

**ARTICLE 17****CHILDREN AND FAMILIES POLICY**

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1.2  
1.3 Section 1. Minnesota Statutes 2023 Supplement, section 119B.011, subdivision 15, is  
1.4 amended to read:

1.5 Subd. 15. **Income.** "Income" means earned income as defined under section 256P.01,  
1.6 subdivision 3; unearned income as defined under section 256P.01, subdivision 8; income  
1.7 under Minnesota Rules, part 3400.0170; and public assistance cash benefits, including the  
1.8 Minnesota family investment program, work benefit, Minnesota supplemental aid, general  
1.9 assistance, refugee cash assistance, at-home infant child care subsidy payments, and child  
1.10 support and maintenance distributed to the family under section 256.741, subdivision 2a.

1.11 The following are deducted from income: funds used to pay for health insurance  
1.12 premiums for family members, and child or spousal support paid to or on behalf of a person  
1.13 or persons who live outside of the household. Income sources not included in this subdivision  
1.14 ~~and~~; section 256P.06, subdivision 3; and Minnesota Rules, part 3400.0170, are not counted  
1.15 as income.

1.16 Sec. 2. Minnesota Statutes 2023 Supplement, section 119B.16, subdivision 1a, is amended  
1.17 to read:

1.18 Subd. 1a. **Fair hearing allowed for providers.** (a) This subdivision applies to providers  
1.19 caring for children receiving child care assistance.

1.20 (b) A provider may request a fair hearing according to sections 256.045 and 256.046  
1.21 only if a county agency or the commissioner:

1.22 (1) denies or revokes a provider's authorization, unless the action entitles the provider  
1.23 to:

1.24 (i) an administrative review under section 119B.161; or

1.25 (ii) a contested case hearing or an administrative reconsideration under section 245.095;

1.26 (2) assigns responsibility for an overpayment to a provider under section 119B.11,  
1.27 subdivision 2a;

1.28 (3) establishes an overpayment for failure to comply with section 119B.125, subdivision  
1.29 6;

1.30 (4) seeks monetary recovery or recoupment under section 245E.02, subdivision 4,  
1.31 paragraph (c), clause (2);

2.1 (5) ends a provider's rate differential under section 119B.13, subdivision 3a or 3b;

2.2 ~~(5)~~ (6) initiates an administrative fraud disqualification ~~hearing~~; or

2.3 ~~(6)~~ (7) issues a payment and the provider disagrees with the amount of the payment.

2.4 (c) A provider may request a fair hearing by submitting a written request to the  
 2.5 ~~Department of Human Services, Appeals Division~~ state agency. A provider's request must  
 2.6 be received by the ~~Appeals Division~~ state agency no later than 30 days after the date a  
 2.7 county or the commissioner ~~mails~~ sends the notice under subdivision 1c.

2.8 (d) The provider's appeal request must contain the following:

2.9 (1) each disputed item, the reason for the dispute, and, if applicable, an estimate of the  
 2.10 dollar amount involved for each disputed item;

2.11 (2) the computation the provider believes to be correct, if applicable;

2.12 (3) the statute or rule relied on for each disputed item; and

2.13 (4) the name, address, and telephone number of the person at the provider's place of  
 2.14 business with whom contact may be made regarding the appeal.

2.15 **EFFECTIVE DATE.** This section is effective August 1, 2024.

2.16 Sec. 3. Minnesota Statutes 2023 Supplement, section 119B.16, subdivision 1c, is amended  
 2.17 to read:

2.18 Subd. 1c. **Notice to providers.** (a) Before taking an action appealable under subdivision  
 2.19 1a, paragraph (b), clauses (1) to (5), a county agency or the commissioner must ~~mail~~ send  
 2.20 written notice to the provider against whom the action is being taken. Unless otherwise  
 2.21 specified under this chapter, chapter 245E, or Minnesota Rules, chapter 3400, a county  
 2.22 agency or the commissioner must ~~mail~~ send the written notice at least 15 calendar days  
 2.23 before the adverse action's effective date. If the appealable action is a denial of an  
 2.24 authorization under subdivision 1a, paragraph (b), clause (1), the provider's notice is effective  
 2.25 on the date the notice is sent.

2.26 (b) The notice of adverse action in paragraph (a) shall state (1) the factual basis for the  
 2.27 county agency or department's determination, (2) the action the county agency or department  
 2.28 intends to take, (3) the dollar amount of the monetary recovery or recoupment, if known,  
 2.29 and (4) the provider's right to appeal the department's proposed action.

2.30 (c) Notice requirements for administrative fraud disqualifications under subdivision 1a,  
 2.31 paragraph (b), clause (6), are set forth in section 256.046, subdivision 3.

3.1 (d) A provider must receive notices that include:

3.2 (1) the right to appeal if a county issues a payment and the provider disagrees with the  
3.3 amount of the payment under subdivision 1a, paragraph (b), clause (7), at the time of  
3.4 authorization and reauthorization under section 119B.125, subdivision 1; and

3.5 (2) the amount of each payment when a payment is issued.

3.6 (e) A provider's request to appeal a payment amount must be received by the state agency  
3.7 no later than 30 days after the date a county sends the notice informing the provider of its  
3.8 payment amount.

3.9 **EFFECTIVE DATE.** This section is effective August 1, 2024.

3.10 Sec. 4. Minnesota Statutes 2023 Supplement, section 119B.161, subdivision 2, is amended  
3.11 to read:

3.12 Subd. 2. **Notice.** (a) The commissioner must ~~mail~~ send written notice to a provider within  
3.13 five days of suspending payment or denying or revoking the provider's authorization under  
3.14 subdivision 1.

3.15 (b) The notice must:

3.16 (1) state the provision under which the commissioner is denying, revoking, or suspending  
3.17 the provider's authorization or suspending payment to the provider;

3.18 (2) set forth the general allegations leading to the denial, revocation, or suspension of  
3.19 the provider's authorization. The notice need not disclose any specific information concerning  
3.20 an ongoing investigation;

3.21 (3) state that the denial, revocation, or suspension of the provider's authorization is for  
3.22 a temporary period and explain the circumstances under which the action expires; and

3.23 (4) inform the provider of the right to submit written evidence and argument for  
3.24 consideration by the commissioner.

3.25 (c) Notwithstanding Minnesota Rules, part 3400.0185, if the commissioner suspends  
3.26 payment to a provider under chapter 245E or denies or revokes a provider's authorization  
3.27 under section 119B.13, subdivision 6, paragraph (d), clause (1) or (2), a county agency or  
3.28 the commissioner must send notice of service authorization closure to each affected family.  
3.29 The notice sent to an affected family is effective on the date the notice is created.

3.30 **EFFECTIVE DATE.** This section is effective August 1, 2024.

4.1 Sec. 5. Minnesota Statutes 2022, section 121A.15, subdivision 3, is amended to read:

4.2 Subd. 3. **Exemptions from immunizations.** (a) If a person is at least seven years old  
4.3 and has not been immunized against pertussis, the person must not be required to be  
4.4 immunized against pertussis.

4.5 (b) If a person is at least 18 years old and has not completed a series of immunizations  
4.6 against poliomyelitis, the person must not be required to be immunized against poliomyelitis.

4.7 (c) If a statement, signed by a physician, is submitted to the administrator or other person  
4.8 having general control and supervision of the school or child care facility stating that an  
4.9 immunization is contraindicated for medical reasons or that laboratory confirmation of the  
4.10 presence of adequate immunity exists, the immunization specified in the statement need  
4.11 not be required.

4.12 (d) If a notarized statement signed by the minor child's parent or guardian or by the  
4.13 emancipated person is submitted to the administrator or other person having general control  
4.14 and supervision of the school or child care facility stating that the person has not been  
4.15 immunized as prescribed in subdivision 1 because of the conscientiously held beliefs of the  
4.16 parent or guardian of the minor child or of the emancipated person, the immunizations  
4.17 specified in the statement shall not be required. This statement must also be forwarded to  
4.18 the commissioner of the Department of Health. This paragraph does not apply to a child  
4.19 enrolling or enrolled in a child care center or family child care program that adopts a policy  
4.20 under subdivision 3b.

4.21 (e) If the person is under 15 months, the person is not required to be immunized against  
4.22 measles, rubella, or mumps.

4.23 (f) If a person is at least five years old and has not been immunized against haemophilus  
4.24 influenzae type b, the person is not required to be immunized against haemophilus influenzae  
4.25 type b.

4.26 (g) If a person who is not a Minnesota resident enrolls in a Minnesota school online  
4.27 learning course or program that delivers instruction to the person only by computer and  
4.28 does not provide any teacher or instructor contact time or require classroom attendance, the  
4.29 person is not subject to the immunization, statement, and other requirements of this section.

4.30 Sec. 6. Minnesota Statutes 2022, section 121A.15, is amended by adding a subdivision to  
4.31 read:

4.32 Subd. 3b. **Child care programs.** A child care center licensed under chapter 245A and  
4.33 Minnesota Rules, chapter 9503, and a family child care provider licensed under chapter

5.1 245A and Minnesota Rules, chapter 9502, may adopt a policy prohibiting a child over two  
5.2 months of age from enrolling or remaining enrolled in the child care center or family child  
5.3 care program if the child:

5.4 (1) has not been immunized in accordance with subdivision 1 or 2 and in accordance  
5.5 with Minnesota Rules, chapter 4604; and

5.6 (2) is not exempt from immunizations under subdivision 3, paragraph (a), (c), (e), or (f).

5.7 Sec. 7. Minnesota Statutes 2023 Supplement, section 124D.142, subdivision 2, as amended  
5.8 by Laws 2024, chapter 80, article 4, section 10, is amended to read:

5.9 Subd. 2. **System components.** (a) The standards-based voluntary quality rating and  
5.10 improvement system includes:

5.11 (1) effective July 1, 2026, at least a one-star rating for all programs licensed under  
5.12 Minnesota Rules, chapter 9502 or 9503, or Tribally licensed that do not opt out of the system  
5.13 under paragraph (b) and that are not:

5.14 (i) the subject of a finding of fraud for which the program or individual is currently  
5.15 serving a penalty or exclusion;

5.16 (ii) prohibited from receiving public funds under section 245.095, regardless of whether  
5.17 the action is under appeal;

5.18 (iii) under revocation, suspension, temporary immediate suspension, or decertification,  
5.19 or is operating under a conditional license, regardless of whether the action is under appeal;  
5.20 or

5.21 (iv) the subject of suspended, denied, or terminated payments to a provider under section  
5.22 119B.13, subdivision 6, paragraph (d), clause (1) or (2); 245E.02, subdivision 4, paragraph  
5.23 (c), clause (4); or 256.98, subdivision 1, regardless of whether the action is under appeal;

5.24 (2) quality opportunities in order to improve the educational outcomes of children so  
5.25 that they are ready for school;

5.26 (3) a framework based on the Minnesota quality rating system rating tool and a common  
5.27 set of child outcome and program standards informed by evaluation results;

5.28 (4) a tool to increase the number of publicly funded and regulated early learning and  
5.29 care services in both public and private market programs that are high quality;

6.1 (5) voluntary participation ensuring that if a program or provider chooses to participate,  
6.2 the program or provider will be rated and may receive public funding associated with the  
6.3 rating; and

6.4 (6) tracking progress toward statewide access to high-quality early learning and care  
6.5 programs, progress toward the number of low-income children whose parents can access  
6.6 quality programs, and progress toward increasing the number of children who are fully  
6.7 prepared to enter kindergarten.

6.8 (b) By July 1, 2026, the commissioner of children, youth, and families shall establish a  
6.9 process by which a program may opt out of the rating under paragraph (a), clause (1). The  
6.10 commissioner shall consult with Tribes to develop a process for rating Tribally licensed  
6.11 programs that is consistent with the goal outlined in paragraph (a), clause (1).

6.12 **EFFECTIVE DATE.** This section is effective the day following final enactment.

6.13 Sec. 8. Minnesota Statutes 2023 Supplement, section 144.2252, subdivision 2, is amended  
6.14 to read:

6.15 Subd. 2. **Release of original birth record.** (a) The state registrar must provide to an  
6.16 adopted person who is 18 years of age or older or a person related to the adopted person a  
6.17 copy of the adopted person's original birth record and any evidence of the adoption previously  
6.18 filed with the state registrar. To receive a copy of an original birth record under this  
6.19 subdivision, the adopted person or person related to the adopted person must make the  
6.20 request to the state registrar in writing. The copy of the original birth record must clearly  
6.21 indicate that it may not be used for identification purposes. All procedures, fees, and waiting  
6.22 periods applicable to a nonadopted person's request for a copy of a birth record apply in the  
6.23 same manner as requests made under this section.

6.24 (b) If a contact preference form is attached to the original birth record as authorized  
6.25 under section 144.2253, the state registrar must provide a copy of the contact preference  
6.26 form along with the copy of the adopted person's original birth record.

6.27 (c) The state registrar shall provide a transcript of an adopted person's original birth  
6.28 record to an authorized representative of a federally recognized American Indian Tribe for  
6.29 the sole purpose of determining the adopted person's eligibility for enrollment or membership.  
6.30 Information contained in the birth record may not be used to provide the adopted person  
6.31 information about the person's birth parents, except as provided in this section or section  
6.32 259.83.

