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State of Minnesota

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HOUSE OF REPRESENTATIVES

Unofficial Engrossment

House Engrossment of a Senate File

NINETY-THIRD SESSION

S. F. No. **716**

- 05/09/2024 Companion to House File No. 912. (Authors:Agbaje, Richardson, Clardy, Noor and Hussein)
Read First Time and Sent for Comparison
- 05/13/2024 Substituted for H. F. No. 912
Read for the Second Time and placed on the General Register
- 05/15/2024 Calendar for the Day, Amended
Read Third Time as Amended
- 05/17/2024 Passed by the House as Amended and transmitted to the Senate to include Floor Amendments
Senate refused to concur and a Conference Committee was appointed

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; modifying child welfare

1.4 provisions; establishing the African American Child Well-Being Advisory Council;

1.5 requiring reports; appropriating money; amending Minnesota Statutes 2022, section

1.6 260C.329, subdivisions 3, 8; proposing coding for new law in Minnesota Statutes,

1.7 chapter 260.

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

1.9 Section 1. **[260.61] CITATION.**

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

1.11 Preservation and Child Welfare Disproportionality Act."

1.12 **EFFECTIVE DATE.** This section is effective July 1, 2027, except as provided under

1.13 section 20.

1.14 Sec. 2. **[260.62] PURPOSES.**

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

1.16 Welfare Disproportionality Act are to:

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

1.18 children;

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

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

1.21 arbitrary and unnecessary removal of African American and disproportionately represented

1.22 children from their families; and

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

2.3 (b) Nothing in this legislation is intended to interfere with the protections of the Indian
2.4 Child Welfare Act of 1978, United States Code, title 25, sections 1901 to 1963, or the
2.5 Minnesota Indian Family Preservation Act, sections 260.751 to 260.835. The federal Indian
2.6 Child Welfare Act and the Minnesota Indian Family Preservation Act apply in any child
2.7 placement proceeding, as defined in section 260.755, subdivision 3, involving an Indian
2.8 child, as defined in section 260.755, subdivision 8.

2.9 **EFFECTIVE DATE.** This section is effective July 1, 2027, except as provided under
2.10 section 20.

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

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

2.13 Subd. 2. **Active efforts.** "Active efforts" means a rigorous and concerted level of effort
2.14 that the responsible social services agency must continuously make throughout the time
2.15 that the responsible social services agency is involved with an African American or a
2.16 disproportionately represented child and the child's family. To provide active efforts to
2.17 preserve an African American or a disproportionately represented child's family, the
2.18 responsible social services agency must continuously involve an African American or a
2.19 disproportionately represented child's family in all services for the family, including case
2.20 planning and choosing services and providers, and inform the family of the ability to file a
2.21 report of noncompliance with this act with the commissioner through the child welfare
2.22 compliance and feedback portal. When providing active efforts, a responsible social services
2.23 agency must consider an African American or a disproportionately represented child's
2.24 family's social and cultural values at all times while providing services to the African
2.25 American or disproportionately represented child and the child's family. Active efforts
2.26 includes continuous efforts to preserve an African American or a disproportionately
2.27 represented child's family and to prevent the out-of-home placement of an African American
2.28 or a disproportionately represented child. If an African American or a disproportionately
2.29 represented child enters out-of-home placement, the responsible social services agency must
2.30 make active efforts to reunify the African American or disproportionately represented child
2.31 with the child's family as soon as possible. Active efforts sets a higher standard for the
2.32 responsible social services agency than reasonable efforts to preserve the child's family,
2.33 prevent the child's out-of-home placement, and reunify the child with the child's family.

3.1 Active efforts includes the provision of reasonable efforts as required by Title IV-E of the
3.2 Social Security Act, United States Code, title 42, sections 670 to 679c.

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

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

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

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

3.21 (1) an adoptive placement;

3.22 (2) a foster care placement;

3.23 (3) a preadoptive placement; or

3.24 (4) a termination of parental rights.

