

1.1 ..... moves to amend H.F. No. 3039 as follows:

1.2 Page 6, delete section 3

1.3 Page 7, after line 4, insert:

1.4 "Sec. 4. Minnesota Statutes 2008, section 260C.007, subdivision 4, is amended to read:

1.5 Subd. 4. **Child.** "Child" means an individual under 18 years of age. For purposes  
1.6 of this chapter, "child" also includes individuals under age 21 who are in foster care  
1.7 pursuant to section 260C.451.

1.8 Sec. 5. Minnesota Statutes 2008, section 260C.193, subdivision 6, is amended to read:

1.9 Subd. 6. **Jurisdiction to review foster care to age 21, termination of jurisdiction,**  
1.10 **jurisdiction to age 18.** (a) Jurisdiction over a child in foster care pursuant to section  
1.11 260C.451 may continue to age 21 for the purpose of conducting the reviews required under  
1.12 section 260C.201, subdivision 11, paragraph (d), 260C.212, subdivision 7, or 260C.317,  
1.13 subdivision 3. Jurisdiction over a child in foster care pursuant to section 260C.451 shall  
1.14 not be terminated without giving the child notice of any motion or proposed order to  
1.15 dismiss jurisdiction and an opportunity to be heard on the appropriateness of the dismissal.  
1.16 When a child in foster care pursuant to section 260C.451 asks to leave foster care or  
1.17 actually leaves foster care, the court may terminate its jurisdiction.

1.18 (b) Except when a court order is necessary for a child to be in foster care or when  
1.19 continued review under (1) section 260C.212, subdivision 7, paragraph (d), or section  
1.20 260C.201, subdivision 11, paragraph (d), and (2) 260C.317, subdivision 3, is required  
1.21 for a child in foster care under section 260C.451, the court may dismiss the petition or  
1.22 otherwise terminate its jurisdiction on its own motion or on the motion or petition of any  
1.23 interested party at any time upon a determination that jurisdiction is no longer necessary to  
1.24 protect the child's best interests.

2.1       (c) Unless terminated by the court, and except as otherwise provided in this  
2.2 subdivision, the jurisdiction of the court shall continue until the ~~individual child~~ becomes  
2.3 ~~19~~ 18 years of age ~~if the court determines it is in the best interest of the individual to do so.~~

2.4       Sec. 6. Minnesota Statutes 2008, section 260C.201, subdivision 10, is amended to read:

2.5           Subd. 10. **Court review of foster care.** (a) If the court orders a child placed in  
2.6 foster care, the court shall review the out-of-home placement at least every 90 days as  
2.7 required in juvenile court rules to determine whether continued out-of-home placement is  
2.8 necessary and appropriate or whether the child should be returned home. This review is  
2.9 not required if the court has returned the child home, ordered the child permanently placed  
2.10 away from the parent under subdivision 11, or terminated rights under section 260C.301.  
2.11 Court review for a child permanently placed away from a parent, including where the  
2.12 child is under guardianship and legal custody of the commissioner, shall be governed by  
2.13 subdivision 11 or section 260C.317, subdivision 3, whichever is applicable.

2.14           (b) No later than six months after the child's placement in foster care, the court shall  
2.15 review agency efforts pursuant to section 260C.212, subdivision 2, and order that the  
2.16 efforts continue if the agency has failed to perform the duties under that section.

2.17           (c) The court shall review the out-of-home placement plan and may modify the plan  
2.18 as provided under subdivisions 6 and 7.

2.19           (d) When the court orders transfer of custody to a responsible social services  
2.20 agency resulting in foster care or protective supervision with a noncustodial parent under  
2.21 subdivision 1, the court shall notify the parents of the provisions of subdivisions 11 and  
2.22 11a as required under juvenile court rules.

2.23           (e) When a child remains in foster care pursuant to section 260C.451 and the court  
2.24 has jurisdiction pursuant to section 260C.193, subdivision 6, paragraph (c), the court shall  
2.25 annually conduct the review required under subdivision 11, paragraph (d), or sections  
2.26 260C.212, subdivision 7, and 260C.317, subdivision 3."

