

**SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION**

S.F. No. 4105

(SENATE AUTHORS: RELPH)

DATE	D-PG	OFFICIAL STATUS
03/09/2020	5335	Introduction and first reading Referred to Human Services Reform Finance and Policy

1.1 A bill for an act

1.2 relating to human services; modifying adoption provisions; adding safe place for

1.3 newborns provisions; modifying child welfare program provisions; modifying

1.4 Northstar kinship assistance provisions; amending Minnesota Statutes 2018,

1.5 sections 144.216, by adding subdivisions; 144.218, by adding a subdivision;

1.6 144.226, subdivision 1; 145.902; 256N.02, subdivisions 16, 17; 256N.22,

1.7 subdivision 1; 256N.23, subdivisions 2, 6; 256N.24, subdivisions 1, 8, 11, 12, 14;

1.8 259.241; 259.35, subdivision 1; 259.53, subdivision 4; 259.75, subdivisions 5, 6,

1.9 9; 259.83, subdivision 1a; 259A.75, subdivisions 1, 2, 3, 4; 260C.212, subdivision

1.10 1, by adding a subdivision; 260C.219; 260C.503, subdivision 2; 260C.515,

1.11 subdivision 3; 260C.605, subdivision 1; 260C.607, subdivision 6; 260C.609;

1.12 260C.615; Minnesota Statutes 2019 Supplement, sections 260C.007, subdivision

1.13 22a; 260C.212, subdivision 2.

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

1.15 Section 1. Minnesota Statutes 2018, section 144.216, is amended by adding a subdivision
1.16 to read:

1.17 Subd. 3. Reporting safe place newborn births. A hospital that receives a safe place

1.18 newborn under section 145.902 shall report the birth of the newborn to the Office of Vital

1.19 Records within five days after receiving the newborn. The state registrar must register

1.20 information about the safe place newborn according to part 4601.0600, subpart 4, item C.

1.21 EFFECTIVE DATE. This section is effective August 1, 2020.

1.22 Sec. 2. Minnesota Statutes 2018, section 144.216, is amended by adding a subdivision to
1.23 read:

1.24 Subd. 4. Status of safe place birth registrations. (a) Information about the safe place

1.25 newborn registered under subdivision 3 shall constitute the record of birth for the child. The

1.26 record is confidential data on individuals as defined in section 13.02, subdivision 3.

2.1 Information on the birth record or a birth certificate issued from the birth record shall be
2.2 disclosed only to the responsible social services agency as defined in section 260C.007,
2.3 subdivision 27a, or pursuant to court order.

2.4 (b) Pursuant to section 144.218, subdivision 6, if the safe place newborn was born in a
2.5 hospital and it is known that a record of birth was registered, the Office of Vital Records
2.6 shall replace the original birth record registered under section 144.215.

2.7 **EFFECTIVE DATE.** This section is effective August 1, 2020.

2.8 Sec. 3. Minnesota Statutes 2018, section 144.218, is amended by adding a subdivision to
2.9 read:

2.10 Subd. 6. **Safe place newborns.** If a hospital receives a safe place newborn under section
2.11 145.902 and it is known that a record of birth was registered, the hospital shall report the
2.12 newborn to the Office of Vital Records and identify the birth record. The state registrar
2.13 shall issue a replacement birth record free of information that identifies a parent. The prior
2.14 vital record is confidential data on individuals as defined in section 13.02, subdivision 3,
2.15 and shall not be disclosed except pursuant to court order.

2.16 **EFFECTIVE DATE.** This section is effective August 1, 2020.

2.17 Sec. 4. Minnesota Statutes 2018, section 144.226, subdivision 1, is amended to read:

2.18 Subdivision 1. **Which services are for fee.** (a) The fees for the following services shall
2.19 be the following or an amount prescribed by rule of the commissioner:

2.20 (b) The fee for the administrative review and processing of a request for a certified vital
2.21 record or a certification that the vital record cannot be found is \$9. The fee is payable at the
2.22 time of application and is nonrefundable.

2.23 (c) The fee for processing a request for the replacement of a birth record for all events,
2.24 except for safe place newborns pursuant to section 144.218, subdivision 6, and when filing
2.25 a recognition of parentage pursuant to section 257.73, subdivision 1, is \$40. The fee is
2.26 payable at the time of application and is nonrefundable.

2.27 (d) The fee for administrative review and processing of a request for the filing of a
2.28 delayed registration of birth, stillbirth, or death is \$40. The fee is payable at the time of
2.29 application and is nonrefundable.

2.30 (e) The fee for administrative review and processing of a request for the amendment of
2.31 any vital record is \$40. The fee is payable at the time of application and is nonrefundable.

3.1 (f) The fee for administrative review and processing of a request for the verification of
3.2 information from vital records is \$9 when the applicant furnishes the specific information
3.3 to locate the vital record. When the applicant does not furnish specific information, the fee
3.4 is \$20 per hour for staff time expended. Specific information includes the correct date of
3.5 the event and the correct name of the subject of the record. Fees charged shall approximate
3.6 the costs incurred in searching and copying the vital records. The fee is payable at the time
3.7 of application and is nonrefundable.

3.8 (g) The fee for administrative review and processing of a request for the issuance of a
3.9 copy of any document on file pertaining to a vital record or statement that a related document
3.10 cannot be found is \$9. The fee is payable at the time of application and is nonrefundable.

3.11 **EFFECTIVE DATE.** This section is effective August 1, 2020.

3.12 Sec. 5. Minnesota Statutes 2018, section 145.902, is amended to read:

3.13 **145.902 GIVE LIFE A CHANCE; SAFE PLACE FOR NEWBORNS DUTIES;**
3.14 **IMMUNITY.**

3.15 Subdivision 1. **General.** (a) For purposes of this section, a "safe place" means a hospital
3.16 licensed under sections 144.50 to 144.56, including the hospital where the newborn was
3.17 born, a health care provider who provides urgent care medical services, or an ambulance
3.18 service licensed under chapter 144E dispatched in response to a 911 call from a mother or
3.19 a person with the mother's permission to relinquish a newborn infant.

3.20 (b) A safe place shall receive a newborn left with an employee on the premises of the
3.21 safe place during its hours of operation, provided that:

3.22 (1) the newborn was born within seven days of being left at the safe place, as determined
3.23 within a reasonable degree of medical certainty; and

3.24 (2) the newborn is left in an unharmed condition.

3.25 (c) The safe place must not inquire as to the identity of the mother or the person leaving
3.26 the newborn or call the police, provided the newborn is unharmed when presented to the
3.27 hospital. The safe place may ask the mother or the person leaving the newborn about the
3.28 medical history of the mother or newborn and if the newborn may have lineage to an Indian
3.29 tribe and, if known, the name of the tribe but the mother or the person leaving the newborn
3.30 is not required to provide any information. The safe place may provide the mother or the
3.31 person leaving the newborn with information about how to contact relevant social service
3.32 agencies.

4.1 (d) A safe place that is a health care provider who provides urgent care medical services
4.2 shall dial 911, advise the dispatcher that the call is being made from a safe place for
4.3 newborns, and ask the dispatcher to send an ambulance or take other appropriate action to
4.4 transport the newborn to a hospital. An ambulance with whom a newborn is left shall
4.5 transport the newborn to a hospital for care. Hospitals must receive a newborn left with a
4.6 safe place and make the report as required in subdivision 2.

4.7 Subd. 2. **Reporting.** (a) Within 24 hours of receiving a newborn under this section, the
4.8 hospital must inform the responsible social service agency that a newborn has been left at
4.9 the hospital, but must not do so in the presence of the mother or the person leaving the
4.10 newborn. The hospital must provide necessary care to the newborn pending assumption of
4.11 legal responsibility by the responsible social service agency pursuant to section 260C.139,
4.12 subdivision 5.

4.13 (b) Within five days of receiving a newborn under this section, a hospital shall report
4.14 the newborn pursuant to section 144.216, subdivision 3. If a hospital receives a safe place
4.15 newborn under section 145.902 and it is known that a record of birth was registered because
4.16 the newborn was born at that hospital, the hospital shall report the newborn to the Office
4.17 of Vital Records and identify the birth record. The state registrar shall issue a replacement
4.18 birth record pursuant to section 144.218, subdivision 6.

4.19 Subd. 3. **Immunity.** (a) A safe place with responsibility for performing duties under
4.20 this section, and any hospital, employee, doctor, ambulance personnel, or other medical
4.21 professional working at the safe place, are immune from any criminal liability that otherwise
4.22 might result from their actions, if they are acting in good faith in receiving a newborn, and
4.23 are immune from any civil liability or administrative penalty that otherwise might result
4.24 from merely receiving a newborn.

4.25 (b) A safe place performing duties under this section, or an employee, doctor, ambulance
4.26 personnel, or other medical professional working at the safe place who is a mandated reporter
4.27 under section 626.556, is immune from any criminal or civil liability that otherwise might
4.28 result from the failure to make a report under that section if the person is acting in good
4.29 faith in complying with this section.

4.30 **EFFECTIVE DATE.** This section is effective August 1, 2020.

