

**SENATE**  
**STATE OF MINNESOTA**  
**NINETY-SECOND SESSION**

**S.F. No. 3350**

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DATE	D-PG	OFFICIAL STATUS
02/21/2022	5083	Introduction and first reading
		Referred to Civil Law and Data Practices Policy
02/24/2022	5132	Author added Bigham
03/23/2022		Comm report: To pass as amended and re-refer to Human Services Reform Finance and Policy

- 1.1 A bill for an act
- 1.2 relating to children; amending child welfare provisions; amending Minnesota
- 1.3 Statutes 2020, sections 260.012; 260C.001, subdivision 3; 260C.007, subdivision
- 1.4 27; 260C.151, subdivision 6; 260C.152, subdivision 5; 260C.175, subdivision 2;
- 1.5 260C.176, subdivision 2; 260C.178, subdivision 1; 260C.181, subdivision 2;
- 1.6 260C.193, subdivision 3; 260C.201, subdivisions 1, 2; 260C.202; 260C.203;
- 1.7 260C.204; 260C.221; 260C.513; 260C.607, subdivisions 2, 5; 260C.613,
- 1.8 subdivisions 1, 5; Minnesota Statutes 2021 Supplement, sections 260C.212,
- 1.9 subdivisions 1, 2; 260C.605, subdivision 1; 260C.607, subdivision 6.
- 1.10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.11 Section 1. Minnesota Statutes 2020, section 260.012, is amended to read:
- 1.12 **260.012 DUTY TO ENSURE PLACEMENT PREVENTION AND FAMILY**
- 1.13 **REUNIFICATION; REASONABLE EFFORTS.**
- 1.14 (a) Once a child alleged to be in need of protection or services is under the court's
- 1.15 jurisdiction, the court shall ensure that reasonable efforts, including culturally appropriate
- 1.16 services and practices, by the social services agency are made to prevent placement or to
- 1.17 eliminate the need for removal and to reunite the child with the child's family at the earliest
- 1.18 possible time, and the court must ensure that the responsible social services agency makes
- 1.19 reasonable efforts to finalize an alternative permanent plan for the child as provided in
- 1.20 paragraph (e). In determining reasonable efforts to be made with respect to a child and in
- 1.21 making those reasonable efforts, the child's best interests, health, and safety must be of
- 1.22 paramount concern. Reasonable efforts to prevent placement and for rehabilitation and
- 1.23 reunification are always required except upon a determination by the court that a petition
- 1.24 has been filed stating a prima facie case that:

2.1 (1) the parent has subjected a child to egregious harm as defined in section 260C.007,  
2.2 subdivision 14;

2.3 (2) the parental rights of the parent to another child have been terminated involuntarily;

2.4 (3) the child is an abandoned infant under section 260C.301, subdivision 2, paragraph  
2.5 (a), clause (2);

2.6 (4) the parent's custodial rights to another child have been involuntarily transferred to a  
2.7 relative under Minnesota Statutes 2010, section 260C.201, subdivision 11, paragraph (d),  
2.8 clause (1), section 260C.515, subdivision 4, or a similar law of another jurisdiction;

2.9 (5) the parent has committed sexual abuse as defined in section 260E.03, against the  
2.10 child or another child of the parent;

2.11 (6) the parent has committed an offense that requires registration as a predatory offender  
2.12 under section 243.166, subdivision 1b, paragraph (a) or (b); or

2.13 (7) the provision of services or further services for the purpose of reunification is futile  
2.14 and therefore unreasonable under the circumstances.

2.15 (b) When the court makes one of the prima facie determinations under paragraph (a),  
2.16 either permanency pleadings under section 260C.505, or a termination of parental rights  
2.17 petition under sections 260C.141 and 260C.301 must be filed. A permanency hearing under  
2.18 sections 260C.503 to 260C.521 must be held within 30 days of this determination.

2.19 (c) In the case of an Indian child, in proceedings under sections 260B.178, 260C.178,  
2.20 260C.201, 260C.202, 260C.204, 260C.301, or 260C.503 to 260C.521, the juvenile court  
2.21 must make findings and conclusions consistent with the Indian Child Welfare Act of 1978,  
2.22 United States Code, title 25, section 1901 et seq., as to the provision of active efforts. In  
2.23 cases governed by the Indian Child Welfare Act of 1978, United States Code, title 25, section  
2.24 1901, the responsible social services agency must provide active efforts as required under  
2.25 United States Code, title 25, section 1911(d).

2.26 (d) "Reasonable efforts to prevent placement" means:

2.27 (1) the agency has made reasonable efforts to prevent the placement of the child in foster  
2.28 care by working with the family to develop and implement a safety plan that is individualized  
2.29 to the needs of the child and the child's family and may include support persons from the  
2.30 child's extended family, kin network, and community; or

3.1 (2) the agency has demonstrated to the court that, given the particular circumstances of  
3.2 the child and family at the time of the child's removal, there are no services or efforts  
3.3 available ~~which~~ that could allow the child to safely remain in the home.

3.4 (e) "Reasonable efforts to finalize a permanent plan for the child" means due diligence  
3.5 by the responsible social services agency to:

3.6 (1) reunify the child with the parent or guardian from whom the child was removed;

3.7 (2) assess a noncustodial parent's ability to provide day-to-day care for the child and,  
3.8 where appropriate, provide services necessary to enable the noncustodial parent to safely  
3.9 provide the care, as required by section 260C.219;

3.10 (3) conduct a relative search to identify and provide notice to adult relatives, and engage  
3.11 relatives in case planning and permanency planning, as required under section 260C.221;

3.12 (4) consider placing the child with relatives in the order specified in section 260C.212,  
3.13 subdivision 2, paragraph (a);

3.14 ~~(4)~~ (5) place siblings removed from their home in the same home for foster care or  
3.15 adoption, or transfer permanent legal and physical custody to a relative. Visitation between  
3.16 siblings who are not in the same foster care, adoption, or custodial placement or facility  
3.17 shall be consistent with section 260C.212, subdivision 2; and

3.18 ~~(5)~~ (6) when the child cannot return to the parent or guardian from whom the child was  
3.19 removed, to plan for and finalize a safe and legally permanent alternative home for the child,  
3.20 and considers permanent alternative homes for the child inside or outside of the state,  
3.21 preferably with a relative in the order specified in section 260C.212, subdivision 2, paragraph  
3.22 (a), through adoption or transfer of permanent legal and physical custody of the child.

3.23 (f) Reasonable efforts are made upon the exercise of due diligence by the responsible  
3.24 social services agency to use culturally appropriate and available services to meet the  
3.25 individualized needs of the child and the child's family. Services may include those provided  
3.26 by the responsible social services agency and other culturally appropriate services available  
3.27 in the community. The responsible social services agency must select services for a child  
3.28 and the child's family by collaborating with the child's family and, if appropriate, the child.  
3.29 At each stage of the proceedings ~~where~~ when the court is required to review the  
3.30 appropriateness of the responsible social services agency's reasonable efforts as described  
3.31 in paragraphs (a), (d), and (e), the social services agency has the burden of demonstrating  
3.32 that:

4.1 (1) ~~the agency~~ has made reasonable efforts to prevent placement of the child in foster  
 4.2 care, including that the agency considered or established a safety plan according to paragraph  
 4.3 (d), clause (1);

4.4 (2) ~~the agency~~ has made reasonable efforts to eliminate the need for removal of the  
 4.5 child from the child's home and to reunify the child with the child's family at the earliest  
 4.6 possible time;

4.7 (3) the agency has made reasonable efforts to finalize a permanent plan for the child  
 4.8 pursuant to paragraph (e);

4.9 ~~(3) it~~ (4) the agency has made reasonable efforts to finalize an alternative permanent  
 4.10 home for the child, and ~~considers~~ considered permanent alternative homes for the child  
 4.11 ~~inside or outside~~ in or out of the state, preferably with a relative in the order specified in  
 4.12 section 260C.212, subdivision 2, paragraph (a); or

4.13 ~~(4) (5)~~ reasonable efforts to prevent placement and to reunify the child with the parent  
 4.14 or guardian are not required. The agency may meet this burden by stating facts in a sworn  
 4.15 petition filed under section 260C.141, by filing an affidavit summarizing the agency's  
 4.16 reasonable efforts or facts that the agency believes demonstrate that there is no need for  
 4.17 reasonable efforts to reunify the parent and child, or through testimony or a certified report  
 4.18 required under juvenile court rules.

4.19 (g) Once the court determines that reasonable efforts for reunification are not required  
 4.20 because the court has made one of the prima facie determinations under paragraph (a), the  
 4.21 court may only require the agency to make reasonable efforts for reunification after a hearing  
 4.22 according to section 260C.163, ~~where~~ if the court finds that there is not clear and convincing  
 4.23 evidence of the facts upon which the court based ~~its~~ the court's prima facie determination.  
 4.24 ~~In this case when~~ If there is clear and convincing evidence that the child is in need of  
 4.25 protection or services, the court may find the child in need of protection or services and  
 4.26 order any of the dispositions available under section 260C.201, subdivision 1. Reunification  
 4.27 of a child with a parent is not required if the parent has been convicted of:

4.28 (1) a violation of, or an attempt or conspiracy to commit a violation of, sections 609.185  
 4.29 to 609.20; 609.222, subdivision 2; or 609.223 in regard to another child of the parent;

4.30 (2) a violation of section 609.222, subdivision 2; or 609.223, in regard to the child;

4.31 (3) a violation of, or an attempt or conspiracy to commit a violation of, United States  
 4.32 Code, title 18, section 1111(a) or 1112(a), in regard to another child of the parent;

5.1 (4) committing sexual abuse as defined in section 260E.03, against the child or another  
5.2 child of the parent; or

5.3 (5) an offense that requires registration as a predatory offender under section 243.166,  
5.4 subdivision 1b, paragraph (a) or (b).