7.1 (d) For a replacement birth record issued under section 144.218, the adopted person or  
7.2 a person related to the adopted person may obtain from the state registrar copies of the order  
7.3 or decree of adoption, certificate of adoption, or decree issued under section 259.60, as filed  
7.4 with the state registrar.

7.5 (e) The state registrar may request assistance from the commissioner of children, youth,  
7.6 and families if needed to discharge duties under this section, as authorized under section  
7.7 259.79.

7.8 **EFFECTIVE DATE.** This section is effective July 1, 2024.

7.9 Sec. 9. Minnesota Statutes 2023 Supplement, section 144.2253, is amended to read:

7.10 **144.2253 BIRTH PARENT CONTACT PREFERENCE FORM.**

7.11 (a) The commissioner must make available to the public a contact preference form as  
7.12 described in paragraph (b).

7.13 (b) The contact preference form must provide the following information to be completed  
7.14 at the option of a birth parent:

7.15 (1) "I would like to be contacted."

7.16 (2) "I would prefer to be contacted only through an intermediary."

7.17 (3) "I prefer not to be contacted at this time. If I decide later that I would like to be  
7.18 contacted, I will submit an updated contact preference form to the Minnesota Department  
7.19 of Health."

7.20 (c) A contact preference form must include space where the birth parent may include  
7.21 information that the birth parent feels is important for the adopted person to know.

7.22 (d) If a birth parent of an adopted person submits a completed contact preference form  
7.23 to the commissioner, the commissioner must:

7.24 (1) match the contact preference form to the adopted person's original birth record. The  
7.25 commissioner may request assistance from the commissioner of children, youth, and families  
7.26 if needed to discharge duties under this clause, as authorized under section 259.79; and

7.27 (2) attach the contact preference form to the original birth record as required under  
7.28 section 144.2252.

7.29 (e) A contact preference form submitted to the commissioner under this section is private  
7.30 data on an individual as defined in section 13.02, subdivision 12, except that the contact  
7.31 preference form may be released as provided under section 144.2252, subdivision 2.

8.1 **EFFECTIVE DATE.** This section is effective July 1, 2024.

8.2 Sec. 10. Minnesota Statutes 2022, section 243.166, subdivision 7, as amended by Laws  
8.3 2024, chapter 79, article 9, section 5, is amended to read:

8.4 Subd. 7. **Use of data.** (a) Except as otherwise provided in subdivision 4b or 7a or sections  
8.5 244.052 and 299C.093, the data provided under this section is private data on individuals  
8.6 under section 13.02, subdivision 12.

8.7 (b) The data may be used only by law enforcement and corrections agencies for law  
8.8 enforcement and corrections purposes. Law enforcement or a corrections agent may disclose  
8.9 the status of an individual as a predatory offender to a child protection worker with a local  
8.10 welfare agency for purposes of doing a an investigation or family assessment under chapter  
8.11 260E. A corrections agent may also disclose the status of an individual as a predatory  
8.12 offender to comply with section 244.057.

8.13 (c) The commissioner of human services is authorized to have access to the data for  
8.14 purposes of completing background studies under chapter 245C.

8.15 (d) The direct care and treatment executive board is authorized to have access to data  
8.16 for any service, program, or facility owned or operated by the state of Minnesota and under  
8.17 the programmatic direction and fiscal control of the executive board for purposes described  
8.18 in section 246.13, subdivision 2, paragraph (b).

8.19 Sec. 11. Minnesota Statutes 2023 Supplement, section 245A.03, subdivision 7, as amended  
8.20 by Laws 2024, chapter 85, section 53, and Laws 2024, chapter 80, article 2, section 37, is  
8.21 amended to read:

8.22 Subd. 7. **Licensing moratorium.** (a) The commissioner shall not issue an initial license  
8.23 for child foster care licensed under Minnesota Rules, parts 2960.3000 to 2960.3340, which  
8.24 does not include child foster residence settings with residential program certifications for  
8.25 compliance with the Family First Prevention Services Act under section 245A.25, subdivision  
8.26 1, paragraph (a), or adult foster care licensed under Minnesota Rules, parts 9555.5105 to  
8.27 9555.6265, under this chapter for a physical location that will not be the primary residence  
8.28 of the license holder for the entire period of licensure. If a child foster residence setting that  
8.29 was previously exempt from the licensing moratorium under this paragraph has its Family  
8.30 First Prevention Services Act certification rescinded under section 245A.25, subdivision 9,  
8.31 or if a family adult foster care home license is issued during this moratorium, and the license  
8.32 holder changes the license holder's primary residence away from the physical location of  
8.33 the foster care license, the commissioner shall revoke the license according to section

9.1 245A.07. The commissioner shall not issue an initial license for a community residential  
9.2 setting licensed under chapter 245D. When approving an exception under this paragraph,  
9.3 the commissioner shall consider the resource need determination process in paragraph (h),  
9.4 the availability of foster care licensed beds in the geographic area in which the licensee  
9.5 seeks to operate, the results of a person's choices during their annual assessment and service  
9.6 plan review, and the recommendation of the local county board. The determination by the  
9.7 commissioner is final and not subject to appeal. Exceptions to the moratorium include:

9.8 (1) a license for a person in a foster care setting that is not the primary residence of the  
9.9 license holder and where at least 80 percent of the residents are 55 years of age or older;

9.10 (2) foster care licenses replacing foster care licenses in existence on May 15, 2009, or  
9.11 community residential setting licenses replacing adult foster care licenses in existence on  
9.12 December 31, 2013, and determined to be needed by the commissioner under paragraph  
9.13 (b);

9.14 (3) new foster care licenses or community residential setting licenses determined to be  
9.15 needed by the commissioner under paragraph (b) for the closure of a nursing facility, ICF/DD,  
9.16 or regional treatment center; restructuring of state-operated services that limits the capacity  
9.17 of state-operated facilities; or allowing movement to the community for people who no  
9.18 longer require the level of care provided in state-operated facilities as provided under section  
9.19 256B.092, subdivision 13, or 256B.49, subdivision 24;

9.20 (4) new foster care licenses or community residential setting licenses determined to be  
9.21 needed by the commissioner under paragraph (b) for persons requiring hospital-level care;  
9.22 or

9.23 (5) new foster care licenses or community residential setting licenses for people receiving  
9.24 customized living or 24-hour customized living services under the brain injury or community  
9.25 access for disability inclusion waiver plans under section 256B.49 or elderly waiver plan  
9.26 under chapter 256S and residing in the customized living setting for which a license is  
9.27 required. A customized living service provider subject to this exception may rebut the  
9.28 presumption that a license is required by seeking a reconsideration of the commissioner's  
9.29 determination. The commissioner's disposition of a request for reconsideration is final and  
9.30 not subject to appeal under chapter 14. The exception is available until December 31, 2023.  
9.31 This exception is available when:

9.32 (i) the person's customized living services are provided in a customized living service  
9.33 setting serving four or fewer people in a single-family home operational on or before June  
9.34 30, 2021. Operational is defined in section 256B.49, subdivision 28;

10.1 (ii) the person's case manager provided the person with information about the choice of  
10.2 service, service provider, and location of service, including in the person's home, to help  
10.3 the person make an informed choice; and

10.4 (iii) the person's services provided in the licensed foster care or community residential  
10.5 setting are less than or equal to the cost of the person's services delivered in the customized  
10.6 living setting as determined by the lead agency.

10.7 (b) The commissioner shall determine the need for newly licensed foster care homes or  
10.8 community residential settings as defined under this subdivision. As part of the determination,  
10.9 the commissioner shall consider the availability of foster care capacity in the area in which  
10.10 the licensee seeks to operate, and the recommendation of the local county board. The  
10.11 determination by the commissioner must be final. A determination of need is not required  
10.12 for a change in ownership at the same address.

10.13 (c) When an adult resident served by the program moves out of a foster home that is not  
10.14 the primary residence of the license holder according to section 256B.49, subdivision 15,  
10.15 paragraph (f), or the adult community residential setting, the county shall immediately  
10.16 inform the Department of Human Services Licensing Division. The department may decrease  
10.17 the statewide licensed capacity for adult foster care settings.

10.18 (d) Residential settings that would otherwise be subject to the decreased license capacity  
10.19 established in paragraph (c) ~~shall~~ must be exempt if the license holder's beds are occupied  
10.20 by residents whose primary diagnosis is mental illness and the license holder is certified  
10.21 under the requirements in subdivision 6a or section 245D.33.

10.22 (e) A resource need determination process, managed at the state level, using the available  
10.23 data required by section 144A.351, and other data and information ~~shall~~ must be used to  
10.24 determine where the reduced capacity determined under section 256B.493 will be  
10.25 implemented. The commissioner shall consult with the stakeholders described in section  
10.26 144A.351, and employ a variety of methods to improve the state's capacity to meet the  
10.27 informed decisions of those people who want to move out of corporate foster care or  
10.28 community residential settings, long-term service needs within budgetary limits, including  
10.29 seeking proposals from service providers or lead agencies to change service type, capacity,  
10.30 or location to improve services, increase the independence of residents, and better meet  
10.31 needs identified by the long-term services and supports reports and statewide data and  
10.32 information.

10.33 (f) At the time of application and reapplication for licensure, the applicant and the license  
10.34 holder that are subject to the moratorium or an exclusion established in paragraph (a) are

11.1 required to inform the commissioner whether the physical location where the foster care  
11.2 will be provided is or will be the primary residence of the license holder for the entire period  
11.3 of licensure. If the primary residence of the applicant or license holder changes, the applicant  
11.4 or license holder must notify the commissioner immediately. The commissioner shall print  
11.5 on the foster care license certificate whether or not the physical location is the primary  
11.6 residence of the license holder.

11.7 (g) License holders of foster care homes identified under paragraph (f) that are not the  
11.8 primary residence of the license holder and that also provide services in the foster care home  
11.9 that are covered by a federally approved home and community-based services waiver, as  
11.10 authorized under chapter 256S or section 256B.092 or 256B.49, must inform the human  
11.11 services licensing division that the license holder provides or intends to provide these  
11.12 waiver-funded services.

11.13 (h) The commissioner may adjust capacity to address needs identified in section  
11.14 144A.351. Under this authority, the commissioner may approve new licensed settings or  
11.15 delicense existing settings. Delicensing of settings will be accomplished through a process  
11.16 identified in section 256B.493.

11.17 (i) The commissioner must notify a license holder when its corporate foster care or  
11.18 community residential setting licensed beds are reduced under this section. The notice of  
11.19 reduction of licensed beds must be in writing and delivered to the license holder by certified  
11.20 mail or personal service. The notice must state why the licensed beds are reduced and must  
11.21 inform the license holder of its right to request reconsideration by the commissioner. The  
11.22 license holder's request for reconsideration must be in writing. If mailed, the request for  
11.23 reconsideration must be postmarked and sent to the commissioner within 20 calendar days  
11.24 after the license holder's receipt of the notice of reduction of licensed beds. If a request for  
11.25 reconsideration is made by personal service, it must be received by the commissioner within  
11.26 20 calendar days after the license holder's receipt of the notice of reduction of licensed beds.

11.27 (j) The commissioner shall not issue an initial license for children's residential treatment  
11.28 services licensed under Minnesota Rules, parts 2960.0580 to 2960.0700, under this chapter  
11.29 for a program that Centers for Medicare and Medicaid Services would consider an institution  
11.30 for mental diseases. Facilities that serve only private pay clients are exempt from the  
11.31 moratorium described in this paragraph. The commissioner has the authority to manage  
11.32 existing statewide capacity for children's residential treatment services subject to the  
11.33 moratorium under this paragraph and may issue an initial license for such facilities if the  
11.34 initial license would not increase the statewide capacity for children's residential treatment  
11.35 services subject to the moratorium under this paragraph.

12.1 Sec. 12. Minnesota Statutes 2023 Supplement, section 256.046, subdivision 3, is amended  
12.2 to read:

12.3 Subd. 3. **Administrative disqualification of child care providers caring for children**  
12.4 **receiving child care assistance.** (a) The department shall pursue an administrative  
12.5 disqualification, if the child care provider is accused of committing an intentional program  
12.6 violation, in lieu of a criminal action when it has not been pursued. Intentional program  
12.7 violations include intentionally making false or misleading statements; intentionally  
12.8 misrepresenting, concealing, or withholding facts; and repeatedly and intentionally violating  
12.9 program regulations under chapters 119B and 245E. Intent may be proven by demonstrating  
12.10 a pattern of conduct that violates program rules under chapters 119B and 245E.

12.11 (b) To initiate an administrative disqualification, the commissioner must ~~mail~~ send  
12.12 written notice ~~by certified mail~~ using a signature-verified confirmed delivery method to the  
12.13 provider against whom the action is being taken. Unless otherwise specified under chapter  
12.14 119B or 245E or Minnesota Rules, chapter 3400, the commissioner must ~~mail~~ send the  
12.15 written notice at least 15 calendar days before the adverse action's effective date. The notice  
12.16 shall state (1) the factual basis for the agency's determination, (2) the action the agency  
12.17 intends to take, (3) the dollar amount of the monetary recovery or recoupment, if known,  
12.18 and (4) the provider's right to appeal the agency's proposed action.

