

**Subject** Child protection – DHS policy bill

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### Overview

This bill makes extensive changes related to child out-of-home placement and permanency in chapter 260C. The bill modifies the duties and requirements of the court and the responsible social services agency at various stages in out-of-home placement and permanency cases. The bill also makes clarifying and technical changes, requires additional documentation of responsible social services agency reasonable efforts and actions to prevent out-of-home placement, requires individualized placement plans and services, and makes changes throughout the chapter to require the agency to identify, notify, engage, and, if necessary, consider initial or permanent placement in the order specified in statute, with a child's relatives and important friends or kin.

### Summary

Section	Description
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| 1 | <p><b>Duty to ensure placement prevention and family reunification; reasonable efforts.</b></p> <p>Amends § 260.12. Makes clarifying changes throughout, including that a court must ensure that the social services agency takes culturally appropriate actions to prevent out-of-home placement. Clarifies that “reasonable efforts to prevent placement” means that the efforts are individualized and may include support persons from the child’s extended family, kin, and community. Makes additional clarifying changes.</p> <p>Specifies that relatives should be involved in case planning and permanency planning, and that the social services agency must consider placing the child with relatives and important friends, in the order specified in statute. Gives preference to a relative or important friend for a permanency placement.</p> <p>Requires the social services agency to demonstrate that it has made reasonable efforts to finalize a child’s permanency plan, and to collaborate with the child’s family and the child, if appropriate, when selecting services.</p> |
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<b>Section</b>	<b>Description</b>
	Adds two considerations for the court when determining that reasonable efforts were made: (1) whether services were selected in collaboration with the child’s family; and (2) whether services were tailored to the child and family’s individualized needs.
2	<b>Kin.</b> Amends § 260C.007 by adding subd. 21b. Defines “kin” for purposes of chapter 260C.
3	<b>Immediate custody.</b> Amends § 260C.151, subd. 6. Specifies preference for placement with a relative or important friend when a child is taken into immediate custody.
4	<b>Notice to foster parents and preadoptive parents and relatives.</b> Amends § 260C.152, subd. 5. Clarifies that relatives have a right to be heard in any review or hearing relating to a child in placement.
5	<b>Notice to parent or custodian and child; emergency placement with relative or designated caregiver.</b> Amends § 260C.175, subd. 2. Adds requirement for a peace officer to also notify a child, if appropriate, when notifying a parent or custodian of the ability to request that the child be placed with a relative or designated caregiver. Requires a peace officer to immediately ask the parent, custodian, or child if they would like to make this request and to prioritize a child’s placement request over a parent or custodian’s request.  Specifies when the peace officer must make the notification and inquiry, and specifies additional requirements related to notification and placement requests.
6	<b>Reasons for detention.</b> Amends § 260C.176, subd. 2. Makes a technical change.
7	<b>Hearing and release requirements.</b> Amends § 260C.178, subd. 1. Makes clarifying changes; specifies that the court cannot make a reasonable efforts determination unless the court is satisfied that the agency has demonstrated that there were no services or other efforts it could have provided to enable the child to safely remain or return home.
8	<b>Least restrictive setting.</b> Amends § 260C.181, subd. 2. Specifies that shelter care facility placement may occur only when placement with a relative or designated caregiver is not possible.

<b>Section</b>	<b>Description</b>
9	<p><b>Best interests of the child.</b></p> <p>Amends § 260C.193, subd. 3. Adds order of placement preference to policy statement regarding the best interests of the child.</p> <p>Adds requirements to court review and findings on agency efforts related to relative searches and placements. Requires the court to order the agency to make reasonable efforts if the court finds that the agency did not make diligent efforts. Prohibits the court from waiving relative search, notice, and consideration requirements.</p> <p>Requires siblings to be placed together, unless not in the best interests of one or more of the siblings; requires the agency to consider the statute establishing the Foster Care Sibling Bill of Rights. Makes additional clarifying changes.</p>
10	<p><b>Dispositions.</b></p> <p>Amends § 260C.201, subd. 1. Makes clarifying and technical changes.</p>
11	<p><b>Written findings.</b></p> <p>Amends § 260C.201, subd. 2. Adds relative and sibling placement considerations and best interest factors to required court review of placement appropriateness. Requires the court to make findings that include a description of specified agency efforts. Specifies placement order of preference; requires the court to order the agency to appropriately consider relatives and important friends for placement if the agency has not done so and allows the court to require the agency to continue to do so.</p>
12	<p><b>Court review of foster care.</b></p> <p>Amends § 260C.202. Clarifies that the court must review agency efforts to search for and notify relatives; makes additional clarifying changes. Requires the court to order the agency to continue making reasonable efforts to search for, notify, engage, and consider relatives, unless the court has ruled out certain relatives.</p>
13	<p><b>Administrative or court review of placements.</b></p> <p>Amends § 260C.203. Makes clarifying changes; clarifies that a placement review must include best interest and relative and sibling placement considerations.</p>
14	<p><b>Permanency progress review for children in foster care for six months.</b></p> <p>Amends § 260C.204. Make clarifying changes; adds that a court may base a determination on a parent or guardian's progress or engagement with an out-of-home placement plan, rather than only compliance.</p>

