

(2) to encourage and assist in the development of coordinated, interdepartmental goals and objectives and the coordination of programs, services and facilities among all state departments and private providers of service as they relate to handicapped persons;

(3) to serve as a source of information to the public regarding all services, programs and legislation pertaining to handicapped persons;

(4) to review and make comment to the governor, state agencies, the legislature, and the public concerning adequacy of state programs, plans and budgets for services to handicapped persons and for funding under the various federal grant programs;

(5) to research, formulate and advocate plans, programs and policies which will serve the needs of handicapped persons;

(6) to advise the ~~department~~ departments of labor and industry and the ~~state board of education~~ economic security on the administration and improvement of the workers' compensation law as the law relates to programs, facilities and personnel providing assistance to injured and handicapped workers;

(7) to advise the workers' compensation division of the department of labor and industry and the workers' compensation court of appeals as to the necessity and extent of any alteration or remodeling of an existing residence or the building or purchase of a new or different residence which is proposed by a licensed architect under section 176.137.

Sec. 3. REPEALER.

Minnesota Statutes 1982, section 256.483, is repealed.

Sec. 4. EFFECTIVE DATE.

This act is effective the day following final enactment.

Approved June 6, 1983

CHAPTER 278 — S.F.No. 723

An act relating to public welfare; providing guidelines for considering race and ethnic origin in foster care and adoption placement; requiring recruitment, periodic review, reporting, and recordkeeping; providing for a voluntary task force; amending Minnesota Statutes 1982, sections 257.01; 257.071, subdivision 2, and by adding subdivisions; 259.27, subdivisions 1 and 2; 259.28; 260.181, subdivision 3; 260.191, subdivision 1; 260.192; and 260.242, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapters 257 and 259.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

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

Section 1. Minnesota Statutes 1982, section 257.01, is amended to read:

257.01 RECORDS REQUIRED.

Each person or authorized child placing agency permitted by law to receive children, secure homes for children, or care for children, shall keep a record containing the name, age, and former residence, legal status, health records, sex, race, and accumulated length of time in foster care, if applicable, of each child received; the name, former residence, occupation, health history, and character, of each genetic parent; the date of reception, placing out, and adoption of each child, and the name, race, occupation, and residence of the person with whom a child is placed; the date of the removal of any child to another home and the cause thereof reason for removal; the date of termination of the guardianship; the history of each child until he reaches the age of 18 years, is legally adopted, or is discharged according to law; and ~~such~~ further demographic and other information as is required by the commissioner of public welfare.

Sec. 2. [257.065] **AUTHORIZED CHILD PLACING AGENCY DEFINITION.**

For the purposes of chapters 257 and 259, "authorized child placing agency" means the local social service agency under the authority of the county welfare board or human service board, or any agency licensed by the commissioner of public welfare or a comparable authority in the state or United States, to place children for foster care or adoption.

Sec. 3. Minnesota Statutes 1982, section 257.071, is amended by adding a subdivision to read:

Subd. 1a. PROTECTION OF HERITAGE OR BACKGROUND. The authorized child placing agency shall ensure that the child's best interests are met by giving due consideration of the child's race or ethnic heritage in making a family foster care placement. The authorized child placing agency shall place a child, released by court order or by voluntary release by the parent or parents, in a family foster home selected by following the preferences described in section 260.181, subdivision 3.

Sec. 4. Minnesota Statutes 1982, section 257.071, subdivision 2, is amended to read:

Subd. 2. SIX MONTH REVIEW OF VOLUNTARY PLACEMENTS. If the child has been placed in a residential facility pursuant to a voluntary release by his parent or parents, There shall be an administrative review of the case plan shall be subject to an administrative review of each child placed in a residential facility no later than 180 days after the initial placement of the child in a residential facility and at least every six months thereafter if the child is not returned to the home of his parent or parents within that time. As an alternative

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to the administrative review, the social service agency responsible for the placement may bring a petition as provided in section 260.131, subdivision 1a, to the court for review of the foster care to determine if placement is in the best interests of the child. This petition must be brought to the court within the applicable six months and is not in lieu of the requirements contained in subdivision 3 or 4.