4.31 Sec. 6. Minnesota Statutes 2018, section 256N.02, subdivision 16, is amended to read:

4.32 Subd. 16. **Permanent legal and physical custody.** "Permanent legal and physical
4.33 custody" means: (1) a full transfer of permanent legal and physical custody ordered by a

5.1 Minnesota juvenile court under section 260C.515, subdivision 4, to a relative ~~ordered by a~~
5.2 ~~Minnesota juvenile court under section 260C.515, subdivision 4,~~ who is not a parent as
5.3 defined in section 260C.007, subdivision 25; or (2) for a child under jurisdiction of a tribal
5.4 court, a judicial determination under a similar provision in tribal code which means that a
5.5 relative will assume the duty and authority to provide care, control, and protection of a child
5.6 who is residing in foster care, and to make decisions regarding the child's education, health
5.7 care, and general welfare until adulthood. For purposes of establishing eligibility for Northstar
5.8 kinship assistance, permanent legal and physical custody shall not include joint legal custody,
5.9 joint physical custody, or joint legal and joint physical custody between a child's parent and
5.10 relative custodian.

5.11 Sec. 7. Minnesota Statutes 2018, section 256N.02, subdivision 17, is amended to read:

5.12 Subd. 17. **Reassessment.** "Reassessment" means an update of a previous assessment
5.13 through the process under section 256N.24 for a child who has been continuously eligible
5.14 for Northstar Care for Children, or when a child identified as an at-risk child (Level A)
5.15 under ~~guardianship or~~ adoption assistance has manifested the disability upon which eligibility
5.16 for the agreement was based according to section 256N.25, subdivision 3, paragraph (b).
5.17 A reassessment may be used to update an initial assessment, a special assessment, or a
5.18 previous reassessment.

5.19 Sec. 8. Minnesota Statutes 2018, section 256N.22, subdivision 1, is amended to read:

5.20 Subdivision 1. **General eligibility requirements.** (a) To be eligible for Northstar kinship
5.21 assistance under this section, there must be a judicial determination under section 260C.515,
5.22 subdivision 4, that a transfer of permanent legal and physical custody to a relative who is
5.23 not a parent of the child is in the child's best interest. For a child under jurisdiction of a
5.24 tribal court, a judicial determination under a similar provision in tribal code indicating that
5.25 a relative will assume the duty and authority to provide care, control, and protection of a
5.26 child who is residing in foster care, and to make decisions regarding the child's education,
5.27 health care, and general welfare until adulthood, and that this is in the child's best interest
5.28 is considered equivalent. A child whose parent shares legal, physical, or legal and physical
5.29 custody with a relative custodian is not eligible for Northstar kinship assistance. Additionally,
5.30 a child must:

5.31 (1) have been removed from the child's home pursuant to a voluntary placement
5.32 agreement or court order;

6.1 (2)(i) have resided with the prospective relative custodian who has been a licensed child
6.2 foster parent for at least six consecutive months; or

6.3 (ii) have received from the commissioner an exemption from the requirement in item
6.4 (i) that the prospective relative custodian has been a licensed child foster parent for at least
6.5 six consecutive months, based on a determination that:

6.6 (A) an expedited move to permanency is in the child's best interest;

6.7 (B) expedited permanency cannot be completed without provision of Northstar kinship
6.8 assistance;

6.9 (C) the prospective relative custodian is uniquely qualified to meet the child's needs, as
6.10 defined in section 260C.212, subdivision 2, on a permanent basis;

6.11 (D) the child and prospective relative custodian meet the eligibility requirements of this
6.12 section; and

6.13 (E) efforts were made by the legally responsible agency to place the child with the
6.14 prospective relative custodian as a licensed child foster parent for six consecutive months
6.15 before permanency, or an explanation why these efforts were not in the child's best interests;

6.16 (3) meet the agency determinations regarding permanency requirements in subdivision
6.17 2;

6.18 (4) meet the applicable citizenship and immigration requirements in subdivision 3;

6.19 (5) have been consulted regarding the proposed transfer of permanent legal and physical
6.20 custody to a relative, if the child is at least 14 years of age or is expected to attain 14 years
6.21 of age prior to the transfer of permanent legal and physical custody; and

6.22 (6) have a written, binding agreement under section 256N.25 among the caregiver or
6.23 caregivers, the financially responsible agency, and the commissioner established prior to
6.24 transfer of permanent legal and physical custody.

6.25 (b) In addition to the requirements in paragraph (a), the child's prospective relative
6.26 custodian or custodians must meet the applicable background study requirements in
6.27 subdivision 4.

6.28 (c) To be eligible for title IV-E Northstar kinship assistance, a child must also meet any
6.29 additional criteria in section 473(d) of the Social Security Act. The sibling of a child who
6.30 meets the criteria for title IV-E Northstar kinship assistance in section 473(d) of the Social
6.31 Security Act is eligible for title IV-E Northstar kinship assistance if the child and sibling
6.32 are placed with the same prospective relative custodian or custodians, and the legally

7.1 responsible agency, relatives, and commissioner agree on the appropriateness of the
7.2 arrangement for the sibling. A child who meets all eligibility criteria except those specific
7.3 to title IV-E Northstar kinship assistance is entitled to Northstar kinship assistance paid
7.4 through funds other than title IV-E.

7.5 Sec. 9. Minnesota Statutes 2018, section 256N.23, subdivision 2, is amended to read:

7.6 Subd. 2. **Special needs determination.** (a) A child is considered a child with special
7.7 needs under this section if the requirements in paragraphs (b) to (g) are met.

7.8 (b) There must be a determination that the child must not or should not be returned to
7.9 the home of the child's parents as evidenced by:

7.10 (1) a court-ordered termination of parental rights;

7.11 (2) a petition to terminate parental rights;

7.12 (3) consent of the parent to adoption accepted by the court under chapter 260C or, in
7.13 the case of a child receiving Northstar kinship assistance payments under section 256N.22,
7.14 consent of the parent to adoption accepted by the court under chapter 259;

7.15 (4) in circumstances when tribal law permits the child to be adopted without a termination
7.16 of parental rights, a judicial determination by a tribal court indicating the valid reason why
7.17 the child cannot or should not return home;

7.18 (5) a voluntary relinquishment under section 259.25 ~~or 259.47~~ or, if relinquishment
7.19 occurred in another state, the applicable laws in that state; or

7.20 (6) the death of the legal parent or parents if the child has two legal parents.

7.21 (c) There exists a specific factor or condition of which it is reasonable to conclude that
7.22 the child cannot be placed with adoptive parents without providing adoption assistance as
7.23 evidenced by:

7.24 (1) a determination by the Social Security Administration that the child meets all medical
7.25 or disability requirements of title XVI of the Social Security Act with respect to eligibility
7.26 for Supplemental Security Income benefits;

7.27 (2) a documented physical, mental, emotional, or behavioral disability not covered under
7.28 clause (1);

7.29 (3) a member of a sibling group being adopted at the same time by the same parent;

7.30 (4) an adoptive placement in the home of a parent who previously adopted a sibling for
7.31 whom they receive adoption assistance; or

8.1 (5) documentation that the child is an at-risk child.

8.2 (d) A reasonable but unsuccessful effort must have been made to place the child with
8.3 adoptive parents without providing adoption assistance as evidenced by:

8.4 (1) a documented search for an appropriate adoptive placement; or

8.5 (2) a determination by the commissioner that a search under clause (1) is not in the best
8.6 interests of the child.

8.7 (e) The requirement for a documented search for an appropriate adoptive placement
8.8 under paragraph (d), including the registration of the child with the state adoption exchange
8.9 and other recruitment methods under paragraph (f), must be waived if:

8.10 (1) the child is being adopted by a relative and it is determined by the child-placing
8.11 agency that adoption by the relative is in the best interests of the child;

8.12 (2) the child is being adopted by a foster parent with whom the child has developed
8.13 significant emotional ties while in the foster parent's care as a foster child and it is determined
8.14 by the child-placing agency that adoption by the foster parent is in the best interests of the
8.15 child; or

8.16 (3) the child is being adopted by a parent that previously adopted a sibling of the child,
8.17 and it is determined by the child-placing agency that adoption by this parent is in the best
8.18 interests of the child.

8.19 For an Indian child covered by the Indian Child Welfare Act, a waiver must not be
8.20 granted unless the child-placing agency has complied with the placement preferences required
8.21 by the Indian Child Welfare Act, United States Code, title 25, section 1915(a).

8.22 (f) To meet the requirement of a documented search for an appropriate adoptive placement
8.23 under paragraph (d), clause (1), the child-placing agency minimally must:

8.24 (1) conduct a relative search as required by section 260C.221 and give consideration to
8.25 placement with a relative, as required by section 260C.212, subdivision 2;

8.26 (2) comply with the placement preferences required by the Indian Child Welfare Act
8.27 when the Indian Child Welfare Act, United States Code, title 25, section 1915(a), applies;

8.28 (3) locate prospective adoptive families by registering the child on the state adoption
8.29 exchange, as required under section 259.75; and

8.30 (4) if registration with the state adoption exchange does not result in the identification
8.31 of an appropriate adoptive placement, the agency must employ additional recruitment
8.32 methods prescribed by the commissioner.

9.1 (g) Once the legally responsible agency has determined that placement with an identified
9.2 parent is in the child's best interests and made full written disclosure about the child's social
9.3 and medical history, the agency must ask the prospective adoptive parent if the prospective
9.4 adoptive parent is willing to adopt the child without receiving adoption assistance under
9.5 this section. If the identified parent is either unwilling or unable to adopt the child without
9.6 adoption assistance, the legally responsible agency must provide documentation as prescribed
9.7 by the commissioner to fulfill the requirement to make a reasonable effort to place the child
9.8 without adoption assistance. If the identified parent is willing to adopt the child without
9.9 adoption assistance, the parent must provide a written statement to this effect to the legally
9.10 responsible agency and the statement must be maintained in the permanent adoption record
9.11 of the legally responsible agency. For children under guardianship of the commissioner,
9.12 the legally responsible agency shall submit a copy of this statement to the commissioner to
9.13 be maintained in the permanent adoption record.