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

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

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

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

3.31 Subd. 8. **Custodian.** "Custodian" means any person who is under a legal obligation to
3.32 provide care and support for an African American or a disproportionately represented child,

4.1 or who is in fact providing daily care and support for an African American or a
4.2 disproportionately represented child. This subdivision does not impose a legal obligation
4.3 upon a person who is not otherwise legally obligated to provide a child with necessary food,
4.4 clothing, shelter, education, or medical care.

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

4.9 Subd. 10. **Disproportionately represented child.** "Disproportionately represented child"
4.10 means a child whose race, culture, ethnicity, disability status, or low-income socioeconomic
4.11 status is disproportionately encountered, engaged, or identified in the child welfare system
4.12 as compared to the representation in the state's total child population. Disproportionately
4.13 represented child includes members of unique cultural groups belonging to larger ethnic or
4.14 cultural categories used in federal, state, or local demographic data when the members are
4.15 known to be disproportionately affected.

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

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

4.26 Subd. 13. **Imminent physical damage or harm.** "Imminent physical damage or harm"
4.27 means that a child is threatened with immediate and present conditions that are
4.28 life-threatening or likely to result in abandonment, sexual abuse, or serious physical injury.
4.29 The existence of community or family poverty, isolation, single parenthood, age of the
4.30 parent, crowded or inadequate housing, substance use, prenatal drug or alcohol exposure,
4.31 mental illness, disability or special needs of the parent or child, or nonconforming social
4.32 behavior does not by itself constitute imminent physical damage or harm.

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

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

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

5.11 Subd. 17. **Relative.** "Relative" has the meaning given in section 260C.007, subdivision
5.12 27.

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

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

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

5.21 **EFFECTIVE DATE.** This section is effective July 1, 2027, except as provided under
5.22 section 20.

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

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

5.30 Subd. 2. **Safety plan.** (a) Prior to petitioning the court to remove an African American
5.31 or a disproportionately represented child from the child's home under section 260.66, a
5.32 responsible social services agency must work with the child's family to allow the child to

6.1 remain in the child's home while implementing a safety plan based on the family's needs.

6.2 The responsible social services agency must:

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

6.5 (2) assess the family's cultural and economic needs and, if applicable, needs and services
6.6 related to the child's disability;

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

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

6.11 (b) The safety plan must:

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

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

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

6.18 (c) The responsible social services agency is not required to establish a safety plan:

6.19 (1) in a case with allegations of sexual abuse or egregious harm;

6.20 (2) when the parent is not willing to follow a safety plan;

6.21 (3) when the parent has abandoned the child or is unavailable to follow a safety plan;

6.22 or

6.23 (4) when the parent has chronic substance abuse issues and is unable to parent the child.

6.24 Subd. 3. **Out-of-home placement prohibited.** Unless the court finds by clear and
6.25 convincing evidence that the child would be at risk of serious emotional damage or serious
6.26 physical damage if the child were to remain in the child's home, a court shall not order a
6.27 foster care or permanent out-of-home placement of an African American or a
6.28 disproportionately represented child alleged to be in need of protection or services. At each
6.29 hearing regarding an African American or a disproportionately represented child who is
6.30 alleged or adjudicated to be in need of child protective services, the court shall review
6.31 whether the responsible social services agency has provided active efforts to the child and

7.1 the child's family and shall require the responsible social services agency to provide evidence
7.2 and documentation that demonstrate that the agency is providing culturally informed,
7.3 strength-based, community-involved, and community-based services to the child and the
7.4 child's family.

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

7.13 **EFFECTIVE DATE.** This section is effective July 1, 2027, except as provided under
7.14 section 20.

7.15 Sec. 5. **[260.641] ENSURING FREQUENT VISITATION FOR AFRICAN**
7.16 **AMERICAN AND DISPROPORTIONATELY REPRESENTED CHILDREN IN**
7.17 **OUT-OF-HOME PLACEMENT.**

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

7.26 **EFFECTIVE DATE.** This section is effective July 1, 2027, except as provided under
7.27 section 20.