Section	Description
15	<p><b>Out-of-home placement; plan.</b></p> <p>Amends § 260C.212, subd. 1. Specifies that an out-of-home placement plan must be individualized; makes clarifying changes. Requires the plan to include a description of how the agency considered relatives and important friends for placement; adds cross-reference; requires documentation of consideration of relatives for adoptive placement.</p>
16	<p><b>Placement decisions based on best interests of the child.</b></p> <p>Amends § 260C.212, subd. 2. Makes clarifying changes; adds “kin” to order of placement preference. Adds paragraph prohibiting the agency from using one best interest factor to the exclusion of all others.</p>
17	<p><b>Relative search and engagement; placement consideration.</b></p> <p>Amends § 260C.221. Reorganizes section; adds subdivisions.</p> <p><b>Subd. 1. Relative search requirements.</b> Adds current caregivers of a child’s siblings to adults who must be notified of a child’s removal. Adds suggested kin to relative search. Specifies that the agency has a continuing responsibility to search for, identify, and notify relatives.</p> <p><b>Subd. 2. Relative notice requirements.</b> Clarifies that notice to relatives may be oral or written; requires documentation of notice in the child’s case record; adds the option of notifying kin. Adds the order or placement preference to the required notice.</p> <p>Allows a relative to begin receiving notice once they provide a current address, if they had previously failed to do so. Specifies that a relative’s decision not to be a placement resource or participate in case planning must not be a basis for the court to rule out that relative.</p> <p>Adds the following to the required relative notice:</p> <ul style="list-style-type: none"><li>▪ adoption home study requirements</li><li>▪ explanation that the agency is required to establish permanency for a child, regardless of the relative’s response</li><li>▪ that if the relative responds to the notice, the relative may receive information about participating in the child’s family and permanency team if the child is placed in a qualified residential treatment program</li></ul> <p>Requires agency to send the required notice to relatives who become known to the agency, except relatives not contacted for safety reasons; requires agency to continue to send notice to relatives; requires agency to send notice to relatives</p>

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when relatives become known after the execution of an adoption placement agreement.

**Subd. 3. Relative engagement requirements.** Adds examples of what constitutes care and planning for a child; requires the agency to make reasonable efforts to contact and engage relatives who respond to the notice; allows the court to conduct a review of reasonable efforts.

**Subd. 4. Placement considerations.** Lists the points at which the agency must consider placing a child with a relative and the required considerations the agency must make. Requires the agency to document relative and kin considerations for out-of-home placement; specifies that any relative who requests to be a placement option has the right to be considered, unless the court finds safety concerns; requires the agency to consider adoptive placement with a relative, if adoption is the permanency goal.

**Subd. 5. Data disclosure; court review.** Makes clarifying changes; requires agency to use other resources to identify relatives, if a parent refuses. Prohibits the court from waiving the agency's reasonable efforts related to relative search, notice, planning, and placement. Requires the agency to disclose data to the court about certain relatives; requires the agency to explain why it decided against a relative placement.

Specifies that a finding that the agency exercised due diligence does not absolve the agency from continuing to contact, engage, and consider relatives for placement. Allows the court to order the agency to reopen a relative search at any point.

Removes the agency's ability to ask the court to modify the agency's duty to send the permanency notice to relatives or relieve the agency of its duty to send the notice under certain circumstances.

Clarifies that the permanency notice must be sent to relatives who responded to a notice sent any time during the child's case and specifies that a relative's failure to respond or timely respond to the notice is not a basis for ruling out that relative as a permanent placement option or to delay permanency for the child.

18 **Requirements.**

Amends § 260C.605, subd. 1. Requires the agency to consider the child's preference for an adoptive family when making reasonable efforts to finalize an adoption. Removes requirement that relatives indicate an interest in adopting the child or be identified as an adoptive placement resource in order to receive the notice of the need for an adoptive home for the child. Specifies order of placement consideration.

Section	Description
19	<p><b>Notice.</b></p> <p>Amends § 260C.607, subd. 2. Removes requirement that a relative indicate a willingness to adopt the child in order for the relative to receive notice of review hearings. Makes clarifying change.</p>
20	<p><b>Required placement by responsible social services agency.</b></p> <p>Amends § 260C.607, subd. 5. Adds cross-reference, clarifying that a child must be legally placed for adoption in order for an adoption petition to be filed.</p>
21	<p><b>Motion and hearing to order adoptive placement.</b></p> <p>Amends § 260C.607, subd. 6. Allows a relative or foster parent to file a motion for an order for adoptive placement if that relative or foster parent is in the process of obtaining an adoption home study. Specifies court filing procedures related to adoption home studies and adoptive placement.</p> <p>Adds required considerations and procedures for the court when granting or considering a party's motion for adoptive placement. Allows the court to order the agency to place the child with the moving party upon approval of an adoption home study; requires the agency to update the court and inform the court of any barriers to approval within certain timeframes; and requires the court to dismiss the order for adoptive placement if the party is unable to obtain an approved adoption home study. Requires the agency to assist the moving party with the adoption home study process.</p>
22	<p><b>Adoptive placement decisions.</b></p> <p>Amends § 260C.613, subd. 1. Makes clarifying changes; specifies order of adoptive placement preferences.</p>
23	<p><b>Required record keeping.</b></p> <p>Amends § 260C.613, subd. 5. Requires the responsible social services agency to record the agency's consideration of relatives, kin, and important friends, when documenting the reasons for adoptive placement.</p>



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