9.14 Sec. 10. Minnesota Statutes 2018, section 256N.23, subdivision 6, is amended to read:

9.15 Subd. 6. **Exclusions.** The commissioner must not enter into an adoption assistance
9.16 agreement with the following individuals:

9.17 (1) a child's biological parent or stepparent;

9.18 (2) a child's relative under section 260C.007, subdivision 26b or 27, with whom the
9.19 child resided immediately prior to child welfare involvement unless:

9.20 (i) the child was in the custody of a Minnesota county or tribal agency pursuant to an
9.21 order under chapter 260C or equivalent provisions of tribal code and the agency had
9.22 placement and care responsibility for permanency planning for the child; and

9.23 (ii) the child is under guardianship of the commissioner of human services according to
9.24 the requirements of section 260C.325, subdivision 1 or 3, or is a ward of a Minnesota tribal
9.25 court after termination of parental rights, suspension of parental rights, or a finding by the
9.26 tribal court that the child cannot safely return to the care of the parent;

9.27 (3) an individual adopting a child who is the subject of a direct adoptive placement under
9.28 section 259.47 or the equivalent in tribal code;

9.29 (4) a child's legal custodian or guardian who is now adopting the child, except for a
9.30 relative custodian as defined in section 256N.02, subdivision 19, who is currently receiving
9.31 Northstar kinship assistance benefits; or

10.1 (5) an individual who is adopting a child who is not a citizen or resident of the United
10.2 States and was either adopted in another country or brought to the United States for the
10.3 purposes of adoption.

10.4 Sec. 11. Minnesota Statutes 2018, section 256N.24, subdivision 1, is amended to read:

10.5 Subdivision 1. **Assessment.** (a) Each child eligible under sections 256N.21, 256N.22,
10.6 and 256N.23, must be assessed to determine the benefits the child may receive under section
10.7 256N.26, in accordance with the assessment tool, process, and requirements specified in
10.8 subdivision 2.

10.9 (b) If an agency applies the emergency foster care rate for initial placement under section
10.10 256N.26, the agency may wait up to 30 days to complete the initial assessment.

10.11 (c) Unless otherwise specified in paragraph (d), a child must be assessed at the basic
10.12 level, level B, or one of ten supplemental difficulty of care levels, levels C to L.

10.13 (d) An assessment must not be completed for:

10.14 (1) a child eligible for Northstar kinship assistance under section 256N.22 or adoption
10.15 assistance under section 256N.23 who is determined to be an at-risk child. A child under
10.16 this clause must be assigned level A under section 256N.26, subdivision 1; and

10.17 (2) a child transitioning into Northstar Care for Children under section 256N.28,
10.18 subdivision 7, unless the commissioner determines an assessment is appropriate.

10.19 Sec. 12. Minnesota Statutes 2018, section 256N.24, subdivision 8, is amended to read:

10.20 Subd. 8. **Completing the special assessment.** (a) The special assessment must be
10.21 completed in consultation with the child's caregiver. Face-to-face contact with the caregiver
10.22 is not required to complete the special assessment.

10.23 (b) If a new special assessment is required prior to the effective date of the Northstar
10.24 kinship assistance agreement, it must be completed by the financially responsible agency,
10.25 in consultation with the legally responsible agency if different. If the prospective relative
10.26 custodian is unable or unwilling to cooperate with the special assessment process, the child
10.27 shall be assigned the basic level, level B under section 256N.26, subdivision 3, ~~unless the~~
10.28 ~~child is known to be an at-risk child, in which case, the child shall be assigned level A under~~
10.29 ~~section 256N.26, subdivision 1.~~

10.30 (c) If a special assessment is required prior to the effective date of the adoption assistance
10.31 agreement, it must be completed by the financially responsible agency, in consultation with

11.1 the legally responsible agency if different. If there is no financially responsible agency, the
 11.2 special assessment must be completed by the agency designated by the commissioner. If
 11.3 the prospective adoptive parent is unable or unwilling to cooperate with the special
 11.4 assessment process, the child must be assigned the basic level, level B under section 256N.26,
 11.5 subdivision 3, unless the child is known to be an at-risk child, in which case, the child shall
 11.6 be assigned level A under section 256N.26, subdivision 1.

11.7 (d) Notice to the prospective relative custodians or prospective adoptive parents must
 11.8 be provided as specified in subdivision 13.

11.9 Sec. 13. Minnesota Statutes 2018, section 256N.24, subdivision 11, is amended to read:

11.10 Subd. 11. **Completion of reassessment.** (a) The reassessment must be completed in
 11.11 consultation with the child's caregiver. Face-to-face contact with the caregiver is not required
 11.12 to complete the reassessment.

11.13 (b) For foster children eligible under section 256N.21, reassessments must be completed
 11.14 by the financially responsible agency, in consultation with the legally responsible agency
 11.15 if different.

11.16 (c) If reassessment is required after the effective date of the Northstar kinship assistance
 11.17 agreement, the reassessment must be completed by the financially responsible agency.

11.18 (d) If a reassessment is required after the effective date of the adoption assistance
 11.19 agreement, it must be completed by the financially responsible agency or, if there is no
 11.20 financially responsible agency, the agency designated by the commissioner.

11.21 (e) If the child's caregiver is unable or unwilling to cooperate with the reassessment, the
 11.22 child must be assessed at level B under section 256N.26, subdivision 3, unless the child has
 11.23 ~~an a Northstar adoption assistance or Northstar kinship assistance~~ agreement in place and
 11.24 is known to be an at-risk child, in which case the child must be assessed at level A under
 11.25 section 256N.26, subdivision 1.

11.26 Sec. 14. Minnesota Statutes 2018, section 256N.24, subdivision 12, is amended to read:

11.27 Subd. 12. **Approval of initial assessments, special assessments, and reassessments.** (a)
 11.28 Any agency completing initial assessments, special assessments, or reassessments must
 11.29 designate one or more supervisors or other staff to examine and approve assessments
 11.30 completed by others in the agency under subdivision 2. The person approving an assessment
 11.31 must not be the case manager or staff member completing that assessment.

12.1 (b) In cases where a special assessment or reassessment for ~~guardian~~ Northstar kinship
 12.2 assistance and adoption assistance is required under subdivision 8 or 11, the commissioner
 12.3 shall review and approve the assessment as part of the eligibility determination process
 12.4 outlined in section 256N.22, subdivision 7, for Northstar kinship assistance, or section
 12.5 256N.23, subdivision 7, for adoption assistance. The assessment determines the maximum
 12.6 for the negotiated agreement amount under section 256N.25.

12.7 (c) The new rate is effective the calendar month that the assessment is approved, or the
 12.8 effective date of the agreement, whichever is later.

12.9 Sec. 15. Minnesota Statutes 2018, section 256N.24, subdivision 14, is amended to read:

12.10 Subd. 14. **Assessment tool determines rate of benefits.** The assessment tool established
 12.11 by the commissioner in subdivision 2 determines the monthly benefit level for children in
 12.12 foster care. The monthly payment for ~~guardian~~ Northstar kinship assistance or adoption
 12.13 assistance may be negotiated up to the monthly benefit level under foster care for those
 12.14 children eligible for a payment under section 256N.26, subdivision 1.

12.15 Sec. 16. Minnesota Statutes 2018, section 259.241, is amended to read:

12.16 **259.241 ADULT ADOPTION.**

12.17 (a) Any adult person may be adopted, regardless of the adult person's residence. A
 12.18 resident of Minnesota may petition the court of record having jurisdiction of adoption
 12.19 proceedings to adopt an individual who has reached the age of 18 years or older.

12.20 (b) The consent of the person to be adopted shall be the only consent necessary, according
 12.21 to section 259.24. The consent of an adult in the adult person's own adoption is invalid if
 12.22 the adult is considered to be a vulnerable adult under section 626.5572, subdivision 21, or
 12.23 if the person consenting to the adoption is determined not competent to give consent.

12.24 (c) Notwithstanding paragraph (b), an individual in extended foster care under section
 12.25 260C.451 may consent to their own adoption provided the court of jurisdiction finds the
 12.26 individual competent to give consent.

12.27 ~~(d)~~ (d) The decree of adoption establishes a parent-child relationship between the adopting
 12.28 parent or parents and the person adopted, including the right to inherit, and also terminates
 12.29 the parental rights ~~and sibling relationship~~ between the adopted person and the adopted
 12.30 person's birth parents ~~and siblings~~ according to section 259.59.

12.31 ~~(d)~~ (e) If the adopted person requests a change of name, the adoption decree shall order
 12.32 the name change.