Sec. 5. Minnesota Statutes 1982, section 257.071, is amended by adding a subdivision to read:

Subd. 6. ANNUAL FOSTER CARE REPORT. The commissioner of public welfare shall publish annually a report on children in residential facilities as defined in subdivision 1. The report shall include, by county and statewide, information on legal status, living arrangement, age, sex, race, accumulated length of time in foster care, and other demographic information deemed appropriate on all children placed in residential facilities. The report shall also state the extent to which authorized child placing agencies comply with sections 6 and 11 and include descriptions of the methods used to comply with those sections.

Sec. 6. [257.072] RECRUITMENT OF FOSTER FAMILIES.

Each authorized child placing agency shall make special efforts to recruit a foster family from among the child's relatives, except as authorized in section 260.181, subdivision 3, and among families of the same minority racial or minority ethnic heritage. Special efforts include contacting and working with community organizations and religious organizations, utilizing local media and other local resources, and conducting outreach activities. The agency may accept any gifts, grants, offers of services, and other contributions to use in making special recruitment efforts.

Sec. 7. [259.255] PROTECTION OF HERITAGE OR BACKGROUND.

The policy of the state of Minnesota is to ensure that the best interests of the child are met by requiring due consideration of the child's minority race or minority ethnic heritage in adoption placements. For purposes of intercountry adoptions, due consideration is deemed to have occurred if the appropriate authority in the child's country of birth has approved the placement of the child.

The authorized child placing agency shall give preference, in the absence of good cause to the contrary, to placing the child with (a) a relative or relatives of the child, or, if that would be detrimental to the child or a relative is not available, (b) a family with the same racial or ethnic heritage as the child, or, if that is not feasible, (c) a family of different racial or ethnic heritage from the child which is knowledgeable and appreciative of the child's racial or ethnic heritage.

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If the child's genetic parent or parents explicitly request that the preference described in clause (a) or clauses (a) and (b) not be followed, the authorized child placing agency shall honor that request consistent with the best interests of the child.

If the child's genetic parent or parents express a preference for placing the child in an adoptive home of the same or a similar religious background to that of the genetic parent or parents, in following the preferences in clause (a) or (b), the agency shall place the child with a family that also meets the genetic parent's religious preference. Only if no family is available that is described in clause (a) or (b) may the agency give preference to a family described in clause (c) that meets the parent's religious preference.

Sec. 8. Minnesota Statutes 1982, section 259.27, subdivision 1, is amended to read:

Subdivision 1. **COMMISSIONER'S DUTIES.** Upon the filing of a petition for adoption of a child the clerk of court shall immediately transmit a copy of the petition to the commissioner of public welfare. The commissioner shall verify the allegations of the petition, investigate the conditions and antecedents of the child for the purpose of ascertaining whether he is a proper subject for adoption, and make appropriate inquiry to ascertain whether the proposed foster home and the child are suited to each other and whether the proposed foster home meets the preferences described in section 259.28, subdivision 2. The report of the county welfare board submitted to the commissioner of public welfare bearing on the suitability of the proposed foster home and the child to each other shall be confidential, and the records of the county welfare board or the contents thereof shall not be disclosed either directly or indirectly to any person other than the commissioner of public welfare or a judge of the court having jurisdiction of the matter. Within 90 days after the receipt of said copy of the petition the commissioner shall submit to the court a full report in writing with his recommendations as to the granting of the petition. If such report is not returned within the 90 days, without fault of petitioner, the court may hear the petition upon giving the commissioner five days notice by mail of the time and place of the hearing. If such report disapproves of the adoption of the child, the commissioner may recommend that the court dismiss the petition.

Sec. 9. Minnesota Statutes 1982, section 259.27, subdivision 2, is amended to read:

Subd. 2. **ADOPTION AGENCIES.** Notwithstanding the provisions of subdivision 1, if the child to be adopted has been committed to the guardianship of an agency pursuant to section 260.241, or if the child has been surrendered to an agency pursuant to section 259.25 the court, in its discretion, may refer the adoption petition to such agency, or, if the adopting parent has a step-parent relationship to the child, to the county welfare department of the county in which the adoption is pending. The agency or county welfare department, within 90

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days of receipt of a copy of the adoption petition, shall file with the court a report of its investigation of the environment and antecedents of the child to be adopted and of the home of the petitioners and its determination whether the home of the petitioners meets the preferences described in section 259.28, subdivision 2. If such report disapproves of the adoption of the child, the agency or county welfare department may recommend that the court dismiss the petition.