12.19 (c) The provider may appeal an administrative disqualification by submitting a written  
12.20 request to the ~~Department of Human Services, Appeals Division~~ state agency. A provider's  
12.21 request must be received by the ~~Appeals Division~~ state agency no later than 30 days after  
12.22 the date the commissioner mails the notice.

12.23 (d) The provider's appeal request must contain the following:

12.24 (1) each disputed item, the reason for the dispute, and, if applicable, an estimate of the  
12.25 dollar amount involved for each disputed item;

12.26 (2) the computation the provider believes to be correct, if applicable;

12.27 (3) the statute or rule relied on for each disputed item; and

12.28 (4) the name, address, and telephone number of the person at the provider's place of  
12.29 business with whom contact may be made regarding the appeal.

12.30 (e) On appeal, the issuing agency bears the burden of proof to demonstrate by a  
12.31 preponderance of the evidence that the provider committed an intentional program violation.

12.32 (f) The hearing is subject to the requirements of sections 256.045 and 256.0451. The  
12.33 human services judge may combine a fair hearing and administrative disqualification hearing

13.1 into a single hearing if the factual issues arise out of the same or related circumstances and  
13.2 the provider receives prior notice that the hearings will be combined.

13.3 (g) A provider found to have committed an intentional program violation and is  
13.4 administratively disqualified ~~shall~~ must be disqualified, for a period of three years for the  
13.5 first offense and permanently for any subsequent offense, from receiving any payments  
13.6 from any child care program under chapter 119B.

13.7 (h) Unless a timely and proper appeal made under this section is received by the  
13.8 department, the administrative determination of the department is final and binding.

13.9 **EFFECTIVE DATE.** This section is effective August 1, 2024.

13.10 Sec. 13. Minnesota Statutes 2022, section 256J.08, subdivision 34a, is amended to read:

13.11 Subd. 34a. **Family violence.** (a) "Family violence" means the following, if committed  
13.12 against a family or household member by a family or household member:

13.13 (1) physical harm, bodily injury, or assault;

13.14 (2) the infliction of fear of ~~imminent~~ physical harm, bodily injury, or assault; or

13.15 (3) terroristic threats, within the meaning of section 609.713, subdivision 1; criminal  
13.16 sexual conduct, within the meaning of section 609.342, 609.343, 609.344, 609.345, or  
13.17 609.3451; or interference with an emergency call within the meaning of section 609.78,  
13.18 subdivision 2.

13.19 (b) For the purposes of family violence, "family or household member" means:

13.20 (1) spouses and former spouses;

13.21 (2) parents and children;

13.22 (3) persons related by blood;

13.23 (4) persons who are residing together or who have resided together in the past;

13.24 (5) persons who have a child in common regardless of whether they have been married  
13.25 or have lived together at any time;

13.26 (6) a man and woman if the woman is pregnant and the man is alleged to be the father,  
13.27 regardless of whether they have been married or have lived together at anytime; and

13.28 (7) persons involved in a current or past significant romantic or sexual relationship.

14.1 Sec. 14. Minnesota Statutes 2022, section 256J.28, subdivision 1, is amended to read:

14.2 Subdivision 1. **Expedited issuance of the Supplemental Nutrition Assistance Program**  
14.3 **(SNAP) benefits.** ~~The following households are entitled to expedited issuance of SNAP~~  
14.4 ~~benefits assistance:~~

14.5 ~~(1) households with less than \$150 in monthly gross income provided their liquid assets~~  
14.6 ~~do not exceed \$100;~~

14.7 ~~(2) migrant or seasonal farm worker households who are destitute as defined in Code~~  
14.8 ~~of Federal Regulations, title 7, subtitle B, chapter 2, subchapter C, part 273, section 273.10,~~  
14.9 ~~paragraph (e)(3), provided their liquid assets do not exceed \$100; and~~

14.10 ~~(3) eligible households whose combined monthly gross income and liquid resources are~~  
14.11 ~~less than the household's monthly rent or mortgage and utilities.~~

14.12 For any month an individual receives expedited SNAP benefits, the individual is not  
14.13 eligible for the MFIP food portion of assistance.

14.14 Sec. 15. Minnesota Statutes 2022, section 256N.22, subdivision 10, is amended to read:

14.15 Subd. 10. **Assigning a successor relative custodian for a child's Northstar kinship**  
14.16 **assistance.** (a) In the event of the death or incapacity of the relative custodian, eligibility  
14.17 for Northstar kinship assistance and title IV-E assistance, if applicable, is not affected if the  
14.18 relative custodian is replaced by a successor named in the Northstar kinship assistance  
14.19 benefit agreement. Northstar kinship assistance ~~shall~~ must be paid to a named successor  
14.20 who is not the child's legal parent, biological parent or stepparent, or other adult living in  
14.21 the home of the legal parent, biological parent, or stepparent.

14.22 (b) In order to receive Northstar kinship assistance, a named successor must:

14.23 (1) meet the background study requirements in subdivision 4;

14.24 (2) renegotiate the agreement consistent with section 256N.25, subdivision 2, including  
14.25 cooperating with an assessment under section 256N.24;

14.26 (3) be ordered by the court to be the child's legal relative custodian in a modification  
14.27 proceeding under section 260C.521, subdivision 2; and

14.28 (4) satisfy the requirements in this paragraph within one year of the relative custodian's  
14.29 death or incapacity unless the commissioner certifies that the named successor made  
14.30 reasonable attempts to satisfy the requirements within one year and failure to satisfy the  
14.31 requirements was not the responsibility of the named successor.

15.1 (c) Payment of Northstar kinship assistance to the successor guardian may be temporarily  
15.2 approved through the policies, procedures, requirements, and deadlines under section  
15.3 256N.28, subdivision 2. Ongoing payment shall begin in the month when all the requirements  
15.4 in paragraph (b) are satisfied.

15.5 (d) Continued payment of Northstar kinship assistance may occur in the event of the  
15.6 death or incapacity of the relative custodian when:

15.7 (1) no successor has been named in the benefit agreement ~~when~~ or a named successor  
15.8 is not able or willing to accept custody or guardianship of the child; and

15.9 (2) the commissioner gives written consent to an individual who is a guardian or custodian  
15.10 appointed by a court for the child upon the death of both relative custodians in the case of  
15.11 assignment of custody to two individuals, or the sole relative custodian in the case of  
15.12 assignment of custody to one individual, unless the child is under the custody of a county,  
15.13 tribal, or child-placing agency.

15.14 (e) Temporary assignment of Northstar kinship assistance may be approved for a  
15.15 maximum of six consecutive months from the death or incapacity of the relative custodian  
15.16 or custodians as provided in paragraph (a) and must adhere to the policies, procedures,  
15.17 requirements, and deadlines under section 256N.28, subdivision 2, that are prescribed by  
15.18 the commissioner. If a court has not appointed a permanent legal guardian or custodian  
15.19 within six months, the Northstar kinship assistance must terminate and must not be resumed.

15.20 (f) Upon assignment of assistance payments under paragraphs (d) and (e), assistance  
15.21 must be provided from funds other than title IV-E.

15.22 Sec. 16. Minnesota Statutes 2022, section 256N.24, subdivision 10, is amended to read:

15.23 **Subd. 10. Caregiver requests for reassessments.** (a) A caregiver may initiate a  
15.24 reassessment request for an eligible child in writing to the financially responsible agency  
15.25 or, if there is no financially responsible agency, the agency designated by the commissioner.  
15.26 The written request must include the reason for the request and the name, address, and  
15.27 contact information of the caregivers. The caregiver may request a reassessment if at least  
15.28 six months have elapsed since any previous assessment or reassessment. For an eligible  
15.29 foster child, a foster parent may request reassessment in less than six months with written  
15.30 documentation that there have been significant changes in the child's needs that necessitate  
15.31 an earlier reassessment.

15.32 (b) A caregiver may request a reassessment of an at-risk child for whom an adoption  
15.33 assistance agreement has been executed if the caregiver has satisfied the commissioner with

16.1 written documentation from a qualified expert that the potential disability upon which  
16.2 eligibility for the agreement was based has manifested itself, consistent with section 256N.25,  
16.3 subdivision 3, paragraph (b).

16.4 (c) If the reassessment cannot be completed within 30 days of the caregiver's request,  
16.5 the agency responsible for reassessment must notify the caregiver of the reason for the delay  
16.6 and a reasonable estimate of when the reassessment can be completed.

16.7 (d) Notwithstanding any provision to the contrary in paragraph (a) or subdivision 9,  
16.8 when a Northstar kinship assistance agreement or adoption assistance agreement under  
16.9 section 256N.25 has been signed by all parties, no reassessment may be requested or  
16.10 conducted until the court finalizes the transfer of permanent legal and physical custody or  
16.11 finalizes the adoption, ~~or the assistance agreement expires according to section 256N.25,~~  
16.12 ~~subdivision 1.~~

16.13 Sec. 17. Minnesota Statutes 2022, section 256N.26, subdivision 15, is amended to read:

16.14 Subd. 15. **Payments.** (a) Payments to caregivers or youth under Northstar Care for  
16.15 Children must be made monthly. Consistent with section 256N.24, subdivision 13, the  
16.16 financially responsible agency must send the caregiver or youth the required written notice  
16.17 within 15 days of a completed assessment or reassessment.

16.18 (b) Unless paragraph (c) ~~or~~, (d), or (e) applies, the financially responsible agency shall  
16.19 pay foster parents directly for eligible children in foster care.

16.20 (c) When the legally responsible agency is different than the financially responsible  
16.21 agency, the legally responsible agency may make the payments to the caregiver or youth,  
16.22 provided payments are made on a timely basis. The financially responsible agency must  
16.23 pay the legally responsible agency on a timely basis. Caregivers must have access to the  
16.24 financially and legally responsible agencies' records of the transaction, consistent with the  
16.25 retention schedule for the payments.

16.26 (d) For eligible children in foster care, the financially responsible agency may pay the  
16.27 foster parent's payment for a licensed child-placing agency instead of paying the foster  
16.28 parents directly. The licensed child-placing agency must timely pay the foster parents and  
16.29 maintain records of the transaction. Caregivers must have access to the financially responsible  
16.30 agency's records of the transaction and the child-placing agency's records of the transaction,  
16.31 consistent with the retention schedule for the payments.

16.32 (e) If a foster youth aged 18 to 21 years old is placed in an unlicensed supervised  
16.33 independent living setting, payments must be made directly to the youth or to a vendor if

17.1 the legally responsible agency determines it to be in the youth's best interests. If the legally  
17.2 responsible agency has reason to believe that the youth is being financially exploited or at  
17.3 risk of being financially exploited in the approved unlicensed supervised independent living  
17.4 setting, the legally responsible agency shall advise the financially responsible agency to  
17.5 make the payments to a vendor.

17.6 Sec. 18. Minnesota Statutes 2022, section 256N.26, subdivision 16, is amended to read:

17.7 Subd. 16. **Effect of benefit on other aid.** Payments received under this section must  
17.8 not be considered as income for child care assistance under chapter 119B or any other  
17.9 financial benefit. Consistent with section 256J.24, a child or youth receiving a maintenance  
17.10 payment under Northstar Care for Children is excluded from any Minnesota family  
17.11 investment program assistance unit.

17.12 Sec. 19. Minnesota Statutes 2022, section 256N.26, subdivision 18, is amended to read:

17.13 Subd. 18. **Overpayments.** The commissioner has the authority to collect any amount  
17.14 of foster care payment, adoption assistance, or Northstar kinship assistance paid to a caregiver  
17.15 or youth in excess of the payment due. Payments covered by this subdivision include basic  
17.16 maintenance needs payments, supplemental difficulty of care payments, and reimbursement  
17.17 of home and vehicle modifications under subdivision 10. Prior to any collection, the  
17.18 commissioner or the commissioner's designee shall notify the caregiver or youth in writing,  
17.19 including:

17.20 (1) the amount of the overpayment and an explanation of the cause of overpayment;

17.21 (2) clarification of the corrected amount;

17.22 (3) a statement of the legal authority for the decision;

17.23 (4) information about how the caregiver can correct the overpayment;

17.24 (5) if repayment is required, when the payment is due and a person to contact to review  
17.25 a repayment plan;

17.26 (6) a statement that the caregiver or youth has a right to a fair hearing review by the  
17.27 department; and

17.28 (7) the procedure for seeking a fair hearing review by the department.

18.1 Sec. 20. Minnesota Statutes 2022, section 256N.26, subdivision 21, is amended to read:

18.2 Subd. 21. **Correct and true information.** The caregiver or youth must be investigated  
18.3 for fraud if the caregiver or youth reports information the caregiver or youth knows is untrue,  
18.4 the caregiver or youth fails to notify the commissioner of changes that may affect eligibility,  
18.5 or the agency administering the program receives relevant information that the caregiver  
18.6 or youth did not report.

18.7 Sec. 21. Minnesota Statutes 2022, section 256N.26, subdivision 22, is amended to read:

18.8 Subd. 22. **Termination notice for caregiver or youth.** The agency that issues the  
18.9 maintenance payment shall provide the child's caregiver or the youth with written notice of  
18.10 termination of payment. Termination notices must be sent at least 15 days before the final  
18.11 payment or, in the case of an unplanned termination, the notice is sent within three days of  
18.12 the end of the payment. The written notice must minimally include the following:

18.13 (1) the date payment will end;

18.14 (2) the reason payments will end and the event that is the basis to terminate payment;

18.15 (3) a statement that the ~~provider~~ caregiver or youth has a right to a fair hearing review  
18.16 by the department consistent with section 256.045, subdivision 3;

18.17 (4) the procedure to request a fair hearing; and

18.18 (5) the name, telephone number, and email address of a contact person at the agency.

