

Kotyza-Witthuhn and West from the Committee on Children and Families Finance and Policy to which was referred:

H. F. No. 3024, A bill for an act relating to children; establishing a foster youth bill of rights; proposing coding for new law in Minnesota Statutes, chapter 260C.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[260C.009] FOSTER YOUTH BILL OF RIGHTS.**

Subdivision 1. **Legislative intent.** (a) It is the intent of the legislature and the purpose of this section to ensure the right of foster youth to receive a level of care (1) comparable to nonfoster youth, and (2) higher than the care foster youth would have received if not placed in foster care, due to the state of Minnesota choosing to intervene in a foster youth's life.

(b) The rights under this section are established for the benefit of children and youth in foster care and the extended foster care program. The rights granted in this section do not replace or diminish other rights, liberties, or responsibilities relating to children and youth in foster care or the extended foster care program, including any rights under this chapter; chapters 144, 241, 245, 253, and 260; section 363A.02; Minnesota Rules; the Indian Child Welfare Act; the Minnesota Indian Family Preservation Act; and the African American Family Preservation and Child Welfare Disproportionality Act.

Subd. 2. **Definitions.** (a) For the purposes of this section, the following terms have the meanings given.

(b) "Age appropriate" means the activities, rights, and responsibilities that align with a foster youth's chronological age and are common to the foster youth's peers.

(c) "Appropriate" means in alignment with age and developmental ability of a foster youth based on the reasonable treatment a foster youth would receive if not placed in the foster care system.

(d) "Belongings" means personal effects or possessions as defined reasonably by the foster youth.

(e) "Chemical restraint" means any psychopharmacologic drug used for discipline or convenience and that is not required to treat medical symptoms.

(f) "Culturally appropriate" means in alignment with practices, resources, or services that reflect, honor, and celebrate a foster youth's cultural background, including foods, clothing, personal care products, traditions, values, and social norms.

(g) "Developmentally appropriate" means activities, resources, education, or information suitable for the foster youth's age, cognitive level, and emotional maturity.

(h) "Disability" has the meaning given in section 363A.03, subdivision 12.

(i) "Discipline" means actions used to correct or deter negative or harmful behaviors.

(j) "Discrimination" means the unfair treatment of a person or group of people because of an actual or perceived difference, including age, race, sex, nationality, sexual orientation, gender identity, gender expression, religion, or disability.

(k) "Excessive medication" means medication administered as a substitute for a behavioral or therapeutic program, for punishment, for the convenience of any foster parents or care providers, in quantities that interfere with learning or other social-emotional goals, or beyond prescribed limits, as determined by a licensed health care professional.

(l) "Foster youth" means: (1) a child under 18 years of age who is under the placement and care responsibility of a responsible social services agency and is placed away from the child's parents or guardians; or (2) an individual under 21 years of age who is in foster care pursuant to section 260C.451. Foster youth includes but is not limited to youth in out-of-home placements pursuant to this chapter or chapter 260B or 260D.

(m) "Health care" or "health care services" means medical, dental, vision, and mental health services, treatments, and procedures.

(n) "Maltreatment" has the meaning given in section 260E.03, subdivision 12.

(o) "Physical restraint" means any manual method or physical or mechanical device, material, or equipment attached or adjacent to an individual's body that the individual cannot remove easily that restricts freedom of movement or normal access to one's body.

(p) "Privacy" means freedom from the attention of others, including physical privacy or verbal confidentiality.

(q) "Relative" has the meaning given in section 260C.007, subdivision 27.

Subd. 3. **Rights.** While in foster care, foster youth have a right to:

(1) be free from physical or chemical restraint used for the purposes of discipline or convenience. Physical or chemical restraints must only be used in the case of immediate threat to life or bodily harm to the foster youth or others and in accordance with applicable laws. Any use of physical or chemical restraints must be documented. De-escalation tactics should be exhausted before the use of physical or chemical restraints is considered and the least restrictive interventions should be prioritized;

(2) be free from law enforcement intervention requested by adult caregivers, unless requested as a last resort after other diversion and de-escalation tactics have been used, and when there is an imminent threat to the health or safety of a person or when a crime may have been committed. Law enforcement intervention or placement disruption must not be used to threaten, discipline, or retaliate against a foster youth;

(3) have appropriate actions taken to keep the foster youth safe and comfortable, if the foster youth shares any information regarding previous or ongoing maltreatment to the foster youth's family and permanency team. Appropriate actions include but are not limited to:

