in this subdivision precludes the court from terminating the parental rights
14.34 of a parent of an African American or a disproportionately represented child if the parent

15.1 desires to voluntarily terminate the parent's own parental rights for good cause under section
15.2 260C.301, subdivision 1, paragraph (a).

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

15.7 Sec. 10. **[260.694] RESPONSIBLE SOCIAL SERVICES AGENCY CONDUCT AND**
15.8 **CASE REVIEW.**

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

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

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

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

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

15.19 Subd. 2. **Commissioner notification.** (a) When a responsible social services agency
15.20 makes a maltreatment determination involving an African American or a disproportionately
15.21 represented child or places an African American or a disproportionately represented child
15.22 in a foster care placement, the agency shall, within seven days of making a maltreatment
15.23 determination or initiating the child's foster care placement, notify the commissioner of the
15.24 maltreatment determination or foster care placement and of the steps that the agency has
15.25 taken to investigate and remedy the conditions that led to the maltreatment determination
15.26 or foster care placement. Upon receiving this notice, the commissioner shall review the
15.27 responsible social services agency's handling of the child's case to ensure that the case plan
15.28 and services address the unique needs of the child and the child's family and that the agency
15.29 is making active efforts to reunify and preserve the child's family. At all stages of a case
15.30 involving an African American or a disproportionately represented child, the responsible
15.31 social services agency shall, upon request, fully cooperate with the commissioner and, as
15.32 appropriate and as permitted under statute, provide access to all relevant case files.

16.1 (b) In any adoptive or preadoptive placement proceeding involving an African American
16.2 or a disproportionately represented child under the guardianship of the commissioner, the
16.3 responsible social services agency shall notify the commissioner of the pending proceeding
16.4 and of the right of intervention. The notice must include the identity of the child and the
16.5 child's parents whose parental rights were terminated or who consented to the child's
16.6 adoption. Upon receipt of the notice, the commissioner shall review the case to ensure that
16.7 the requirements of this act have been met. When the responsible social services agency
16.8 has identified a nonrelative as an African American or a disproportionately represented
16.9 child's adoptive placement, no preadoptive or adoptive placement proceeding may be held
16.10 until at least 30 days after the commissioner receives the required notice or until an adoption
16.11 home study can be completed for a relative adoption, whichever occurs first. If the
16.12 commissioner requests additional time to prepare for the proceeding, the district court must
16.13 grant the commissioner up to 30 additional days to prepare for the proceeding. In cases in
16.14 which a responsible social services agency or party to a preadoptive or adoptive placement
16.15 knows or has reason to believe that a child is or may be African American or a
16.16 disproportionately represented child, proof of service upon the commissioner must be filed
16.17 with the adoption petition.

16.18 Subd. 3. **Case review.** (a) Each responsible social services agency shall conduct a review
16.19 of all child protection cases handled by the agency every 24 months, after establishing a
16.20 2024 baseline. The responsible social services agency shall report the agency's findings to
16.21 the county board, related child welfare committees, the Children's Justice Initiative team,
16.22 the commissioner, and community stakeholders within six months of gathering the relevant
16.23 case data. The case review must include:

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

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

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

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

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

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

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

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

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

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

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

17.12 (b) The required case review must also:

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

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

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

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

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

17.20 (c) Any responsible social services agency that has a case review showing
17.21 disproportionality and disparities in child welfare outcomes for African American and other
17.22 disproportionately represented children and families, compared to the agency's overall
17.23 outcomes, must develop a remediation plan to be approved by the commissioner. The
17.24 responsible social services agency must develop the plan within 30 days of finding the
17.25 disproportionality or disparities and must make measurable improvements within 12 months
17.26 of the date that the commissioner approves the remediation plan. A responsible social
17.27 services agency may request assistance from the commissioner to develop a remediation
17.28 plan. The remediation plan must include measurable outcomes to identify, address, and
17.29 reduce the factors that led to the disproportionality and disparities in the agency's child
17.30 welfare outcomes and include information about how the responsible social services agency
17.31 will achieve and document trauma-informed, positive child well-being outcomes through
17.32 remediation efforts.

18.1 Subd. 4. **Noncompliance.** Any responsible social services agency that fails to comply
18.2 with this section is subject to corrective action and a fine determined by the commissioner.
18.3 The commissioner shall use fines received under this subdivision to support compliance
18.4 with this act but shall not use amounts received to supplant funding for existing services.

18.5 Sec. 11. **[260.697] AFRICAN AMERICAN AND DISPROPORTIONATELY**
18.6 **REPRESENTED FAMILY PRESERVATION GRANTS.**

18.7 Subdivision 1. **Primary support grants.** The commissioner shall establish direct grants
18.8 to organizations, service providers, and programs owned and led by African Americans and
18.9 other individuals from communities disproportionately represented in the child welfare
18.10 system to provide services and support for African American and disproportionately
18.11 represented children and families involved in Minnesota's child welfare system, including
18.12 supporting existing eligible services and facilitating the development of new services and
18.13 providers, to create a more expansive network of service providers available for African
18.14 American and disproportionately represented children and families.

18.15 Subd. 2. **Eligible services.** (a) Services eligible for grants under this section include but
18.16 are not limited to:

18.17 (1) child out-of-home placement prevention and reunification services;

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

18.19 (3) culturally specific individual and family counseling;

18.20 (4) court advocacy;

18.21 (5) training of and consultation with responsible social services agencies and private
18.22 social services agencies regarding this act;

18.23 (6) services to support informal kinship care arrangements; and

18.24 (7) other activities and services approved by the commissioner that further the goals of
18.25 the Minnesota African American Family Preservation and Child Welfare Disproportionality
18.26 Act, including but not limited to the recruitment of African American staff and staff from
18.27 other communities disproportionately represented in the child welfare system to work for
18.28 responsible social services agencies and licensed child-placing agencies.