18.19 Sec. 22. Minnesota Statutes 2022, section 256P.05, is amended by adding a subdivision  
18.20 to read:

18.21 Subd. 4. **Rental income.** Rental income is subject to the requirements of this section.

18.22 Sec. 23. Minnesota Statutes 2023 Supplement, section 256P.06, subdivision 3, is amended  
18.23 to read:

18.24 Subd. 3. **Income inclusions.** The following must be included in determining the income  
18.25 of an assistance unit:

18.26 (1) earned income; and

18.27 (2) unearned income, which includes:

18.28 (i) interest and dividends from investments and savings;

18.29 (ii) capital gains as defined by the Internal Revenue Service from any sale of real property;

19.1 (iii) ~~proceeds from rent and~~ contract for deed payments in excess of the principal and  
19.2 interest portion owed on property;

19.3 (iv) income from trusts, excluding special needs and supplemental needs trusts;

19.4 (v) interest income from loans made by the participant or household;

19.5 (vi) cash prizes and winnings;

19.6 (vii) unemployment insurance income that is received by an adult member of the  
19.7 assistance unit unless the individual receiving unemployment insurance income is:

19.8 (A) 18 years of age and enrolled in a secondary school; or

19.9 (B) 18 or 19 years of age, a caregiver, and is enrolled in school at least half-time;

19.10 (viii) for the purposes of programs under chapters 256D and 256I, retirement, survivors,  
19.11 and disability insurance payments;

19.12 (ix) retirement benefits;

19.13 (x) cash assistance benefits, as defined by each program in chapters 119B, 256D, 256I,  
19.14 and 256J;

19.15 (xi) income from members of the United States armed forces unless excluded from  
19.16 income taxes according to federal or state law;

19.17 (xii) for the purposes of programs under chapters 119B, 256D, and 256I, all child support  
19.18 payments;

19.19 (xiii) for the purposes of programs under chapter 256J, the amount of child support  
19.20 received that exceeds \$100 for assistance units with one child and \$200 for assistance units  
19.21 with two or more children;

19.22 (xiv) spousal support;

19.23 (xv) workers' compensation; and

19.24 (xvi) for the purposes of programs under chapters 119B and 256J, the amount of  
19.25 retirement, survivors, and disability insurance payments that exceeds the applicable monthly  
19.26 federal maximum Supplemental Security Income payments.

19.27 Sec. 24. Minnesota Statutes 2022, section 259.37, subdivision 2, is amended to read:

19.28 Subd. 2. **Disclosure to birth parents and adoptive parents.** An agency shall provide  
19.29 a disclosure statement written in clear, plain language to be signed by the prospective  
19.30 adoptive parents and birth parents, except that in intercountry adoptions, the signatures of

20.1 birth parents are not required. The disclosure statement must contain the following  
20.2 information:

20.3 (1) fees charged to the adoptive parent, including any policy on sliding scale fees or fee  
20.4 waivers and an itemization of the amount that will be charged for the adoption study,  
20.5 counseling, postplacement services, family of origin searches, birth parent expenses  
20.6 authorized under section 259.55, or any other services;

20.7 (2) timeline for the adoptive parent to make fee payments;

20.8 (3) likelihood, given the circumstances of the prospective adoptive parent and any specific  
20.9 program to which the prospective adoptive parent is applying, that an adoptive placement  
20.10 may be made and the estimated length of time for making an adoptive placement. These  
20.11 estimates must be based on adoptive placements made with prospective parents in similar  
20.12 circumstances applying to a similar program with the agency during the immediately  
20.13 preceding three to five years. If an agency has not been in operation for at least three years,  
20.14 it must provide summary data based on whatever adoptive placements it has made and may  
20.15 include a statement about the kind of efforts it will make to achieve an adoptive placement,  
20.16 including a timetable it will follow in seeking a child. The estimates must include a statement  
20.17 that the agency cannot guarantee placement of a child or a time by which a child will be  
20.18 placed;

20.19 (4) a statement of the services the agency will provide the birth and adoptive parents;

20.20 (5) a statement prepared by the commissioner under section 259.39 that explains the  
20.21 child placement and adoption process and the respective legal rights and responsibilities of  
20.22 the birth parent and prospective adoptive parent during the process including a statement  
20.23 that the prospective adoptive parent is responsible for filing an adoption petition not later  
20.24 than 12 months after the child is placed in the prospective adoptive home;

20.25 (6) a statement regarding any information the agency may have about attorney referral  
20.26 services, or about obtaining assistance with completing legal requirements for an adoption;  
20.27 ~~and~~

20.28 (7) a statement regarding the right of an adopted person to request and obtain a copy of  
20.29 the adopted person's original birth record at the age and circumstances specified in section  
20.30 144.2253 and the right of the birth parent named on the adopted person's original birth  
20.31 record to file a contact preference form with the state registrar pursuant to section 144.2253;  
20.32 and

21.1 ~~(7)~~ (8) an acknowledgment to be signed by the birth parent and prospective adoptive  
21.2 parent that they have received, read, and had the opportunity to ask questions of the agency  
21.3 about the contents of the disclosure statement.

21.4 **EFFECTIVE DATE.** This section is effective July 1, 2024.

21.5 Sec. 25. Minnesota Statutes 2022, section 259.53, is amended by adding a subdivision to  
21.6 read:

21.7 Subd. 7. **Supportive parenting services for parents with disabilities.** (a) A court or  
21.8 agency shall not deny a prospective parent the ability to proceed with an adoption due to  
21.9 the prospective parent's disability. A person who raises a prospective parent's disability as  
21.10 a basis for denying an adoption has the burden to prove by clear and convincing evidence  
21.11 that specific behaviors of the prospective parent would endanger the health or safety of the  
21.12 child. If the person meets the burden, the prospective parent with a disability shall have the  
21.13 opportunity to demonstrate how implementing supportive services would alleviate any  
21.14 concerns.

21.15 (b) The court may require the agency that conducted the postplacement assessment and  
21.16 filed the report with the court under subdivision 2 to provide the opportunity to use supportive  
21.17 parenting services to a prospective parent, conduct a new postplacement assessment that is  
21.18 inclusive of the prospective parent's use of supportive parenting services, and file a revised  
21.19 report with the court under subdivision 2. This paragraph does not confer additional  
21.20 responsibility to the agency to provide supportive parenting services directly to the  
21.21 prospective parent. Within a reasonable period of time, the prospective parent has the right  
21.22 to a court hearing to review the need for continuing services.

21.23 (c) If a court denies or limits the ability of a prospective parent with a disability to adopt  
21.24 a child, the court shall make specific written findings stating the basis for the determination  
21.25 and why providing supportive parenting services is not a reasonable accommodation that  
21.26 could prevent the denial or limitation.

21.27 (d) For purposes of this subdivision, "disability" and "supportive parenting services"  
21.28 have the meanings given in section 260C.141, subdivision 1a.

21.29 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to pleadings  
21.30 and motions pending on or after that date.

22.1 Sec. 26. Minnesota Statutes 2022, section 259.79, subdivision 1, is amended to read:

22.2 Subdivision 1. **Content.** (a) The adoption records of the commissioner's agents and  
 22.3 licensed child-placing agencies shall contain copies of all relevant legal documents,  
 22.4 responsibly collected genetic, medical and social history of the child and the child's birth  
 22.5 parents, the child's placement record, copies of all pertinent agreements, contracts, and  
 22.6 correspondence relevant to the adoption, and copies of all reports and recommendations  
 22.7 made to the court.

22.8 (b) The commissioner of human services shall maintain a permanent record of all  
 22.9 adoptions granted in district court in Minnesota regarding children who are:

22.10 (1) under guardianship of the commissioner or a licensed child-placing agency according  
 22.11 to section 260C.317 or 260C.515, subdivision 3;

22.12 (2) placed by the commissioner, commissioner's agent, or licensed child-placing agency  
 22.13 after a consent to adopt according to section 259.24 or under an agreement conferring  
 22.14 authority to place for adoption according to section 259.25; or

22.15 (3) adopted after a direct adoptive placement approved by the district court under section  
 22.16 259.47.

22.17 Each record shall contain identifying information about the child, the birth or legal  
 22.18 parents, and adoptive parents, including race where such data is available. The record must  
 22.19 also contain: (1) the date the child was legally freed for adoption; (2) the date of the adoptive  
 22.20 placement; (3) the name of the placing agency; (4) the county where the adoptive placement  
 22.21 occurred; (5) the date that the petition to adopt was filed; (6) the county where the petition  
 22.22 to adopt was filed; and (7) the date and county where the adoption decree was granted.

22.23 (c) Identifying information contained in the adoption record ~~shall~~ must be confidential  
 22.24 and ~~shall~~ must be disclosed only pursuant to section 259.61 or, for adoption records  
 22.25 maintained by the commissioner of human services, upon request from the commissioner  
 22.26 of health or state registrar pursuant to sections 144.2252 and 144.2253.

22.27 Sec. 27. Minnesota Statutes 2023 Supplement, section 259.83, subdivision 1, is amended  
 22.28 to read:

22.29 Subdivision 1. **Services provided.** (a) Agencies shall provide assistance and counseling  
 22.30 services upon receiving a request for current information from adoptive parents, birth parents,  
 22.31 ~~or~~ adopted persons aged 18 years of age and older, or adult siblings of adopted persons.  
 22.32 The agency shall contact the other adult persons or the adoptive parents of a minor child in  
 22.33 a personal and confidential manner to determine whether there is a desire to receive or share

23.1 information or to have contact. If there is such a desire, the agency shall provide the services  
 23.2 requested. The agency shall ~~provide services to adult genetic siblings if there is no known~~  
 23.3 ~~violation of the confidentiality of a birth parent or if the birth parent gives written consent~~  
 23.4 complete the search request within six months of the request being made. If the agency is  
 23.5 unable to complete the search request within the specified time frame, the agency shall  
 23.6 inform the requester of the status of the request and include a reasonable estimate of when  
 23.7 the request can be completed.

23.8 (b) Upon a request for assistance or services from an adoptive parent of a minor child,  
 23.9 birth parent, or an adopted person 18 years of age or older, the agency must inform the  
 23.10 person:

23.11 (1) about the right of an adopted person to request and obtain a copy of the adopted  
 23.12 person's original birth record at the age and circumstances specified in section 144.2253;  
 23.13 and

23.14 (2) about the right of the birth parent named on the adopted person's original birth record  
 23.15 to file a contact preference form with the state registrar pursuant to section 144.2253.

23.16 ~~In~~ When making or supervising an adoptive placements placement, the agency must provide  
 23.17 in writing to the birth parents listed on the original birth record the information required  
 23.18 under this ~~section~~ paragraph and section 259.37, subdivision 2, clause (7).

23.19 Sec. 28. Minnesota Statutes 2023 Supplement, section 259.83, subdivision 1b, is amended  
 23.20 to read:

23.21 Subd. 1b. **Genetic Siblings.** (a) A person who is at least 18 years of age who was adopted  
 23.22 ~~or, because of a termination of parental rights, who~~ was committed to the guardianship of  
 23.23 the commissioner of human services, ~~whether adopted or~~ and not, adopted must upon request  
 23.24 be advised of other siblings who were adopted or who were committed to the guardianship  
 23.25 of the commissioner of human services and not adopted.

23.26 (b) The agency must provide assistance ~~must be provided by the county or placing agency~~  
 23.27 ~~of~~ to the person requesting information to the extent that information is available in the  
 23.28 ~~existing records at the Department of Human Services~~ required to be kept under section  
 23.29 259.79. If the sibling received services from another agency, the agencies must share  
 23.30 necessary information in order to locate the other siblings and to offer services, as requested.  
 23.31 ~~Upon the determination that parental rights with respect to another sibling were terminated,~~  
 23.32 ~~identifying information and contact must be provided only upon mutual consent.~~ A reasonable  
 23.33 fee may be imposed by the ~~county or placing~~ agency.

24.1 Sec. 29. Minnesota Statutes 2023 Supplement, section 259.83, subdivision 3a, is amended  
24.2 to read:

24.3 Subd. 3a. **Birth parent identifying information.** (a) This subdivision applies to adoptive  
24.4 placements where an adopted person does not have a record of live birth registered in this  
24.5 state. Upon written request by an adopted person 18 years of age or older, the agency  
24.6 responsible for or supervising the placement must provide to the requester the following  
24.7 identifying information related to the birth parents listed on that adopted person's original  
24.8 birth record, to the extent the information is available:

24.9 (1) each of the birth parent's names; and

24.10 (2) each of the birth parent's birthdate and birthplace.

24.11 (b) The agency may charge a reasonable fee to the requester for providing the required  
24.12 information under paragraph (a).

24.13 (c) The agency, acting in good faith and in a lawful manner in disclosing the identifying  
24.14 information under this subdivision, is not civilly liable for such disclosure.