7.28 Sec. 6. **[260.65] NONCUSTODIAL PARENTS.**

7.29 (a) Prior to or within 48 hours of the removal of an African American or a
7.30 disproportionately represented child from the child's home, the responsible social services
7.31 agency must make active efforts to identify and locate the child's noncustodial or
7.32 nonadjudicated parent and the child's relatives to notify the child's parent and relatives that
7.33 the child is or will be placed in foster care, and provide the child's parent and relatives with

8.1 a list of legal resources. The notice to the child's noncustodial or nonadjudicated parent and
8.2 relatives must also include the information required under section 260C.221, subdivision
8.3 2, paragraph (b). The responsible social services agency must maintain detailed records of
8.4 the agency's efforts to notify parents and relatives under this section.

8.5 (b) Notwithstanding the provisions of section 260C.219, the responsible social services
8.6 agency must assess an African American or a disproportionately represented child's
8.7 noncustodial or nonadjudicated parent's ability to care for the child before placing the child
8.8 in foster care. If a child's noncustodial or nonadjudicated parent is willing and able to provide
8.9 daily care for the African American or disproportionately represented child temporarily or
8.10 permanently, the court shall order that the child be placed in the home of the noncustodial
8.11 or nonadjudicated parent pursuant to section 260C.178 or 260C.201, subdivision 1. The
8.12 responsible social services agency must make active efforts to assist a noncustodial or
8.13 nonadjudicated parent with remedying any issues that may prevent the child from being
8.14 placed with the noncustodial or nonadjudicated parent.

8.15 **EFFECTIVE DATE.** This section is effective July 1, 2027, except as provided under
8.16 section 20.

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

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

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

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

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

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

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

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

9.7 Subd. 3. **Emergency proceeding requirements.** (a) The court shall hold a hearing no
9.8 later than 72 hours, excluding weekends and holidays, after the emergency removal of the
9.9 African American or disproportionately represented child. The court shall determine whether
9.10 the emergency removal continues to be necessary to prevent imminent physical damage or
9.11 harm to the child and whether, after considering the child's particular circumstances, the
9.12 imminent physical damage or harm to the child outweighs the harm that the child will
9.13 experience as a result of continuing the emergency removal.

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

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

9.25 Subd. 4. **Termination of emergency removal or placement.** (a) An emergency removal
9.26 or placement of an African American or a disproportionately represented child must
9.27 immediately terminate once the responsible social services agency or court possesses
9.28 sufficient evidence to determine that the emergency removal or placement is no longer
9.29 necessary to prevent imminent physical damage or harm to the child and the child shall be
9.30 immediately returned to the custody of the child's parent or custodian. The responsible social
9.31 services agency or court shall ensure that the emergency removal or placement terminates
9.32 immediately when the removal or placement is no longer necessary to prevent imminent
9.33 physical damage or harm to the African American or disproportionately represented child.

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

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

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

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

10.13 **EFFECTIVE DATE.** This section is effective July 1, 2027, except as provided under
10.14 section 20.

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

10.18 Subdivision 1. **Preference for transfer of permanent legal and physical custody.** If
10.19 an African American or a disproportionately represented child cannot be returned to the
10.20 child's parent, the court shall consider the requirements of and responsibilities under section
10.21 260.012, paragraph (a), and, if possible, transfer permanent legal and physical custody of
10.22 the child to:

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

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

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

11.4 (b) Except as provided in paragraph (c), a court shall not terminate the parental rights
11.5 of a parent of an African American or a disproportionately represented child in a child
11.6 placement proceeding unless the allegations against the parent involve sexual abuse;
11.7 egregious harm as defined in section 260C.007, subdivision 14; murder in the first, second,
11.8 or third degree under section 609.185, 609.19, or 609.195; murder of an unborn child in the
11.9 first, second, or third degree under section 609.2661, 609.2662, or 609.2663; manslaughter
11.10 of an unborn child in the first or second degree under section 609.2664 or 609.2665; domestic
11.11 assault by strangulation under section 609.2247; felony domestic assault under section
11.12 609.2242 or 609.2243; kidnapping under section 609.25; solicitation, inducement, and
11.13 promotion of prostitution under section 609.322, subdivision 1, and subdivision 1a if one
11.14 or more aggravating factors are present; criminal sexual conduct under sections 609.342 to
11.15 609.3451; engaging in, hiring, or agreeing to hire a minor to engage in prostitution under
11.16 section 609.324, subdivision 1; solicitation of children to engage in sexual conduct under
11.17 section 609.352; possession of pornographic work involving minors under section 617.247;
11.18 malicious punishment or neglect or endangerment of a child under section 609.377 or
11.19 609.378; use of a minor in sexual performance under section 617.246; or failing to protect
11.20 a child from an overt act or condition that constitutes egregious harm.

11.21 Subd. 3. Termination of parental rights; exceptions. (a) The court may terminate the
11.22 parental rights of a parent of an African American or a disproportionately represented child
11.23 if a transfer of permanent legal and physical custody under subdivision 1 is not possible
11.24 because the child has no willing or able noncustodial parent or relative to whom custody
11.25 can be transferred, if it finds that one or more of the following conditions exist:

11.26 (1) that the parent has abandoned the child;

11.27 (2) that a parent is palpably unfit to be a party to the parent and child relationship because
11.28 of a consistent pattern of specific conduct before the child or of specific conditions directly
11.29 relating to the parent and child relationship, either of which are determined by the court to
11.30 be of a duration or nature that renders the parent unable, for the reasonably foreseeable
11.31 future, to care appropriately for the ongoing physical, mental, or emotional needs of the
11.32 child. It is presumed that a parent is palpably unfit to be a party to the parent and child
11.33 relationship upon a showing that the parent's parental rights to another child were
11.34 involuntarily terminated or that the parent's custodial rights to another child have been

12.1 involuntarily transferred to a relative under section 260C.515, subdivision 4; or a similar
12.2 law of another jurisdiction;

12.3 (3) that following the child's placement out of the home, active efforts, under the direction
12.4 of the court, have failed to correct the conditions leading to the child's placement. It is
12.5 presumed that active efforts under this clause have failed upon a showing that:

12.6 (i) a child has resided out of the parental home under court order for a cumulative period
12.7 of 12 months within the preceding 22 months. In the case of a child under age eight at the
12.8 time that the petition was filed alleging the child to be in need of protection or services, the
12.9 presumption arises when the child has resided out of the parental home under court order
12.10 for six months unless the parent has maintained regular contact with the child and the parent
12.11 is complying with the out-of-home placement plan;

12.12 (ii) the court has approved the out-of-home placement plan required under section
12.13 260C.212 and filed with the court under section 260C.178;

12.14 (iii) conditions leading to the out-of-home placement have not been corrected. It is
12.15 presumed that conditions leading to a child's out-of-home placement have not been corrected
12.16 upon a showing that the parent or parents have not substantially complied with the court's
12.17 orders and a reasonable case plan; and

12.18 (iv) active efforts have been made by the responsible social services agency to rehabilitate
12.19 the parent and reunite the family; and

12.20 (4) that a child has experienced egregious harm in the parent's care that is of a nature,
12.21 duration, or chronicity that indicates a lack of regard for the child's well-being, such that a
12.22 reasonable person would believe it contrary to the best interests of the child or of any child
12.23 to be in the parent's care.

12.24 (b) For purposes of paragraph (a), clause (1), abandonment is presumed when:

12.25 (1) the parent has had no contact with the child on a regular basis and has not
12.26 demonstrated consistent interest in the child's well-being for six months and the social
12.27 services agency has made active efforts to facilitate contact with the parent, unless the parent
12.28 establishes that an extreme financial or physical hardship or treatment for mental disability
12.29 or substance use disorder or other good cause prevented the parent from making contact
12.30 with the child. This presumption does not apply to children whose custody has been
12.31 determined under chapter 257 or 518; or

12.32 (2) the child is an infant under two years of age and has been deserted by the parent
12.33 under circumstances that show an intent not to return to care for the child.