(i) consideration of accommodations so that the foster youth, while exercising their rights, does not need to encounter, address, or interact with a person who harmed the foster youth; and

(ii) allowing the foster youth to refuse physical touch or emotional affection, including, but not limited to, hugs and kisses;

(4) age and developmentally appropriate house rules, which may include a curfew, that are clear, consistent, and explained to the foster youth in a way the foster youth can understand. If a foster youth is living in a residential treatment facility, licensed residential family-based substance use disorder treatment program, qualified residential treatment program, secure detention facility, or shelter care facility as those terms are defined in section 260C.007, the foster youth must have access to written rules or policies upon entering the facility or setting and at the foster youth's request;

(5) have care for the foster youth's basic needs be of the same or similar quality of others in the household, with consideration of the foster youth's preferences, and for care for those

- 4.1 basic needs not to be withheld as a form of discipline. In addition to the requirements under  
4.2 Minnesota Rules, part 2960.3080, basic needs may include the provision of or access to:
- 4.3 (i) hygiene and hair care products;  
4.4 (ii) ethnically and culturally appropriate hygiene and hair care that may include tools  
4.5 and services, oils, bonnets, du rags, lotions, shampoo, conditioner, and body wash;  
4.6 (iii) medications;  
4.7 (iv) menstrual products;  
4.8 (v) privacy;  
4.9 (vi) self-regulation tools;  
4.10 (vii) sentimental belongings; and  
4.11 (viii) religious or spiritual altars, artifacts, books, pieces, or visitations;  
4.12 (6) sufficient food and beverages that promote the foster youth's health and nutrition  
4.13 and that:
- 4.14 (i) are in accordance with the foster youth's religious, spiritual, and cultural observances;  
4.15 (ii) account for the foster youth's allergies and sensitivities, if applicable;  
4.16 (iii) reasonably align with the foster youth's food aversions; and  
4.17 (iv) do not impose a diet or food restrictions to lose or gain weight, unless under the  
4.18 direction of a health care professional;
- 4.19 (7) dress themselves and choose their own clothing;  
4.20 (8) have access to a bedroom where the foster youth is living, whenever it is safe and  
4.21 appropriate;
- 4.22 (9) be provided with appropriate travel bags, not including trash bags or grocery bags,  
4.23 to pack the foster youth's belongings if the foster youth moves;
- 4.24 (10) engage in communication without monitoring, except if a safety concern is  
4.25 determined. If a safety concern is determined and the foster youth's communication will be  
4.26 monitored, the monitoring must be documented in the foster youth's out-of-home placement  
4.27 plan and disclosed to the foster youth. For purposes of this clause, communication may  
4.28 include, but not be limited to, the use of technology or other personal belongings, such as  
4.29 writings and artwork;

- 5.1 (11) have access to a method of communication that is appropriate for the foster youth's  
5.2 age and developmental level, which may include a mobile phone;
- 5.3 (12) financial services support, which includes but is not limited to:
- 5.4 (i) support to open and access the foster youth's own bank account;
- 5.5 (ii) assistance with having the foster youth's credit frozen upon entry into foster care at  
5.6 any age and support in unfreezing and refreezing the foster youth's credit upon the foster  
5.7 youth's request if the foster youth is 15 years of age or older;
- 5.8 (iii) assistance with receiving and understanding the foster youth's yearly credit report,  
5.9 if applicable; and
- 5.10 (iv) if the foster youth's credit is being used fraudulently, the responsible social services  
5.11 agency taking steps to amend any discrepancies in the foster youth's credit report;
- 5.12 (13) be assigned chores or household tasks that are typical for the foster youth's age and  
5.13 development and that are comparable to those of other children in the home, if applicable;
- 5.14 (14) have privacy when changing clothes, bathing, and using the bathroom, if safe and  
5.15 age and developmentally appropriate;
- 5.16 (15) be free from cameras in bedrooms, bathrooms, or any other room or area of the  
5.17 residence in which the foster youth is expected to bathe or change clothing;
- 5.18 (16) be informed that the foster youth may be recorded on camera, if cameras are in use  
5.19 at the foster youth's residence, and to have their concerns about recording addressed by the  
5.20 family and permanency team;
- 5.21 (17) not be subjected to unreasonable searches of the foster youth's personal belongings,  
5.22 space, or body. Any search of the foster youth's personal belongings, space, or body must  
5.23 be based on an articulated and individualized need and must be as minimally invasive as  
5.24 possible in relation to the need;
- 5.25 (18) access health care in a timely manner, that the provider, caseworker, or other  
5.26 qualified professional explains to the foster youth in a manner that is understandable to the  
5.27 foster youth;
- 5.28 (19) meet with the foster youth's health care providers in private, if age and  
5.29 developmentally appropriate, or with a trusted adult present if requested by the foster youth  
5.30 and have the foster youth's concerns addressed;
- 5.31 (20) give input into the foster youth's health care, including but not limited to:

6.1 (i) selecting or changing providers for any reason, as available; and

6.2 (ii) receiving support in accessing family therapy or refusing family therapy, unless  
6.3 required by the foster youth's out-of-home placement plan;

6.4 (21) be free from excessive or unnecessary medication, procedures, or treatments, as  
6.5 determined by a licensed health care professional;

6.6 (22) receive support in accessing education and services, as age and developmentally  
6.7 appropriate, related to consent, healthy relationships, sexual and reproductive health and  
6.8 safety and personal care, hygiene, and grooming that reflects the foster youth's race, ethnicity,  
6.9 culture, gender identity, and gender expression;

6.10 (23) receive support to have consistent and quality contact with relatives, including both  
6.11 in-person or virtual opportunities, with a preference for in-person visits. A foster youth  
6.12 should be supported in conducting other communications with relatives, such as letters,  
6.13 emails, texts, or telephone calls and have contact or visits with relatives only be restricted  
6.14 in circumstances when the foster youth's family and permanency team has collaborated to  
6.15 weigh relevant factors including, but not limited to:

6.16 (i) the foster youth's physical and emotional safety;

6.17 (ii) input from the foster youth's health care team, if applicable;

6.18 (iii) input from the foster youth; and

6.19 (iv) the appropriateness of alternative forms of visits or contact;

6.20 (24) be told in a personal and confidential manner if the responsible agency is aware  
6.21 that a foster youth's relative has died or is experiencing life-threatening health issues and,  
6.22 when practicable, be supported in visiting a person who is experiencing life-threatening  
6.23 health issues or attending death-related services if someone the foster youth knows has died;

6.24 (25) have the foster youth's family and permanency team make every effort to support  
6.25 the foster youth's relationships with all of the foster youth's siblings and relatives, including  
6.26 adult siblings, whether the siblings are in foster care or not. If the responsible agency has  
6.27 documented a verifiable safety concern in the foster youth's out-of-home placement plan,  
6.28 the family and permanency team is not required to comply with this clause. Supportive  
6.29 efforts include but are not limited to:

6.30 (i) prioritizing the foster youth's input regarding any sibling and relative relationships.  
6.31 This may include the frequency and methods of communication, including telephone calls,  
6.32 letters, or in-person or virtual visits;

(ii) supporting frequent contact with the foster youth's siblings, including weekly or regular face-to-face visits, whenever possible, and weekly virtual contact; and

(iii) alternative ways to preserve sibling and relative relationships, if there is a documented, verifiable safety concern that prevents contact with a sibling or relative;

(26) have the foster youth's siblings, if known, including adult siblings and siblings not in foster care, be notified of their rights as a sibling through materials in a format specified by the Office of the Foster Youth Ombudsperson;

(27) receive support to plan to maintain sibling and relative relationships after the foster youth exits foster care. Support may include the development of communication and contact agreements;

(28) receive support in seeking and maintaining regular contact with communities that reflect the foster youth's culture, ethnicity, religion, sexual orientation, gender identity, and gender expression, with specific attention paid to maintaining the community connections the foster youth had prior to entering foster care. The foster youth's cultural and community needs must be documented in the foster youth's out-of-home placement plan;

(29) be cared for by people who are trained on understanding and validating the foster youth's cultural, racial, and ethnic heritage in a trauma-informed manner;

(30) receive support to make and cultivate friendships, including with friends made before the foster youth's time in foster care or while in a previous placement. Support includes but is not limited to:

(i) in-person or virtual opportunities to communicate or visit, with a preference for in-person visits;

(ii) facilitating letters, emails, text messages, or telephone calls; and

(iii) not restricting communication with friends, unless due to concerns for the foster youth's safety or well-being;

(31) mutual communication in the foster youth's preferred languages, which may include Braille or sign language, and receive all necessary and requested translation services and support for all foster-care-related meetings or materials. If the foster youth's foster parent or caregiver is unable to communicate in the foster youth's language, the foster youth's caseworker must provide a plan to meet the foster youth's communication needs;