5.5 (h) The juvenile court, in proceedings under sections 260B.178, 260C.178, 260C.201,  
5.6 260C.202, 260C.204, 260C.301, or 260C.503 to 260C.521, shall make findings and  
5.7 conclusions as to the provision of reasonable efforts. When determining whether reasonable  
5.8 efforts have been made by the agency, the court shall consider whether services to the child  
5.9 and family were:

5.10 (1) selected in collaboration with the child's family and, if appropriate, the child;

5.11 (2) tailored to the individualized needs of the child and child's family;

5.12 ~~(3)~~ (3) relevant to the safety and protection, and well-being of the child;

5.13 ~~(2)~~ (4) adequate to meet the individualized needs of the child and family;

5.14 ~~(3)~~ (5) culturally appropriate;

5.15 ~~(4)~~ (6) available and accessible;

5.16 ~~(5)~~ (7) consistent and timely; and

5.17 ~~(6)~~ (8) realistic under the circumstances.

5.18 In the alternative, the court may determine that the provision of services or further services  
5.19 for the purpose of rehabilitation is futile and therefore unreasonable under the circumstances  
5.20 or that reasonable efforts are not required as provided in paragraph (a).

5.21 (i) This section does not prevent out-of-home placement for the treatment of a child with  
5.22 a mental disability when it is determined to be medically necessary as a result of the child's  
5.23 diagnostic assessment or the child's individual treatment plan indicates that appropriate and  
5.24 necessary treatment cannot be effectively provided outside of a residential or inpatient  
5.25 treatment program and the level or intensity of supervision and treatment cannot be  
5.26 effectively and safely provided in the child's home or community and it is determined that  
5.27 a residential treatment setting is the least restrictive setting that is appropriate to the needs  
5.28 of the child.

5.29 (j) If continuation of reasonable efforts to prevent placement or reunify the child with  
5.30 the parent or guardian from whom the child was removed is determined by the court to be  
5.31 inconsistent with the permanent plan for the child or upon the court making one of the prima  
5.32 facie determinations under paragraph (a), reasonable efforts must be made to place the child

6.1 in a timely manner in a safe and permanent home and to complete whatever steps are  
 6.2 necessary to legally finalize the permanent placement of the child.

6.3 (k) Reasonable efforts to place a child for adoption or in another permanent placement  
 6.4 may be made concurrently with reasonable efforts to prevent placement or to reunify the  
 6.5 child with the parent or guardian from whom the child was removed. When the responsible  
 6.6 social services agency decides to concurrently make reasonable efforts for both reunification  
 6.7 and permanent placement away from the parent under paragraph (a), the agency shall disclose  
 6.8 ~~its~~ the agency's decision and both plans for concurrent reasonable efforts to all parties and  
 6.9 the court. When the agency discloses ~~its~~ the agency's decision to proceed ~~on~~ with both plans  
 6.10 for reunification and permanent placement away from the parent, the court's review of the  
 6.11 agency's reasonable efforts shall include the agency's efforts under both plans.

6.12 Sec. 2. Minnesota Statutes 2020, section 260C.001, subdivision 3, is amended to read:

6.13 Subd. 3. **Permanency, termination of parental rights, and adoption.** The purpose of  
 6.14 the laws relating to permanency, termination of parental rights, and children who come  
 6.15 under the guardianship of the commissioner of human services is to ensure that:

6.16 (1) when required and appropriate, reasonable efforts have been made by the social  
 6.17 services agency to reunite the child with the child's parents in a home that is safe and  
 6.18 permanent;

6.19 (2) if placement with the parents is not reasonably foreseeable, to secure for the child a  
 6.20 safe and permanent placement according to the requirements of section 260C.212, subdivision  
 6.21 2, preferably ~~with adoptive parents~~ with a relative through an adoption or a transfer of  
 6.22 permanent legal and physical custody or, if that is not possible or in the best interests of the  
 6.23 child, ~~a fit and willing relative through transfer of permanent legal and physical custody to~~  
 6.24 ~~that relative~~ with a nonrelative caregiver through adoption; and

6.25 (3) when a child is under the guardianship of the commissioner of human services,  
 6.26 reasonable efforts are made to finalize an adoptive home for the child in a timely manner.

6.27 Nothing in this section requires reasonable efforts to prevent placement or to reunify  
 6.28 the child with the parent or guardian to be made in circumstances where the court has  
 6.29 determined that the child has been subjected to egregious harm, when the child is an  
 6.30 abandoned infant, the parent has involuntarily lost custody of another child through a  
 6.31 proceeding under section 260C.515, subdivision 4, or similar law of another state, the  
 6.32 parental rights of the parent to a sibling have been involuntarily terminated, or the court has

7.1 determined that reasonable efforts or further reasonable efforts to reunify the child with the  
7.2 parent or guardian would be futile.

7.3 The paramount consideration in all proceedings for permanent placement of the child  
7.4 under sections 260C.503 to 260C.521, or the termination of parental rights is the best interests  
7.5 of the child. In proceedings involving an American Indian child, as defined in section  
7.6 260.755, subdivision 8, the best interests of the child must be determined consistent with  
7.7 the Indian Child Welfare Act of 1978, United States Code, title 25, section 1901, et seq.

7.8 Sec. 3. Minnesota Statutes 2020, section 260C.007, subdivision 27, is amended to read:

7.9 Subd. 27. **Relative.** "Relative" means a person related to the child by blood, marriage,  
7.10 or adoption; the legal parent, guardian, or custodian of the child's siblings; or an individual  
7.11 who is an important friend of the child or of the child's parent or custodian, including an  
7.12 individual with whom the child has resided or had significant contact or who has a significant  
7.13 relationship to the child or the child's parent or custodian.

7.14 Sec. 4. Minnesota Statutes 2020, section 260C.151, subdivision 6, is amended to read:

7.15 Subd. 6. **Immediate custody.** If the court makes individualized, explicit findings, based  
7.16 on the notarized petition or sworn affidavit, that there are reasonable grounds to believe  
7.17 that the child is in surroundings or conditions which that endanger the child's health, safety,  
7.18 or welfare that require that responsibility for the child's care and custody be immediately  
7.19 assumed by the responsible social services agency and that continuation of the child in the  
7.20 custody of the parent or guardian is contrary to the child's welfare, the court may order that  
7.21 the officer serving the summons take the child into immediate custody for placement of the  
7.22 child in foster care, preferably with a relative. In ordering that responsibility for the care,  
7.23 custody, and control of the child be assumed by the responsible social services agency, the  
7.24 court is ordering emergency protective care as that term is defined in the juvenile court  
7.25 rules.

7.26 Sec. 5. Minnesota Statutes 2020, section 260C.152, subdivision 5, is amended to read:

7.27 Subd. 5. **Notice to foster parents and preadoptive parents and relatives.** The foster  
7.28 parents, if any, of a child and any preadoptive parent or relative providing care for the child  
7.29 must be provided notice of and a right to be heard in any review or hearing to be held with  
7.30 respect to the child. Any other relative may also request, and must be granted, a notice and  
7.31 the opportunity right to be heard under this section. This subdivision does not require that  
7.32 a foster parent, preadoptive parent, ~~or~~ relative providing care for the child, or any other

8.1 relative be made a party to a review or hearing solely on the basis of the notice and right to  
8.2 be heard.

8.3 Sec. 6. Minnesota Statutes 2020, section 260C.175, subdivision 2, is amended to read:

8.4 Subd. 2. **Notice to parent or custodian and child; emergency placement with**  
8.5 **relative.** ~~Whenever~~ (a) At the time that a peace officer takes a child into custody for relative  
8.6 placement or shelter care or relative placement pursuant to subdivision 1, section 260C.151,  
8.7 subdivision 5, or section 260C.154, the officer shall notify the child's parent or custodian  
8.8 and the child, if the child is ten years of age or older, that under section 260C.181, subdivision  
8.9 2, the parent or custodian or the child may request ~~that~~ to place the child ~~be placed~~ with a  
8.10 relative ~~or a designated caregiver under chapter 257A~~ as defined in section 260C.007,  
8.11 subdivision 27, instead of in a shelter care facility.

8.12 (b) When a child who is not alleged to be delinquent is taken into custody pursuant to  
8.13 subdivision 1, clause (1), or clause (2), item (ii), and placement with an identified relative  
8.14 is requested, the peace officer shall coordinate with the responsible social services agency  
8.15 to ensure the child's safety and well-being, and comply with section 260C.181, subdivision  
8.16 2.