13.1 Subd. 4. **Voluntary termination of parental rights.** Nothing in subdivisions 2 and 3
13.2 precludes the court from terminating the parental rights of a parent of an African American
13.3 or a disproportionately represented child if the parent desires to voluntarily terminate the
13.4 parent's own parental rights for good cause under section 260C.301, subdivision 1, paragraph
13.5 (a).

13.6 Subd. 5. **Appeals.** Notwithstanding the Minnesota Rules of Juvenile Protection Procedure,
13.7 rule 47.02, subdivision 2, a parent of an African American or a disproportionately represented
13.8 child whose parental rights have been terminated may appeal the decision within 90 days
13.9 of the service of notice by the court administrator of the filing of the court's order.

13.10 **EFFECTIVE DATE.** This section is effective July 1, 2027, except as provided under
13.11 section 20.

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

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

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

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

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

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

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

14.1 The commissioner shall provide guidance starting on November 1, 2028, and annually
14.2 thereafter.

14.3 (b) The case review must include:

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

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

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

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

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

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

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

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

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

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

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

14.25 (c) The required case review must also:

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

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

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

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

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

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

15.13 Subd. 3. **Noncompliance.** Any responsible social services agency that fails to comply
15.14 with this section is subject to corrective action and a fine determined by the commissioner.
15.15 The commissioner shall use fines received under this subdivision to support compliance
15.16 with this act but shall not use amounts received to supplant funding for existing services.

15.17 **EFFECTIVE DATE.** This section is effective July 1, 2027, except as provided under
15.18 section 20.

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

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

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

15.28 (b) The cultural competency training under this section is required prior to or within six
15.29 months of beginning work with any African American or disproportionately represented
15.30 child and their family. A responsible social services agency staff person who is unable to
15.31 complete the cultural competency training prior to working with African American or
15.32 disproportionately represented children and their families must work with a qualified staff
15.33 person within the agency who has completed cultural competency training until the person

16.1 is able to complete the required training. The training must be available by January 1, 2027,

16.2 and must:

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

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

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

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

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

16.14 Subd. 3. **Update.** The commissioner must provide an update to the chairs and ranking
16.15 minority members of the legislative committees with jurisdiction over child protection by
16.16 July 1, 2028, on the rollout of the training under subdivision 1 and the content and
16.17 accessibility of the training under subdivision 2.

16.18 **EFFECTIVE DATE.** This section is effective July 1, 2027, except as provided under
16.19 section 20.

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

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

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

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

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

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

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

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

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

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

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

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

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

18.2 Subdivision 1. Duties. The African American Child Well-Being Unit, currently being
18.3 established by the commissioner, must:

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

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

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

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

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

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

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

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

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

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

19.18 (d) The unit must monitor all case reviews and use the collective case review information
19.19 and data to generate summary case review reports, ensure compliance with the Minnesota
19.20 African American Family Preservation and Child Welfare Disproportionality Act, and
19.21 identify trends or patterns in child welfare outcomes for African American children.

19.22 (e) The unit must review information from members of the public received through the
19.23 compliance and feedback portal, including policy and practice concerns related to individual
19.24 child welfare cases. After assessing a case concern, the unit may determine if further
19.25 necessary action should be taken, which may include coordinating case remediation with
19.26 other relevant child welfare agencies in accordance with data privacy laws, including the
19.27 African American Child Well-Being Advisory Council, and offering case consultation and
19.28 technical assistance to the responsible local social services agency as needed or requested
19.29 by the agency.

