

**Subject** African American Family Preservation and Child Welfare Disproportionality Act

**Authors** Moran and others

**Analyst** Sarah Sunderman

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## Summary

Section	Description
1	<p><b>Citation.</b></p> <p>Proposes coding for § 260.61. Specifies that sections 260.62 to 260.695 may be cited as the Minnesota African American Family Preservation and Child Welfare Disproportionality Act.</p>
2	<p><b>Purposes.</b></p> <p>Proposes coding for § 260.62. States the purposes of the Minnesota African American Family Preservation and Child Welfare Disproportionality Act.</p>
3	<p><b>Definitions.</b></p> <p>Proposes coding for § 260.63. Defines the following terms, for the purposes of sections 260.61 to 260.695.</p> <p><b>Subd. 2. African American child.</b></p> <p><b>Subd. 3. Best interest of the child.</b></p> <p><b>Subd. 4. (a) Child placement proceeding.</b></p> <p>(b) Adoptive placement.</p> <p>(c) Involuntary foster care placement.</p> <p>(d) Preadoptive placement.</p> <p>(e) Termination of parental rights.</p> <p>(f) Specifies that a child placement proceeding may include a placement based on a juvenile status offense, but does not include a placement based on a criminal act or an award of custody in a divorce proceeding.</p> <p><b>Subd. 5. Child welfare disproportionality.</b></p>

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	<p><b>Subd. 6. Commissioner.</b></p> <p><b>Subd. 7. Customized efforts.</b></p> <p><b>Subd. 8. Disproportionately represented child.</b></p> <p><b>Subd. 9. Family-based services.</b></p> <p><b>Subd. 10. Local social services agency.</b></p> <p><b>Subd. 11. Parent.</b></p> <p><b>Subd. 12. Relative.</b></p> <p><b>Subd. 13. Sexual abuse.</b></p> <p><b>Subd. 14. Substantial child endangerment.</b></p>
4	<p><b>Duty to prevent out-of-home placement and promote family reunification.</b></p> <p>Proposes coding for § 260.64.</p> <p>(a) Requires the local social services agency to make customized efforts to prevent out-of-home placement of an African American or other disproportionately represented child, eliminate the need for the child's removal, and reunify the child and family as soon as possible.</p> <p>(b) Requires the implementation of a 60-day in-home safety plan with a family before an African American or other disproportionately represented child is removed, except in cases of alleged sexual abuse, physical abuse, or egregious harm.</p> <p>(c) Requires the court to review the local social services agency's provision of customized efforts to an African American or other disproportionately represented child alleged to be in need of protective services, and to require documentation of services provided to the family and child. Requires the court to order immediate remedial family-based services if customized efforts were not made.</p> <p>(d) Prohibits a court from ordering an out-of-home permanency placement for an African American or other disproportionately represented child, except in emergency circumstances, unless the court finds that the local social services agency made the customized efforts required under this section, including the provision of family-based services.</p> <p>(e) Prohibits a court from ordering an out-of-home permanency placement for an African American or other disproportionately represented child absent clear and convincing evidence that multiple risk factors are present in the child's home, except in cases of alleged sexual abuse, physical abuse, or egregious harm.</p>