24.15 Sec. 30. Minnesota Statutes 2022, section 259.83, subdivision 4, is amended to read:

24.16 Subd. 4. **Confidentiality.** Agencies shall provide adoptive parents, birth parents and  
24.17 adult siblings, and adopted persons aged ~~19~~ 18 years and over reasonable assistance in a  
24.18 manner consistent with state and federal laws, rules, and regulations regarding the  
24.19 confidentiality and privacy of child welfare and adoption records.

24.20 Sec. 31. Minnesota Statutes 2022, section 260C.007, subdivision 6, is amended to read:

24.21 Subd. 6. **Child in need of protection or services.** "Child in need of protection or  
24.22 services" means a child who is in need of protection or services because the child:

24.23 (1) is abandoned or without parent, guardian, or custodian;

24.24 (2)(i) has been a victim of physical or sexual abuse as defined in section 260E.03,  
24.25 subdivision 18 or 20, (ii) resides with or has resided with a victim of child abuse as defined  
24.26 in subdivision 5 or domestic child abuse as defined in subdivision 13, (iii) resides with or  
24.27 would reside with a perpetrator of domestic child abuse as defined in subdivision 13 or child  
24.28 abuse as defined in subdivision 5 or 13, or (iv) is a victim of emotional maltreatment as  
24.29 defined in subdivision 15;

25.1 (3) is without necessary food, clothing, shelter, education, or other required care for the  
25.2 child's physical or mental health or morals because the child's parent, guardian, or custodian  
25.3 is unable or unwilling to provide that care;

25.4 (4) is without the special care made necessary by a physical, mental, or emotional  
25.5 condition because the child's parent, guardian, or custodian is unable or unwilling to provide  
25.6 that care;

25.7 (5) is medically neglected, which includes, but is not limited to, the withholding of  
25.8 medically indicated treatment from an infant with a disability with a life-threatening  
25.9 condition. The term "withholding of medically indicated treatment" means the failure to  
25.10 respond to the infant's life-threatening conditions by providing treatment, including  
25.11 appropriate nutrition, hydration, and medication which, in the treating physician's, advanced  
25.12 practice registered nurse's, or physician assistant's reasonable medical judgment, will be  
25.13 most likely to be effective in ameliorating or correcting all conditions, except that the term  
25.14 does not include the failure to provide treatment other than appropriate nutrition, hydration,  
25.15 or medication to an infant when, in the treating physician's, advanced practice registered  
25.16 nurse's, or physician assistant's reasonable medical judgment:

25.17 (i) the infant is chronically and irreversibly comatose;

25.18 (ii) the provision of the treatment would merely prolong dying, not be effective in  
25.19 ameliorating or correcting all of the infant's life-threatening conditions, or otherwise be  
25.20 futile in terms of the survival of the infant; or

25.21 (iii) the provision of the treatment would be virtually futile in terms of the survival of  
25.22 the infant and the treatment itself under the circumstances would be inhumane;

25.23 (6) is one whose parent, guardian, or other custodian for good cause desires to be relieved  
25.24 of the child's care and custody, including a child who entered foster care under a voluntary  
25.25 placement agreement between the parent and the responsible social services agency under  
25.26 section 260C.227;

25.27 (7) has been placed for adoption or care in violation of law;

25.28 (8) is without proper parental care because of the emotional, mental, or physical disability,  
25.29 or state of immaturity of the child's parent, guardian, or other custodian. A child is not  
25.30 considered to be without proper parental care based solely on the disability of the child's  
25.31 parent, guardian, or custodian;

26.1 (9) is one whose behavior, condition, or environment is such as to be injurious or  
26.2 dangerous to the child or others. An injurious or dangerous environment may include, but  
26.3 is not limited to, the exposure of a child to criminal activity in the child's home;

26.4 (10) is experiencing growth delays, which may be referred to as failure to thrive, that  
26.5 have been diagnosed by a physician and are due to parental neglect;

26.6 (11) is a sexually exploited youth;

26.7 (12) has committed a delinquent act or a juvenile petty offense before becoming ten  
26.8 years old;

26.9 (13) is a runaway;

26.10 (14) is a habitual truant;

26.11 (15) has been found incompetent to proceed or has been found not guilty by reason of  
26.12 mental illness or mental deficiency in connection with a delinquency proceeding, a  
26.13 certification under section 260B.125, an extended jurisdiction juvenile prosecution, or a  
26.14 proceeding involving a juvenile petty offense; or

26.15 (16) has a parent whose parental rights to one or more other children were involuntarily  
26.16 terminated or whose custodial rights to another child have been involuntarily transferred to  
26.17 a relative and there is a case plan prepared by the responsible social services agency  
26.18 documenting a compelling reason why filing the termination of parental rights petition under  
26.19 section 260C.503, subdivision 2, is not in the best interests of the child.

26.20 Sec. 32. Minnesota Statutes 2022, section 260C.141, is amended by adding a subdivision  
26.21 to read:

26.22 Subd. 1a. **Supportive parenting services.** (a) A person or agency shall not file a petition  
26.23 alleging that a child is in need of protection or services on the basis of a parent's disability.  
26.24 To make a prima facie showing that a child protection matter exists, the petitioner must  
26.25 demonstrate in the petition that the child is in need of protection or services due to specific  
26.26 behaviors of a parent or household member. The local agency or court must offer a parent  
26.27 with a disability the opportunity to use supportive parenting services to assist the parent if  
26.28 the petitioner makes a prima facie showing that through specific behaviors, a parent with a  
26.29 disability cannot provide for the child's safety, health, or welfare. If a court removes a child  
26.30 from a parent's home, the court shall make specific written findings stating the basis for  
26.31 removing the child and why providing supportive parenting services is not a reasonable  
26.32 accommodation that could prevent the child's out-of-home placement.

27.1 (b) For purposes of this subdivision, "supportive parenting services" means services that  
 27.2 may assist a parent with a disability in the effective use of techniques and methods to enable  
 27.3 the parent to discharge the parent's responsibilities to a child as successfully as a parent who  
 27.4 does not have a disability, including nonvisual techniques for a parent who is blind.

27.5 (c) For purposes of this subdivision, "disability" means:

27.6 (1) physical or mental impairment that substantially limits one or more of a parent's  
 27.7 major life activities;

27.8 (2) a record of having a physical or mental impairment that substantially limits one or  
 27.9 more of a parent's major life activities; or

27.10 (3) being regarded as having a physical or mental impairment that substantially limits  
 27.11 one or more of a parent's major life activities.

27.12 (d) The term "disability" must be construed in accordance with the ADA Amendments  
 27.13 Act of 2008, Public Law 110-325.

27.14 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to pleadings  
 27.15 and motions pending on or after that date.

27.16 Sec. 33. Minnesota Statutes 2022, section 260C.178, subdivision 7, is amended to read:

27.17 Subd. 7. ~~Out-of-home placement~~ **Case plan.** (a) When the court has ordered the child  
 27.18 into the care of a parent under subdivision 1, paragraph (c), clause (1), the child protective  
 27.19 services plan under section 260E.26 must be filed within 30 days of the filing of the juvenile  
 27.20 protection petition under section 260C.141, subdivision 1.

27.21 ~~(a)~~ (b) When the court orders the child into foster care under subdivision 1, paragraph  
 27.22 (c), clause (2), and not into the care of a parent, an out-of-home placement plan required  
 27.23 under section 260C.212 shall ~~shall~~ must be filed with the court within 30 days of the filing of a  
 27.24 juvenile protection petition under section 260C.141, subdivision 1, when the court orders  
 27.25 emergency removal of the child under this section, or filed with the petition if the petition  
 27.26 is a review of a voluntary placement under section 260C.141, subdivision 2.

27.27 ~~(b)~~ (c) Upon the filing of the child protective services plan under section 260E.26 or  
 27.28 out-of-home placement plan ~~which~~ that has been developed jointly with the parent and in  
 27.29 consultation with others as required under section 260C.212, subdivision 1, the court may  
 27.30 approve implementation of the plan by the responsible social services agency based on the  
 27.31 allegations contained in the petition and any evaluations, examinations, or assessments  
 27.32 conducted under subdivision 1, paragraph ~~(b)~~ (m). The court shall send written notice of the

28.1 approval of the child protective services plan or out-of-home placement plan to all parties  
 28.2 and the county attorney or may state such approval on the record at a hearing. A parent may  
 28.3 agree to comply with the terms of the plan filed with the court.

28.4 ~~(e)~~ (d) The responsible social services agency shall make reasonable efforts to engage  
 28.5 both parents of the child in case planning. The responsible social service agency shall report  
 28.6 the results of its efforts to engage the child's parents in the child protective services plan or  
 28.7 out-of-home placement plan filed with the court. The agency shall notify the court of the  
 28.8 services it will provide or efforts it will attempt under the plan notwithstanding the parent's  
 28.9 refusal to cooperate or disagreement with the services. The parent may ask the court to  
 28.10 modify the plan to require different or additional services requested by the parent, but which  
 28.11 the agency refused to provide. The court may approve the plan as presented by the agency  
 28.12 or may modify the plan to require services requested by the parent. The court's approval  
 28.13 ~~shall~~ must be based on the content of the petition.

28.14 ~~(d)~~ (e) Unless the parent agrees to comply with the terms of the child protective services  
 28.15 plan or out-of-home placement plan, the court may not order a parent to comply with the  
 28.16 provisions of the plan until the court finds the child is in need of protection or services and  
 28.17 orders disposition under section 260C.201, subdivision 1. However, the court may find that  
 28.18 the responsible social services agency has made reasonable efforts for reunification if the  
 28.19 agency makes efforts to implement the terms of ~~an~~ the child protective services plan or  
 28.20 out-of-home placement plan approved under this section.

28.21 Sec. 34. Minnesota Statutes 2022, section 260C.202, is amended to read:

28.22 **260C.202 COURT REVIEW OF ~~FOSTER CARE~~ DISPOSITION.**

28.23 **Subdivision 1. Court review for a child in the home of a parent under protective**  
 28.24 **supervision. If the court orders a child into the home of a parent under the protective**  
 28.25 **supervision of the responsible social services agency or child-placing agency under section**  
 28.26 **260C.201, subdivision 1, paragraph (a), clause (1), the court shall review the child protective**  
 28.27 **services plan under section 260E.26 at least every 90 days. The court shall notify the parents**  
 28.28 **of the provisions of sections 260C.503 to 260C.521, as required under juvenile court rules.**

28.29 **Subd. 2. Court review for a child placed in foster care.** (a) If the court orders a child  
 28.30 placed in foster care, the court shall review the out-of-home placement plan and the child's  
 28.31 placement at least every 90 days as required in juvenile court rules to determine whether  
 28.32 continued out-of-home placement is necessary and appropriate or whether the child should  
 28.33 be returned home.

29.1 (b) This review is not required if the court has returned the child home, ordered the child  
29.2 permanently placed away from the parent under sections 260C.503 to 260C.521, or  
29.3 terminated rights under section 260C.301. Court review for a child permanently placed  
29.4 away from a parent, including where the child is under guardianship of the commissioner,  
29.5 ~~shall be~~ is governed by section 260C.607.

29.6 (c) When a child is placed in a qualified residential treatment program setting as defined  
29.7 in section 260C.007, subdivision 26d, the responsible social services agency must submit  
29.8 evidence to the court as specified in section 260C.712.

29.9 ~~(b)~~ (d) No later than three months after the child's placement in foster care, the court  
29.10 shall review agency efforts to search for and notify relatives pursuant to section 260C.221,  
29.11 and order that the agency's efforts begin immediately, or continue, if the agency has failed  
29.12 to perform, or has not adequately performed, the duties under that section. The court must  
29.13 order the agency to continue to appropriately engage relatives who responded to the notice  
29.14 under section 260C.221 in placement and case planning decisions and to consider relatives  
29.15 for foster care placement consistent with section 260C.221. Notwithstanding a court's finding  
29.16 that the agency has made reasonable efforts to search for and notify relatives under section  
29.17 260C.221, the court may order the agency to continue making reasonable efforts to search  
29.18 for, notify, engage, and consider relatives who came to the agency's attention after sending  
29.19 the initial notice under section 260C.221.

29.20 ~~(e)~~ (e) The court shall review the out-of-home placement plan and may modify the plan  
29.21 as provided under section 260C.201, subdivisions 6 and 7.

29.22 ~~(d)~~ (f) When the court transfers the custody of a child to a responsible social services  
29.23 agency resulting in foster care or protective supervision with a noncustodial parent under  
29.24 subdivision 1, the court shall notify the parents of the provisions of sections 260C.204 and  
29.25 260C.503 to 260C.521, as required under juvenile court rules.

29.26 ~~(e)~~ (g) When a child remains in or returns to foster care pursuant to section 260C.451  
29.27 and the court has jurisdiction pursuant to section 260C.193, subdivision 6, paragraph (c),  
29.28 the court shall at least annually conduct the review required under section 260C.203.