19.30 Subd. 3. **Reports.** (a) The African American Child Well-Being Unit must provide regular
19.31 updates on unit activities, including summary reports of case reviews, to the African
19.32 American Child Well-Being Advisory Council and must publish an annual census of African
19.33 American children in out-of-home placements statewide. The annual census must include

20.1 data on the types of placements, age and sex of the children, how long the children have
20.2 been in out-of-home placements, and other relevant demographic information.

20.3 (b) The African American Child Well-Being Unit shall gather summary data about the
20.4 practice and policy inquiries and individual case concerns received through the compliance
20.5 and feedback portal under subdivision 2, paragraph (e). The unit shall provide regular reports
20.6 of the nonidentifying compliance and feedback portal summary data to the African American
20.7 Child Well-Being Advisory Council to identify child welfare trends and patterns to assist
20.8 with developing policy and practice recommendations to support eliminating disparity and
20.9 disproportionality for African American children.

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

20.11 Sec. 13. **[260.693] AFRICAN AMERICAN AND DISPROPORTIONATELY**
20.12 **REPRESENTED FAMILY PRESERVATION GRANTS.**

20.13 Subdivision 1. **Primary support grants.** The commissioner shall establish direct grants
20.14 to organizations, service providers, and programs owned and led by African Americans and
20.15 other individuals from communities disproportionately represented in the child welfare
20.16 system to provide services and support for African American and disproportionately
20.17 represented children and their families involved in Minnesota's child welfare system,
20.18 including supporting existing eligible services and facilitating the development of new
20.19 services and providers, to create a more expansive network of service providers available
20.20 for African American and disproportionately represented children and their families.

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

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

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

20.25 (3) culturally specific individual and family counseling;

20.26 (4) court advocacy;

20.27 (5) training for and consultation to responsible social services agencies and private social
20.28 services agencies regarding this act;

20.29 (6) development and promotion of culturally informed, affirming, and responsive
20.30 community-based prevention and family preservation services that target the children, youth,
20.31 families, and communities of African American and African heritage experiencing the

21.1 highest disparities, disproportionality, and overrepresentation in the Minnesota child welfare
21.2 system;

21.3 (7) culturally affirming and responsive services that work with children and families in
21.4 their communities to address their needs and ensure child and family safety and well-being
21.5 within a culturally appropriate lens and framework;

21.6 (8) services to support informal kinship care arrangements; and

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

21.12 (b) The commissioner may specify the priority of an activity and service based on its
21.13 success in furthering these goals. The commissioner shall give preference to programs and
21.14 service providers that are located in or serve counties with the highest rates of child welfare
21.15 disproportionality for African American and other disproportionately represented children
21.16 and their families and employ staff who represent the population primarily served.

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

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

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

21.22 (3) residential treatment facility payments;

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

21.25 (5) public assistance payments for Minnesota family investment program assistance,
21.26 supplemental aid, medical assistance, general assistance, general assistance medical care,
21.27 or community health services; or

21.28 (6) administrative costs for income maintenance staff.

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

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

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

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

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

22.12 ~~(2)~~ (1) the parent has corrected the conditions that led to an order terminating parental
22.13 rights;

22.14 ~~(3)~~ (2) the parent is willing and has the capability to provide day-to-day care and maintain
22.15 the health, safety, and welfare of the child;

22.16 ~~(4)~~ (3) the child has been in foster care for at least ~~48~~ 24 months after the court issued
22.17 the order terminating parental rights;

22.18 ~~(5)~~ (4) the child has not been adopted; and

22.19 ~~(6)~~ (5) the child is not the subject of a written adoption placement agreement between
22.20 the responsible social services agency and the prospective adoptive parent, as required under
22.21 Minnesota Rules, part 9560.0060, subpart 2.

22.22 **EFFECTIVE DATE.** This section is effective July 1, 2027, except as provided under
22.23 section 20.

