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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 1420

02/22/2021

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The bill was read for the first time and referred to the Committee on Human Services Finance and Policy

1.1 A bill for an act

1.2 relating to human services; child protection; establishing additional relative foster

1.3 care case management, licensing support, and training services and resources;

1.4 requiring a local social services agency to work with a community-based

1.5 organization to conduct required relative searches; instructing the commissioner

1.6 of human services to review opportunities to implement additional relative search

1.7 services and kinship navigator models; appropriating money; amending Minnesota

1.8 Statutes 2020, sections 260C.212, by adding a subdivision; 260C.221; proposing

1.9 coding for new law in Minnesota Statutes, chapters 245A; 260C.

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

1.11 Section 1. [245A.036] CHILD FOSTER CARE RELATIVE PLACEMENT

1.12 LICENSING SUPPORT AND TRAINING.

1.13 (a) If a child is placed in foster care, the local social services agency or other child-placing

1.14 agency must offer to refer the relative caregiver who has taken the emergency placement

1.15 or other potential relative caregivers to a private, community-based organization to provide

1.16 training, support, and guidance to the relative caregiver through the foster care licensing

1.17 process.

1.18 (b) If a relative caregiver states a preference for a referral, the private, community-based

1.19 organization must:

1.20 (1) provide guidance through the preclicensing and licensing process;

1.21 (2) identify and assess potential barriers to licensure;

1.22 (3) assess and recommend any licensing variances that would be appropriate; and

1.23 (4) establish a realistic licensure timeline.

2.1 (c) The private, community-based organization must offer training addressing the unique
2.2 needs of the child being placed in the relative's care, and must offer training to relative
2.3 caregivers on the following topics:

2.4 (1) the child foster care licensing process;

2.5 (2) family connection visual tools such as genograms and ecomaps;

2.6 (3) trauma-informed parenting;

2.7 (4) managing changes in family dynamics upon placement with a relative caregiver;

2.8 (5) intergenerational trauma; and

2.9 (6) basic child development.

2.10 (d) Each private, community-based organization that receives referrals and provides
2.11 services under this section must be licensed by the commissioner to provide and facilitate
2.12 foster care and child placement services, must have experience providing the services listed
2.13 in this section, and must have a contract with the commissioner to provide these services.

2.14 Sec. 2. Minnesota Statutes 2020, section 260C.212, is amended by adding a subdivision
2.15 to read:

2.16 Subd. 2a. **Relative placement case management and support.** (a) If a child is placed
2.17 in an out-of-home placement with a relative caregiver, the local social services agency or
2.18 other child-placing agency must offer to refer the relative caregiver to a private,
2.19 community-based organization to provide case management and support for the duration
2.20 of the placement.

2.21 (b) The local social services agency or the private, community-based organization, if
2.22 applicable, must design a case management services plan to coordinate family supports and
2.23 access additional services for the child and family, as needed, in collaboration with the local
2.24 social services agency or other child-placing agency. The applicable agency must outline
2.25 plans for services and supports, including but not limited to:

2.26 (1) health insurance coverage;

2.27 (2) the child's education;

2.28 (3) child care;

2.29 (4) mental and physical health;

2.30 (5) community engagement and recreation;

3.1 (6) cultural and religious preferences of the child and family;

3.2 (7) transportation needs; and

3.3 (8) maintaining and supporting family relationships.

3.4 (c) The applicable agency must also provide referrals for appropriate services for the
3.5 child and relative caregiver family, including but not limited to family therapy, individual
3.6 therapy, developmental screenings, and fetal alcohol spectrum disorder assessments.

3.7 (d) Relative caregivers may also contact the relative placement support call line,
3.8 established under section 260C.222, to receive information about support services and
3.9 referrals for appropriate services.

3.10 (e) Each private, community-based organization that receives referrals and provides
3.11 services under this section must be licensed by the commissioner to provide and facilitate
3.12 foster care and child placement services, must have experience providing the services listed
3.13 in this section, and must have a contract with the commissioner to provide these services.

3.14 Sec. 3. Minnesota Statutes 2020, section 260C.221, is amended to read:

3.15 **260C.221 RELATIVE SEARCH.**

3.16 (a) The responsible social services agency shall exercise due diligence to identify and
3.17 notify adult relatives prior to placement or within 30 days after the child's removal from the
3.18 parent. The county agency shall consider placement with a relative under this section without
3.19 delay and whenever the child must move from or be returned to foster care. The relative
3.20 search required by this section shall be comprehensive in scope. After a finding that the
3.21 agency has made reasonable efforts to conduct the relative search under this paragraph, the
3.22 agency has the continuing responsibility to appropriately involve relatives, who have
3.23 responded to the notice required under this paragraph, in planning for the child and to
3.24 continue to consider relatives according to the requirements of section 260C.212, subdivision
3.25 2. At any time during the course of juvenile protection proceedings, the court may order
3.26 the agency to reopen its search for relatives when it is in the child's best interest to do so.