(32) participate or choose not to participate in cultural, religious, and spiritual events and practices. Participation in cultural, religious, and spiritual events and practices may

8.1 include access to spaces and materials to practice the foster youth's religion or spirituality  
8.2 such as the ability to smudge, light incense, or light candles safely or under appropriate  
8.3 supervision;

8.4 (33) privacy regarding the foster youth's sexual orientation and gender identity, and  
8.5 whenever possible, to protect the foster youth's gender identity or sexual orientation from  
8.6 disclosure without the foster youth's consent;

8.7 (34) have support to ensure that the foster youth does not receive a reduction of a grade  
8.8 or disciplinary action solely due to foster-care-related absences or lateness and be supported  
8.9 in accessing and identifying recovery options in the foster youth's classes during school  
8.10 hours, if possible, when these circumstances occur;

8.11 (35) when possible, not have the foster youth's scheduled activities, including school,  
8.12 disrupted by foster-care-related meetings and events in accordance with the foster youth's  
8.13 preferences or if there is a safety need or necessity;

8.14 (36) have meaningful efforts made by the responsible social services agency to ensure  
8.15 the oversight and continuity of educational services for the foster youth, including support  
8.16 to:

8.17 (i) transfer credits, including partial credits;

8.18 (ii) maximize credits obtained if the foster youth changes schools; and

8.19 (iii) enroll in any accelerated and college-level courses and programs the foster youth  
8.20 is qualified to enroll in, including timely support to prepare for postsecondary education;

8.21 (37) participate in age and developmentally appropriate activities that align with the  
8.22 foster youth's preferences and not be excluded from participation in or be denied benefits  
8.23 of services, programs, or activities due to the foster youth's disability status. Activities under  
8.24 this clause include but are not limited to social activities, school events, sports, arts  
8.25 programming, clubs, community activities, cultural customs, other extracurricular activities,  
8.26 and activities with the foster youth's placement, relatives, and friends;

8.27 (38) have support in ensuring continuation of activities if the foster youth's foster care  
8.28 status or related circumstances affect the foster youth's participation or attendance, including  
8.29 timely transportation that is free of cost to the foster youth;

8.30 (39) receive contact information for the professionals on the foster youth's family and  
8.31 permanency team and:

8.32 (i) be able to privately contact the team when desired;

- 9.1 (ii) receive a response that is reasonably prompt; and
- 9.2 (iii) have timely, quality, and private visits, including if the foster youth is out of state;
- 9.3 (40) have the foster youth's input prioritized in decision making by the foster youth's
- 9.4 family and permanency team, which may include requesting a placement change;
- 9.5 (41) receive as much advance notice as possible before a transition to a new placement
- 9.6 and be informed about what the foster youth can expect, including but not limited to
- 9.7 placement location and type, where the foster youth will sleep, if the foster youth will have
- 9.8 roommates, and any changes in the foster youth's life that will result in this placement
- 9.9 change. Foster youth must not be subject to avoidable denial or delay of placement or
- 9.10 services;
- 9.11 (42) receive appropriate resources to meet the objectives of the foster youth's independent
- 9.12 living plan, including but not limited to educational and vocational resources and resources
- 9.13 on mental and physical health management, life skills, financial literacy, insurance, and
- 9.14 social and recreational skills;
- 9.15 (43) if the foster youth meets eligibility requirements, automatically remain or enroll in
- 9.16 extended foster care unless the foster youth notifies the foster youth's caseworker that the
- 9.17 foster youth does not want extended foster care with a signed form created by the
- 9.18 commissioner of children, youth, and families;
- 9.19 (44) as reasonably known by the foster youth's caseworker, be notified by the agency
- 9.20 of all benefits that the foster youth is eligible to receive during the foster youth's time in
- 9.21 foster care at the point when the foster youth is eligible and every six months after and be
- 9.22 supported in accessing the benefits. This includes but is not limited to fostering independence
- 9.23 grants, education training vouchers, Free Application for Federal Student Aid (FAFSA),
- 9.24 fostering youth independence vouchers, medical assistance, and extended foster care;
- 9.25 (45) as age appropriate, timely support from the foster youth's caseworker in obtaining
- 9.26 and providing the foster youth's vital records at no cost to the foster youth;
- 9.27 (46) maintain employment or professional development opportunities in accordance
- 9.28 with the law and receive support in accessing transportation to and from these opportunities
- 9.29 that is free or low cost to the foster youth;
- 9.30 (47) if the foster youth owns a motor vehicle, access the foster youth's motor vehicle in
- 9.31 accordance with the law and for access to only be restricted due to safety or well-being
- 9.32 concerns;