13.1 Sec. 17. Minnesota Statutes 2018, section 259.35, subdivision 1, is amended to read:

13.2 Subdivision 1. **Parental responsibilities.** Prior to commencing an investigation of the
13.3 suitability of proposed adoptive parents, a child-placing agency shall give the individuals
13.4 the following written notice in all capital letters at least one-eighth inch high:

13.5 "Minnesota Statutes, section 259.59, provides that upon legally adopting a child, adoptive
13.6 parents assume all the rights and responsibilities of birth parents. The responsibilities include
13.7 providing for the child's financial support and caring for health, emotional, and behavioral
13.8 problems. Except for subsidized adoptions under Minnesota Statutes, chapter ~~259A~~ 256N,
13.9 or any other provisions of law that expressly apply to adoptive parents and children, adoptive
13.10 parents are not eligible for state or federal financial subsidies besides those that a birth
13.11 parent would be eligible to receive for a child. Adoptive parents may not terminate their
13.12 parental rights to a legally adopted child for a reason that would not apply to a birth parent
13.13 seeking to terminate rights to a child. An individual who takes guardianship of a child for
13.14 the purpose of adopting the child shall, upon taking guardianship from the child's country
13.15 of origin, assume all the rights and responsibilities of birth and adoptive parents as stated
13.16 in this paragraph."

13.17 Sec. 18. Minnesota Statutes 2018, section 259.53, subdivision 4, is amended to read:

13.18 Subd. 4. **Preadoption residence.** No petition shall be granted under this chapter until
13.19 the child shall have lived three months in the proposed home, subject to a right of visitation
13.20 by the commissioner or an agency or their authorized representatives.

13.21 Sec. 19. Minnesota Statutes 2018, section 259.75, subdivision 5, is amended to read:

13.22 Subd. 5. **Withdrawal of registration.** A child's registration shall be withdrawn when
13.23 the exchange service has been notified in writing by the local social service agency or the
13.24 licensed child-placing agency that the child has been placed in an adoptive home ~~or~~ has
13.25 died, or is no longer under guardianship of the commissioner and is no longer seeking an
13.26 adoptive home.

13.27 Sec. 20. Minnesota Statutes 2018, section 259.75, subdivision 6, is amended to read:

13.28 Subd. 6. **Periodic review of status.** (a) The exchange service commissioner shall
13.29 semiannually check review the state adoption exchange status of listed children for whom
13.30 inquiries have been received, including a child whose registration was withdrawn pursuant
13.31 to subdivision 5. The commissioner may determine that a child who is unregistered, or
13.32 whose registration has been deferred, must be registered and require the authorized

14.1 child-placing agency to register the child with the state adoption exchange within ten working
14.2 days of the commissioner's determination.

14.3 (b) Periodic checks reviews shall be made ~~by the service~~ to determine the progress
14.4 toward adoption of ~~those children and the status of children registered but never listed in~~
14.5 on the exchange book because of placement in an adoptive home prior to or at the time of
14.6 registration state adoption exchange.

14.7 Sec. 21. Minnesota Statutes 2018, section 259.75, subdivision 9, is amended to read:

14.8 Subd. 9. **Rules; staff.** The commissioner of human services shall make rules as necessary
14.9 to administer this section and shall employ necessary staff to carry out the purposes of this
14.10 section. The commissioner may contract for portions of these services.

14.11 Sec. 22. Minnesota Statutes 2018, section 259.83, subdivision 1a, is amended to read:

14.12 Subd. 1a. **Social and medical history.** (a) If a person aged 19 years and over who was
14.13 adopted on or after August 1, 1994, or the adoptive parent requests the detailed nonidentifying
14.14 social and medical history of the adopted person's birth family that was provided at the time
14.15 of the adoption, agencies must provide the information to the adopted person or adoptive
14.16 parent on the applicable form required under ~~section~~ sections 259.43 and 260C.212,
14.17 subdivision 15.

14.18 (b) If an adopted person aged 19 years and over or the adoptive parent requests the
14.19 agency to contact the adopted person's birth parents to request current nonidentifying social
14.20 and medical history of the adopted person's birth family, agencies must use the applicable
14.21 form required under ~~section~~ sections 259.43 and 260C.212, subdivision 15, when obtaining
14.22 the information for the adopted person or adoptive parent.

14.23 Sec. 23. Minnesota Statutes 2018, section 259A.75, subdivision 1, is amended to read:

14.24 Subdivision 1. **General information.** (a) Subject to the procedures required by the
14.25 commissioner and the provisions of this section, a Minnesota county or tribal agency shall
14.26 receive a reimbursement from the commissioner equal to 100 percent of the reasonable and
14.27 appropriate cost for contracted adoption placement services identified for a specific child
14.28 that are not reimbursed under other federal or state funding sources.

14.29 (b) The commissioner may spend up to \$16,000 for each purchase of service contract.
14.30 Only one contract per child per adoptive placement is permitted. Funds encumbered and
14.31 obligated under the contract for the child remain available until the terms of the contract
14.32 are fulfilled or the contract is terminated.

15.1 (c) The commissioner shall set aside an amount not to exceed five percent of the total
15.2 amount of the fiscal year appropriation from the state for the adoption assistance program
15.3 to reimburse a Minnesota county or tribal social services placing agency for child-specific
15.4 adoption placement services. When adoption assistance payments for children's needs exceed
15.5 95 percent of the total amount of the fiscal year appropriation from the state for the adoption
15.6 assistance program, the amount of reimbursement available to placing agencies for adoption
15.7 services is reduced correspondingly.

15.8 Sec. 24. Minnesota Statutes 2018, section 259A.75, subdivision 2, is amended to read:

15.9 Subd. 2. **Purchase of service contract child eligibility criteria.** (a) A child who is the
15.10 subject of a purchase of service contract must:

15.11 (1) have the goal of adoption, which may include an adoption in accordance with tribal
15.12 law;

15.13 (2) be under the guardianship of the commissioner of human services or be a ward of
15.14 tribal court pursuant to section 260.755, subdivision 20; and

15.15 (3) meet all of the special needs criteria according to section ~~259A.10, subdivision 2~~
15.16 256N.23, subdivision 2.

15.17 ~~(b) A child under the guardianship of the commissioner must have an identified adoptive~~
15.18 ~~parent and a fully executed adoption placement agreement according to section 260C.613,~~
15.19 ~~subdivision 1, paragraph (a).~~

15.20 Sec. 25. Minnesota Statutes 2018, section 259A.75, subdivision 3, is amended to read:

15.21 Subd. 3. **Agency eligibility criteria.** (a) A Minnesota county or tribal social services
15.22 agency shall receive reimbursement for child-specific adoption placement services for an
15.23 eligible child that it purchases from a private adoption agency licensed in Minnesota or any
15.24 other state or tribal social services agency.

15.25 (b) Reimbursement for adoption services is available only for services provided prior
15.26 to the date of the adoption decree.

15.27 Sec. 26. Minnesota Statutes 2018, section 259A.75, subdivision 4, is amended to read:

15.28 Subd. 4. **Application and eligibility determination.** (a) A Minnesota county or tribal
15.29 social services agency may request reimbursement of costs for adoption placement services
15.30 by submitting a complete purchase of service application, according to the requirements
15.31 and procedures and on forms prescribed by the commissioner.

16.1 (b) The commissioner shall determine eligibility for reimbursement of adoption placement
 16.2 services. If determined eligible, the commissioner of human services shall sign the purchase
 16.3 of service agreement, making this a fully executed contract. No reimbursement under this
 16.4 section shall be made to an agency for services provided prior to the fully executed contract.

16.5 (c) Separate purchase of service agreements shall be made, and separate records
 16.6 maintained, on each child. Only one agreement per child per adoptive placement is permitted.
 16.7 For siblings who are placed together, services shall be planned and provided to best maximize
 16.8 efficiency of the contracted hours.

16.9 Sec. 27. Minnesota Statutes 2019 Supplement, section 260C.007, subdivision 22a, is
 16.10 amended to read:

16.11 Subd. 22a. **Licensed residential family-based substance use disorder treatment**
 16.12 **program.** "Licensed residential family-based substance use disorder treatment program"
 16.13 means a residential treatment facility that provides the parent or guardian with parenting
 16.14 skills training, parent education, or individual and family counseling, under an organizational
 16.15 structure and treatment framework that involves understanding, recognizing, and responding
 16.16 to the effects of all types of trauma according to recognized principles of a trauma-informed
 16.17 approach and trauma-specific interventions to address the consequences of trauma and
 16.18 facilitate healing. The residential program must be licensed by the Department of Human
 16.19 Services under ~~chapter~~ chapter 245A and ~~sections 245G.01 to 245G.16, 245G.19, and~~
 16.20 ~~245G.21~~ 245G or tribally licensed or approved as a residential substance use disorder
 16.21 treatment program specializing in the treatment of clients with children.

16.22 Sec. 28. Minnesota Statutes 2018, section 260C.212, subdivision 1, is amended to read:

16.23 Subdivision 1. **Out-of-home placement; plan.** (a) An out-of-home placement plan shall
 16.24 be prepared within 30 days after any child is placed in foster care by court order or a
 16.25 voluntary placement agreement between the responsible social services agency and the
 16.26 child's parent pursuant to section 260C.227 or chapter 260D.