8.17 (c) The officer also shall give the parent or custodian of the child a list of names,  
8.18 addresses, and telephone numbers of social services agencies that offer child welfare services.  
8.19 If the parent or custodian was not present when the child was removed from the residence,  
8.20 the list shall be left with an adult on the premises or left in a conspicuous place on the  
8.21 premises if no adult is present. If the officer has reason to believe the parent or custodian  
8.22 is not able to read and understand English, the officer must provide a list that is written in  
8.23 the language of the parent or custodian. The list shall be prepared by the commissioner of  
8.24 human services. The commissioner shall prepare lists for each county and provide each  
8.25 county with copies of the list without charge. The list shall be reviewed annually by the  
8.26 commissioner and updated if it is no longer accurate. Neither the commissioner nor any  
8.27 peace officer or the officer's employer shall be liable to any person for mistakes or omissions  
8.28 in the list. The list does not constitute a promise that any agency listed will ~~in fact~~ assist the  
8.29 parent or custodian.

8.30 Sec. 7. Minnesota Statutes 2020, section 260C.176, subdivision 2, is amended to read:

8.31 Subd. 2. **Reasons for detention.** (a) If the child is not released as provided in subdivision  
8.32 1, the person taking the child into custody shall notify the court as soon as possible of the  
8.33 detention of the child and the reasons for detention.



9.1 (b) No child taken into custody and placed in a relative's home or shelter care facility  
 9.2 ~~or relative's home~~ by a peace officer pursuant to section 260C.175, subdivision 1, clause  
 9.3 (1) or (2), item (ii), may be held in custody longer than 72 hours, excluding Saturdays,  
 9.4 Sundays and holidays, unless a petition has been filed and the judge or referee determines  
 9.5 pursuant to section 260C.178 that the child shall remain in custody or unless the court has  
 9.6 made a finding of domestic abuse perpetrated by a minor after a hearing under Laws 1997,  
 9.7 chapter 239, article 10, sections 2 to 26, in which case the court may extend the period of  
 9.8 detention for an additional seven days, within which time the social services agency shall  
 9.9 conduct an assessment and shall provide recommendations to the court regarding voluntary  
 9.10 services or file a child in need of protection or services petition.

9.11 Sec. 8. Minnesota Statutes 2020, section 260C.178, subdivision 1, is amended to read:

9.12 Subdivision 1. **Hearing and release requirements.** (a) If a child was taken into custody  
 9.13 under section 260C.175, subdivision 1, clause (1) or (2), item (ii), the court shall hold a  
 9.14 hearing within 72 hours of the time that the child was taken into custody, excluding  
 9.15 Saturdays, Sundays, and holidays, to determine whether the child should continue to be in  
 9.16 custody.

9.17 (b) Unless there is reason to believe that the child would endanger self or others or not  
 9.18 return for a court hearing, or that the child's health or welfare would be immediately  
 9.19 endangered, the child shall be released to the custody of a parent, guardian, custodian, or  
 9.20 other suitable person, subject to reasonable conditions of release including, but not limited  
 9.21 to, a requirement that the child undergo a chemical use assessment as provided in section  
 9.22 260C.157, subdivision 1.

9.23 (c) If the court determines that there is reason to believe that the child would endanger  
 9.24 self or others or not return for a court hearing, or that the child's health or welfare would be  
 9.25 immediately endangered if returned to the care of the parent or guardian who has custody  
 9.26 and from whom the child was removed, the court shall order the child:

9.27 (1) into the care of the child's noncustodial parent and order the noncustodial parent to  
 9.28 comply with any conditions that the court determines appropriate to ensure the safety and  
 9.29 care of the child, including requiring the noncustodial parent to cooperate with paternity  
 9.30 establishment proceedings if the noncustodial parent has not been adjudicated the child's  
 9.31 father; or

9.32 (2) into foster care as defined in section 260C.007, subdivision 18, under the legal  
 9.33 responsibility of the responsible social services agency or responsible probation or corrections  
 9.34 agency for the purposes of protective care as that term is used in the juvenile court rules or

10.1 ~~into the home of a noncustodial parent and order the noncustodial parent to comply with~~  
10.2 ~~any conditions the court determines to be appropriate to the safety and care of the child,~~  
10.3 ~~including cooperating with paternity establishment proceedings in the case of a man who~~  
10.4 ~~has not been adjudicated the child's father.~~ The court shall not give the responsible social  
10.5 services legal custody and order a trial home visit at any time prior to adjudication and  
10.6 disposition under section 260C.201, subdivision 1, paragraph (a), clause (3), but may order  
10.7 the child returned to the care of the parent or guardian who has custody and from whom the  
10.8 child was removed and order the parent or guardian to comply with any conditions the court  
10.9 determines to be appropriate to meet the safety, health, and welfare of the child.

10.10 (d) In determining whether the child's health or welfare would be immediately  
10.11 endangered, the court shall consider whether the child would reside with a perpetrator of  
10.12 domestic child abuse.

10.13 (e) The court, before determining whether a child should be placed in or continue in  
10.14 foster care under the protective care of the responsible agency, shall also make a  
10.15 determination, consistent with section 260.012 as to whether reasonable efforts were made  
10.16 to prevent placement or whether reasonable efforts to prevent placement are not required.  
10.17 In the case of an Indian child, the court shall determine whether active efforts, according  
10.18 to section 260.762 and the Indian Child Welfare Act of 1978, United States Code, title 25,  
10.19 section 1912(d), were made to prevent placement. The court shall enter a finding that the  
10.20 responsible social services agency has made reasonable efforts to prevent placement when  
10.21 the agency establishes either:

10.22 (1) that ~~it~~ the agency has actually provided services or made efforts in an attempt to  
10.23 prevent the child's removal but that such services or efforts have not proven sufficient to  
10.24 permit the child to safely remain in the home; or

10.25 (2) that there are no services or other efforts that could be made at the time of the hearing  
10.26 that could safely permit the child to remain home or to return home. The court shall not  
10.27 make a reasonable efforts determination under this clause unless the court is satisfied that  
10.28 the agency has sufficiently demonstrated to the court that there were no services or other  
10.29 efforts that the agency was able to provide at the time of the hearing enabling the child to  
10.30 safely remain home or to safely return home. When reasonable efforts to prevent placement  
10.31 are required and there are services or other efforts that could be ordered ~~which~~ that would  
10.32 permit the child to safely return home, the court shall order the child returned to the care of  
10.33 the parent or guardian and the services or efforts put in place to ensure the child's safety.  
10.34 When the court makes a prima facie determination that one of the circumstances under

11.1 paragraph (g) exists, the court shall determine that reasonable efforts to prevent placement  
11.2 and to return the child to the care of the parent or guardian are not required.

11.3 ~~(f)~~ If the court finds the social services agency's preventive or reunification efforts have  
11.4 not been reasonable but further preventive or reunification efforts could not permit the child  
11.5 to safely remain at home, the court may nevertheless authorize or continue the removal of  
11.6 the child.

11.7 ~~(f)~~ (g) The court may not order or continue the foster care placement of the child unless  
11.8 the court makes explicit, individualized findings that continued custody of the child by the  
11.9 parent or guardian would be contrary to the welfare of the child and that placement is in the  
11.10 best interest of the child.

11.11 ~~(g)~~ (h) At the emergency removal hearing, or at any time during the course of the  
11.12 proceeding, and upon notice and request of the county attorney, the court shall determine  
11.13 whether a petition has been filed stating a prima facie case that:

11.14 (1) the parent has subjected a child to egregious harm as defined in section 260C.007,  
11.15 subdivision 14;

11.16 (2) the parental rights of the parent to another child have been involuntarily terminated;

11.17 (3) the child is an abandoned infant under section 260C.301, subdivision 2, paragraph  
11.18 (a), clause (2);

11.19 (4) the parents' custodial rights to another child have been involuntarily transferred to a  
11.20 relative under Minnesota Statutes 2010, section 260C.201, subdivision 11, paragraph (e),  
11.21 clause (1); section 260C.515, subdivision 4; or a similar law of another jurisdiction;

11.22 (5) the parent has committed sexual abuse as defined in section 260E.03, against the  
11.23 child or another child of the parent;

11.24 (6) the parent has committed an offense that requires registration as a predatory offender  
11.25 under section 243.166, subdivision 1b, paragraph (a) or (b); or

11.26 (7) the provision of services or further services for the purpose of reunification is futile  
11.27 and therefore unreasonable.

11.28 ~~(h)~~ (i) When a petition to terminate parental rights is required under section 260C.301,  
11.29 subdivision 4, or 260C.503, subdivision 2, but the county attorney has determined not to  
11.30 proceed with a termination of parental rights petition, and has instead filed a petition to  
11.31 transfer permanent legal and physical custody to a relative under section 260C.507, the  
11.32 court shall schedule a permanency hearing within 30 days of the filing of the petition.

12.1 ~~(i)~~ (j) If the county attorney has filed a petition under section 260C.307, the court shall  
 12.2 schedule a trial under section 260C.163 within 90 days of the filing of the petition except  
 12.3 when the county attorney determines that the criminal case shall proceed to trial first under  
 12.4 section 260C.503, subdivision 2, paragraph (c).

12.5 ~~(j)~~ (k) If the court determines the child should be ordered into foster care and the child's  
 12.6 parent refuses to give information to the responsible social services agency regarding the  
 12.7 child's father or relatives of the child, the court may order the parent to disclose the names,  
 12.8 addresses, telephone numbers, and other identifying information to the responsible social  
 12.9 services agency for the purpose of complying with sections 260C.150, 260C.151, 260C.212,  
 12.10 260C.215, 260C.219, and 260C.221.