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5	<p data-bbox="355 275 794 302"><b>Temporary out-of-home placement.</b></p> <p data-bbox="355 317 708 344">Proposes coding for § 260.65.</p> <p data-bbox="355 386 1427 659">(a) Requires the responsible local social services agency to make customized efforts to locate a child’s relatives, notify them of the need for a foster home, and provide them with legal resources, before an African American or other disproportionately represented child is placed in foster care. Requires the agency to inform the relatives of the option to become a placement resource, and of the possibility of the need for a permanent placement. Allows for these notices within 48 hours of a child’s removal, if prior notice is not practicable. Requires the local agency to keep detailed records of the efforts made under this section.</p> <p data-bbox="355 701 1427 800">(b) Requires the local social services agency to temporarily place an African American or other disproportionately represented child with the willing and able noncustodial parent, after an immediate assessment of the parent’s ability to care for the child.</p> <p data-bbox="355 842 1427 974">(c) Requires the local social services agency to comply with the custodial parent or legal custodian’s request to temporarily place the child with a selected relative, if placement with either parent would endanger the child’s health, safety, or welfare, after an immediate assessment of the relative’s ability to care for the child.</p> <p data-bbox="355 1016 1427 1079">(d) Requires the local social services agency to provide reasonable time to a noncustodial parent or selected relative to remedy minor disqualifications.</p> <p data-bbox="355 1121 1427 1178">(e) Requires specific findings of fact if the local social services agency determines that the child cannot be placed with a relative or noncustodial parent.</p>
6	<p data-bbox="355 1236 703 1264"><b>Emergency removal hearing.</b></p> <p data-bbox="355 1278 1427 1377">Proposes coding for § 260.66. Specifies that parent of an African American or other disproportionately represented child in an emergency protective care hearing has the right to be represented by an attorney.</p>
7	<p data-bbox="355 1436 1089 1463"><b>Termination of parental rights; child placement proceedings.</b></p> <p data-bbox="355 1478 708 1505">Proposes coding for § 260.67.</p> <p data-bbox="453 1547 1427 1673"><b>Subd. 1. Termination of parental rights not permitted.</b> (a) Prohibits a court from terminating the parental rights of an African American or other disproportionately represented parent based solely on a failure to meet case plan requirements.</p> <p data-bbox="453 1715 1427 1921">(b) Prohibits a court from terminating the parental rights of an African American parent in child placement proceedings that do not involve alleged: sexual abuse; egregious harm; murder; murder of an unborn child; manslaughter; manslaughter of an unborn child; assault; felony domestic assault; domestic assault by strangulation; kidnapping; solicitation, inducement and promotion of prostitution; engaging in, hiring, or agreeing to hire a minor to engage in</p>

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8	<p>prostitution; possession of pornographic work involving minors; criminal sexual conduct; solicitation of children to engage in sexual conduct; criminal malicious punishment, neglect, or endangerment of a child; use of a minor in sexual performance; or failing to protect a child from egregious harm.</p> <p>Requires the court to, if possible, transfer permanent legal and physical custody to a relative or third party, if the court determines that the child needs to be in out-of-home placement.</p> <p><b>Subd. 2. Appeals.</b> Allows an African American or other disproportionately represented parent to appeal a termination of parental rights within 120 days of receiving notice of the court's order.</p> <p><b>Local welfare agency conduct.</b></p> <p>Proposes coding for § 260.68. (a) Prohibits a local social services agency child welfare employee from knowingly: (1) making untrue statements about any child protection case; (2) intentionally withholding material case information; or (3) fabricating or falsifying any documents or evidence in a child protection case.</p> <p>(b) Specifies that any local social services agency child welfare employee who commits the above actions may be subject to adverse employment action.</p> <p>(c) Requires the local social services agency to notify DHS child welfare disproportionality specialists (created in this bill) of steps taken to investigate and remedy the conditions leading to removal of an African American or other disproportionately represented child within seven days after screening in a report or initiating an out-of-home placement. Requires the local social services agency to cooperate with the specialists and the African American and Disproportionality Child Welfare Oversight Council.</p> <p>(d) Requires the local social services agency to notify the DHS child welfare disproportionality specialists by registered mail of a pending proceeding involving any involuntary adoptive or preadoptive placement involving an African American or other disproportionately represented child. Sets forth additional procedures for adoptive or preadoptive placements of African American or other disproportionately represented children.</p> <p>(f) Requires local social services agencies to conduct a case review every 24 months after 2019, and report findings to the county board, related child welfare committees, the Children's Justice Initiative team, the African American and Disproportionality Child Welfare Oversight Council, community stakeholders within six months. Specifies what the case review must include.</p> <p>(f) Specifies additional requirements for the local social services agency case review.</p>