16.27 (b) An out-of-home placement plan means a written document which is prepared by the
 16.28 responsible social services agency jointly with the parent or parents or guardian of the child
 16.29 and in consultation with the child's guardian ad litem, the child's tribe, if the child is an
 16.30 Indian child, the child's foster parent or representative of the foster care facility, and, where
 16.31 appropriate, the child. When a child is age 14 or older, the child may include two other
 16.32 individuals on the team preparing the child's out-of-home placement plan. The child may
 16.33 select one member of the case planning team to be designated as the child's advisor and to

17.1 advocate with respect to the application of the reasonable and prudent parenting standards.
17.2 The responsible social services agency may reject an individual selected by the child if the
17.3 agency has good cause to believe that the individual would not act in the best interest of the
17.4 child. For a child in voluntary foster care for treatment under chapter 260D, preparation of
17.5 the out-of-home placement plan shall additionally include the child's mental health treatment
17.6 provider. For a child 18 years of age or older, the responsible social services agency shall
17.7 involve the child and the child's parents as appropriate. As appropriate, the plan shall be:

17.8 (1) submitted to the court for approval under section 260C.178, subdivision 7;

17.9 (2) ordered by the court, either as presented or modified after hearing, under section
17.10 260C.178, subdivision 7, or 260C.201, subdivision 6; and

17.11 (3) signed by the parent or parents or guardian of the child, the child's guardian ad litem,
17.12 a representative of the child's tribe, the responsible social services agency, and, if possible,
17.13 the child.

17.14 (c) The out-of-home placement plan shall be explained to all persons involved in its
17.15 implementation, including the child who has signed the plan, and shall set forth:

17.16 (1) a description of the foster care home or facility selected, including how the
17.17 out-of-home placement plan is designed to achieve a safe placement for the child in the
17.18 least restrictive, most family-like, setting available which is in close proximity to the home
17.19 of the parent or parents or guardian of the child when the case plan goal is reunification,
17.20 and how the placement is consistent with the best interests and special needs of the child
17.21 according to the factors under subdivision 2, paragraph (b);

17.22 (2) the specific reasons for the placement of the child in foster care, and when
17.23 reunification is the plan, a description of the problems or conditions in the home of the
17.24 parent or parents which necessitated removal of the child from home and the changes the
17.25 parent or parents must make for the child to safely return home;

17.26 (3) a description of the services offered and provided to prevent removal of the child
17.27 from the home and to reunify the family including:

17.28 (i) the specific actions to be taken by the parent or parents of the child to eliminate or
17.29 correct the problems or conditions identified in clause (2), and the time period during which
17.30 the actions are to be taken; and

17.31 (ii) the reasonable efforts, or in the case of an Indian child, active efforts to be made to
17.32 achieve a safe and stable home for the child including social and other supportive services

18.1 to be provided or offered to the parent or parents or guardian of the child, the child, and the
18.2 residential facility during the period the child is in the residential facility;

18.3 (4) a description of any services or resources that were requested by the child or the
18.4 child's parent, guardian, foster parent, or custodian since the date of the child's placement
18.5 in the residential facility, and whether those services or resources were provided and if not,
18.6 the basis for the denial of the services or resources;

18.7 (5) the visitation plan for the parent or parents or guardian, other relatives as defined in
18.8 section 260C.007, subdivision 26b or 27, and siblings of the child if the siblings are not
18.9 placed together in foster care, and whether visitation is consistent with the best interest of
18.10 the child, during the period the child is in foster care;

18.11 (6) when a child cannot return to or be in the care of either parent, documentation of
18.12 steps to finalize adoption as the permanency plan for the child through reasonable efforts
18.13 to place the child for adoption. At a minimum, the documentation must include consideration
18.14 of whether adoption is in the best interests of the child, child-specific recruitment efforts
18.15 such as relative search and the use of state, regional, and national adoption exchanges to
18.16 facilitate orderly and timely placements in and outside of the state. A copy of this
18.17 documentation shall be provided to the court in the review required under section 260C.317,
18.18 subdivision 3, paragraph (b);

18.19 (7) when a child cannot return to or be in the care of either parent, documentation of
18.20 steps to finalize the transfer of permanent legal and physical custody to a relative as the
18.21 permanency plan for the child. This documentation must support the requirements of the
18.22 kinship placement agreement under section 256N.22 and must include the reasonable efforts
18.23 used to determine that it is not appropriate for the child to return home or be adopted, and
18.24 reasons why permanent placement with a relative through a Northstar kinship assistance
18.25 arrangement is in the child's best interest; how the child meets the eligibility requirements
18.26 for Northstar kinship assistance payments; agency efforts to discuss adoption with the child's
18.27 relative foster parent and reasons why the relative foster parent chose not to pursue adoption,
18.28 if applicable; and agency efforts to discuss with the child's parent or parents the permanent
18.29 transfer of permanent legal and physical custody or the reasons why these efforts were not
18.30 made;

18.31 (8) efforts to ensure the child's educational stability while in foster care for a child who
18.32 attained the minimum age for compulsory school attendance under state law and is enrolled
18.33 full time in elementary or secondary school, or instructed in elementary or secondary
18.34 education at home, or instructed in an independent study elementary or secondary program,

19.1 or incapable of attending school on a full-time basis due to a medical condition that is
19.2 documented and supported by regularly updated information in the child's case plan.

19.3 Educational stability efforts include:

19.4 (i) efforts to ensure that the child remains in the same school in which the child was
19.5 enrolled prior to placement or upon the child's move from one placement to another, including
19.6 efforts to work with the local education authorities to ensure the child's educational stability
19.7 and attendance; or

19.8 (ii) if it is not in the child's best interest to remain in the same school that the child was
19.9 enrolled in prior to placement or move from one placement to another, efforts to ensure
19.10 immediate and appropriate enrollment for the child in a new school;

19.11 (9) the educational records of the child including the most recent information available
19.12 regarding:

19.13 (i) the names and addresses of the child's educational providers;

19.14 (ii) the child's grade level performance;

19.15 (iii) the child's school record;

19.16 (iv) a statement about how the child's placement in foster care takes into account
19.17 proximity to the school in which the child is enrolled at the time of placement; and

19.18 (v) any other relevant educational information;

19.19 (10) the efforts by the responsible social services agency to ensure the oversight and
19.20 continuity of health care services for the foster child, including:

19.21 (i) the plan to schedule the child's initial health screens;

19.22 (ii) how the child's known medical problems and identified needs from the screens,
19.23 including any known communicable diseases, as defined in section 144.4172, subdivision
19.24 2, shall be monitored and treated while the child is in foster care;

19.25 (iii) how the child's medical information shall be updated and shared, including the
19.26 child's immunizations;

19.27 (iv) who is responsible to coordinate and respond to the child's health care needs,
19.28 including the role of the parent, the agency, and the foster parent;

19.29 (v) who is responsible for oversight of the child's prescription medications;

20.1 (vi) how physicians or other appropriate medical and nonmedical professionals shall be
20.2 consulted and involved in assessing the health and well-being of the child and determine
20.3 the appropriate medical treatment for the child; and

20.4 (vii) the responsibility to ensure that the child has access to medical care through either
20.5 medical insurance or medical assistance;

20.6 (11) the health records of the child including information available regarding:

20.7 (i) the names and addresses of the child's health care and dental care providers;

20.8 (ii) a record of the child's immunizations;

20.9 (iii) the child's known medical problems, including any known communicable diseases
20.10 as defined in section 144.4172, subdivision 2;

20.11 (iv) the child's medications; and

20.12 (v) any other relevant health care information such as the child's eligibility for medical
20.13 insurance or medical assistance;

20.14 (12) an independent living plan for a child 14 years of age or older, developed in
20.15 consultation with the child. The child may select one member of the case planning team to
20.16 be designated as the child's advisor and to advocate with respect to the application of the
20.17 reasonable and prudent parenting standards in subdivision 14. The plan should include, but
20.18 not be limited to, the following objectives:

20.19 (i) educational, vocational, or employment planning;

20.20 (ii) health care planning and medical coverage;

20.21 (iii) transportation including, where appropriate, assisting the child in obtaining a driver's
20.22 license;

20.23 (iv) money management, including the responsibility of the responsible social services
20.24 agency to ensure that the child annually receives, at no cost to the child, a consumer report
20.25 as defined under section 13C.001 and assistance in interpreting and resolving any inaccuracies
20.26 in the report;

20.27 (v) planning for housing;

20.28 (vi) social and recreational skills;

20.29 (vii) establishing and maintaining connections with the child's family and community;
20.30 and

21.1 (viii) regular opportunities to engage in age-appropriate or developmentally appropriate
21.2 activities typical for the child's age group, taking into consideration the capacities of the
21.3 individual child;

21.4 (13) for a child in voluntary foster care for treatment under chapter 260D, diagnostic
21.5 and assessment information, specific services relating to meeting the mental health care
21.6 needs of the child, and treatment outcomes; and

21.7 (14) for a child 14 years of age or older, a signed acknowledgment that describes the
21.8 child's rights regarding education, health care, visitation, safety and protection from
21.9 exploitation, and court participation; receipt of the documents identified in section 260C.452;
21.10 and receipt of an annual credit report. The acknowledgment shall state that the rights were
21.11 explained in an age-appropriate manner to the child.

21.12 (d) The parent or parents or guardian and the child each shall have the right to legal
21.13 counsel in the preparation of the case plan and shall be informed of the right at the time of
21.14 placement of the child. The child shall also have the right to a guardian ad litem. If unable
21.15 to employ counsel from their own resources, the court shall appoint counsel upon the request
21.16 of the parent or parents or the child or the child's legal guardian. The parent or parents may
21.17 also receive assistance from any person or social services agency in preparation of the case
21.18 plan.

21.19 After the plan has been agreed upon by the parties involved or approved or ordered by
21.20 the court, the foster parents shall be fully informed of the provisions of the case plan and
21.21 shall be provided a copy of the plan.