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

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

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

22.28 (2) the child has not been adopted;

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

23.1 (4) at least ~~48~~ 24 months have elapsed following a final order terminating parental rights
23.2 and the child remains in foster care;

23.3 (5) the child desires to reside with the parent;

23.4 (6) the parent has corrected the conditions that led to an order terminating parental rights;
23.5 and

23.6 (7) the parent is willing and has the capability to provide day-to-day care and maintain
23.7 the health, safety, and welfare of the child.

23.8 EFFECTIVE DATE. This section is effective July 1, 2027, except as provided under
23.9 section 20.

23.10 Sec. 16. DIRECTION TO COMMISSIONER OF HUMAN SERVICES;
23.11 DISAGGREGATE DATA.

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

23.16 EFFECTIVE DATE. This section is effective July 1, 2027.

23.17 Sec. 17. CHILD WELFARE COMPLIANCE AND FEEDBACK PORTAL.

23.18 The commissioner of human services shall develop, maintain, and administer a publicly
23.19 accessible online compliance and feedback portal to receive reports of noncompliance with
23.20 the Minnesota African American Family Preservation and Child Welfare Disproportionality
23.21 Act under Minnesota Statutes, sections 260.61 to 260.693, and other statutes related to child
23.22 maltreatment, safety, and placement. Reports received through the portal must be transferred
23.23 for review and further action to the appropriate unit or department within the Department
23.24 of Human Services, including but not limited to the African American Child Well-Being
23.25 Unit.

23.26 EFFECTIVE DATE. This section is effective July 1, 2027, except as provided under
23.27 section 20.

23.28 Sec. 18. DIRECTION TO COMMISSIONER; MAINTAINING CONNECTIONS
23.29 IN FOSTER CARE BEST PRACTICES.

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

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

24.6 **EFFECTIVE DATE.** This section is effective July 1, 2027, except as provided under
24.7 section 20.

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

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

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

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

24.21 Sec. 20. **MINNESOTA AFRICAN AMERICAN FAMILY PRESERVATION AND**
24.22 **CHILD WELFARE DISPROPORTIONALITY ACT; PHASE-IN PROGRAM.**

24.23 (a) The commissioner of human services must establish a phase-in program that
24.24 implements sections 1 to 17 in Hennepin and Ramsey Counties. The commissioner may
24.25 allow additional counties to participate in the phase-in program upon the request of the
24.26 counties.

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

24.32 (c) Sections 1 to 17 are effective July 1, 2024, for purposes of this phase-in program.

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

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

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

25.5 (a) The commissioner of human services must establish a working group to provide
25.6 guidance and oversight for the Minnesota African American Family Preservation and Child
25.7 Welfare Disproportionality Act phase-in program.

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

25.13 (c) The working group must provide oversight of the phase-in program and evaluate the
25.14 cost of the phase-in program. The working group must also assess future costs of
25.15 implementing the Minnesota African American Family Preservation and Child Welfare
25.16 Disproportionality Act statewide.

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

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

25.21 Sec. 22. **DIRECTION TO COMMISSIONER; IMPLEMENTATION COSTS.**

25.22 The commissioner of human services must handle any administrative or implementation
25.23 costs for the Minnesota African American Family Preservation and Child Welfare
25.24 Disproportionality Act within the limits of existing funding.

25.25 Sec. 23. **APPROPRIATION; MINNESOTA AFRICAN AMERICAN FAMILY**
25.26 **PRESERVATION AND CHILD WELFARE DISPROPORTIONALITY ACT**
25.27 **PHASE-IN PROGRAM GRANTS.**

25.28 \$5,000,000 in fiscal year 2025 is appropriated from the general fund to the commissioner
25.29 of human services for grants to Hennepin and Ramsey Counties to implement the Minnesota
25.30 African American Family Preservation and Child Welfare Disproportionality Act phase-in
25.31 program. Of this amount, \$2,500,000 must be provided to Hennepin County and \$2,500,000

- 26.1 must be provided to Ramsey County. The commissioner must handle any administrative or
- 26.2 implementation costs for the phase-in program within the limits of existing funding. This
- 26.3 is a onetime appropriation and is available until June 30, 2026.