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	<p>(g) Requires any local social services agency with a disproportionate rate of child welfare outcomes to create a remediation plan to address the factors that led to disproportionate outcomes. Specifies what the plan must include.</p> <p>(h) Specifies that a local social services agency will be fined for noncompliance with these requirements.</p>
9	<p><b>African American and Disproportionality Child Welfare Oversight Council.</b> Proposes coding for § 260.69.</p> <p><b>Subd. 1. Creation.</b> Creates the African American and Disproportionality Child Welfare Oversight Council, appointed by the commissioner. Specifies the purpose of the council, and the terms, compensation, and removal of members. Specifies that the council does not expire.</p> <p><b>Subd. 2. Membership.</b> Specifies that the council shall have 33 members; specifies membership requirements.</p> <p><b>Subd. 3. Meeting.</b> Requires the council to meet at least eight times per year.</p> <p><b>Subd. 4. Duties.</b> Establishes the council's duties, including: (1) monitoring and data collection on African American and other disproportionately represented children in out-of-home placement; (2) monitoring and reviewing case plans; (3) partnering with child welfare disproportionality specialists to screen foster care settings; (4) public policy activities; (5) coordinating stakeholder and agency efforts to improve child welfare outcomes for or disproportionately represented children; (6) public awareness campaign on child welfare racial disparities; (7) partnering with child welfare disproportionality specialists to provide services; and (8) partnering with DHS and local agencies to ensure child welfare employees reflect a county's population.</p> <p><b>Subd. 5. Data considerations for case review.</b> Outlines the council's access to specific data, and how that data and information must be treated and protected.</p> <p><b>Subd. 6. Annual report.</b> Requires the council to issue an annual report to the legislature on its activities.</p>
10	<p><b>Child welfare disproportionality specialists.</b> Proposes coding for § 260.694.</p> <p><b>Subd. 1. Establishment.</b> Requires the commissioner of human services to appoint six child welfare disproportionality specialists to provide assistance to counties and monitor child welfare processes.</p>

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	<p><b>Subd. 2. Location.</b> Specifies that two specialists will serve Hennepin County, two will serve Ramsey County, and two will serve northern and southern Minnesota.</p> <p><b>Subd. 3. Duties.</b> Specifies functions of the child welfare disproportionality specialists, including:</p> <p>Assigns the following duties to the department:</p> <ol style="list-style-type: none"><li>(1) assist with development and review of child welfare training system curriculum;</li><li>(2) provide on-site technical assistance to counties;</li><li>(3) monitor the number of African American and other disproportionately represented children in out-of-home placement;</li><li>(4) directly oversee, review, and consult on case plans to ensure compliance with the act;</li><li>(5) screen foster care settings;</li><li>(6) establish and administer a request for proposals process for child welfare disparity and disproportionality grants; monitor grant activities; provide technical assistance; and</li><li>(7) coordinate housing, employment, and education assistance services.</li></ol> <p><b>Subd. 4. Report.</b> Requires a quarterly report to the African American and Disproportionality Child Welfare Oversight Council, and an annual census of disproportionately represented children residing in out-of-home placements statewide.</p>
11	<p><b>Child welfare disparities and disproportionality grants.</b></p> <p>Proposes coding for § 260.695. Directs the commissioner to provide grants to organizations and programs led by African Americans or persons from other disproportionately represented groups via an RFP process, to provide primary support for programs to implement this act. Lists services eligible for grant funding and services ineligible for grant funding.</p>
12	<p><b>Petition.</b></p> <p>Amends § 260C.329, subd. 3. Allows a legal parent or a county attorney to file a petition for reestablishment of the parent-child relationship. Specifies filing fee requirements. Modifies petition requirements in the following ways:</p> <ul style="list-style-type: none"><li>▪ removes requirement that the county attorney and social services agency agree that reestablishment of the parent-child relationship is in the child's best interests, unless the county attorney files the petition;</li></ul>