29.29 Sec. 35. Minnesota Statutes 2022, section 260C.209, subdivision 1, is amended to read:

29.30 Subdivision 1. **Subjects.** The responsible social services agency may have access to the  
29.31 criminal history and history of child and adult maltreatment on the following individuals:

29.32 (1) a noncustodial parent or nonadjudicated parent who is being assessed for purposes  
29.33 of providing day-to-day care of a child temporarily or permanently under section 260C.219

30.1 and any member of the parent's household who is over the age of 13 when there is a  
 30.2 reasonable cause to believe that the parent or household member over age 13 has a criminal  
 30.3 history or a history of maltreatment of a child or vulnerable adult ~~which~~ that would endanger  
 30.4 the child's health, safety, or welfare;

30.5 (2) an individual ~~whose suitability for relative placement under section 260C.221 is~~  
 30.6 ~~being determined~~ and any member of the ~~relative's~~ individual's household who is over the  
 30.7 age of 13 when:

30.8 ~~(i) the relative must be licensed for foster care; or~~

30.9 (i) the individual is being considered for relative placement under section 260C.221;

30.10 (ii) the background study is required under section 259.53, subdivision 2; or

30.11 ~~(iii) the agency or the commissioner has reasonable cause to believe the relative or~~  
 30.12 ~~household member over the age of 13 has a criminal history which would not make a petition~~  
 30.13 to transfer of permanent legal and physical custody to the relative under has been filed  
 30.14 according to section 260C.515, subdivision 4, in the child's best interest paragraph (d), and  
 30.15 the relative is not pursuing Northstar kinship assistance eligibility for the child under chapter  
 30.16 256N; and

30.17 (3) a parent, following an out-of-home placement, when the responsible social services  
 30.18 agency has reasonable cause to believe that the parent has been convicted of a crime directly  
 30.19 related to the parent's capacity to maintain the child's health, safety, or welfare or the parent  
 30.20 is the subject of an open investigation of, or has been the subject of a substantiated allegation  
 30.21 of, child or vulnerable-adult maltreatment within the past ten years.

30.22 "Reasonable cause" means that the agency has received information or a report from the  
 30.23 subject or a third person that creates an articulable suspicion that the individual has a history  
 30.24 that may pose a risk to the health, safety, or welfare of the child. The information or report  
 30.25 must be specific to the potential subject of the background check and ~~shall~~ must not be  
 30.26 based on the race, religion, ethnic background, age, class, or lifestyle of the potential subject.

30.27 Sec. 36. Minnesota Statutes 2022, section 260C.212, subdivision 1, is amended to read:

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

31.1 (b) An out-of-home placement plan means a written document individualized to the  
31.2 needs of the child and the child's parents or guardians that is prepared by the responsible  
31.3 social services agency jointly with the child's parents or guardians and in consultation with  
31.4 the child's guardian ad litem; the child's tribe, if the child is an Indian child; the child's foster  
31.5 parent or representative of the foster care facility; and, when appropriate, the child. When  
31.6 a child is age 14 or older, the child may include two other individuals on the team preparing  
31.7 the child's out-of-home placement plan. The child may select one member of the case  
31.8 planning team to be designated as the child's advisor and to advocate with respect to the  
31.9 application of the reasonable and prudent parenting standards. The responsible social services  
31.10 agency may reject an individual selected by the child if the agency has good cause to believe  
31.11 that the individual would not act in the best interest of the child. For a child in voluntary  
31.12 foster care for treatment under chapter 260D, preparation of the out-of-home placement  
31.13 plan shall additionally include the child's mental health treatment provider. For a child 18  
31.14 years of age or older, the responsible social services agency shall involve the child and the  
31.15 child's parents as appropriate. As appropriate, the plan shall be:

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

31.17 (2) ordered by the court, either as presented or modified after hearing, under section  
31.18 260C.178, subdivision 7, or 260C.201, subdivision 6; and

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

31.22 (c) The out-of-home placement plan shall be explained by the responsible social services  
31.23 agency to all persons involved in the plan's implementation, including the child who has  
31.24 signed the plan, and shall set forth:

31.25 (1) a description of the foster care home or facility selected, including how the  
31.26 out-of-home placement plan is designed to achieve a safe placement for the child in the  
31.27 least restrictive, most family-like setting available that is in close proximity to the home of  
31.28 the child's parents or guardians when the case plan goal is reunification; and how the  
31.29 placement is consistent with the best interests and special needs of the child according to  
31.30 the factors under subdivision 2, paragraph (b);

31.31 (2) the specific reasons for the placement of the child in foster care, and when  
31.32 reunification is the plan, a description of the problems or conditions in the home of the  
31.33 parent or parents that necessitated removal of the child from home and the changes the  
31.34 parent or parents must make for the child to safely return home;

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

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

32.6 (ii) the reasonable efforts, or in the case of an Indian child, active efforts to be made to  
32.7 achieve a safe and stable home for the child including social and other supportive services  
32.8 to be provided or offered to the parent or parents or guardian of the child, the child, and the  
32.9 residential facility during the period the child is in the residential facility;

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

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

32.18 (6) when a child cannot return to or be in the care of either parent, documentation of  
32.19 steps to finalize adoption as the permanency plan for the child through reasonable efforts  
32.20 to place the child for adoption pursuant to section 260C.605. At a minimum, the  
32.21 documentation must include consideration of whether adoption is in the best interests of  
32.22 the child and child-specific recruitment efforts such as a relative search, consideration of  
32.23 relatives for adoptive placement, and the use of state, regional, and national adoption  
32.24 exchanges to facilitate orderly and timely placements in and outside of the state. A copy of  
32.25 this documentation shall be provided to the court in the review required under section  
32.26 260C.317, subdivision 3, paragraph (b);

32.27 (7) when a child cannot return to or be in the care of either parent, documentation of  
32.28 steps to finalize the transfer of permanent legal and physical custody to a relative as the  
32.29 permanency plan for the child. This documentation must support the requirements of the  
32.30 kinship placement agreement under section 256N.22 and must include the reasonable efforts  
32.31 used to determine that it is not appropriate for the child to return home or be adopted, and  
32.32 reasons why permanent placement with a relative through a Northstar kinship assistance  
32.33 arrangement is in the child's best interest; how the child meets the eligibility requirements  
32.34 for Northstar kinship assistance payments; agency efforts to discuss adoption with the child's

33.1 relative foster parent and reasons why the relative foster parent chose not to pursue adoption,  
33.2 if applicable; and agency efforts to discuss with the child's parent or parents the permanent  
33.3 transfer of permanent legal and physical custody or the reasons why these efforts were not  
33.4 made;

33.5 (8) efforts to ensure the child's educational stability while in foster care for a child who  
33.6 attained the minimum age for compulsory school attendance under state law and is enrolled  
33.7 full time in elementary or secondary school, or instructed in elementary or secondary  
33.8 education at home, or instructed in an independent study elementary or secondary program,  
33.9 or incapable of attending school on a full-time basis due to a medical condition that is  
33.10 documented and supported by regularly updated information in the child's case plan.

33.11 Educational stability efforts include:

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

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

33.19 (9) the educational records of the child including the most recent information available  
33.20 regarding:

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

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

33.23 (iii) the child's school record;

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

33.26 (v) any other relevant educational information;

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

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

33.30 (ii) how the child's known medical problems and identified needs from the screens,  
33.31 including any known communicable diseases, as defined in section 144.4172, subdivision  
33.32 2, shall be monitored and treated while the child is in foster care;

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

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

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

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

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

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

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

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

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

34.16 (iv) the child's medications; and

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

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

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

34.25 (ii) health care planning and medical coverage;

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

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

35.1 (v) planning for housing;

35.2 (vi) social and recreational skills;

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

35.4 and

35.5 (viii) regular opportunities to engage in age-appropriate or developmentally appropriate

35.6 activities typical for the child's age group, taking into consideration the capacities of the

35.7 individual child;

35.8 (13) for a child in voluntary foster care for treatment under chapter 260D, diagnostic

35.9 and assessment information, specific services relating to meeting the mental health care

35.10 needs of the child, and treatment outcomes;

35.11 (14) for a child 14 years of age or older, a signed acknowledgment that describes the

35.12 child's rights regarding education, health care, visitation, safety and protection from

35.13 exploitation, and court participation; receipt of the documents identified in section 260C.452;

35.14 and receipt of an annual credit report. The acknowledgment shall state that the rights were

35.15 explained in an age-appropriate manner to the child; and

35.16 (15) for a child placed in a qualified residential treatment program, the plan must include

35.17 the requirements in section 260C.708.

35.18 (d) The parent or parents or guardian and the child each shall have the right to legal

35.19 counsel in the preparation of the case plan and shall be informed of the right at the time of

35.20 placement of the child. The child shall also have the right to a guardian ad litem. If unable

35.21 to employ counsel from their own resources, the court shall appoint counsel upon the request

35.22 of the parent or parents or the child or the child's legal guardian. The parent or parents may

35.23 also receive assistance from any person or social services agency in preparation of the case

35.24 plan.

35.25 (e) Before an out-of-home placement plan is signed by the parent or parents or guardian

35.26 of the child, the responsible social services agency must provide the parent or parents or

35.27 guardian with a one- to two-page summary of the plan using a form developed by the

35.28 commissioner. The out-of-home placement plan summary must clearly summarize the plan's

35.29 contents under paragraph (c) and list the requirements and responsibilities for the parent or

35.30 parents or guardian using plain language. The summary must be updated and provided to

35.31 the parent or parents or guardian when the out-of-home placement plan is updated under

35.32 subdivision 1a.

36.1 ~~(e)~~ (f) After the plan has been agreed upon by the parties involved or approved or ordered  
 36.2 by the court, the foster parents shall be fully informed of the provisions of the case plan and  
 36.3 shall be provided a copy of the plan.

36.4 ~~(f)~~ (g) Upon the child's discharge from foster care, the responsible social services agency  
 36.5 must provide the child's parent, adoptive parent, or permanent legal and physical custodian,  
 36.6 and the child, if the child is 14 years of age or older, with a current copy of the child's health  
 36.7 and education record. If a child meets the conditions in subdivision 15, paragraph (b), the  
 36.8 agency must also provide the child with the child's social and medical history. The responsible  
 36.9 social services agency may give a copy of the child's health and education record and social  
 36.10 and medical history to a child who is younger than 14 years of age, if it is appropriate and  
 36.11 if subdivision 15, paragraph (b), applies.

36.12 **EFFECTIVE DATE.** This section is effective March 1, 2025.

36.13 Sec. 37. Minnesota Statutes 2022, section 260C.212, subdivision 2, is amended to read:

36.14 Subd. 2. **Placement decisions based on best interests of the child.** (a) The policy of  
 36.15 the state of Minnesota is to ensure that the child's best interests are met by requiring an  
 36.16 individualized determination of the needs of the child in consideration of paragraphs (a) to  
 36.17 (f), and of how the selected placement will serve the current and future needs of the child  
 36.18 being placed. The authorized child-placing agency shall place a child, released by court  
 36.19 order or by voluntary release by the parent or parents, in a family foster home selected by  
 36.20 considering placement with relatives in the following order:

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

36.23 (2) with an individual who is an important friend of the child or of the child's parent or  
 36.24 custodian, including an individual with whom the child has resided or had significant contact  
 36.25 or who has a significant relationship to the child or the child's parent or custodian.

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

36.28 (b) Among the factors the agency shall consider in determining the current and future  
 36.29 needs of the child are the following:

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

36.31 (2) the medical needs of the child;

36.32 (3) the educational needs of the child;

- 37.1 (4) the developmental needs of the child;
- 37.2 (5) the child's history and past experience;
- 37.3 (6) the child's religious and cultural needs;
- 37.4 (7) the child's connection with a community, school, and faith community;
- 37.5 (8) the child's interests and talents;
- 37.6 (9) the child's current and long-term needs regarding relationships with parents, siblings,
- 37.7 relatives, and other caretakers;
- 37.8 (10) the reasonable preference of the child, if the court, or the child-placing agency in
- 37.9 the case of a voluntary placement, deems the child to be of sufficient age to express
- 37.10 preferences; and
- 37.11 (11) for an Indian child, the best interests of an Indian child as defined in section 260.755,
- 37.12 subdivision 2a.
- 37.13 When placing a child in foster care or in a permanent placement based on an individualized
- 37.14 determination of the child's needs, the agency must not use one factor in this paragraph to
- 37.15 the exclusion of all others, and the agency shall consider that the factors in paragraph (b)
- 37.16 may be interrelated.
- 37.17 (c) Placement of a child cannot be delayed or denied based on race, color, or national
- 37.18 origin of the foster parent or the child.
- 37.19 (d) Siblings should be placed together for foster care and adoption at the earliest possible
- 37.20 time unless it is documented that a joint placement would be contrary to the safety or
- 37.21 well-being of any of the siblings or unless it is not possible after reasonable efforts by the
- 37.22 responsible social services agency. In cases where siblings cannot be placed together, the
- 37.23 agency is required to provide frequent visitation or other ongoing interaction between
- 37.24 siblings unless the agency documents that the interaction would be contrary to the safety
- 37.25 or well-being of any of the siblings.
- 37.26 (e) ~~Except for emergency placement as provided for in section 245A.035,~~ The following
- 37.27 requirements must be satisfied before the approval of a foster ~~or adoptive~~ placement in a
- 37.28 related or unrelated home: (1) a completed background study under section 245C.08; and
- 37.29 (2) a completed review of the written home study required under section 260C.215,
- 37.30 subdivision 4, clause (5), ~~or 260C.611,~~ to assess the capacity of the prospective foster ~~or~~
- 37.31 ~~adoptive~~ parent to ensure the placement will meet the needs of the individual child. For

38.1 adoptive placements in a related or unrelated home, the home must meet the requirements  
38.2 of section 260C.611.

