

HOUSE RESEARCH

Bill Summary

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This bill changes and updates the Minnesota Indian Family Preservation Act and changes corresponding definitions.

Section

- 1** **Emergency placement.** Adds a new definition, “relative of an Indian child,” from section 13 of the bill, to the list of emergency placements for a child when they are removed from home in a child protection proceeding.
- 2** **Child foster care license application.** Adds a reference to new definition of “relative of an Indian child,” from section 13 of the bill.
- 3** **Classification of certain data.** Adds a reference to new definition of “relative of an Indian child,” from section 13 of the bill.
- 4** **Relative.** Adds a reference to new definition of “relative of an Indian child,” from section 13 of the bill for the purposes of Northstar Care for Children, and removes previous definitions and includes that an Indian child’s extended family is as it is defined in the Indian Child Welfare Act, which defines “extended family member” as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, shall be a person who has reached the age of 18 and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent.
- 5** **Exclusions.** Prevents an adoption assistance agreement with the relative of an Indian child, as defined in section 13 of the bill.
- 6** **Definitions.** Adds a reference to the definition of relative of an Indian child, as defined in section 13.

Section

- 7 **Relative.** Updates the definition of relative to be consistent with the federal definition of Indian child’s extended family under the federal Indian Child Welfare Act, which defines “extended family member” as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, shall be a person who has reached the age of 18 and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent.
- 8 **Exclusions.** Prevents an adoption assistance agreement with a relative including a relative of an Indian child as defined in section 13.
- 9 **Purpose.** Provides a purpose section for the Minnesota Indian Family Preservation Act.
- 10 **Active efforts.** Adds a definition to the Minnesota Indian Family Preservation Act to define active efforts.
- 11 **Best interest of an Indian child.** Adds a definition of best interest of an Indian child to the Minnesota Indian Family Preservation Act.
- 12 **Relative.** Adds that the definition of Indian child’s relative includes extended family under the federal Indian Child Welfare Act, which defines “extended family member” as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, shall be a person who has reached the age of 18 and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent.
- 13 **Relative of an Indian child.** Provides a new definition for the term “relative of an Indian child” which means a person who is a member of the Indian child’s extended family as defined by the Indian Child Welfare Act, which defines “extended family member” as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, shall be a person who has reached the age of 18 and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent.
- 14 **Relative.** Removes additional language related to Indian relative as a new subdivision has been inserted to provide that definition (see section 13).
- 15 **Compliance with Indian Child Welfare Act and Minnesota Indian Family Preservation Act.** Adds that the child protection chapter should be construed consistently with the Minnesota Indian Family Preservation Act, the law already says that the chapter should be construed consistently with the federal Indian Child Welfare Act.
- 16 **Visitation.** Adds a reference to relative of an Indian child (see section 13) to the statute on visitation with family while a child is in foster care.
- 17 **Out-of-home placement; plan.** Adds a reference to relative of an Indian child (see section 13) to the statute on visitation with family to be included in the out of home placement plan in a child protection proceeding.