3.27 (b) The relative search required by this section shall include both maternal and paternal
3.28 adult relatives of the child; all adult grandparents; all legal parents, guardians, or custodians
3.29 of the child's siblings; and any other adult relatives suggested by the child's parents, subject
3.30 to the exceptions due to family violence in paragraph (c). The search shall also include
3.31 getting information from the child in an age-appropriate manner about who the child
3.32 considers to be family members and important friends with whom the child has resided or
3.33 had significant contact. The relative search required under this section must fulfill the

4.1 agency's duties under the Indian Child Welfare Act regarding active efforts to prevent the
4.2 breakup of the Indian family under United States Code, title 25, section 1912(d), and to
4.3 meet placement preferences under United States Code, title 25, section 1915. The relatives
4.4 must be notified:

4.5 (1) of the need for a foster home for the child, the option to become a placement resource
4.6 for the child, and the possibility of the need for a permanent placement for the child;

4.7 (2) of their responsibility to keep the responsible social services agency and the court
4.8 informed of their current address in order to receive notice in the event that a permanent
4.9 placement is sought for the child and to receive notice of the permanency progress review
4.10 hearing under section 260C.204. A relative who fails to provide a current address to the
4.11 responsible social services agency and the court forfeits the right to receive notice of the
4.12 possibility of permanent placement and of the permanency progress review hearing under
4.13 section 260C.204. A decision by a relative not to be identified as a potential permanent
4.14 placement resource or participate in planning for the child at the beginning of the case shall
4.15 not affect whether the relative is considered for placement of the child with that relative
4.16 later;

4.17 (3) that the relative may participate in the care and planning for the child, including that
4.18 the opportunity for such participation may be lost by failing to respond to the notice sent
4.19 under this subdivision. "Participate in the care and planning" includes, but is not limited to,
4.20 participation in case planning for the parent and child, identifying the strengths and needs
4.21 of the parent and child, supervising visits, providing respite and vacation visits for the child,
4.22 providing transportation to appointments, suggesting other relatives who might be able to
4.23 help support the case plan, and to the extent possible, helping to maintain the child's familiar
4.24 and regular activities and contact with friends and relatives;

4.25 (4) of the family foster care licensing requirements, including how to complete an
4.26 application and how to request a variance from licensing standards that do not present a
4.27 safety or health risk to the child in the home under section 245A.04 and supports that are
4.28 available for relatives and children who reside in a family foster home; and

4.29 (5) of the relatives' right to ask to be notified of any court proceedings regarding the
4.30 child, to attend the hearings, and of a relative's right or opportunity to be heard by the court
4.31 as required under section 260C.152, subdivision 5.

4.32 (c) A responsible social services agency may disclose private data, as defined in section
4.33 13.02 and chapter 260E, to relatives of the child for the purpose of locating and assessing
4.34 a suitable placement and may use any reasonable means of identifying and locating relatives

5.1 including the Internet or other electronic means of conducting a search. The agency shall
5.2 disclose data that is necessary to facilitate possible placement with relatives and to ensure
5.3 that the relative is informed of the needs of the child so the relative can participate in planning
5.4 for the child and be supportive of services to the child and family. If the child's parent refuses
5.5 to give the responsible social services agency information sufficient to identify the maternal
5.6 and paternal relatives of the child, the agency shall ask the juvenile court to order the parent
5.7 to provide the necessary information. If a parent makes an explicit request that a specific
5.8 relative not be contacted or considered for placement due to safety reasons including past
5.9 family or domestic violence, the agency shall bring the parent's request to the attention of
5.10 the court to determine whether the parent's request is consistent with the best interests of
5.11 the child and the agency shall not contact the specific relative when the juvenile court finds
5.12 that contacting the specific relative would endanger the parent, guardian, child, sibling, or
5.13 any family member.

5.14 (d) At a regularly scheduled hearing not later than three months after the child's placement
5.15 in foster care and as required in section 260C.202, the agency shall report to the court:

5.16 (1) its efforts to identify maternal and paternal relatives of the child and to engage the
5.17 relatives in providing support for the child and family, and document that the relatives have
5.18 been provided the notice required under paragraph (a); and

5.19 (2) its decision regarding placing the child with a relative as required under section
5.20 260C.212, subdivision 2, and to ask relatives to visit or maintain contact with the child in
5.21 order to support family connections for the child, when placement with a relative is not
5.22 possible or appropriate.

5.23 (e) Notwithstanding chapter 13, the agency shall disclose data about particular relatives
5.24 identified, searched for, and contacted for the purposes of the court's review of the agency's
5.25 due diligence.

5.26 (f) When the court is satisfied that the agency has exercised due diligence to identify
5.27 relatives and provide the notice required in paragraph (a), the court may find that reasonable
5.28 efforts have been made to conduct a relative search to identify and provide notice to adult
5.29 relatives as required under section 260.012, paragraph (e), clause (3). If the court is not
5.30 satisfied that the agency has exercised due diligence to identify relatives and provide the
5.31 notice required in paragraph (a), the court may order the agency to continue its search and
5.32 notice efforts and to report back to the court.

