

Subject African American Family Preservation Act
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Summary

Section	Description
1	Citation. Proposes coding for § 260.61. Specifies that sections 260.62 to 260.68 may be cited as the Minnesota African American Family Preservation Act.
2	Purposes. Proposes coding for § 260.62. States the purposes of the Minnesota African American Family Preservation Act.
3	Definitions. Proposes coding for § 260.63. Defines the following terms, for the purposes of sections 260.61 to 260.68. Subd. 2. Active efforts. Subd. 3. African American child. Subd. 4. Best interests of the African American child. Subd. 5. (a) Child placement proceeding. (b) Adoptive placement. (c) Involuntary foster care placement. (d) Preadoptive placement. (e) Termination of parental rights. (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. Subd. 6. Commissioner. Subd. 7. Family-based services. Subd. 8. Local social services agency. Subd. 9. Parent. Subd. 10. Relative.

Section	Description
	Subd. 11. Sexual abuse.
	Subd. 12. Substantial child endangerment.
4	Duty to prevent out-of-home placement and promote family reunification. Proposes coding for § 260.64. (a) Requires the local social services agency to make active efforts to prevent out-of-home placement of an African American child, eliminate the need for the child’s removal, and reunify the child and family as soon as possible. (b) Requires the implementation of a 60-day in-home safety plan with a family before an African American child is removed, except in cases of alleged sexual abuse, physical abuse, or egregious harm. (c) Prohibits a court from ordering an out-of-home permanency placement for an African American child unless the court finds that the local social services agency made the active efforts required under this section, including the provision of appropriate family-based services. (d) Prohibits a court from ordering an out-of-home permanency placement for an African American 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.
5	Temporary out-of-home placement. Proposes coding for § 260.65. (a) Requires the responsible local social services agency to make active 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 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. (b) Requires the local social services agency to temporarily place an African American child with the willing and able noncustodial parent, after an immediate assessment of the parent’s ability to care for the child. (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.

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	<p>(d) Requires the local social services agency to provide reasonable time to a noncustodial parent or selected relative to remedy minor disqualifications.</p>
	<p>(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>Emergency removal hearing. Proposes coding for § 260.66. Specifies that an African American parent in an emergency protective care hearing has the right to be represented by an attorney.</p>
7	<p>Termination of parental rights; child placement proceedings. Proposes coding for § 260.67.</p> <p>Subd. 1. Termination of parental rights not permitted. (a) Prohibits a court from terminating the parental rights of an African American parent based solely on a failure to meet case plan requirements.</p> <p>(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; manslaughter; assault; solicitation, inducement and promotion of prostitution; 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.</p> <p>Subd. 2. Appeals. Allows an African American parent to appeal a termination of parental rights within 120 days of receiving notice of the court's order.</p> <p>Subd. 3. Family reunification and reinstatement of parental rights. (a) Exempts African American families from the provisions governing reestablishment of the parent child relationship.</p> <p>(b) Allows for an African American parent, African American child ten years old or over, a local social services agency, or guardian ad litem to file a petition to reestablish the parent child relationship, regardless of how old the child is or how long the child has been in foster care. Specifies that an African American parent filing such a petition has the right to an attorney.</p> <p>(c) Allows a court to grant a petition to reestablish the parent child relationship if the court finds, by clear and convincing evidence, that: (1) granting the petition is in the child's best interests; (2) the child has not been adopted; (3) the parent has</p>

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8	<p>corrected the conditions that led to the termination of parental rights; and (4) the parent is willing and capable of caring for the child.</p> <p>Local welfare agency conduct.</p> <p>Proposes coding for § 260.68. (a) Prohibits a local social services agency child welfare employee from: (1) making untrue statements about any child protection case; (2) withholding material case information; or (3) fabricate or falsify 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 acts shall be guilty of a felony.</p> <p>(c) Requires the local social services agency to notify the African American Child Well-Being Department (established in this bill) of steps taken to investigate and remedy the conditions leading to removal within seven days after screening in a report or initiating an out-of-home placement for an African American child. Requires the local social services agency to cooperate with the department and the African American Child Welfare Oversight Council.</p> <p>(d) Requires the local social services agency to notify the African American Child Well-Being Department by registered mail of a pending proceeding involving any involuntary adoptive or preadoptive placement involving an African American child. Sets forth additional procedures for adoptive or preadoptive placements of African American children.</p> <p>(e) Specifies that a local social services agency will be fined for noncompliance with these requirements.</p>
9	<p>African American Child Welfare Oversight Council.</p> <p>Proposes coding for § 260.69.</p> <p>Subd. 1. Creation. Creates the African American Child Welfare Oversight Council, appointed by the commissioner.</p> <p>Subd. 2. Membership. Specifies that the council shall have 15 African American members; specifies other membership requirements.</p> <p>Subd. 3. Meeting. Requires the council to meet at least eight times per year.</p> <p>Subd. 4. Duties. Establishes the council's duties, including: (1) monitoring and data collection on African American children in out-of-home placement; (2) monitoring and reviewing case plans; (3) partnering with the African American Child Well-Being Department to screen foster care settings; (4) public policy activities; (5) coordinating stakeholder and agency efforts to improve African American child welfare outcomes; (6) public awareness campaign; (7) partnering with the African American Child Well-Being Department to provide services; and</p>

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	<p>(8) partnering with DHS and local agencies to ensure proportionality of child welfare employees.</p> <p>Subd. 5. Data considerations for case review. Outlines the Council's access to specific data, and how that data and information must be treated and protected.</p> <p>Subd. 6. Annual report. Requires the Council to issue an annual report on its activities.</p>
10	<p>African American Child Well-Being Department.</p> <p>Proposes coding for § 260.694. Creates the African American Child Well-Being Department within the Department of Human Services. Specifies the structure of the department and staffing requirements.</p> <p>Assigns the following duties to the department:</p> <ul style="list-style-type: none">(1) monitor the number of African American children in out-of-home placement;(2) directly oversee case plans to ensure compliance with the act;(3) intervene in involuntary adoptive or preadoptive placements involving African American children;(4) screen foster care settings; and(5) coordinate housing, employment, and education assistance services. <p>Requires quarterly reports to the African American Child Welfare Oversight Council, and an annual census of African American children residing in residential facilities.</p>
11	<p>African American Child Welfare Grants.</p> <p>Proposes coding for § 260.695. Directs the commissioner to provide grants to African American-led organizations and programs via an RFP process, to provide primary support for African American child welfare programs and to implement this act. Lists services eligible for grant funding and services ineligible for grant funding.</p>
12	<p>African American Cultural Competency Training for Individuals Working with African American Families and Children in the Child Protection System.</p> <p>Subd. 1. Applicability. Directs the commissioner to ensure that individuals working in the child protection system receive African American cultural competency training.</p> <p>Subd. 2. Training. Specifies when training must be completed, who must provide training, the goals of the training, and the structure of the training.</p>

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13	<p>Subd. 3. Update. Requires the commissioner and NAACP Child Protection Committee to update the legislature on the implementation of this section by January 1, 2020.</p> <p>Disaggregate data. Directs the commissioner to work with representatives of the African American community to establish a method to disaggregate data and begin disaggregating data by January 1, 2020.</p>
14	<p>Increased visitation for African American children in out-of-home placement. Directs the commissioner to modify existing visitation policies for African American children in out-of-home placement by increasing minimum visitation requirements for parents and siblings.</p>
15	<p>Appropriation. 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>



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