21.22 Upon discharge from foster care, the parent, adoptive parent, or permanent legal and
21.23 physical custodian, ~~as appropriate,~~ and the child, if ~~appropriate~~ 14 years of age or older,
21.24 must be provided with a current copy of the child's health and education record- and, for a
21.25 child who meets the conditions in subdivision 15, paragraph (b), the child's social and
21.26 medical history. A child younger than 14 years of age may be given a copy of the child's
21.27 health and education record and social and medical history, if appropriate and applicable
21.28 according to subdivision 15, paragraph (b).

21.29 Sec. 29. Minnesota Statutes 2019 Supplement, section 260C.212, subdivision 2, is amended
21.30 to read:

21.31 Subd. 2. **Placement decisions based on best interests of the child.** (a) The policy of
21.32 the state of Minnesota is to ensure that the child's best interests are met by requiring an
21.33 individualized determination of the needs of the child and of how the selected placement

22.1 will serve the needs of the child being placed. The authorized child-placing agency shall
22.2 place a child, released by court order or by voluntary release by the parent or parents, in a
22.3 family foster home selected by considering placement with relatives and important friends
22.4 in the following order:

22.5 (1) with an individual who is related to the child by blood, marriage, or adoption,
22.6 including the legal parent, guardian, or custodian of the child's siblings; or

22.7 (2) with an individual who is an important friend with whom the child has resided or
22.8 had significant contact.

22.9 For an Indian child, the agency shall follow the order of placement preferences in the Indian
22.10 Child Welfare Act of 1978, United States Code, title 25, section 1915.

22.11 (b) Among the factors the agency shall consider in determining the needs of the child
22.12 are the following:

22.13 (1) the child's current functioning and behaviors;

22.14 (2) the medical needs of the child;

22.15 (3) the educational needs of the child;

22.16 (4) the developmental needs of the child;

22.17 (5) the child's history and past experience;

22.18 (6) the child's religious and cultural needs;

22.19 (7) the child's connection with a community, school, and faith community;

22.20 (8) the child's interests and talents;

22.21 (9) the child's relationship to current caretakers, parents, siblings, and relatives;

22.22 (10) the reasonable preference of the child, if the court, or the child-placing agency in
22.23 the case of a voluntary placement, deems the child to be of sufficient age to express
22.24 preferences; and

22.25 (11) for an Indian child, the best interests of an Indian child as defined in section 260.755,
22.26 subdivision 2a.

22.27 (c) Placement of a child cannot be delayed or denied based on race, color, or national
22.28 origin of the foster parent or the child.

22.29 (d) Siblings should be placed together for foster care and adoption at the earliest possible
22.30 time unless it is documented that a joint placement would be contrary to the safety or

23.1 well-being of any of the siblings or unless it is not possible after reasonable efforts by the
23.2 responsible social services agency. In cases where siblings cannot be placed together, the
23.3 agency is required to provide frequent visitation or other ongoing interaction between
23.4 siblings unless the agency documents that the interaction would be contrary to the safety
23.5 or well-being of any of the siblings.

23.6 (e) Except for emergency placement as provided for in section 245A.035, the following
23.7 requirements must be satisfied before the approval of a foster or adoptive placement in a
23.8 related or unrelated home: (1) a completed background study under section 245C.08; and
23.9 (2) a completed review of the written home study required under section 260C.215,
23.10 subdivision 4, clause (5), or 260C.611, to assess the capacity of the prospective foster or
23.11 adoptive parent to ensure the placement will meet the needs of the individual child.

23.12 (f) The agency must determine whether colocation with a parent who is receiving services
23.13 in a licensed residential family-based substance use disorder treatment program is in the
23.14 child's best interests according to paragraph (b) and include that determination in the child's
23.15 case plan. The agency may consider additional factors not identified in paragraph (b). The
23.16 agency's determination must be documented in the child's case plan before the child is
23.17 colocated with a parent.

23.18 Sec. 30. Minnesota Statutes 2018, section 260C.212, is amended by adding a subdivision
23.19 to read:

23.20 Subd. 15. **Social and medical history.** (a) The responsible social services agency shall
23.21 complete a child's social and medical history using forms developed by the commissioner.
23.22 The responsible social services agency shall work with the child's birth family, foster family,
23.23 medical and treatment providers, and school to ensure there is a detailed and up-to-date
23.24 social and medical history of the child on the forms provided by the commissioner.

23.25 (b) If the child continues in foster care, reasonable efforts by the responsible social
23.26 services agency to complete the history shall begin no later than the permanency progress
23.27 review hearing required under section 260C.204 or six months after the child's placement
23.28 in foster care, whichever occurs earlier.

23.29 (c) A child's social and medical history must include background information and health
23.30 history specific to the child, the child's birth parents, and the child's other birth relatives.
23.31 The child's applicable background information and health history includes the child's current
23.32 health condition, behavior, and demeanor; placement history; education history; sibling
23.33 information; and birth, medical, dental, and immunization information. Redacted copies of
23.34 pertinent records, assessments, and evaluations must be attached to the child's social and

24.1 medical history. Applicable background information and health history of the child's birth
24.2 parents and other birth relatives includes general background information; education and
24.3 employment history; physical health and mental health history; and reasons for the child's
24.4 placement.

24.5 Sec. 31. Minnesota Statutes 2018, section 260C.219, is amended to read:

24.6 **260C.219 AGENCY RESPONSIBILITIES FOR PARENTS AND CHILDREN IN**
24.7 **PLACEMENT.**

24.8 (a) When a child is in foster care, the responsible social services agency shall make
24.9 diligent efforts to identify, locate, and, where appropriate, offer services to both parents of
24.10 the child.

24.11 (1) The responsible social services agency shall assess whether a noncustodial or
24.12 nonadjudicated parent is willing and capable of providing for the day-to-day care of the
24.13 child temporarily or permanently. An assessment under this clause may include, but is not
24.14 limited to, obtaining information under section 260C.209. If after assessment, the responsible
24.15 social services agency determines that a noncustodial or nonadjudicated parent is willing
24.16 and capable of providing day-to-day care of the child, the responsible social services agency
24.17 may seek authority from the custodial parent or the court to have that parent assume
24.18 day-to-day care of the child. If a parent is not an adjudicated parent, the responsible social
24.19 services agency shall require the nonadjudicated parent to cooperate with paternity
24.20 establishment procedures as part of the case plan.

24.21 (2) If, after assessment, the responsible social services agency determines that the child
24.22 cannot be in the day-to-day care of either parent, the agency shall:

24.23 (i) prepare an out-of-home placement plan addressing the conditions that each parent
24.24 must meet before the child can be in that parent's day-to-day care; and

24.25 (ii) provide a parent who is the subject of a background study under section 260C.209
24.26 15 days' notice that it intends to use the study to recommend against putting the child with
24.27 that parent, and the court shall afford the parent an opportunity to be heard concerning the
24.28 study.

24.29 The results of a background study of a noncustodial parent shall not be used by the
24.30 agency to determine that the parent is incapable of providing day-to-day care of the child
24.31 unless the agency reasonably believes that placement of the child into the home of that
24.32 parent would endanger the child's health, safety, or welfare.

25.1 (3) If, after the provision of services following an out-of-home placement plan under
25.2 this section, the child cannot return to the care of the parent from whom the child was
25.3 removed or who had legal custody at the time the child was placed in foster care, the agency
25.4 may petition on behalf of a noncustodial parent to establish legal custody with that parent
25.5 under section 260C.515, subdivision 4. If paternity has not already been established, it may
25.6 be established in the same proceeding in the manner provided for under chapter 257.

25.7 (4) The responsible social services agency may be relieved of the requirement to locate
25.8 and offer services to both parents by the juvenile court upon a finding of good cause after
25.9 the filing of a petition under section 260C.141.

25.10 (b) The responsible social services agency shall give notice to the parent or guardian of
25.11 each child in foster care, other than a child in voluntary foster care for treatment under
25.12 chapter 260D, of the following information:

25.13 (1) that the child's placement in foster care may result in termination of parental rights
25.14 or an order permanently placing the child out of the custody of the parent, but only after
25.15 notice and a hearing as required under this chapter and the juvenile court rules;

25.16 (2) time limits on the length of placement and of reunification services, including the
25.17 date on which the child is expected to be returned to and safely maintained in the home of
25.18 the parent or parents or placed for adoption or otherwise permanently removed from the
25.19 care of the parent by court order;

25.20 (3) the nature of the services available to the parent;

25.21 (4) the consequences to the parent and the child if the parent fails or is unable to use
25.22 services to correct the circumstances that led to the child's placement;

25.23 (5) the first consideration for placement with relatives;

25.24 (6) the benefit to the child in getting the child out of foster care as soon as possible,
25.25 preferably by returning the child home, but if that is not possible, through a permanent legal
25.26 placement of the child away from the parent;

25.27 (7) when safe for the child, the benefits to the child and the parent of maintaining
25.28 visitation with the child as soon as possible in the course of the case and, in any event,
25.29 according to the visitation plan under this section; and

25.30 (8) the financial responsibilities and obligations, if any, of the parent or parents for the
25.31 support of the child during the period the child is in foster care.