38.3 (f) The agency must determine whether colocation with a parent who is receiving services  
38.4 in a licensed residential family-based substance use disorder treatment program is in the  
38.5 child's best interests according to paragraph (b) and include that determination in the child's  
38.6 case plan under subdivision 1. The agency may consider additional factors not identified  
38.7 in paragraph (b). The agency's determination must be documented in the child's case plan  
38.8 before the child is colocated with a parent.

38.9 (g) The agency must establish a juvenile treatment screening team under section 260C.157  
38.10 to determine whether it is necessary and appropriate to recommend placing a child in a  
38.11 qualified residential treatment program, as defined in section 260C.007, subdivision 26d.

38.12 (h) A child in foster care must not be placed in an unlicensed emergency relative  
38.13 placement under section 245A.035 or licensed family foster home when the responsible  
38.14 social services agency is aware that a prospective foster parent, license applicant, license  
38.15 holder, or adult household member has a permanent disqualification under section 245C.15,  
38.16 subdivision 4a, paragraphs (a) and (b).

38.17 Sec. 38. Minnesota Statutes 2022, section 260C.301, subdivision 1, as amended by Laws  
38.18 2024, chapter 80, article 8, section 27, is amended to read:

38.19 Subdivision 1. **Voluntary and involuntary.** The juvenile court may upon petition,  
38.20 terminate all rights of a parent to a child:

38.21 (a) with the written consent of a parent who for good cause desires to terminate parental  
38.22 rights; or

38.23 (b) if it finds that one or more of the following conditions exist:

38.24 (1) that the parent has abandoned the child;

38.25 (2) that the parent has substantially, continuously, or repeatedly refused or neglected to  
38.26 comply with the duties imposed upon that parent by the parent and child relationship,  
38.27 including but not limited to providing the child with necessary food, clothing, shelter,  
38.28 education, and other care and control necessary for the child's physical, mental, or emotional  
38.29 health and development, if the parent is physically and financially able, and either reasonable  
38.30 efforts by the social services agency have failed to correct the conditions that formed the  
38.31 basis of the petition or reasonable efforts would be futile and therefore unreasonable;

39.1 ~~(3) that a parent has been ordered to contribute to the support of the child or financially~~  
39.2 ~~aid in the child's birth and has continuously failed to do so without good cause. This clause~~  
39.3 ~~shall not be construed to state a grounds for termination of parental rights of a nonecustodial~~  
39.4 ~~parent if that parent has not been ordered to or cannot financially contribute to the support~~  
39.5 ~~of the child or aid in the child's birth;~~

39.6 ~~(4)~~ (3) that a parent is palpably unfit to be a party to the parent and child relationship  
39.7 because of a consistent pattern of specific conduct before the child or of specific conditions  
39.8 directly relating to the parent and child relationship either of which are determined by the  
39.9 court to be of a duration or nature that renders the parent unable, for the reasonably  
39.10 foreseeable future, to care appropriately for the ongoing physical, mental, or emotional  
39.11 needs of the child. It is presumed that a parent is palpably unfit to be a party to the parent  
39.12 and child relationship upon a showing that the parent's parental rights to one or more other  
39.13 children were involuntarily terminated or that the parent's custodial rights to another child  
39.14 have been involuntarily transferred to a relative under a juvenile protection proceeding or  
39.15 a similar process of another jurisdiction;

39.16 ~~(5)~~ (4) that following the child's placement out of the home, reasonable efforts, under  
39.17 the direction of the court, have failed to correct the conditions leading to the child's  
39.18 placement. It is presumed that reasonable efforts under this clause have failed upon a showing  
39.19 that:

39.20 (i) a child has resided out of the parental home under court order for a cumulative period  
39.21 of 12 months within the preceding 22 months. In the case of a child under age eight at the  
39.22 time the petition was filed alleging the child to be in need of protection or services, the  
39.23 presumption arises when the child has resided out of the parental home under court order  
39.24 for six months unless the parent has maintained regular contact with the child and the parent  
39.25 is complying with the out-of-home placement plan;

39.26 (ii) the court has approved the out-of-home placement plan required under section  
39.27 260C.212 and filed with the court under section 260C.178;

39.28 (iii) conditions leading to the out-of-home placement have not been corrected. It is  
39.29 presumed that conditions leading to a child's out-of-home placement have not been corrected  
39.30 upon a showing that the parent or parents have not substantially complied with the court's  
39.31 orders and a reasonable case plan; and

39.32 (iv) reasonable efforts have been made by the social services agency to rehabilitate the  
39.33 parent and reunite the family.

40.1 This clause does not prohibit the termination of parental rights prior to one year, or in  
40.2 the case of a child under age eight, prior to six months after a child has been placed out of  
40.3 the home.

40.4 It is also presumed that reasonable efforts have failed under this clause upon a showing  
40.5 that:

40.6 (A) the parent has been diagnosed as chemically dependent by a professional certified  
40.7 to make the diagnosis;

40.8 (B) the parent has been required by a case plan to participate in a chemical dependency  
40.9 treatment program;

40.10 (C) the treatment programs offered to the parent were culturally, linguistically, and  
40.11 clinically appropriate;

40.12 (D) the parent has either failed two or more times to successfully complete a treatment  
40.13 program or has refused at two or more separate meetings with a caseworker to participate  
40.14 in a treatment program; and

40.15 (E) the parent continues to abuse chemicals.

40.16 ~~(6)~~ (5) that a child has experienced egregious harm in the parent's care ~~which~~ that is of  
40.17 a nature, duration, or chronicity that indicates a lack of regard for the child's well-being,  
40.18 such that a reasonable person would believe it contrary to the best interest of the child or  
40.19 of any child to be in the parent's care;

40.20 ~~(7)~~ (6) that in the case of a child born to a mother who was not married to the child's  
40.21 father when the child was conceived nor when the child was born the person is not entitled  
40.22 to notice of an adoption hearing under section 259.49 and the person has not registered with  
40.23 the fathers' adoption registry under section 259.52;

40.24 ~~(8)~~ (7) that the child is neglected and in foster care; or

40.25 ~~(9)~~ (8) that the parent has been convicted of a crime listed in section 260.012, paragraph  
40.26 (g), clauses (1) to (5).

40.27 In an action involving an American Indian child, sections 260.751 to 260.835 and the  
40.28 Indian Child Welfare Act, United States Code, title 25, sections 1901 to 1923, control to  
40.29 the extent that the provisions of this section are inconsistent with those laws.

41.1 Sec. 39. Minnesota Statutes 2022, section 260C.515, subdivision 4, is amended to read:

41.2 Subd. 4. **Transfer of permanent legal and physical custody to relative.** (a) The court  
41.3 may order a transfer of permanent legal and physical custody to:

41.4 (1) a parent. The court must find that the parent understands a transfer of permanent  
41.5 legal and physical custody includes permanent, ongoing responsibility for the protection,  
41.6 education, care, and control of the child and decision making on behalf of the child until  
41.7 adulthood; or

41.8 (2) a fit and willing relative in the best interests of the child according to the following  
41.9 requirements: in paragraph (b).

41.10 ~~(1)~~ (b) An order for transfer of permanent legal and physical custody to a relative shall  
41.11 must only be made after the court has reviewed the suitability of the prospective legal and  
41.12 physical custodian; including a summary of information obtained from required background  
41.13 studies under section 245C.33 or 260C.209, if the court finds the permanency disposition  
41.14 to be in the child's best interests.

41.15 ~~(2)~~ In transferring permanent legal and physical custody to a relative, the juvenile court  
41.16 shall follow the standards applicable under this chapter and chapter 260, and the procedures  
41.17 in the Minnesota Rules of Juvenile Protection Procedure; The court must issue written  
41.18 findings that include the following:

41.19 (1) the prospective legal and physical custodian understands that:

41.20 ~~(3)~~ (i) a transfer of permanent legal and physical custody includes permanent, ongoing  
41.21 responsibility for the protection, education, care, and control of the child and decision  
41.22 making on behalf of the child until adulthood; and

41.23 ~~(4)~~ (ii) a permanent legal and physical custodian may shall not return a child to the  
41.24 permanent care of a parent from whom the court removed custody without the court's  
41.25 approval and without notice to the responsible social services agency;

41.26 (2) transfer of permanent legal and physical custody and receipt of Northstar kinship  
41.27 assistance under chapter 256N, when requested and the child is eligible, are in the child's  
41.28 best interests;

41.29 (3) when the agency files the petition under paragraph (c) or supports the petition filed  
41.30 under paragraph (d), adoption is not in the child's best interests based on the determinations  
41.31 in the kinship placement agreement required under section 256N.22, subdivision 2;

42.1 (4) the agency made efforts to discuss adoption with the child's parent or parents, or the  
 42.2 agency did not make efforts to discuss adoption and the reasons why efforts were not made;  
 42.3 and

42.4 (5) there are reasons to separate siblings during placement, if applicable.

42.5 ~~(5)~~ (c) The responsible social services agency may file a petition naming a fit and willing  
 42.6 relative as a proposed permanent legal and physical custodian. A petition for transfer of  
 42.7 permanent legal and physical custody to a relative who is not a parent shall include facts  
 42.8 upon which the court can determine suitability of the proposed custodian, including a  
 42.9 summary of results from required background studies completed under section 245C.33.  
 42.10 The petition must be accompanied by a kinship placement agreement under section 256N.22,  
 42.11 subdivision 2, between the agency and proposed permanent legal and physical custodian;

42.12 ~~(6)~~ (d) Another party to the permanency proceeding regarding the child may file a petition  
 42.13 to transfer permanent legal and physical custody to a relative. The petition must include  
 42.14 facts upon which the court can make the determination determinations required under clause  
 42.15 ~~(7) and~~ paragraph (b), including suitability of the proposed custodian and, if completed, a  
 42.16 summary of results from required background studies completed under section 245C.33 or  
 42.17 260C.209. If background studies have not been completed at the time of filing the petition,  
 42.18 they must be completed and a summary of results provided to the court prior to the court  
 42.19 granting the petition or finalizing the order according to paragraph (e). The petition must  
 42.20 be filed not later than the date for the required admit-deny hearing under section 260C.507;  
 42.21 or if the agency's petition is filed under section 260C.503, subdivision 2, the petition must  
 42.22 be filed not later than 30 days prior to the trial required under section 260C.509;

42.23 ~~(7) where a petition is for transfer of permanent legal and physical custody to a relative~~  
 42.24 ~~who is not a parent, the court must find that:~~

42.25 ~~(i) transfer of permanent legal and physical custody and receipt of Northstar kinship~~  
 42.26 ~~assistance under chapter 256N, when requested and the child is eligible, are in the child's~~  
 42.27 ~~best interests;~~

42.28 ~~(ii) adoption is not in the child's best interests based on the determinations in the kinship~~  
 42.29 ~~placement agreement required under section 256N.22, subdivision 2;~~

42.30 ~~(iii) the agency made efforts to discuss adoption with the child's parent or parents, or~~  
 42.31 ~~the agency did not make efforts to discuss adoption and the reasons why efforts were not~~  
 42.32 ~~made; and~~

42.33 ~~(iv) there are reasons to separate siblings during placement, if applicable;~~

43.1 ~~(8)~~ (e) The court may:

43.2 (1) defer finalization of an order transferring permanent legal and physical custody to a  
43.3 relative when deferring finalization is necessary to determine eligibility for Northstar kinship  
43.4 assistance under chapter 256N;

43.5 ~~(9) the court may~~ (2) finalize a ~~permanent~~ transfer of permanent legal and physical and  
43.6 ~~legal~~ custody to a relative regardless of eligibility for Northstar kinship assistance under  
43.7 chapter 256N, provided that the court has reviewed the suitability of the proposed custodian,  
43.8 including the summary of background study results, consistent with paragraph (b); and

43.9 ~~(10) the juvenile court may~~ (3) following a transfer of permanent legal and physical  
43.10 custody to a relative, maintain jurisdiction over the responsible social services agency, the  
43.11 parents or guardian of the child, the child, and the permanent legal and physical custodian  
43.12 for purposes of ensuring appropriate services are delivered to the child and permanent legal  
43.13 custodian for the purpose of ensuring conditions ordered by the court related to the care and  
43.14 custody of the child are met.

43.15 Sec. 40. Minnesota Statutes 2022, section 260C.607, subdivision 1, is amended to read:

43.16 Subdivision 1. **Review hearings.** (a) The court shall conduct a review of the responsible  
43.17 social services agency's reasonable efforts to finalize adoption for any child under the  
43.18 guardianship of the commissioner and of the progress of the case toward adoption at least  
43.19 every 90 days after the court issues an order that the commissioner is the guardian of the  
43.20 child.

43.21 (b) The review of progress toward adoption shall continue notwithstanding that an appeal  
43.22 is made of the order for guardianship or termination of parental rights.

43.23 (c) The agency's reasonable efforts to finalize the adoption must continue during the  
43.24 pendency of the appeal under paragraph (b) or subdivision 6, paragraph (h), and all progress  
43.25 toward adoption shall continue except that the court may not finalize an adoption while the  
43.26 appeal is pending.