5.33 (g) When the placing agency determines that permanent placement proceedings are
5.34 necessary because there is a likelihood that the child will not return to a parent's care, the

6.1 agency must send the notice provided in paragraph (h), may ask the court to modify the
6.2 duty of the agency to send the notice required in paragraph (h), or may ask the court to
6.3 completely relieve the agency of the requirements of paragraph (h). The relative notification
6.4 requirements of paragraph (h) do not apply when the child is placed with an appropriate
6.5 relative or a foster home that has committed to adopting the child or taking permanent legal
6.6 and physical custody of the child and the agency approves of that foster home for permanent
6.7 placement of the child. The actions ordered by the court under this section must be consistent
6.8 with the best interests, safety, permanency, and welfare of the child.

6.9 (h) Unless required under the Indian Child Welfare Act or relieved of this duty by the
6.10 court under paragraph (f), when the agency determines that it is necessary to prepare for
6.11 permanent placement determination proceedings, or in anticipation of filing a termination
6.12 of parental rights petition, the agency shall send notice to the relatives, any adult with whom
6.13 the child is currently residing, any adult with whom the child has resided for one year or
6.14 longer in the past, and any adults who have maintained a relationship or exercised visitation
6.15 with the child as identified in the agency case plan. The notice must state that a permanent
6.16 home is sought for the child and that the individuals receiving the notice may indicate to
6.17 the agency their interest in providing a permanent home. The notice must state that within
6.18 30 days of receipt of the notice an individual receiving the notice must indicate to the agency
6.19 the individual's interest in providing a permanent home for the child or that the individual
6.20 may lose the opportunity to be considered for a permanent placement.

6.21 (i) The responsible social services agency must have a service agreement with a private,
6.22 community-based organization to provide additional expertise and capacity for conducting
6.23 the required relative search under this section and identify potential relatives with whom to
6.24 place a child. The community-based organization must have a contract with the
6.25 commissioner, and must have the demonstrated technological capacity and engagement
6.26 expertise to conduct in-depth relative searches and individualized, culturally responsive
6.27 outreach to potential relative caregivers. The community-based organization must engage
6.28 and coordinate with the responsible social services agency, the identified potential relative
6.29 caregivers, and all other relevant service providers to support effective transitions for the
6.30 family after the child is placed with a relative.

6.31 **Sec. 4. [260C.222] RELATIVE CAREGIVER SUPPORT CALL LINE.**

6.32 (a) The commissioner of human services must establish a relative caregiver support call
6.33 line that is staffed to take calls 24 hours a day, seven days a week. Support call line staff
6.34 must be equipped to answer questions regarding the child foster care licensing process and

7.1 provide information about available legal, educational, and medical access resources, and
 7.2 other support services and referrals for appropriate services for the child and family.

7.3 (b) The commissioner must contract with an experienced, professional entity through a
 7.4 request for proposals process for the development and continued operation of the relative
 7.5 caregiver support call line.

7.6 **Sec. 5. DIRECTION TO COMMISSIONER; FAMILY FIRST PREVENTION**
 7.7 **KINSHIP SERVICES.**

7.8 The commissioner of human services shall continue to review opportunities to implement
 7.9 additional relative search services and kinship navigator models that support placement of
 7.10 children with relative foster parents, in anticipation of reimbursement for eligible services
 7.11 under the Family First Prevention Services Act. Kinship navigator models would assist
 7.12 relative foster parents with home studies and licensing requirements and provide ongoing
 7.13 support to the relative caregivers and children in out-of-home placement with relatives.

7.14 **Sec. 6. APPROPRIATIONS; RELATIVE CAREGIVER SUPPORT; RELATIVE**
 7.15 **SEARCH AND OUTREACH.**

7.16 (a) \$..... in fiscal year 2022 and \$..... in fiscal year 2023 are appropriated from the
 7.17 general fund to the commissioner of human services for contracts with private,
 7.18 community-based organizations to provide foster care training and licensing support to
 7.19 relative caregivers under Minnesota Statutes, section 245A.036, and relative placement case
 7.20 management and support under Minnesota Statutes, section 260C.212, subdivision 2a,
 7.21 through referrals from local social services agencies or other child-placing agencies.

7.22 (b) \$..... in fiscal year 2022 and \$..... in fiscal year 2023 are appropriated from the
 7.23 general fund to the commissioner of human services to contract with an experienced,
 7.24 professional entity to develop and operate the relative placement support call line established
 7.25 under Minnesota Statutes, section 260C.222.

7.26 (c) \$..... in fiscal year 2022 and \$..... in fiscal year 2023 are appropriated from the
 7.27 general fund to the commissioner of human services for contracts with private,
 7.28 community-based organizations with demonstrated technological capacity and engagement
 7.29 expertise to assist local social services agencies with relative searches required under
 7.30 Minnesota Statutes, section 260C.221.