12.11 ~~(k)~~ (l) If a child ordered into foster care has siblings, whether full, half, or step, who are  
 12.12 also ordered into foster care, the court shall inquire of the responsible social services agency  
 12.13 of the efforts to place the children together as required by section 260C.212, subdivision 2,  
 12.14 paragraph (d), if placement together is in each child's best interests, unless a child is in  
 12.15 placement for treatment or a child is placed with a previously noncustodial parent who is  
 12.16 not a parent to all siblings. If the children are not placed together at the time of the hearing,  
 12.17 the court shall inquire at each subsequent hearing of the agency's reasonable efforts to place  
 12.18 the siblings together, as required under section 260.012. If any sibling is not placed with  
 12.19 another sibling or siblings, the agency must develop a plan to facilitate visitation or ongoing  
 12.20 contact among the siblings as required under section 260C.212, subdivision 1, unless it is  
 12.21 contrary to the safety or well-being of any of the siblings to do so.

12.22 ~~(l)~~ (m) When the court has ordered the child into the care of a noncustodial parent or in  
 12.23 foster care ~~or into the home of a noncustodial parent~~, the court may order a chemical  
 12.24 dependency evaluation, mental health evaluation, medical examination, and parenting  
 12.25 assessment for the parent as necessary to support the development of a plan for reunification  
 12.26 required under subdivision 7 and section 260C.212, subdivision 1, or the child protective  
 12.27 services plan under section 260E.26, and Minnesota Rules, part 9560.0228.

12.28 Sec. 9. Minnesota Statutes 2020, section 260C.181, subdivision 2, is amended to read:

12.29 Subd. 2. **Least restrictive setting.** Notwithstanding the provisions of subdivision 1, if  
 12.30 the child had been taken into custody pursuant to section 260C.175, subdivision 1, clause  
 12.31 (1) or (2), item (ii), and is not alleged to be delinquent, the child shall be detained in the  
 12.32 least restrictive setting consistent with the child's health and welfare and in closest proximity  
 12.33 to the child's family as possible. Placement may be with a child's relative, ~~a designated~~  
 12.34 ~~caregiver under chapter 257A~~, or, if no placement is available with a relative, in a shelter

13.1 care facility. The placing officer shall comply with this section and shall document why a  
13.2 less restrictive setting will or will not be in the best interests of the child for placement  
13.3 purposes.

13.4 Sec. 10. Minnesota Statutes 2020, section 260C.193, subdivision 3, is amended to read:

13.5 Subd. 3. **Best interests of the child.** (a) The policy of the state is to ensure that the best  
13.6 interests of children in foster care, who experience a transfer of permanent legal and physical  
13.7 custody to a relative under section 260C.515, subdivision 4, or adoption under this chapter,  
13.8 are met by:

13.9 (1) considering placement of a child with relatives in the order specified in section  
13.10 260C.212, subdivision 2, paragraph (a); and

13.11 (2) requiring individualized determinations under section 260C.212, subdivision 2,  
13.12 paragraph (b), of the needs of the child and of how the selected home will serve the needs  
13.13 of the child.

13.14 (b) No later than three months after a child is ordered to be removed from the care of a  
13.15 parent in the hearing required under section 260C.202, the court shall review and enter  
13.16 findings regarding whether the responsible social services agency ~~made~~:

13.17 (1) diligent efforts exercised due diligence to identify and, search for, notify, and engage  
13.18 relatives as required under section 260C.221; and

13.19 (2) made a placement consistent with section 260C.212, subdivision 2, that is based on  
13.20 an individualized determination as required under section 260C.212, subdivision 2, of the  
13.21 child's needs to select a home that meets the needs of the child.

13.22 (c) If the court finds that the agency has not ~~made efforts~~ exercised due diligence as  
13.23 required under section 260C.221, and the court shall order the agency to make reasonable  
13.24 efforts. If there is a relative who qualifies to be licensed to provide family foster care under  
13.25 chapter 245A, the court may order the child to be placed with the relative consistent with  
13.26 the child's best interests.

13.27 (d) If the agency's efforts under section 260C.221 are found by the court to be sufficient,  
13.28 the court shall order the agency to continue to appropriately engage relatives who responded  
13.29 to the notice under section 260C.221 in placement and case planning decisions and to  
13.30 appropriately engage relatives who subsequently come to the agency's attention. A court's  
13.31 finding that the agency has made reasonable efforts under this paragraph does not relieve  
13.32 the agency of the duty to continue notifying relatives who come to the agency's attention

14.1 and engaging and considering relatives who respond to the notice under section 260C.221  
 14.2 in child placement and case planning decisions.

14.3 (e) If the child's birth parent ~~or parents~~ explicitly ~~request~~ requests that a specific relative  
 14.4 ~~or important friend~~ not be considered for placement of the child, the court shall honor that  
 14.5 request if it is consistent with the best interests of the child and consistent with the  
 14.6 requirements of section 260C.221. The court shall not waive relative search, notice, and  
 14.7 consideration requirements, unless section 260C.139 applies. If the child's birth parent ~~or~~  
 14.8 ~~parents express~~ expresses a preference for placing the child in a foster or adoptive home of  
 14.9 the same or a similar religious background ~~to~~ as that of the birth parent or parents, the court  
 14.10 shall order placement of the child with an individual who meets the birth parent's religious  
 14.11 preference.

14.12 (f) Placement of a child ~~cannot~~ must not be delayed or denied based on race, color, or  
 14.13 national origin of the foster parent or the child.

14.14 (g) Whenever possible, siblings requiring foster care placement ~~should~~ shall be placed  
 14.15 together unless it is determined not to be in the best interests of one or more of the siblings  
 14.16 after weighing the benefits of separate placement against the benefits of sibling connections  
 14.17 for each sibling. The agency shall consider section 260C.008 when making this determination.  
 14.18 If siblings were not placed together according to section 260C.212, subdivision 2, paragraph  
 14.19 (d), the responsible social services agency shall report to the court the efforts made to place  
 14.20 the siblings together and why the efforts were not successful. If the court is not satisfied  
 14.21 that the agency has made reasonable efforts to place siblings together, the court must order  
 14.22 the agency to make further reasonable efforts. If siblings are not placed together, the court  
 14.23 shall order the responsible social services agency to implement the plan for visitation among  
 14.24 siblings required as part of the out-of-home placement plan under section 260C.212.

14.25 (h) This subdivision does not affect the Indian Child Welfare Act, United States Code,  
 14.26 title 25, sections 1901 to 1923, and the Minnesota Indian Family Preservation Act, sections  
 14.27 260.751 to 260.835.

14.28 Sec. 11. Minnesota Statutes 2020, section 260C.201, subdivision 1, is amended to read:

14.29 Subdivision 1. **Dispositions.** (a) If the court finds that the child is in need of protection  
 14.30 or services or neglected and in foster care, ~~it~~ the court shall enter an order making any of  
 14.31 the following dispositions of the case:

15.1 (1) place the child under the protective supervision of the responsible social services  
15.2 agency or child-placing agency in the home of a parent of the child under conditions  
15.3 prescribed by the court directed to the correction of the child's need for protection or services:

15.4 (i) the court may order the child into the home of a parent who does not otherwise have  
15.5 legal custody of the child, however, an order under this section does not confer legal custody  
15.6 on that parent;

15.7 (ii) if the court orders the child into the home of a father who is not adjudicated, the  
15.8 father must cooperate with paternity establishment proceedings regarding the child in the  
15.9 appropriate jurisdiction as one of the conditions prescribed by the court for the child to  
15.10 continue in the father's home; and

15.11 (iii) the court may order the child into the home of a noncustodial parent with conditions  
15.12 and may also order both the noncustodial and the custodial parent to comply with the  
15.13 requirements of a case plan under subdivision 2; or

15.14 (2) transfer legal custody to one of the following:

15.15 (i) a child-placing agency; or

15.16 (ii) the responsible social services agency. In making a foster care placement ~~for~~ of a  
15.17 child whose custody has been transferred under this subdivision, the agency shall make an  
15.18 individualized determination of how the placement is in the child's best interests using the  
15.19 placement consideration order for relatives; and the best interest factors in section 260C.212,  
15.20 subdivision 2, ~~paragraph (b)~~, and may include a child colocated with a parent in a licensed  
15.21 residential family-based substance use disorder treatment program under section 260C.190;  
15.22 or

15.23 (3) order a trial home visit without modifying the transfer of legal custody to the  
15.24 responsible social services agency under clause (2). Trial home visit means the child is  
15.25 returned to the care of the parent or guardian from whom the child was removed for a period  
15.26 not to exceed six months. During the period of the trial home visit, the responsible social  
15.27 services agency:

15.28 (i) shall continue to have legal custody of the child, which means that the agency may  
15.29 see the child in the parent's home, at school, in a child care facility, or other setting as the  
15.30 agency deems necessary and appropriate;

15.31 (ii) shall continue to have the ability to access information under section 260C.208;

15.32 (iii) shall continue to provide appropriate services to both the parent and the child during  
15.33 the period of the trial home visit;

16.1 (iv) without previous court order or authorization, may terminate the trial home visit in  
16.2 order to protect the child's health, safety, or welfare and may remove the child to foster care;