Sec. 10. Minnesota Statutes 1982, section 259.28, is amended to read:
259.28 **HEARING, DECREE.**

Subdivision 1. FINDINGS; ORDERS. Upon the hearing,

(a) if the court ~~shall find~~ finds that it is in the best interests of the child that the petition be granted, a decree of adoption shall be made and recorded in the office of the clerk of court, ordering that henceforth the child shall be the child of the petitioner. In the decree the court may change the name of the child if desired. After the decree is granted the clerk of court shall immediately mail a copy of the recorded decree to the commissioner of public welfare;

(b) if the court is not satisfied that the proposed adoption is in the best interests of the child, the court shall deny the petition, and shall order the child returned to the custody of the person or agency legally vested with permanent custody or certify the case for appropriate action and disposition to the court having jurisdiction to determine the custody and guardianship of the child.

Subd. 2. PROTECTION OF HERITAGE OR BACKGROUND. The policy of the state of Minnesota is to ensure that the best interests of children are met by requiring due consideration of the child's minority race or minority ethnic heritage in adoption placements. For purposes of intercountry adoptions, due consideration is deemed to have occurred if the appropriate authority in the child's country of birth has approved the placement of the child.

In the adoption of a child of minority racial or minority ethnic heritage, in reviewing adoptive placement, the court shall consider preference, and in determining appropriate adoption, the court shall give preference, in the absence of good cause to the contrary, to (a) a relative or relatives of the child, or, if that would be detrimental to the child or a relative is not available, to (b) a family with the same racial or ethnic heritage as the child, or if that is not feasible, to (c) a family of different racial or ethnic heritage from the child that is knowledgeable and appreciative of the child's racial or ethnic heritage.

If the child's genetic parent or parents explicitly request that the preference described in clause (a) or in clauses (a) and (b) not be followed, the court shall honor that request consistent with the best interests of the child.

If the child's genetic parent or parents express a preference for placing the child in an adoptive home of the same or a similar religious background to that of the genetic parent or parents, in following the preferences in clause (a) or (b), the

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court shall place the child with a family that also meets the genetic parent's religious preference. Only if no family is available as described in clause (a) or (b) may the court give preference to a family described in clause (c) that meets the parent's religious preference.

Sec. 11. [259.455] FAMILY RECRUITMENT.

Each authorized child placing agency shall make special efforts to recruit an adoptive family from among the child's relatives, except as authorized in section 259.28, subdivision 2, and among families of the same minority racial or minority ethnic heritage. Special efforts include contacting and working with community organizations and religious organizations, utilizing local media and other local resources, and conducting outreach activities. The agency may accept any gifts, grants, offers of services, and other contributions to use in making special recruitment efforts.

Sec. 12. Minnesota Statutes 1982, section 260.181, subdivision 3, is amended to read:

Subd. 3. **PROTECTION OF RELIGIOUS AND RACIAL OR ETHNIC HERITAGE, OR RELIGIOUS AFFILIATION.** The policy of the state is to ensure that the best interests of children are met by requiring due consideration of the child's minority race or minority ethnic heritage in foster care placements.

The court, in transferring legal custody of any child or appointing a guardian for ~~him~~ the child under the laws relating to juvenile courts, shall place ~~him~~ the child so far as it deems practicable the child, in the following order of preference, in the absence of good cause to the contrary, in the legal custody or guardianship of ~~some~~ an individual holding the same religious belief and the same ethnic origin as the parents of the child, or with some association which is controlled by persons of like religious faith and ethnic origin as the parents who (a) is the child's relative, or if that would be detrimental to the child or a relative is not available, who (b) is of the same racial or ethnic heritage as the child, or if that is not possible, who (c) is knowledgeable and appreciative of the child's racial or ethnic heritage. The court may require the county welfare agency to continue efforts to find a guardian of ~~like religious faith or ethnic origin~~ the child's minority racial or minority ethnic heritage when such a guardian is not immediately available.