18.29 (b) The commissioner may specify the priority of an activity and service based on its
18.30 success in furthering these goals. The commissioner shall give preference to programs and
18.31 service providers that are located in or serve counties with the highest rates of child welfare

19.1 disproportionality for African American and other disproportionately represented children
 19.2 and families, and employ staff who represent the population primarily served.

19.3 Subd. 3. **Ineligible services.** Grant money may not be used to supplant funding for
 19.4 existing services or for the following purposes:

19.5 (1) child day care that is necessary solely because of the employment or training for
 19.6 employment of a parent or another relative with whom the child is living;

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

19.8 (3) residential treatment facility payments;

19.9 (4) adoption assistance or Northstar kinship assistance payments under chapter 259A
 19.10 or 256N;

19.11 (5) public assistance payments for Minnesota family investment program assistance,
 19.12 supplemental aid, medical assistance, general assistance, general assistance medical care,
 19.13 or community health services; or

19.14 (6) administrative costs for income maintenance staff.

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

19.17 Sec. 12. Minnesota Statutes 2022, section 260C.329, subdivision 3, is amended to read:

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

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

19.29 ~~(2)~~ (1) the parent has corrected the conditions that led to an order terminating parental
 19.30 rights;

20.1 ~~(3)~~ (2) the parent is willing and has the capability to provide day-to-day care and maintain
20.2 the health, safety, and welfare of the child;

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

20.5 ~~(5)~~ (3) the child has not been adopted; and

20.6 ~~(6)~~ (4) the child is not the subject of a written adoption placement agreement between
20.7 the responsible social services agency and the prospective adoptive parent, as required under
20.8 Minnesota Rules, part 9560.0060, subpart 2.

20.9 Sec. 13. Minnesota Statutes 2022, section 260C.329, subdivision 8, is amended to read:

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

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

20.13 (2) the child has not been adopted;

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

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

20.19 ~~(5)~~ (4) the child desires to reside with the parent;

20.20 ~~(6)~~ (5) the parent has corrected the conditions that led to an order terminating parental
20.21 rights; and

20.22 ~~(7)~~ (6) the parent is willing and has the capability to provide day-to-day care and maintain
20.23 the health, safety, and welfare of the child.

20.24 Sec. 14. **CULTURAL COMPETENCY TRAINING FOR INDIVIDUALS WORKING**
20.25 **WITH AFRICAN AMERICAN AND DISPROPORTIONATELY REPRESENTED**
20.26 **FAMILIES AND CHILDREN IN THE CHILD WELFARE SYSTEM.**

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

21.1 Subd. 2. **Training.** (a) The commissioner shall develop training content and establish
21.2 the frequency of trainings.

21.3 (b) The cultural competency training under this section is required prior to or within six
21.4 months of beginning work with any African American or disproportionately represented
21.5 child and family. A responsible social services agency staff person who is unable to complete
21.6 the cultural competency training prior to working with African American or
21.7 disproportionately represented children and families must work with a qualified staff person
21.8 within the agency who has completed cultural competency training until the person is able
21.9 to complete the required training. The training must be available by January 1, 2025, and
21.10 must:

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

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

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

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

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

21.22 Subd. 3. **Update.** The commissioner shall provide an update to the legislative committees
21.23 with jurisdiction over child protection issues by January 1, 2025, on the rollout of the training
21.24 under subdivision 1 and the content and accessibility of the training under subdivision 2.

21.25 Sec. 15. **DISAGGREGATE DATA.**

21.26 The commissioner of human services shall establish a method to disaggregate data related
21.27 to African American and other child welfare disproportionality and begin disaggregating
21.28 data by January 1, 2025.

22.1 Sec. 16. **ENSURING FREQUENT VISITATION FOR AFRICAN AMERICAN AND**
22.2 **DISPROPORTIONATELY REPRESENTED CHILDREN IN OUT-OF-HOME**
22.3 **PLACEMENT.**

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

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

22.13 The commissioner of human services shall develop, maintain, and administer a publicly
22.14 accessible online compliance and feedback portal to receive reports of noncompliance with
22.15 the Layla Jackson Law under Minnesota Statutes, sections 260.61 to 260.697, and other
22.16 statutes related to child maltreatment, safety, and placement. Reports received through the
22.17 portal must be transferred for review and further action to the appropriate unit or department
22.18 within the Department of Human Services.

22.19 Sec. 18. **DIRECTION TO COMMISSIONER; MAINTAINING CONNECTIONS**
22.20 **IN FOSTER CARE BEST PRACTICES.**

22.21 The commissioner of human services shall develop and publish guidance on best practices
22.22 for ensuring that African American and disproportionately represented children in foster
22.23 care maintain connections and relationships with their parents, custodians, and extended
22.24 relative and kin network. The commissioner shall also develop and publish best practice
22.25 guidance on engaging and assessing noncustodial and nonadjudicated parents to care for
22.26 their African American or disproportionately represented children who cannot remain with
22.27 the children's custodial parents.

22.28 Sec. 19. **APPROPRIATIONS.**

22.29 (a) \$..... in fiscal year 2025 is appropriated from the general fund to the commissioner
22.30 of human services for the administration of the Layla Jackson Law under Minnesota Statutes,
22.31 sections 260.61 to 260.697. This is an ongoing appropriation.

- 23.1 (b) \$..... in fiscal year 2025 is appropriated from the general fund to the commissioner
- 23.2 of human services for the development, maintenance, and administration of the child welfare
- 23.3 compliance and feedback portal. This is an ongoing appropriation.