16.3 (v) shall advise the court and parties within three days of the termination of the trial  
16.4 home visit when a visit is terminated by the responsible social services agency without a  
16.5 court order; and

16.6 (vi) shall prepare a report for the court when the trial home visit is terminated whether  
16.7 by the agency or court order ~~which~~ that describes the child's circumstances during the trial  
16.8 home visit and recommends appropriate orders, if any, for the court to enter to provide for  
16.9 the child's safety and stability. In the event a trial home visit is terminated by the agency  
16.10 by removing the child to foster care without prior court order or authorization, the court  
16.11 shall conduct a hearing within ten days of receiving notice of the termination of the trial  
16.12 home visit by the agency and shall order disposition under this subdivision or commence  
16.13 permanency proceedings under sections 260C.503 to 260C.515. The time period for the  
16.14 hearing may be extended by the court for good cause shown and if it is in the best interests  
16.15 of the child as long as the total time the child spends in foster care without a permanency  
16.16 hearing does not exceed 12 months;

16.17 (4) if the child has been adjudicated as a child in need of protection or services because  
16.18 the child is in need of special services or care to treat or ameliorate a physical or mental  
16.19 disability or emotional disturbance as defined in section 245.4871, subdivision 15, the court  
16.20 may order the child's parent, guardian, or custodian to provide it. The court may order the  
16.21 child's health plan company to provide mental health services to the child. Section 62Q.535  
16.22 applies to an order for mental health services directed to the child's health plan company.  
16.23 If the health plan, parent, guardian, or custodian fails or is unable to provide this treatment  
16.24 or care, the court may order it provided. Absent specific written findings by the court that  
16.25 the child's disability is the result of abuse or neglect by the child's parent or guardian, the  
16.26 court shall not transfer legal custody of the child for the purpose of obtaining special  
16.27 treatment or care solely because the parent is unable to provide the treatment or care. If the  
16.28 court's order for mental health treatment is based on a diagnosis made by a treatment  
16.29 professional, the court may order that the diagnosing professional not provide the treatment  
16.30 to the child if it finds that such an order is in the child's best interests; or

16.31 (5) if the court believes that the child has sufficient maturity and judgment and that it is  
16.32 in the best interests of the child, the court may order a child 16 years old or older to be  
16.33 allowed to live independently, either alone or with others as approved by the court under  
16.34 supervision the court considers appropriate, if the county board, after consultation with the  
16.35 court, has specifically authorized this dispositional alternative for a child.



17.1 (b) If the child was adjudicated in need of protection or services because the child is a  
17.2 runaway or habitual truant, the court may order any of the following dispositions in addition  
17.3 to or as alternatives to the dispositions authorized under paragraph (a):

17.4 (1) counsel the child or the child's parents, guardian, or custodian;

17.5 (2) place the child under the supervision of a probation officer or other suitable person  
17.6 in the child's own home under conditions prescribed by the court, including reasonable rules  
17.7 for the child's conduct and the conduct of the parents, guardian, or custodian, designed for  
17.8 the physical, mental, and moral well-being and behavior of the child;

17.9 (3) subject to the court's supervision, transfer legal custody of the child to one of the  
17.10 following:

17.11 (i) a reputable person of good moral character. No person may receive custody of two  
17.12 or more unrelated children unless licensed to operate a residential program under sections  
17.13 245A.01 to 245A.16; or

17.14 (ii) a county probation officer for placement in a group foster home established under  
17.15 the direction of the juvenile court and licensed pursuant to section 241.021;

17.16 (4) require the child to pay a fine of up to \$100. The court shall order payment of the  
17.17 fine in a manner that will not impose undue financial hardship upon the child;

17.18 (5) require the child to participate in a community service project;

17.19 (6) order the child to undergo a chemical dependency evaluation and, if warranted by  
17.20 the evaluation, order participation by the child in a drug awareness program or an inpatient  
17.21 or outpatient chemical dependency treatment program;

17.22 (7) if the court believes that it is in the best interests of the child or of public safety that  
17.23 the child's driver's license or instruction permit be canceled, the court may order the  
17.24 commissioner of public safety to cancel the child's license or permit for any period up to  
17.25 the child's 18th birthday. If the child does not have a driver's license or permit, the court  
17.26 may order a denial of driving privileges for any period up to the child's 18th birthday. The  
17.27 court shall forward an order issued under this clause to the commissioner, who shall cancel  
17.28 the license or permit or deny driving privileges without a hearing for the period specified  
17.29 by the court. At any time before the expiration of the period of cancellation or denial, the  
17.30 court may, for good cause, order the commissioner of public safety to allow the child to  
17.31 apply for a license or permit, and the commissioner shall so authorize;

17.32 (8) order that the child's parent or legal guardian deliver the child to school at the  
17.33 beginning of each school day for a period of time specified by the court; or

18.1 (9) require the child to perform any other activities or participate in any other treatment  
18.2 programs deemed appropriate by the court.

18.3 To the extent practicable, the court shall enter a disposition order the same day it makes  
18.4 a finding that a child is in need of protection or services or neglected and in foster care, but  
18.5 in no event more than 15 days after the finding unless the court finds that the best interests  
18.6 of the child will be served by granting a delay. If the child was under eight years of age at  
18.7 the time the petition was filed, the disposition order must be entered within ten days of the  
18.8 finding and the court may not grant a delay unless good cause is shown and the court finds  
18.9 the best interests of the child will be served by the delay.

18.10 (c) If a child who is 14 years of age or older is adjudicated in need of protection or  
18.11 services because the child is a habitual truant and truancy procedures involving the child  
18.12 were previously dealt with by a school attendance review board or county attorney mediation  
18.13 program under section 260A.06 or 260A.07, the court shall order a cancellation or denial  
18.14 of driving privileges under paragraph (b), clause (7), for any period up to the child's 18th  
18.15 birthday.

18.16 (d) In the case of a child adjudicated in need of protection or services because the child  
18.17 has committed domestic abuse and been ordered excluded from the child's parent's home,  
18.18 the court shall dismiss jurisdiction if the court, at any time, finds the parent is able or willing  
18.19 to provide an alternative safe living arrangement for the child, as defined in Laws 1997,  
18.20 chapter 239, article 10, section 2.

18.21 (e) When a parent has complied with a case plan ordered under subdivision 6 and the  
18.22 child is in the care of the parent, the court may order the responsible social services agency  
18.23 to monitor the parent's continued ability to maintain the child safely in the home under such  
18.24 terms and conditions as the court determines appropriate under the circumstances.

18.25 Sec. 12. Minnesota Statutes 2020, section 260C.201, subdivision 2, is amended to read:

18.26 Subd. 2. **Written findings.** (a) Any order for a disposition authorized under this section  
18.27 shall contain written findings of fact to support the disposition and case plan ordered and  
18.28 shall also set forth in writing the following information:

18.29 (1) why the best interests and safety of the child are served by the disposition and case  
18.30 plan ordered;

18.31 (2) what alternative dispositions or services under the case plan were considered by the  
18.32 court and why such dispositions or services were not appropriate in the instant case;

19.1 (3) when legal custody of the child is transferred, the appropriateness of the particular  
19.2 placement made or to be made by the placing agency using the relative and sibling placement  
19.3 considerations and best interest factors in section 260C.212, subdivision 2, ~~paragraph (b)~~,  
19.4 or the appropriateness of a child colocated with a parent in a licensed residential family-based  
19.5 substance use disorder treatment program under section 260C.190;

19.6 (4) whether reasonable efforts to finalize the permanent plan for the child consistent  
19.7 with section 260.012 were made including reasonable efforts:

19.8 (i) to prevent the child's placement and to reunify the child with the parent or guardian  
19.9 from whom the child was removed at the earliest time consistent with the child's safety.  
19.10 The court's findings must include a brief description of what preventive and reunification  
19.11 efforts were made and why further efforts could not have prevented or eliminated the  
19.12 necessity of removal or that reasonable efforts were not required under section 260.012 or  
19.13 260C.178, subdivision 1;

19.14 (ii) to identify and locate any noncustodial or nonresident parent of the child and to  
19.15 assess such parent's ability to provide day-to-day care of the child, and, where appropriate,  
19.16 provide services necessary to enable the noncustodial or nonresident parent to safely provide  
19.17 day-to-day care of the child as required under section 260C.219, unless such services are  
19.18 not required under section 260.012 or 260C.178, subdivision 1; The court's findings must  
19.19 include a description of the agency's efforts to:

19.20 (A) identify and locate the child's noncustodial or nonresident parent;

19.21 (B) assess the noncustodial or nonresident parent's ability to provide day-to-day care of  
19.22 the child; and

19.23 (C) if appropriate, provide services necessary to enable the noncustodial or nonresident  
19.24 parent to safely provide the child's day-to-day care, including efforts to engage the  
19.25 noncustodial or nonresident parent in assuming care and responsibility of the child;

19.26 (iii) to make the diligent search for relatives and provide the notices required under  
19.27 section 260C.221; a finding made pursuant to a hearing under section 260C.202 that the  
19.28 agency has made diligent efforts to conduct a relative search and has appropriately engaged  
19.29 relatives who responded to the notice under section 260C.221 and other relatives, who came  
19.30 to the attention of the agency after notice under section 260C.221 was sent, in placement  
19.31 and case planning decisions fulfills the requirement of this item;

