

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

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## Summary

H.F. 912, as amended by H0912DE8, is the “Minnesota African American Family Preservation and Child Welfare Disproportionality Act.” The bill establishes responsible social services agency and court requirements for African American and other disproportionately represented children in the child protection system.

The bill proposes coding in chapter 260, with sections 1 to 17 becoming effective July 1, 2027, unless otherwise stated, and except for purposes of a phase-in program in section 20. **Sections 1 and 2** include a citation and purpose statement. **Section 3** provides definitions for the following terms:

- Active efforts
- Adoptive placement
- African American child
- Best interests of the African American or disproportionately represented child
- Child placement proceeding
- Commissioner
- Custodian
- Disproportionality
- Disproportionately represented child
- Egregious harm
- Foster care placement
- Imminent physical damage or harm
- Responsible social services agency
- Parent
- Preadoptive placement
- Relative
- Safety network
- Sexual abuse
- Termination of parental rights

**Section 4** establishes requirements for responsible social services agencies to prevent out-of-home placement of African American or disproportionately represented children, such as providing active efforts and developing a safety plan. The section also allows for exceptions to the safety plan requirements, and states that a court must not order out-of-home placement for an African American or disproportionately represented child unless the court finds by clear and convincing evidence that the child would be at risk of serious emotional or physical damage if remaining at home. The section also requires findings that active efforts were provided.

**Section 5** requires responsible social services agencies to engage in best practices and make active efforts related to family visitation for an African American or disproportionately represented child in out-of-home placement.

**Section 6** requires the responsible social services agency to make active efforts to locate an African American or disproportionately represented child's noncustodial or nonadjudicated parent or relatives prior to or within 48 hours of removal, and establishes additional requirements related to notice, recordkeeping, and assessment of a parent or relative's ability to care for the child.

**Section 7** establishes emergency removal petition, placement, notice and service, and termination requirements, and emergency hearing procedures as applied to African American or disproportionately represented children.

**Section 8** declares a preference for transfer of permanent legal and physical custody to a relative or noncustodial parent, and limits the court's ability to terminate the parental rights of a parent of an African American or disproportionately represented child. The section also provides exceptions to the limitations on termination of parental rights and expands appeal timelines for a parent of an African American or disproportionately represented child whose parental rights have been terminated.

**Section 9** lists prohibited conduct by child protection employees in responsible social services agencies and requires each responsible social services agency to conduct a case review annually, after an initial report. Requires the commissioner to provide guidance to responsible social services agency, lists what the case review must include, and requires agencies whose case reviews show child welfare disparities to include a remediation plan in the case review summary report. Specifies that noncompliance with case review requirements may lead to corrective action or fines.

**Section 10** requires the commissioner to collaborate with the Children's Justice Initiative to ensure the provision of cultural competency training for all child protection workers, supervisors, attorneys, and judges.

**Section 11** outlines the duties of the African American Child Well-Being Advisory Council, established within the Department of Human Services, and requires an annual report to the legislature. Makes this section effective July 1, 2024.

**Section 12** outlines the duties, case review requirements, and report requirements of the African American Child Well-Being unit within the Department of Human Services. Makes this section effective July 1, 2024.

**Section 13** establishes African American and disproportionately represented family preservation grants. Makes this section effective July 1, 2024.

**Sections 14 and 15** allow an African American or disproportionately represented child aged ten or older, the responsible social services agency, or a guardian ad litem to file a petition for the

reestablishment of the legal parent and child relationship, and make additional related changes to the timeline for such a petition, reducing the required time in foster care before a reestablishment petition from 48 months to 24 months.

**Section 16** requires the commissioner to establish a method to disaggregate data related to African American and other child welfare disproportionality.

**Section 17** requires the commissioner to develop, maintain, and administer a publicly available online compliance and feedback portal related to compliance with this act and other statutory requirements related to child protection.

**Section 18** requires the commissioner to develop and publish guidance on best practices for ensuring that African American and disproportionately represented children in foster care maintain connections and relationships with relatives and kin, and on engaging and assessing noncustodial and nonadjudicated parents to care for children.

**Section 19** requires the commissioner to develop a system to review county compliance with this act and provide a report to the legislature on the proposed system and any statutes necessary to implement the system. Makes this section effective July 1, 2024.

**Section 20** requires the commissioner to establish a phase-in program to implement sections 1 to 17 in Hennepin and Ramsey counties, beginning July 1, 2024. Requires the commissioner to report on outcomes of the phase-in program, and provides July 1, 2027, expiration date.

**Section 21** requires the commissioner to establish a working group to provide guidance and oversight for the phase-in programs established under section 20. Lists required members of the working group and working group activities. Requires the working group to develop a statewide implementation plan for this act by June 30, 2026. Makes this section effective July 1, 2024.

**Section 22** specifies that the commissioner must handle any administrative or implementation costs for this act within the limits of existing funding.

**Section 23** appropriates onetime money for grants to Hennepin and Ramsey counties to implement the phase-in programs established under section 20. Specifies that the appropriation is available until June 30, 2026, and that commissioner must handle any administrative or implementation costs within the limits of existing funding.



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