43.27 Sec. 41. Minnesota Statutes 2022, section 260C.607, subdivision 6, is amended to read:

43.28 Subd. 6. **Motion and hearing to order adoptive placement.** (a) At any time after the  
43.29 district court orders the child under the guardianship of the commissioner of human services,  
43.30 but not later than 30 days after receiving notice required under section 260C.613, subdivision  
43.31 1, paragraph (c), that the agency has made an adoptive placement, a relative or the child's

44.1 foster parent may file a motion for an order for adoptive placement of a child who is under  
44.2 the guardianship of the commissioner if the relative or the child's foster parent:

44.3 (1) has an adoption home study under section 259.41 or 260C.611 approving the relative  
44.4 or foster parent for adoption. If the relative or foster parent does not have an adoption home  
44.5 study, an affidavit attesting to efforts to complete an adoption home study may be filed with  
44.6 the motion instead. The affidavit must be signed by the relative or foster parent and the  
44.7 responsible social services agency or licensed child-placing agency completing the adoption  
44.8 home study. The relative or foster parent must also have been a resident of Minnesota for  
44.9 at least six months before filing the motion; the court may waive the residency requirement  
44.10 for the moving party if there is a reasonable basis to do so; or

44.11 (2) is not a resident of Minnesota, but has an approved adoption home study by an agency  
44.12 licensed or approved to complete an adoption home study in the state of the individual's  
44.13 residence and the study is filed with the motion for adoptive placement. If the relative or  
44.14 foster parent does not have an adoption home study in the relative or foster parent's state  
44.15 of residence, an affidavit attesting to efforts to complete an adoption home study may be  
44.16 filed with the motion instead. The affidavit must be signed by the relative or foster parent  
44.17 and the agency completing the adoption home study.

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

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

44.28 (d) At the evidentiary hearing, the responsible social services agency shall proceed first  
44.29 with evidence about the reason for not making the adoptive placement proposed by the  
44.30 moving party. When the agency presents evidence regarding the child's current relationship  
44.31 with the identified adoptive placement resource, the court must consider the agency's efforts  
44.32 to support the child's relationship with the moving party consistent with section 260C.221.  
44.33 The moving party then has the burden of proving by a preponderance of the evidence that  
44.34 the agency has been unreasonable in failing to make the adoptive placement.

45.1 (e) The court shall review and enter findings regarding whether the agency, in making  
45.2 an adoptive placement decision for the child:

45.3 (1) considered relatives for adoptive placement in the order specified under section  
45.4 260C.212, subdivision 2, paragraph (a); and

45.5 (2) assessed how the identified adoptive placement resource and the moving party are  
45.6 each able to meet the child's current and future needs, based on an individualized  
45.7 determination of the child's needs, as required under sections 260C.212, subdivision 2, and  
45.8 260C.613, subdivision 1, paragraph (b).

45.9 (f) At the conclusion of the evidentiary hearing, if the court finds that the agency has  
45.10 been unreasonable in failing to make the adoptive placement and that the moving party is  
45.11 the most suitable adoptive home to meet the child's needs using the factors in section  
45.12 260C.212, subdivision 2, paragraph (b), the court may:

45.13 (1) order the responsible social services agency to make an adoptive placement in the  
45.14 home of the moving party if the moving party has an approved adoption home study; or

45.15 (2) order the responsible social services agency to place the child in the home of the  
45.16 moving party upon approval of an adoption home study. The agency must promote and  
45.17 support the child's ongoing visitation and contact with the moving party until the child is  
45.18 placed in the moving party's home. The agency must provide an update to the court after  
45.19 90 days, including progress and any barriers encountered. If the moving party does not have  
45.20 an approved adoption home study within 180 days, the moving party and the agency must  
45.21 inform the court of any barriers to obtaining the approved adoption home study during a  
45.22 review hearing under this section. If the court finds that the moving party is unable to obtain  
45.23 an approved adoption home study, the court must dismiss the order for adoptive placement  
45.24 under this subdivision and order the agency to continue making reasonable efforts to finalize  
45.25 the adoption of the child as required under section 260C.605.

45.26 (g) If, in order to ensure that a timely adoption may occur, the court orders the responsible  
45.27 social services agency to make an adoptive placement under this subdivision, the agency  
45.28 shall:

45.29 (1) make reasonable efforts to obtain a fully executed adoption placement agreement,  
45.30 including assisting the moving party with the adoption home study process;

45.31 (2) work with the moving party regarding eligibility for adoption assistance as required  
45.32 under chapter 256N; and

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

46.3 (h) Denial or granting of a motion for an order for adoptive placement after an evidentiary  
46.4 hearing is an order ~~which~~ that may be appealed by the responsible social services agency,  
46.5 the moving party, the child, when age ten or over, the child's guardian ad litem, and any  
46.6 individual who had a fully executed adoption placement agreement regarding the child at  
46.7 the time the motion was filed if the court's order has the effect of terminating the adoption  
46.8 placement agreement. An appeal ~~shall~~ must be conducted according to the requirements of  
46.9 the Rules of Juvenile Protection Procedure. Pursuant to subdivision 1, paragraph (c), the  
46.10 court shall not finalize an adoption while an appeal is pending.

46.11 Sec. 42. Minnesota Statutes 2022, section 260C.611, is amended to read:

46.12 **260C.611 ADOPTION STUDY REQUIRED.**

46.13 (a) An adoption study under section 259.41 approving placement of the child in the  
46.14 home of the prospective adoptive parent ~~shall~~ must be completed before placing any child  
46.15 under the guardianship of the commissioner in a home for adoption. If a prospective adoptive  
46.16 parent has a current child foster care license under chapter 245A and is seeking to adopt a  
46.17 foster child who is placed in the prospective adoptive parent's home and is under the  
46.18 guardianship of the commissioner according to section 260C.325, subdivision 1, the child  
46.19 foster care home study meets the requirements of this section for an approved adoption  
46.20 home study if:

46.21 (1) the written home study on which the foster care license was based is completed in  
46.22 the commissioner's designated format, consistent with the requirements in sections 259.41,  
46.23 subdivision 2; and 260C.215, subdivision 4, clause (5); and Minnesota Rules, part 2960.3060,  
46.24 subpart 4;

46.25 (2) the background studies on each prospective adoptive parent and all required household  
46.26 members were completed according to section 245C.33;

46.27 (3) the commissioner has not issued, ~~within the last three years,~~ a sanction on the license  
46.28 under section 245A.07 or an order of a conditional license under section 245A.06 within  
46.29 the last three years, or the commissioner has determined it to be in the child's best interests  
46.30 to allow the child foster care home study to meet requirements of an approved adoption  
46.31 home study upon review of the legally responsible agency's adoptive placement decision;  
46.32 and

47.1 (4) the legally responsible agency determines that the individual needs of the child are  
47.2 being met by the prospective adoptive parent through an assessment under section 256N.24,  
47.3 subdivision 2, or a documented placement decision consistent with section 260C.212,  
47.4 subdivision 2.

47.5 (b) If a prospective adoptive parent has previously held a foster care license or adoptive  
47.6 home study, any update necessary to the foster care license, or updated or new adoptive  
47.7 home study, if not completed by the licensing authority responsible for the previous license  
47.8 or home study, shall include collateral information from the previous licensing or approving  
47.9 agency, if available.

47.10 Sec. 43. Minnesota Statutes 2022, section 260C.613, subdivision 1, is amended to read:

47.11 Subdivision 1. **Adoptive placement decisions.** (a) The responsible social services agency  
47.12 has exclusive authority to make an adoptive placement ~~of decision for~~ a child under the  
47.13 guardianship of the commissioner. The child shall be considered is legally placed for adoption  
47.14 when the adopting parent, the agency, and the commissioner have fully executed an adoption  
47.15 placement agreement on the form prescribed by the commissioner.

47.16 (b) The responsible social services agency shall use an individualized determination of  
47.17 the child's current and future needs, pursuant to section 260C.212, subdivision 2, paragraph  
47.18 (b), to determine the most suitable adopting parent for the child in the child's best interests.  
47.19 The responsible social services agency must consider adoptive placement of the child with  
47.20 relatives in the order specified in section 260C.212, subdivision 2, paragraph (a).

47.21 (c) The responsible social services agency shall notify the court and parties entitled to  
47.22 notice under section 260C.607, subdivision 2, when there is a fully executed adoption  
47.23 placement agreement for the child.

47.24 (d) Pursuant to section 260C.615, subdivision 1, paragraph (b), clause (4), the responsible  
47.25 social services agency shall immediately notify the commissioner if the agency learns of  
47.26 any new or previously undisclosed criminal or maltreatment information involving an  
47.27 adoptive placement of a child under guardianship of the commissioner.

47.28 ~~(d)~~ (e) In the event a party to an adoption placement agreement terminates the agreement,  
47.29 the responsible social services agency shall notify the court, the parties entitled to notice  
47.30 under section 260C.607, subdivision 2, and the commissioner that the agreement and the  
47.31 adoptive placement have terminated.

48.1 Sec. 44. Minnesota Statutes 2022, section 260C.615, subdivision 1, is amended to read:

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

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

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

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

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

48.14 (2) process any complete and accurate application for adoption assistance forwarded by  
48.15 the responsible social services agency according to chapter 256N;

48.16 (3) review and process an adoption placement agreement forwarded to the commissioner  
48.17 by the responsible social services agency and return it to the agency in a timely fashion;  
48.18 ~~and~~

48.19 (4) review new or previously undisclosed information received from the agency or other  
48.20 individuals or entities that may impact the health, safety, or well-being of a child who is  
48.21 the subject of a fully executed adoption placement agreement; and

48.22 ~~(4)~~ (5) maintain records as required in chapter 259.

48.23 Sec. 45. Minnesota Statutes 2022, section 260E.03, subdivision 23, as amended by Laws  
48.24 2024, chapter 80, article 8, section 33, is amended to read:

48.25 Subd. 23. **Threatened injury.** (a) "Threatened injury" means a statement, overt act,  
48.26 condition, or status that represents a substantial risk of physical or sexual abuse or mental  
48.27 injury.

48.28 (b) Threatened injury includes, but is not limited to, exposing a child to a person  
48.29 responsible for the child's care, as defined in subdivision 17, who has:

48.30 (1) subjected a child to, or failed to protect a child from, an overt act or condition that  
48.31 constitutes egregious harm under subdivision 5 or a similar law of another jurisdiction;

49.1 (2) been found to be palpably unfit under section 260C.301, subdivision 1, paragraph  
49.2 (b), clause (4), or a similar law of another jurisdiction;

49.3 (3) committed an act that resulted in an involuntary termination of parental rights under  
49.4 section 260C.301, or a similar law of another jurisdiction; or

49.5 (4) committed an act that resulted in the involuntary transfer of permanent legal and  
49.6 physical custody of a child to a relative or parent under section 260C.515, subdivision 4,  
49.7 or a similar law of another jurisdiction.

49.8 (c) A child is the subject of a report of threatened injury when the local welfare agency  
49.9 receives birth match data under section 260E.14, subdivision 4, from the Department of  
49.10 Human Services.

49.11 Sec. 46. Minnesota Statutes 2022, section 393.07, subdivision 10a, is amended to read:

49.12 Subd. 10a. **Expedited issuance of SNAP benefits.** The commissioner of human services  
49.13 shall continually monitor the expedited issuance of SNAP benefits to ensure that each county  
49.14 complies with federal regulations and that households eligible for expedited issuance of  
49.15 SNAP benefits are identified, processed, and certified within the time frames prescribed in  
49.16 federal regulations.

49.17 ~~County SNAP benefits offices shall screen applicants on the day of application.~~  
49.18 ~~Applicants who meet the federal criteria for expedited issuance and have an immediate need~~  
49.19 ~~for food assistance shall receive within five working days the issuance of SNAP benefits.~~

49.20 ~~The local SNAP agency shall conspicuously post in each SNAP office a notice of the~~  
49.21 ~~availability of and the procedure for applying for expedited issuance and verbally advise~~  
49.22 ~~each applicant of the availability of the expedited process.~~

49.23 Sec. 47. Minnesota Statutes 2022, section 518.17, is amended by adding a subdivision to  
49.24 read:

49.25 Subd. 2a. **Parents with disabilities.** (a) A court shall not deny nor restrict a parent's  
49.26 parenting time or custody due to the parent's disability. A party raising disability as a basis  
49.27 for denying or restricting parenting time has the burden to prove by clear and convincing  
49.28 evidence that a parent's specific behaviors during parenting time would endanger the health  
49.29 or safety of the child. If the party meets the burden, a parent with a disability shall have the  
49.30 opportunity to demonstrate how implementing supportive services can alleviate any concerns.  
49.31 The court may require a parent with a disability to use supportive parenting services to  
49.32 facilitate parenting time.

50.1 (b) If a court denies or limits the right of a parent with a disability to custody of a child  
50.2 or visitation with a child, the court shall make specific written findings stating the basis for  
50.3 the denial or limitation and why providing supportive parenting services is not a reasonable  
50.4 accommodation that could prevent denying or limiting the parent's custody or parenting  
50.5 time.

50.6 (c) For purposes of this subdivision, "disability" and "supportive parenting services"  
50.7 have the meanings given in section 260C.141, subdivision 1a.

50.8 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to pleadings  
50.9 and motions pending on or after that date.