19.32 (iv) to identify and make a foster care placement of the child, considering the order in  
19.33 section 260C.212, subdivision 2, paragraph (a), in the home of an unlicensed relative,

20.1 according to the requirements of section 245A.035, a licensed relative, or other licensed  
20.2 foster care provider, who will commit to being the permanent legal parent or custodian for  
20.3 the child in the event reunification cannot occur, but who will actively support the  
20.4 reunification plan for the child. If the court finds that the agency has not appropriately  
20.5 considered relatives for placement of the child, the court shall order the agency to comply  
20.6 with section 260C.212, subdivision 2, paragraph (a). The court may order the agency to  
20.7 continue considering relatives for placement of the child regardless of the child's current  
20.8 placement setting; and

20.9 (v) to place siblings together in the same home or to ensure visitation is occurring when  
20.10 siblings are separated in foster care placement and visitation is in the siblings' best interests  
20.11 under section 260C.212, subdivision 2, paragraph (d); and

20.12 (5) if the child has been adjudicated as a child in need of protection or services because  
20.13 the child is in need of special services or care to treat or ameliorate a mental disability or  
20.14 emotional disturbance as defined in section 245.4871, subdivision 15, the written findings  
20.15 shall also set forth:

20.16 (i) whether the child has mental health needs that must be addressed by the case plan;

20.17 (ii) what consideration was given to the diagnostic and functional assessments performed  
20.18 by the child's mental health professional and to health and mental health care professionals'  
20.19 treatment recommendations;

20.20 (iii) what consideration was given to the requests or preferences of the child's parent or  
20.21 guardian with regard to the child's interventions, services, or treatment; and

20.22 (iv) what consideration was given to the cultural appropriateness of the child's treatment  
20.23 or services.

20.24 (b) If the court finds that the social services agency's preventive or reunification efforts  
20.25 have not been reasonable but that further preventive or reunification efforts could not permit  
20.26 the child to safely remain at home, the court may nevertheless authorize or continue the  
20.27 removal of the child.

20.28 (c) If the child has been identified by the responsible social services agency as the subject  
20.29 of concurrent permanency planning, the court shall review the reasonable efforts of the  
20.30 agency to develop a permanency plan for the child that includes a primary plan ~~which~~ that  
20.31 is for reunification with the child's parent or guardian and a secondary plan ~~which~~ that is  
20.32 for an alternative, legally permanent home for the child in the event reunification cannot  
20.33 be achieved in a timely manner.

21.1 Sec. 13. Minnesota Statutes 2020, section 260C.202, is amended to read:

21.2 **260C.202 COURT REVIEW OF FOSTER CARE.**

21.3 (a) If the court orders a child placed in foster care, the court shall review the out-of-home  
 21.4 placement plan and the child's placement at least every 90 days as required in juvenile court  
 21.5 rules to determine whether continued out-of-home placement is necessary and appropriate  
 21.6 or whether the child should be returned home. This review is not required if the court has  
 21.7 returned the child home, ordered the child permanently placed away from the parent under  
 21.8 sections 260C.503 to 260C.521, or terminated rights under section 260C.301. Court review  
 21.9 for a child permanently placed away from a parent, including where the child is under  
 21.10 guardianship of the commissioner, shall be governed by section 260C.607. When a child  
 21.11 is placed in a qualified residential treatment program setting as defined in section 260C.007,  
 21.12 subdivision 26d, the responsible social services agency must submit evidence to the court  
 21.13 as specified in section 260C.712.

21.14 (b) No later than three months after the child's placement in foster care, the court shall  
 21.15 review agency efforts to search for and notify relatives pursuant to section 260C.221, and  
 21.16 order that the agency's efforts begin immediately, or continue, if the agency has failed to  
 21.17 perform, or has not adequately performed, the duties under that section. The court must  
 21.18 order the agency to continue to appropriately engage relatives who responded to the notice  
 21.19 under section 260C.221 in placement and case planning decisions and to consider relatives  
 21.20 for foster care placement consistent with section 260C.221. Notwithstanding a court's finding  
 21.21 that the agency has made reasonable efforts to search for and notify relatives under section  
 21.22 260C.221, the court may order the agency to continue making reasonable efforts to search  
 21.23 for, notify, engage other, and consider relatives who came to the agency's attention after  
 21.24 sending the initial notice under section 260C.221 ~~was sent.~~

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

21.27 (d) When the court ~~orders transfer of~~ transfers the custody of a child to a responsible  
 21.28 social services agency resulting in foster care or protective supervision with a noncustodial  
 21.29 parent under subdivision 1, the court shall notify the parents of the provisions of sections  
 21.30 260C.204 and 260C.503 to 260C.521, as required under juvenile court rules.

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

22.1 Sec. 14. Minnesota Statutes 2020, section 260C.203, is amended to read:

22.2 **260C.203 ADMINISTRATIVE OR COURT REVIEW OF PLACEMENTS.**

22.3 (a) Unless the court is conducting the reviews required under section 260C.202, there  
 22.4 shall be an administrative review of the out-of-home placement plan of each child placed  
 22.5 in foster care no later than 180 days after the initial placement of the child in foster care  
 22.6 and at least every six months thereafter if the child is not returned to the home of the parent  
 22.7 or parents within that time. The out-of-home placement plan must be monitored and updated  
 22.8 by the responsible social services agency at each administrative review. The administrative  
 22.9 review shall be conducted by the responsible social services agency using a panel of  
 22.10 appropriate persons at least one of whom is not responsible for the case management of, or  
 22.11 the delivery of services to, either the child or the parents who are the subject of the review.  
 22.12 The administrative review shall be open to participation by the parent or guardian of the  
 22.13 child and the child, as appropriate.

22.14 (b) As an alternative to the administrative review required in paragraph (a), the court  
 22.15 may, as part of any hearing required under the Minnesota Rules of Juvenile Protection  
 22.16 Procedure, conduct a hearing to monitor and update the out-of-home placement plan pursuant  
 22.17 to the procedure and standard in section 260C.201, subdivision 6, paragraph (d). The party  
 22.18 requesting review of the out-of-home placement plan shall give parties to the proceeding  
 22.19 notice of the request to review and update the out-of-home placement plan. A court review  
 22.20 conducted pursuant to section 260C.141, subdivision 2; 260C.193; 260C.201, subdivision  
 22.21 1; 260C.202; 260C.204; 260C.317; or 260D.06 shall satisfy the requirement for the review  
 22.22 so long as the other requirements of this section are met.

22.23 (c) As appropriate to the stage of the proceedings and relevant court orders, the  
 22.24 responsible social services agency or the court shall review:

22.25 (1) the safety, permanency needs, and well-being of the child;

22.26 (2) the continuing necessity for and appropriateness of the placement, including whether  
 22.27 the placement is consistent with the child's best interests and other placement considerations,  
 22.28 including relative and sibling placement considerations under section 260C.212, subdivision  
 22.29 2;

22.30 (3) the extent of compliance with the out-of-home placement plan required under section  
 22.31 260C.212, subdivisions 1 and 1a, including services and resources that the agency has  
 22.32 provided to the child and child's parents, services and resources that other agencies and  
 22.33 individuals have provided to the child and child's parents, and whether the out-of-home  
 22.34 placement plan is individualized to the needs of the child and child's parents;

23.1 (4) the extent of progress that has been made toward alleviating or mitigating the causes  
23.2 necessitating placement in foster care;

23.3 (5) the projected date by which the child may be returned to and safely maintained in  
23.4 the home or placed permanently away from the care of the parent or parents or guardian;  
23.5 and

23.6 (6) the appropriateness of the services provided to the child.

23.7 (d) When a child is age 14 or older:

23.8 (1) in addition to any administrative review conducted by the responsible social services  
23.9 agency, at the in-court review required under section 260C.317, subdivision 3, clause (3),  
23.10 or 260C.515, subdivision 5 or 6, the court shall review the independent living plan required  
23.11 under section 260C.212, subdivision 1, paragraph (c), clause (12), and the provision of  
23.12 services to the child related to the well-being of the child as the child prepares to leave foster  
23.13 care. The review shall include the actual plans related to each item in the plan necessary to  
23.14 the child's future safety and well-being when the child is no longer in foster care; and

23.15 (2) consistent with the requirements of the independent living plan, the court shall review  
23.16 progress toward or accomplishment of the following goals:

23.17 (i) the child has obtained a high school diploma or its equivalent;

23.18 (ii) the child has completed a driver's education course or has demonstrated the ability  
23.19 to use public transportation in the child's community;

23.20 (iii) the child is employed or enrolled in postsecondary education;

23.21 (iv) the child has applied for and obtained postsecondary education financial aid for  
23.22 which the child is eligible;

23.23 (v) the child has health care coverage and health care providers to meet the child's  
23.24 physical and mental health needs;

23.25 (vi) the child has applied for and obtained disability income assistance for which the  
23.26 child is eligible;

23.27 (vii) the child has obtained affordable housing with necessary supports, which does not  
23.28 include a homeless shelter;

23.29 (viii) the child has saved sufficient funds to pay for the first month's rent and a damage  
23.30 deposit;

24.1 (ix) the child has an alternative affordable housing plan, which does not include a  
24.2 homeless shelter, if the original housing plan is unworkable;

24.3 (x) the child, if male, has registered for the Selective Service; and

24.4 (xi) the child has a permanent connection to a caring adult.

