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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. **3159**

02/07/2022 Authored by Hollins, Agbaje and Reyer
The bill was read for the first time and referred to the Committee on Human Services Finance and Policy
02/28/2022 Adoption of Report: Amended and re-referred to the Committee on Judiciary Finance and Civil Law

1.1 A bill for an act
1.2 relating to human services; modifying purpose of law for permanency dispositions
1.3 when a child cannot be placed with parents; modifying permanency dispositions
1.4 when a child cannot return home; amending Minnesota Statutes 2020, sections
1.5 260C.001, subdivision 3; 260C.513.

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

1.7 Section 1. Minnesota Statutes 2020, section 260C.001, subdivision 3, is amended to read:

1.8 Subd. 3. **Permanency, termination of parental rights, and adoption.** The purpose of
1.9 the laws relating to permanency, termination of parental rights, and children who come
1.10 under the guardianship of the commissioner of human services is to ensure that:

1.11 (1) when required and appropriate, reasonable efforts have been made by the social
1.12 services agency to reunite the child with the child's parents in a home that is safe and
1.13 permanent;

1.14 (2) if placement with the parents is not reasonably foreseeable, to secure for the child a
1.15 safe and permanent placement according to the requirements of section 260C.212, subdivision
1.16 2, preferably ~~with adoptive parents~~ with a relative through an adoption or a transfer of
1.17 permanent legal and physical custody or, if that is not possible or in the best interests of the
1.18 child, ~~a fit and willing relative through transfer of permanent legal and physical custody to~~
1.19 ~~that relative~~ with a nonrelative caregiver through adoption; and

1.20 (3) when a child is under the guardianship of the commissioner of human services,
1.21 reasonable efforts are made to finalize an adoptive home for the child in a timely manner.

1.22 Nothing in this section requires reasonable efforts to prevent placement or to reunify
1.23 the child with the parent or guardian to be made in circumstances where the court has

2.1 determined that the child has been subjected to egregious harm, when the child is an
2.2 abandoned infant, the parent has involuntarily lost custody of another child through a
2.3 proceeding under section 260C.515, subdivision 4, or similar law of another state, the
2.4 parental rights of the parent to a sibling have been involuntarily terminated, or the court has
2.5 determined that reasonable efforts or further reasonable efforts to reunify the child with the
2.6 parent or guardian would be futile.

2.7 The paramount consideration in all proceedings for permanent placement of the child
2.8 under sections 260C.503 to 260C.521, or the termination of parental rights is the best interests
2.9 of the child. In proceedings involving an American Indian child, as defined in section
2.10 260.755, subdivision 8, the best interests of the child must be determined consistent with
2.11 the Indian Child Welfare Act of 1978, United States Code, title 25, section 1901, et seq.

2.12 Sec. 2. Minnesota Statutes 2020, section 260C.513, is amended to read:

2.13 **260C.513 PERMANENCY DISPOSITIONS WHEN CHILD CANNOT RETURN**
2.14 **HOME.**

2.15 ~~(a) Termination of parental rights and adoption, or guardianship to the commissioner of~~
2.16 ~~human services through a consent to adopt, are preferred permanency options for a child~~
2.17 ~~who cannot return home. If the court finds that termination of parental rights and guardianship~~
2.18 ~~to the commissioner is not in the child's best interests, the court may transfer permanent~~
2.19 ~~legal and physical custody of the child to a relative when that order is in the child's best~~
2.20 ~~interests~~ In determining a permanency disposition under section 260C.515 for a child who
2.21 cannot return home, the court shall give preference to a permanency disposition that will
2.22 result in the child being placed in the permanent care of a relative through an adoption or
2.23 a transfer of permanent legal and physical custody, consistent with the best interests of the
2.24 child and section 260C.212, subdivision 2, paragraph (a). If the court finds that a permanent
2.25 placement with a relative is not in the child's best interests, the court may consider a
2.26 permanency disposition that may result in the child being permanently placed in the care
2.27 of a nonrelative caregiver, including adoption.

2.28 (b) When the court has determined that permanent placement of the child away from
2.29 the parent is necessary, the court shall consider permanent alternative homes that are available
2.30 both inside and outside the state.