If the child's genetic parent or parents explicitly request that the preference described in clause (a) or in clauses (a) and (b) not be followed, the court shall honor that request consistent with the best interests of the child.

If the child's genetic parent or parents express a preference for placing the child in a foster or adoptive home of the same or a similar religious background to that of the genetic parent or parents, in following the preferences in clause (a) or (b), the court shall order placement of the child with an individual who meets

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the genetic parent's religious preference. Only if no individual is available who is described in clause (a) or (b) may the court give preference to an individual described in clause (c) who meets the parent's religious preference.

Sec. 13. Minnesota Statutes 1982, section 260.191, subdivision 1, is amended to read:

Subdivision 1. **DISPOSITIONS.** If the court finds that the child is neglected, dependent, or neglected and in foster care, it shall enter an order making any of the following dispositions of the case:

(a) Place the child under the protective supervision of the county welfare board or child placing agency in his own home under conditions prescribed by the court directed to the correction of the neglect or dependency of the child;

(b) Transfer legal custody to one of the following:

(1) a child placing agency; or

(2) the county welfare board;

(c) If the child is in need of special treatment and care for his physical or mental health, the court may order the child's parent, guardian, or custodian to provide it. If the parent, guardian, or custodian fails to provide this treatment or care, the court may order it provided.

Subd. 1a. WRITTEN FINDINGS. Any order for a disposition authorized under this section shall contain written findings of fact to support the disposition ordered, and shall also set forth in writing the following information:

(a) Why the best interests of the child are served by the disposition ordered; and

(b) What alternative dispositions were considered by the court and why such dispositions were not appropriate in the instant case; and

(c) In the case of a child of minority racial or minority ethnic heritage, how the court's disposition complies with the requirements of section 260.181, subdivision 3.

Sec. 14. Minnesota Statutes 1982, section 260.192, is amended to read:

260.192 DISPOSITIONS; VOLUNTARY FOSTER CARE PLACEMENTS.

Upon a petition for review of the foster care status of a child, the court may:

(a) Find that the child's needs are being met and that the child's placement in foster care is in the best interests of the child, in which case the court shall approve the voluntary arrangement. The court shall order the social

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service agency responsible for the placement to bring a petition pursuant to either section 260.131, subdivision 1 or section 260.131, subdivision 1a, as appropriate, within two years if court review was pursuant to section 257.071, subdivision 3 or subdivision 4, or within one year if court review was pursuant to section 257.071, subdivision 2.

(b) Find that the child's needs are not being met, in which case the court shall order the social service agency or the parents to take whatever action is necessary and feasible to meet the child's needs, including, when appropriate, the provision by the social service agency of services to the parents which would enable the child to live at home, and shall order an administrative review of the case to be reviewed again within six months and a review by the court within one year.

(c) Find that the child has been abandoned by his parents financially or emotionally, or that the developmentally disabled child does not require out-of-home care because of the handicapping condition, in which case the court shall order the social service agency to file an appropriate petition pursuant to sections 260.131, subdivision 1, or 260.231.

Nothing in this section shall be construed to prohibit bringing a petition pursuant to section 260.131, subdivision 1 or 2, sooner than required by court order pursuant to this section.

Sec. 15. Minnesota Statutes 1982, section 260.242, is amended by adding a subdivision to read:

Subd. 1a. PROTECTION OF HERITAGE OR BACKGROUND. In ordering guardianship and transferring legal custody of the child to an individual under this section, the court shall comply with the provisions of section 260.181, subdivision 3.

Sec. 16. **ADVISORY TASK FORCE.**

The commissioner of public welfare shall establish a foster care and adoption advisory task force to advise the commissioner on foster care and adoption policy regarding children of minority racial or minority ethnic heritage. Task force members shall serve on a voluntary basis. The task force shall expire on June 30, 1985.

Sec. 17. **[257.80] RULEMAKING.**

The commissioner of public welfare shall promulgate rules to implement the provisions of sections 1 to 9 and 11 and to coordinate foster care and adoption services in order to facilitate referral of children from foster care into adoptive placement where eventual return of the child to the child's genetic parent or parents is unlikely or would be detrimental to the child.

Approved June 6, 1983

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