10.1 (48) support from the agency to enroll in and attend a driver's education class, take a  
10.2 permit and driver's license test, and obtain car insurance, which may include assistance in  
10.3 gathering documents, enrolling in, and obtaining support from the agency to access available  
10.4 financial supports;

10.5 (49) in accordance with the law, request and receive the foster youth's foster care records  
10.6 upon discharge from foster care or transition to extended foster care and, if the foster youth  
10.7 is 13 years of age or older, receive official documentation that shows the foster youth was  
10.8 in foster care and to request and be notified if the foster youth has any personal effects that  
10.9 are in the foster youth's file, including pictures, letters, or notes;

10.10 (50) receive clear and accurate information regarding the foster youth's parental rights  
10.11 from the foster youth's caseworker and receive support from the foster youth's family and  
10.12 permanency team in maintaining the foster youth's parental rights;

10.13 (51) access any resources needed to adequately and safely care for the foster youth's  
10.14 children, including:

10.15 (i) affordable child care;

10.16 (ii) health care appointments and services for the foster youth and the foster youth's  
10.17 children, including transportation at no cost to the foster youth;

10.18 (iii) services to support the foster youth's birth plan and postpartum needs, including  
10.19 resources to ensure these services are free or low cost; and

10.20 (iv) resources to establish end-of-life planning for the foster youth and the foster youth's  
10.21 children;

10.22 (52) determine the foster youth's own birth and parenting plans in collaboration with  
10.23 the foster youth's birth services provider that are aligned with the foster youth's religious,  
10.24 spiritual, cultural, racial, and ethnic identities;

10.25 (53) if possible and safe, support to coparent the foster youth's child, including support  
10.26 in attending regular visitations and overnights with the foster youth's children in the foster  
10.27 youth's choice of location in accordance with custody orders and regular contact with the  
10.28 foster youth's child, including in-person and virtual visits, telephone calls, and letters;

10.29 (54) not be coerced into terminating the foster youth's parental rights. The foster youth  
10.30 must not have to choose between staying in the foster youth's placement, receiving services,  
10.31 or accessing basic needs and maintaining the foster youth's parental rights;

10.32 (55) be placed with the foster youth's children in a setting that is as family-like as possible;

11.1 (56) not have the foster youth or the foster youth's children drug tested solely due to the  
11.2 foster youth's foster care status;

11.3 (57) receive accessible materials, whether printed or digital, related to the foster youth's  
11.4 rights from their caseworker upon entering or reentering foster care and at least every six  
11.5 months thereafter or upon the foster youth's request. Materials under this clause must include:

11.6 (i) a copy of the bill of rights under this section; and

11.7 (ii) materials relating to the rights under this section and the Office of the Foster Youth  
11.8 Ombudsperson in a format specified by the Office of the Foster Youth Ombudsperson;

11.9        (58) ask for anything the foster youth needs, including things guaranteed by the rights  
11.10 under this section or under any other law. The foster youth must not be retaliated against  
11.11 or disciplined for asking for, accessing, reporting, or raising concern about accessing the  
11.12 rights under this section or any other law. The rights under this section or any other law  
11.13 must not be violated as discipline or retaliation; and

11.14 (59) receive intervention and remedy if the foster youth's rights are violated, including  
11.15 support from the foster youth's family and permanency team to advocate for the foster  
11.16 youth's rights. If a person violates the foster youth's rights under this section or any other  
11.17 law, and the caseworker is aware, the caseworker must intervene and remedy the violation  
11.18 of rights to the extent possible. If the foster youth's caseworker violates the foster youth's  
11.19 rights, the agency must intervene and remedy the violation of rights to the extent possible.  
11.20 If the foster youth reports a violation of rights to any member of the foster youth's family  
11.21 or permanency team, the team member must notify the remaining professional members of  
11.22 the family and permanency team of the violation.

11.23 **EFFECTIVE DATE.** This section is effective November 1, 2026."

11.24 With the recommendation that when so amended the bill be placed on the General  
11.25 Register.

11.26 This Committee action taken March 25, 2026

11.27 ..... Co-Chair

11.28 ..... Co-Chair