24.5 Sec. 15. Minnesota Statutes 2020, section 260C.204, is amended to read:

24.6 **260C.204 PERMANENCY PROGRESS REVIEW FOR CHILDREN IN FOSTER**  
24.7 **CARE FOR SIX MONTHS.**

24.8 (a) When a child continues in placement out of the home of the parent or guardian from  
24.9 whom the child was removed, no later than six months after the child's placement the court  
24.10 shall conduct a permanency progress hearing to review:

24.11 (1) the progress of the case, the parent's progress on the case plan or out-of-home  
24.12 placement plan, whichever is applicable;

24.13 (2) the agency's reasonable, or in the case of an Indian child, active efforts for  
24.14 reunification and its provision of services;

24.15 (3) the agency's reasonable efforts to finalize the permanent plan for the child under  
24.16 section 260.012, paragraph (e), and to make a placement as required under section 260C.212,  
24.17 subdivision 2, in a home that will commit to being the legally permanent family for the  
24.18 child in the event the child cannot return home according to the timelines in this section;  
24.19 and

24.20 (4) in the case of an Indian child, active efforts to prevent the breakup of the Indian  
24.21 family and to make a placement according to the placement preferences under United States  
24.22 Code, title 25, chapter 21, section 1915.

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

24.26 (c) The court shall ensure that notice of the hearing is sent to any relative who:

24.27 (1) responded to the agency's notice provided under section 260C.221, indicating an  
24.28 interest in participating in planning for the child or being a permanency resource for the  
24.29 child and who has kept the court apprised of the relative's address; or

24.30 (2) asked to be notified of court proceedings regarding the child as is permitted in section  
24.31 260C.152, subdivision 5.



25.1 (d)(1) If the parent or guardian has maintained contact with the child and is complying  
25.2 with the court-ordered out-of-home placement plan, and if the child would benefit from  
25.3 reunification with the parent, the court may either:

25.4 (i) return the child home, if the conditions ~~which~~ that led to the out-of-home placement  
25.5 have been sufficiently mitigated that it is safe and in the child's best interests to return home;  
25.6 or

25.7 (ii) continue the matter up to a total of six additional months. If the child has not returned  
25.8 home by the end of the additional six months, the court must conduct a hearing according  
25.9 to sections 260C.503 to 260C.521.

25.10 (2) If the court determines that the parent or guardian is not complying, is not making  
25.11 progress with or engaging with services in the out-of-home placement plan, or is not  
25.12 maintaining regular contact with the child as outlined in the visitation plan required as part  
25.13 of the out-of-home placement plan under section 260C.212, the court may order the  
25.14 responsible social services agency:

25.15 (i) to develop a plan for legally permanent placement of the child away from the parent;

25.16 (ii) to consider, identify, recruit, and support one or more permanency resources from  
25.17 the child's relatives and foster parent, consistent with section 260C.212, subdivision 2,  
25.18 paragraph (a), to be the legally permanent home in the event the child cannot be returned  
25.19 to the parent. Any relative or the child's foster parent may ask the court to order the agency  
25.20 to consider them for permanent placement of the child in the event the child cannot be  
25.21 returned to the parent. A relative or foster parent who wants to be considered under this  
25.22 item shall cooperate with the background study required under section 245C.08, if the  
25.23 individual has not already done so, and with the home study process required under chapter  
25.24 245A for providing child foster care and for adoption under section 259.41. The home study  
25.25 referred to in this item shall be a single-home study in the form required by the commissioner  
25.26 of human services or similar study required by the individual's state of residence when the  
25.27 subject of the study is not a resident of Minnesota. The court may order the responsible  
25.28 social services agency to make a referral under the Interstate Compact on the Placement of  
25.29 Children when necessary to obtain a home study for an individual who wants to be considered  
25.30 for transfer of permanent legal and physical custody or adoption of the child; and

25.31 (iii) to file a petition to support an order for the legally permanent placement plan.

25.32 (e) Following the review under this section:

26.1 (1) if the court has either returned the child home or continued the matter up to a total  
 26.2 of six additional months, the agency shall continue to provide services to support the child's  
 26.3 return home or to make reasonable efforts to achieve reunification of the child and the parent  
 26.4 as ordered by the court under an approved case plan;

26.5 (2) if the court orders the agency to develop a plan for the transfer of permanent legal  
 26.6 and physical custody of the child to a relative, a petition supporting the plan shall be filed  
 26.7 in juvenile court within 30 days of the hearing required under this section and a trial on the  
 26.8 petition held within 60 days of the filing of the pleadings; or

26.9 (3) if the court orders the agency to file a termination of parental rights, unless the county  
 26.10 attorney can show cause why a termination of parental rights petition should not be filed,  
 26.11 a petition for termination of parental rights shall be filed in juvenile court within 30 days  
 26.12 of the hearing required under this section and a trial on the petition held within 60 days of  
 26.13 the filing of the petition.

26.14 Sec. 16. Minnesota Statutes 2021 Supplement, section 260C.212, subdivision 1, is amended  
 26.15 to read:

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

26.20 (b) An out-of-home placement plan means a written document ~~which~~ individualized to  
 26.21 the needs of the child and the child's parents or guardians that is prepared by the responsible  
 26.22 social services agency jointly with the parent or parents or guardian of the child the child's  
 26.23 parents or guardians and in consultation with the child's guardian ad litem; the child's tribe,  
 26.24 if the child is an Indian child; the child's foster parent or representative of the foster care  
 26.25 facility; and, ~~where~~ when appropriate, the child. When a child is age 14 or older, the child  
 26.26 may include two other individuals on the team preparing the child's out-of-home placement  
 26.27 plan. The child may select one member of the case planning team to be designated as the  
 26.28 child's advisor and to advocate with respect to the application of the reasonable and prudent  
 26.29 parenting standards. The responsible social services agency may reject an individual selected  
 26.30 by the child if the agency has good cause to believe that the individual would not act in the  
 26.31 best interest of the child. For a child in voluntary foster care for treatment under chapter  
 26.32 260D, preparation of the out-of-home placement plan shall additionally include the child's  
 26.33 mental health treatment provider. For a child 18 years of age or older, the responsible social

27.1 services agency shall involve the child and the child's parents as appropriate. As appropriate,  
 27.2 the plan shall be:

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

27.4 (2) ordered by the court, either as presented or modified after hearing, under section  
 27.5 260C.178, subdivision 7, or 260C.201, subdivision 6; and

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

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

27.12 (1) a description of the foster care home or facility selected, including how the  
 27.13 out-of-home placement plan is designed to achieve a safe placement for the child in the  
 27.14 least restrictive, most family-like, setting available ~~which~~ that is in close proximity to the  
 27.15 home of the ~~parent or~~ child's parents or ~~guardian of the child~~ guardians when the case plan  
 27.16 goal is reunification;<sup>2</sup> and how the placement is consistent with the best interests and special  
 27.17 needs of the child according to the factors under subdivision 2, paragraph (b);

27.18 (2) the specific reasons for the placement of the child in foster care, and when  
 27.19 reunification is the plan, a description of the problems or conditions in the home of the  
 27.20 parent or parents ~~which~~ that necessitated removal of the child from home and the changes  
 27.21 the parent or parents must make for the child to safely return home;

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

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

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

27.31 (4) a description of any services or resources that were requested by the child or the  
 27.32 child's parent, guardian, foster parent, or custodian since the date of the child's placement

28.1 in the residential facility, and whether those services or resources were provided and if not,  
28.2 the basis for the denial of the services or resources;

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

28.7 (6) when a child cannot return to or be in the care of either parent, documentation of  
28.8 steps to finalize adoption as the permanency plan for the child through reasonable efforts  
28.9 to place the child for adoption pursuant to section 260C.605. At a minimum, the  
28.10 documentation must include consideration of whether adoption is in the best interests of  
28.11 the child; and child-specific recruitment efforts such as a relative search, consideration of  
28.12 relatives for adoptive placement, and the use of state, regional, and national adoption  
28.13 exchanges to facilitate orderly and timely placements in and outside of the state. A copy of  
28.14 this documentation shall be provided to the court in the review required under section  
28.15 260C.317, subdivision 3, paragraph (b);

28.16 (7) when a child cannot return to or be in the care of either parent, documentation of  
28.17 steps to finalize the transfer of permanent legal and physical custody to a relative as the  
28.18 permanency plan for the child. This documentation must support the requirements of the  
28.19 kinship placement agreement under section 256N.22 and must include the reasonable efforts  
28.20 used to determine that it is not appropriate for the child to return home or be adopted, and  
28.21 reasons why permanent placement with a relative through a Northstar kinship assistance  
28.22 arrangement is in the child's best interest; how the child meets the eligibility requirements  
28.23 for Northstar kinship assistance payments; agency efforts to discuss adoption with the child's  
28.24 relative foster parent and reasons why the relative foster parent chose not to pursue adoption,  
28.25 if applicable; and agency efforts to discuss with the child's parent or parents the permanent  
28.26 transfer of permanent legal and physical custody or the reasons why these efforts were not  
28.27 made;

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

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

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

29.8 (9) the educational records of the child including the most recent information available  
29.9 regarding:

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

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

29.12 (iii) the child's school record;

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

29.15 (v) any other relevant educational information;