26.1 (c) The responsible social services agency shall inform a parent considering voluntary
26.2 placement of a child under section 260C.227 of the following information:

26.3 (1) the parent and the child each has a right to separate legal counsel before signing a
26.4 voluntary placement agreement, but not to counsel appointed at public expense;

26.5 (2) the parent is not required to agree to the voluntary placement, and a parent who enters
26.6 a voluntary placement agreement may at any time request that the agency return the child.
26.7 If the parent so requests, the child must be returned within 24 hours of the receipt of the
26.8 request;

26.9 (3) evidence gathered during the time the child is voluntarily placed may be used at a
26.10 later time as the basis for a petition alleging that the child is in need of protection or services
26.11 or as the basis for a petition seeking termination of parental rights or other permanent
26.12 placement of the child away from the parent;

26.13 (4) if the responsible social services agency files a petition alleging that the child is in
26.14 need of protection or services or a petition seeking the termination of parental rights or other
26.15 permanent placement of the child away from the parent, the parent would have the right to
26.16 appointment of separate legal counsel and the child would have a right to the appointment
26.17 of counsel and a guardian ad litem as provided by law, and that counsel will be appointed
26.18 at public expense if they are unable to afford counsel; and

26.19 (5) the timelines and procedures for review of voluntary placements under section
26.20 260C.212, subdivision 3, and the effect the time spent in voluntary placement on the
26.21 scheduling of a permanent placement determination hearing under sections 260C.503 to
26.22 260C.521.

26.23 (d) When an agency accepts a child for placement, the agency shall determine whether
26.24 the child has had a physical examination by or under the direction of a licensed physician
26.25 within the 12 months immediately preceding the date when the child came into the agency's
26.26 care. If there is documentation that the child has had an examination within the last 12
26.27 months, the agency is responsible for seeing that the child has another physical examination
26.28 within one year of the documented examination and annually in subsequent years. If the
26.29 agency determines that the child has not had a physical examination within the 12 months
26.30 immediately preceding placement, the agency shall ensure that the child has an examination
26.31 within 30 days of coming into the agency's care and once a year in subsequent years.

26.32 (e) Whether under state guardianship or not, if a child leaves foster care by reason of
26.33 having attained the age of majority under state law, the child must be given at no cost a

27.1 copy of the child's social and medical history, ~~as defined in~~ pursuant to section 259.43,
27.2 260C.212, subdivision 15, including the child's health and education report.

27.3 Sec. 32. Minnesota Statutes 2018, section 260C.503, subdivision 2, is amended to read:

27.4 Subd. 2. **Termination of parental rights.** (a) The responsible social services agency
27.5 must ask the county attorney to immediately file a termination of parental rights petition
27.6 when:

27.7 (1) the child has been subjected to egregious harm as defined in section 260C.007,
27.8 subdivision 14;

27.9 (2) the child is determined to be the sibling of a child who was subjected to egregious
27.10 harm;

27.11 (3) the child is an abandoned infant as defined in section 260C.301, subdivision 2,
27.12 paragraph (a), clause (2);

27.13 (4) the child's parent has lost parental rights to another child through an order involuntarily
27.14 terminating the parent's rights;

27.15 (5) the parent has committed sexual abuse as defined in section 626.556, subdivision 2,
27.16 against the child or another child of the parent;

27.17 (6) the parent has committed an offense that requires registration as a predatory offender
27.18 under section 243.166, subdivision 1b, paragraph (a) or (b); or

27.19 (7) another child of the parent is the subject of an order involuntarily transferring
27.20 permanent legal and physical custody of the child to a relative under this chapter or a similar
27.21 law of another jurisdiction;

27.22 The county attorney shall file a termination of parental rights petition unless the conditions
27.23 of paragraph (d) are met.

27.24 (b) When the termination of parental rights petition is filed under this subdivision, the
27.25 responsible social services agency shall identify, recruit, and approve an adoptive family
27.26 for the child. If a termination of parental rights petition has been filed by another party, the
27.27 responsible social services agency shall be joined as a party to the petition.

27.28 (c) If criminal charges have been filed against a parent arising out of the conduct alleged
27.29 to constitute egregious harm, the county attorney shall determine which matter should
27.30 proceed to trial first, consistent with the best interests of the child and subject to the
27.31 defendant's right to a speedy trial.

28.1 (d) The requirement of paragraph (a) does not apply if the responsible social services
28.2 agency and the county attorney determine and file with the court:

28.3 (1) a petition for transfer of permanent legal and physical custody to a relative under
28.4 sections 260C.505 and 260C.515, subdivision 3 4, including a determination that adoption
28.5 is not in the child's best interests and that transfer of permanent legal and physical custody
28.6 is in the child's best interests; or

28.7 (2) a petition under section 260C.141 alleging the child, and where appropriate, the
28.8 child's siblings, to be in need of protection or services accompanied by a case plan prepared
28.9 by the responsible social services agency documenting a compelling reason why filing a
28.10 termination of parental rights petition would not be in the best interests of the child.

28.11 Sec. 33. Minnesota Statutes 2018, section 260C.515, subdivision 3, is amended to read:

28.12 Subd. 3. **Guardianship; commissioner.** The court may order guardianship to the
28.13 commissioner of human services under the following procedures and conditions:

28.14 (1) there is an identified prospective adoptive parent agreed to by the responsible social
28.15 services agency having legal custody of the child pursuant to court order under this chapter
28.16 and that prospective adoptive parent has agreed to adopt the child;

28.17 (2) the court accepts the parent's voluntary consent to adopt in writing on a form
28.18 prescribed by the commissioner, executed before two competent witnesses and confirmed
28.19 by the consenting parent before the court or executed before the court. The consent shall
28.20 contain notice that consent given under this chapter:

28.21 (i) is irrevocable upon acceptance by the court unless fraud is established and an order
28.22 is issued permitting revocation as stated in clause (9) unless the matter is governed by the
28.23 Indian Child Welfare Act, United States Code, title 25, section 1913(c); and

28.24 (ii) will result in an order that the child is under the guardianship of the commissioner
28.25 of human services;

28.26 (3) a consent executed and acknowledged outside of this state, either in accordance with
28.27 the law of this state or in accordance with the law of the place where executed, is valid;

28.28 (4) the court must review the matter at least every 90 days under section 260C.317;

28.29 (5) a consent to adopt under this subdivision vests guardianship of the child with the
28.30 commissioner of human services and makes the child a ward of the commissioner of human
28.31 services under section 260C.325;

29.1 (6) the court must forward to the commissioner a copy of the consent to adopt, together
29.2 with a certified copy of the order transferring guardianship to the commissioner;

29.3 (7) if an adoption is not finalized by the identified prospective adoptive parent within
29.4 six months of the execution of the consent to adopt under this clause, the responsible social
29.5 services agency shall pursue adoptive placement in another home unless the court finds in
29.6 a hearing under section 260C.317 that the failure to finalize is not due to either an action
29.7 or a failure to act by the prospective adoptive parent;

29.8 (8) notwithstanding clause (7), the responsible social services agency must pursue
29.9 adoptive placement in another home as soon as the agency determines that finalization of
29.10 the adoption with the identified prospective adoptive parent is not possible, that the identified
29.11 prospective adoptive parent is not willing to adopt the child, or that the identified prospective
29.12 adoptive parent is not cooperative in completing the steps necessary to finalize the adoption.
29.13 The court may order a termination of parental rights under subdivision 2; and

29.14 (9) unless otherwise required by the Indian Child Welfare Act, United States Code, title
29.15 25, section 1913(c), a consent to adopt executed under this section shall be irrevocable upon
29.16 acceptance by the court except upon order permitting revocation issued by the same court
29.17 after written findings that consent was obtained by fraud.

29.18 Sec. 34. Minnesota Statutes 2018, section 260C.605, subdivision 1, is amended to read:

29.19 Subdivision 1. **Requirements.** (a) Reasonable efforts to finalize the adoption of a child
29.20 under the guardianship of the commissioner shall be made by the responsible social services
29.21 agency responsible for permanency planning for the child.

29.22 (b) Reasonable efforts to make a placement in a home according to the placement
29.23 considerations under section 260C.212, subdivision 2, with a relative or foster parent who
29.24 will commit to being the permanent resource for the child in the event the child cannot be
29.25 reunified with a parent are required under section 260.012 and may be made concurrently
29.26 with reasonable, or if the child is an Indian child, active efforts to reunify the child with the
29.27 parent.

29.28 (c) Reasonable efforts under paragraph (b) must begin as soon as possible when the
29.29 child is in foster care under this chapter, but not later than the hearing required under section
29.30 260C.204.