2.27       Page 8, lines 1 and 2, delete the new language and insert: "or for children in foster  
2.28 care beyond age 18 pursuant to section 260C.451, until the individual becomes 21 years  
2.29 of age according to the provisions set forth in section 260C.193, subdivision 6, and  
2.30 260C.451."

2.31       Page 9, after line 25, insert:

2.32       "Sec. 9. Minnesota Statutes 2008, section 260C.451, is amended to read:

2.33           **260C.451 AGE LIMIT FOR BENEFITS TO CHILDREN FOSTER CARE**  
2.34           **BENEFITS TO AGE 21.**

3.1        **Subdivision 1. Notification of benefits.** For purposes of any program for foster  
3.2        children or children under state guardianship for which benefits are made available on June  
3.3        1, 1973, unless specifically provided therein, the age of majority shall be 21 years of age.  
3.4        Within the six months prior to the child's 18th birthday, the local agency shall advise any  
3.5        child in foster care under this chapter, the child's parents or legal guardian, if any, and the  
3.6        child's foster parents of the availability of benefits of the foster care program up to age 21.

3.7        **Subd. 2. Independent living plan.** Upon the request of any child receiving foster  
3.8        care benefits immediately prior to the child's 18th birthday and who is in foster care at  
3.9        the time of the request, the local agency shall, in conjunction with the child and other  
3.10        appropriate parties, update the independent living plan required under section 260C.212,  
3.11        subdivision 1, paragraph (c), clause (11), related to the child's employment, vocational,  
3.12        educational, social, or maturational needs. The agency shall provide continued services  
3.13        and foster care for the child including as necessary to implement the independent living  
3.14        plan.

3.15        **Subd. 3. Eligibility.** A child already in foster care may continue in foster care past  
3.16        age 18. The child must meet at least one of the following conditions to be considered  
3.17        eligible to continue in foster care to age 21. The child must be:

3.18        (1) completing secondary education or a program leading to an equivalent credential;  
3.19        (2) enrolled in an institution which provides postsecondary or vocational education;  
3.20        (3) participating in a program or activity designed to promote or remove barriers to  
3.21        employment;  
3.22        (4) employed for at least 80 hours per month; or  
3.23        (5) incapable of doing any of the activities described in clauses (1) to (4) due to a  
3.24        medical condition.

3.25        **Subd. 4. Foster care benefits.** For children between the ages of 18 and 21, "foster  
3.26        care benefits" means payment for those foster care settings defined in section 260C.007,  
3.27        subdivision 18. Additionally, foster care benefits means payment for a supervised setting  
3.28        in which a child may live independently.

3.29        **Subd. 5. Permanent decision.** The particular foster care setting, including  
3.30        supervised settings, shall be selected based on the best interest of the child consistent with  
3.31        section 260C.212, subdivision 2. Supervision in approved settings must be determined by  
3.32        an individual determination of the child's needs by the responsible social services agency  
3.33        and consistent with section 260C.212, subdivision 4a.

3.34        **Subd. 6. Individual plan to age 21.** Upon request of an individual between the  
3.35        ages of 18 and 21 who, within six months of the individual's 18th birthday, had been under  
3.36        the guardianship of the commissioner and who has left foster care, the responsible social

4.1       services agency which had been the commissioner's agent for purposes of the guardianship  
4.2       shall develop with the individual a plan related to the individual's vocational, educational,  
4.3       social, or maturational needs. The agency shall provide foster care with maintenance and  
4.4       counseling benefits as required to implement the plan. The agency shall enter into a  
4.5       voluntary placement agreement with the individual if the plan includes foster care.

4.6       Subd. 7. **Jurisdiction.** Notwithstanding that the court retains jurisdiction pursuant  
4.7       to this section, individuals in foster care pursuant to this section are adults for all purposes  
4.8       except the continued provision of foster care. Any order establishing guardianship under  
4.9       section 260C.325, any legal custody order under section 260C.201, subdivision 1, and any  
4.10       order for legal custody associated with an order for long-term foster care under section  
4.11       260C.201, subdivision 11, terminates on the child's 18th birthday."

4.12       Renumber the sections in sequence and correct the internal references

4.13       Amend the title accordingly