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13	<p data-bbox="451 275 1338 380"><ul style="list-style-type: none"><li>▪ reduces amount of time a child must have been in foster care after the termination of parental rights from 36 months to 24 months;</li><li>▪ removes minimum age requirement.</li></ul></p> <p data-bbox="354 432 716 459"><b>Contents of parent’s petition.</b></p> <p data-bbox="354 474 1403 541">Adds subd. 3a to § 260C.329. Specifies that a parent’s petition to reestablish the parent-child relationship must be signed under oath and state:</p> <ol style="list-style-type: none"><li data-bbox="354 579 935 606">(1) petitioner’s name, date of birth, and address;</li><li data-bbox="354 644 894 672">(2) child or children’s name and date of birth;</li><li data-bbox="354 709 919 737">(3) petitioner’s relationship to child or children;</li><li data-bbox="354 774 1192 802">(4) why reunification is sought and why it is in the child’s best interest;</li><li data-bbox="354 840 964 867">(5) details about the termination of parental rights;</li><li data-bbox="354 905 911 932">(6) steps taken toward personal rehabilitation;</li><li data-bbox="354 970 1333 1037">(7) how the petitioner has corrected the conditions that lead to the termination of parental rights;</li><li data-bbox="354 1075 1175 1102">(8) reasons the petitioner is willing and able to care for the child; and</li><li data-bbox="354 1140 967 1167">(9) all prior reunification requests by the petitioner.</li></ol>
14	<p data-bbox="354 1236 761 1264"><b>Service of petition on the parties.</b></p> <p data-bbox="354 1278 1422 1446">Amends § 260C.329, subd. 7. Removes the parent whose rights were terminated from the list of persons who must be served with a petition for reestablishment of parental rights (since the parent is the person who files the petition, pursuant to the changes in this bill); adds the county attorney and social services agency to the list of persons who must be served.</p>
15	<p data-bbox="354 1505 459 1533"><b>Hearing.</b></p> <p data-bbox="354 1547 1414 1682">Amends § 260C.329, subd. 8. Modifies evidence required for a court to grant a petition for reestablishment of the parent-child relationship by removing the minimum age requirement and reducing the amount of time a child must have been in foster care after the termination of parental rights from 36 months to 24 months.</p>

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16	<p><b>African American Cultural Competency Training for Individuals Working with African American Families and Children in the Child Protection System.</b></p> <p><b>Subd. 1. Applicability.</b> Directs the commissioner to ensure that individuals working in the child protection system receive African American cultural competency training.</p> <p><b>Subd. 2. Training.</b> Specifies when training must be completed, who must provide training, the goals of the training, and the structure of the training.</p> <p><b>Subd. 3. Update.</b> Requires the commissioner and NAACP Child Protection Committee to update the legislature on the implementation of this section by January 1, 2020.</p>
17	<p><b>Disaggregate data.</b></p> <p>Directs the commissioner to work with representatives of the African American community and other disproportionately represented communities to establish a method to disaggregate data related to disproportionately represented families, and begin disaggregating data by January 1, 2020.</p>
18	<p><b>Increased visitation for African American children in out-of-home placement.</b></p> <p>Directs the commissioner to modify existing visitation policies for African American children or other disproportionately represented children in out-of-home placement by increasing minimum visitation requirements for parents and siblings.</p>
19	<p><b>Appropriation.</b></p> <p>Appropriates money from the general fund to the commissioner of human services to administer the act. Specifies that the appropriation is added to the base.</p>
20	<p><b>Repealer.</b></p> <p>Repeals § 260C.329, subd. 5, which prohibits appeals of the county attorney's decision not to file a petition for reestablishment of the parent-child relationship.</p>



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