29.31 (d) Reasonable efforts to finalize the adoption of the child include:

29.32 (1) using age-appropriate engagement strategies to plan for adoption with the child;

- 30.1 (2) identifying an appropriate prospective adoptive parent for the child by updating the
30.2 child's identified needs using the factors in section 260C.212, subdivision 2;
- 30.3 (3) making an adoptive placement that meets the child's needs by:
- 30.4 (i) completing or updating the relative search required under section 260C.221 and giving
30.5 notice of the need for an adoptive home for the child to:
- 30.6 (A) relatives who have kept the agency or the court apprised of their whereabouts and
30.7 who have indicated an interest in adopting the child; or
- 30.8 (B) relatives of the child who are located in an updated search;
- 30.9 (ii) an updated search is required whenever:
- 30.10 (A) there is no identified prospective adoptive placement for the child notwithstanding
30.11 a finding by the court that the agency made diligent efforts under section 260C.221, in a
30.12 hearing required under section 260C.202;
- 30.13 (B) the child is removed from the home of an adopting parent; or
- 30.14 (C) the court determines a relative search by the agency is in the best interests of the
30.15 child;
- 30.16 (iii) engaging the child's foster parent and the child's relatives identified as an adoptive
30.17 resource during the search conducted under section 260C.221, to commit to being the
30.18 prospective adoptive parent of the child; or
- 30.19 (iv) when there is no identified prospective adoptive parent:
- 30.20 (A) registering the child on the state adoption exchange as required in section 259.75
30.21 unless the agency documents to the court an exception to placing the child on the state
30.22 adoption exchange reported to the commissioner;
- 30.23 (B) reviewing all families with approved adoption home studies associated with the
30.24 responsible social services agency;
- 30.25 (C) presenting the child to adoption agencies and adoption personnel who may assist
30.26 with finding an adoptive home for the child;
- 30.27 (D) using newspapers and other media to promote the particular child;
- 30.28 (E) using a private agency under grant contract with the commissioner to provide adoption
30.29 services for intensive child-specific recruitment efforts; and
- 30.30 (F) making any other efforts or using any other resources reasonably calculated to identify
30.31 a prospective adoption parent for the child;

31.1 (4) updating and completing the social and medical history required under sections
31.2 ~~259.43~~ 260C.212, subdivision 15, and 260C.609;

31.3 (5) making, and keeping updated, appropriate referrals required by section 260.851, the
31.4 Interstate Compact on the Placement of Children;

31.5 (6) giving notice regarding the responsibilities of an adoptive parent to any prospective
31.6 adoptive parent as required under section 259.35;

31.7 (7) offering the adopting parent the opportunity to apply for or decline adoption assistance
31.8 under chapter ~~259A~~ 256N;

31.9 (8) certifying the child for adoption assistance, assessing the amount of adoption
31.10 assistance, and ascertaining the status of the commissioner's decision on the level of payment
31.11 if the adopting parent has applied for adoption assistance;

31.12 (9) placing the child with siblings. If the child is not placed with siblings, the agency
31.13 must document reasonable efforts to place the siblings together, as well as the reason for
31.14 separation. The agency may not cease reasonable efforts to place siblings together for final
31.15 adoption until the court finds further reasonable efforts would be futile or that placement
31.16 together for purposes of adoption is not in the best interests of one of the siblings; and

31.17 (10) working with the adopting parent to file a petition to adopt the child and with the
31.18 court administrator to obtain a timely hearing to finalize the adoption.

31.19 Sec. 35. Minnesota Statutes 2018, section 260C.607, subdivision 6, is amended to read:

31.20 Subd. 6. **Motion and hearing to order adoptive placement.** (a) At any time after the
31.21 district court orders the child under the guardianship of the commissioner of human services,
31.22 but not later than 30 days after receiving notice required under section 260C.613, subdivision
31.23 1, paragraph (c), that the agency has made an adoptive placement, a relative or the child's
31.24 foster parent may file a motion for an order for adoptive placement of a child who is under
31.25 the guardianship of the commissioner if the relative or the child's foster parent:

31.26 (1) has an adoption home study under section 259.41 approving the relative or foster
31.27 parent for adoption and has been a resident of Minnesota for at least six months before filing
31.28 the motion; the court may waive the residency requirement for the moving party if there is
31.29 a reasonable basis to do so; or

31.30 (2) is not a resident of Minnesota, but has an approved adoption home study by an agency
31.31 licensed or approved to complete an adoption home study in the state of the individual's
31.32 residence and the study is filed with the motion for adoptive placement.

32.1 (b) The motion shall be filed with the court conducting reviews of the child's progress
32.2 toward adoption under this section. The motion and supporting documents must make a
32.3 prima facie showing that the agency has been unreasonable in failing to make the requested
32.4 adoptive placement. The motion must be served according to the requirements for motions
32.5 under the Minnesota Rules of Juvenile Protection Procedure and shall be made on all
32.6 individuals and entities listed in subdivision 2.

32.7 (c) If the motion and supporting documents do not make a prima facie showing for the
32.8 court to determine whether the agency has been unreasonable in failing to make the requested
32.9 adoptive placement, the court shall dismiss the motion. If the court determines a prima facie
32.10 basis is made, the court shall set the matter for evidentiary hearing.

32.11 (d) At the evidentiary hearing, the responsible social services agency shall proceed first
32.12 with evidence about the reason for not making the adoptive placement proposed by the
32.13 moving party. The moving party then has the burden of proving by a preponderance of the
32.14 evidence that the agency has been unreasonable in failing to make the adoptive placement.

32.15 (e) At the conclusion of the evidentiary hearing, if the court finds that the agency has
32.16 been unreasonable in failing to make the adoptive placement and that the relative or the
32.17 child's foster parent is the most suitable adoptive home to meet the child's needs using the
32.18 factors in section 260C.212, subdivision 2, paragraph (b), the court may order the responsible
32.19 social services agency to make an adoptive placement in the home of the relative or the
32.20 child's foster parent.

32.21 (f) If, in order to ensure that a timely adoption may occur, the court orders the responsible
32.22 social services agency to make an adoptive placement under this subdivision, the agency
32.23 shall:

32.24 (1) make reasonable efforts to obtain a fully executed adoption placement agreement;

32.25 (2) work with the moving party regarding eligibility for adoption assistance as required
32.26 under chapter ~~259A~~ 256N; and

32.27 (3) if the moving party is not a resident of Minnesota, timely refer the matter for approval
32.28 of the adoptive placement through the Interstate Compact on the Placement of Children.

32.29 (g) Denial or granting of a motion for an order for adoptive placement after an evidentiary
32.30 hearing is an order which may be appealed by the responsible social services agency, the
32.31 moving party, the child, when age ten or over, the child's guardian ad litem, and any
32.32 individual who had a fully executed adoption placement agreement regarding the child at
32.33 the time the motion was filed if the court's order has the effect of terminating the adoption

33.1 placement agreement. An appeal shall be conducted according to the requirements of the
 33.2 Rules of Juvenile Protection Procedure.

33.3 Sec. 36. Minnesota Statutes 2018, section 260C.609, is amended to read:

33.4 **260C.609 SOCIAL AND MEDICAL HISTORY.**

33.5 ~~(a) The responsible social services agency shall work with the birth family of the child,~~
 33.6 ~~foster family, medical and treatment providers, and the child's school to ensure there is a~~
 33.7 ~~detailed, thorough, and currently up-to-date social and medical history of the child as required~~
 33.8 ~~under section 259.43 on the forms required by the commissioner.~~

33.9 ~~(b) When the child continues in foster care, the agency's reasonable efforts to complete~~
 33.10 ~~the history shall begin no later than the permanency progress review hearing required under~~
 33.11 ~~section 260C.204 or six months after the child's placement in foster care.~~

33.12 ~~(e)~~ (a) The responsible social services agency shall thoroughly discuss the child's history
 33.13 with the ~~adopting~~ prospective adoptive parent of the child and shall give a redacted copy
 33.14 of the report of the child's social and medical history, including redacted attachments, to
 33.15 the ~~adopting~~ prospective adoptive parent, pursuant to section 260C.212, subdivision 15. If
 33.16 the prospective adoptive parent does not pursue adoption of the child, the prospective
 33.17 adoptive parent must return the child's social and medical history, including redacted
 33.18 attachments, to the agency. A redacted copy of the child's social and medical history may
 33.19 also be given to the child, as appropriate according to section 260C.212, subdivision 1.

33.20 ~~(d)~~ (b) The report shall not include information that identifies birth relatives. Redacted
 33.21 copies of all the child's relevant evaluations, assessments, and records must be attached to
 33.22 the social and medical history.

33.23 (c) The agency must submit the child's social and medical history to the Department of
 33.24 Human Services at the time the adoption placement agreement is submitted. Pursuant to
 33.25 section 260C.623, subdivision 4, the child's social and medical history must be submitted
 33.26 to the court at the time the adoption petition is filed.

33.27 Sec. 37. Minnesota Statutes 2018, section 260C.615, is amended to read:

33.28 **260C.615 DUTIES OF COMMISSIONER.**

33.29 Subdivision 1. **Duties.** (a) For any child who is under the guardianship of the
 33.30 commissioner, the commissioner has the exclusive rights to consent to:

34.1 (1) the medical care plan for the treatment of a child who is at imminent risk of death
34.2 or who has a chronic disease that, in a physician's judgment, will result in the child's death
34.3 in the near future including a physician's order not to resuscitate or intubate the child; and

34.4 (2) the child donating a part of the child's body to another person while the child is living;
34.5 the decision to donate a body part under this clause shall take into consideration the child's
34.6 wishes and the child's culture.

34.7 (b) In addition to the exclusive rights under paragraph (a), the commissioner has a duty
34.8 to:

34.9 (1) process any complete and accurate request for home study and placement through
34.10 the Interstate Compact on the Placement of Children under section 260.851;

34.11 (2) process any complete and accurate application for adoption assistance forwarded by
34.12 the responsible social services agency according to chapter ~~259A~~ 256N;

34.13 (3) ~~complete the execution of~~ review and process an adoption placement agreement
34.14 forwarded to the commissioner by the responsible social services agency and return it to
34.15 the agency in a timely fashion; and

34.16 (4) maintain records as required in chapter 259.

34.17 Subd. 2. **Duties not reserved.** All duties, obligations, and consents not specifically
34.18 reserved to the commissioner in this section are delegated to the responsible social services
34.19 agency, subject to supervision by the commissioner as authorized under section 393.07.