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

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

29.19 (ii) how the child's known medical problems and identified needs from the screens,  
29.20 including any known communicable diseases, as defined in section 144.4172, subdivision  
29.21 2, shall be monitored and treated while the child is in foster care;

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

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

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

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

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

- 30.1 (11) the health records of the child including information available regarding:
- 30.2 (i) the names and addresses of the child's health care and dental care providers;
- 30.3 (ii) a record of the child's immunizations;
- 30.4 (iii) the child's known medical problems, including any known communicable diseases
- 30.5 as defined in section 144.4172, subdivision 2;
- 30.6 (iv) the child's medications; and
- 30.7 (v) any other relevant health care information such as the child's eligibility for medical
- 30.8 insurance or medical assistance;
- 30.9 (12) an independent living plan for a child 14 years of age or older, developed in
- 30.10 consultation with the child. The child may select one member of the case planning team to
- 30.11 be designated as the child's advisor and to advocate with respect to the application of the
- 30.12 reasonable and prudent parenting standards in subdivision 14. The plan should include, but
- 30.13 not be limited to, the following objectives:
- 30.14 (i) educational, vocational, or employment planning;
- 30.15 (ii) health care planning and medical coverage;
- 30.16 (iii) transportation including, where appropriate, assisting the child in obtaining a driver's
- 30.17 license;
- 30.18 (iv) money management, including the responsibility of the responsible social services
- 30.19 agency to ensure that the child annually receives, at no cost to the child, a consumer report
- 30.20 as defined under section 13C.001 and assistance in interpreting and resolving any inaccuracies
- 30.21 in the report;
- 30.22 (v) planning for housing;
- 30.23 (vi) social and recreational skills;
- 30.24 (vii) establishing and maintaining connections with the child's family and community;
- 30.25 and
- 30.26 (viii) regular opportunities to engage in age-appropriate or developmentally appropriate
- 30.27 activities typical for the child's age group, taking into consideration the capacities of the
- 30.28 individual child;
- 30.29 (13) for a child in voluntary foster care for treatment under chapter 260D, diagnostic
- 30.30 and assessment information, specific services relating to meeting the mental health care
- 30.31 needs of the child, and treatment outcomes;

31.1 (14) for a child 14 years of age or older, a signed acknowledgment that describes the  
 31.2 child's rights regarding education, health care, visitation, safety and protection from  
 31.3 exploitation, and court participation; receipt of the documents identified in section 260C.452;  
 31.4 and receipt of an annual credit report. The acknowledgment shall state that the rights were  
 31.5 explained in an age-appropriate manner to the child; and

31.6 (15) for a child placed in a qualified residential treatment program, the plan must include  
 31.7 the requirements in section 260C.708.

31.8 (d) The parent or parents or guardian and the child each shall have the right to legal  
 31.9 counsel in the preparation of the case plan and shall be informed of the right at the time of  
 31.10 placement of the child. The child shall also have the right to a guardian ad litem. If unable  
 31.11 to employ counsel from their own resources, the court shall appoint counsel upon the request  
 31.12 of the parent or parents or the child or the child's legal guardian. The parent or parents may  
 31.13 also receive assistance from any person or social services agency in preparation of the case  
 31.14 plan.

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

31.18 (f) Upon the child's discharge from foster care, the responsible social services agency  
 31.19 must provide the child's parent, adoptive parent, or permanent legal and physical custodian,  
 31.20 and the child, if the child is 14 years of age or older, with a current copy of the child's health  
 31.21 and education record. If a child meets the conditions in subdivision 15, paragraph (b), the  
 31.22 agency must also provide the child with the child's social and medical history. The responsible  
 31.23 social services agency may give a copy of the child's health and education record and social  
 31.24 and medical history to a child who is younger than 14 years of age, if it is appropriate and  
 31.25 if subdivision 15, paragraph (b), applies.

31.26 Sec. 17. Minnesota Statutes 2021 Supplement, section 260C.212, subdivision 2, is amended  
 31.27 to read:

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

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

32.3 (2) with an individual who is an important friend ~~with whom the child has resided or~~  
 32.4 ~~had significant contact~~ of the child or the child's parent or custodian, including an individual  
 32.5 with whom the child has resided or had significant contact or who has a significant  
 32.6 relationship to the child or the child's parent or custodian.

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

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

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

32.12 (2) the medical needs of the child;

32.13 (3) the educational needs of the child;

32.14 (4) the developmental needs of the child;

32.15 (5) the child's history and past experience;

32.16 (6) the child's religious and cultural needs;

32.17 (7) the child's connection with a community, school, and faith community;

32.18 (8) the child's interests and talents;

32.19 (9) the child's ~~relationship to current caretakers,~~ current and long-term needs regarding  
 32.20 relationships with parents, siblings, and relatives, and other caretakers;

32.21 (10) the reasonable preference of the child, if the court, or the child-placing agency in  
 32.22 the case of a voluntary placement, deems the child to be of sufficient age to express  
 32.23 preferences; and

32.24 (11) for an Indian child, the best interests of an Indian child as defined in section 260.755,  
 32.25 subdivision 2a.

32.26 When placing a child in foster care or in a permanent placement based on an individualized  
 32.27 determination of the child's needs, the agency must not use one factor in this paragraph to  
 32.28 the exclusion of all others, and the agency shall consider that the factors in paragraph (b)  
 32.29 may be interrelated.

32.30 (c) Placement of a child cannot be delayed or denied based on race, color, or national  
 32.31 origin of the foster parent or the child.



33.1 (d) Siblings should be placed together for foster care and adoption at the earliest possible  
 33.2 time unless it is documented that a joint placement would be contrary to the safety or  
 33.3 well-being of any of the siblings or unless it is not possible after reasonable efforts by the  
 33.4 responsible social services agency. In cases where siblings cannot be placed together, the  
 33.5 agency is required to provide frequent visitation or other ongoing interaction between  
 33.6 siblings unless the agency documents that the interaction would be contrary to the safety  
 33.7 or well-being of any of the siblings.

33.8 (e) Except for emergency placement as provided for in section 245A.035, the following  
 33.9 requirements must be satisfied before the approval of a foster or adoptive placement in a  
 33.10 related or unrelated home: (1) a completed background study under section 245C.08; and  
 33.11 (2) a completed review of the written home study required under section 260C.215,  
 33.12 subdivision 4, clause (5), or 260C.611, to assess the capacity of the prospective foster or  
 33.13 adoptive parent to ensure the placement will meet the needs of the individual child.

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

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

33.23 Sec. 18. Minnesota Statutes 2020, section 260C.221, is amended to read:

33.24 **260C.221 RELATIVE SEARCH AND ENGAGEMENT; PLACEMENT**  
 33.25 **CONSIDERATION.**

33.26 Subdivision 1. Relative search requirements. (a) The responsible social services agency  
 33.27 shall exercise due diligence to identify and notify adult relatives and current caregivers of  
 33.28 a child's sibling, prior to placement or within 30 days after the child's removal from the  
 33.29 parent, regardless of whether a child is placed in a relative's home, as required under  
 33.30 subdivision 2. The county agency shall consider placement with a relative under this section  
 33.31 ~~without delay and whenever the child must move from or be returned to foster care.~~ The  
 33.32 relative search required by this section shall be comprehensive in scope. ~~After a finding~~  
 33.33 ~~that the agency has made reasonable efforts to conduct the relative search under this~~  
 33.34 ~~paragraph, the agency has the continuing responsibility to appropriately involve relatives,~~

34.1 ~~who have responded to the notice required under this paragraph, in planning for the child~~  
 34.2 ~~and to continue to consider relatives according to the requirements of section 260C.212,~~  
 34.3 ~~subdivision 2. At any time during the course of juvenile protection proceedings, the court~~  
 34.4 ~~may order the agency to reopen its search for relatives when it is in the child's best interest~~  
 34.5 ~~to do so.~~

34.6 (b) The relative search required by this section shall include both maternal and paternal  
 34.7 adult relatives of the child; all adult grandparents; all legal parents, guardians, or custodians  
 34.8 of the child's siblings; and any other adult relatives suggested by the child's parents, subject  
 34.9 to the exceptions due to family violence in subdivision 5, paragraph (e) (b). The search shall  
 34.10 also include getting information from the child in an age-appropriate manner about who the  
 34.11 child considers to be family members and important friends with whom the child has resided  
 34.12 or had significant contact. The relative search required under this section must fulfill the  
 34.13 agency's duties under the Indian Child Welfare Act regarding active efforts to prevent the  
 34.14 breakup of the Indian family under United States Code, title 25, section 1912(d), and to  
 34.15 meet placement preferences under United States Code, title 25, section 1915.

34.16 (c) The responsible social services agency has a continuing responsibility to search for  
 34.17 and identify relatives of a child and send the notice to relatives that is required under  
 34.18 subdivision 2, unless the court has relieved the agency of this duty under subdivision 5,  
 34.19 paragraph (e).

34.20 Subd. 2. Relative notice requirements. (a) The agency may provide oral or written  
 34.21 notice to a child's relatives. In the child's case record, the agency must document providing  
 34.22 the required notice to each of the child's relatives. The responsible social services agency  
 34.23 must notify relatives ~~must be notified:~~

34.24 (1) of the need for a foster home for the child, the option to become a placement resource  
 34.25 for the child, the order of placement that the agency will consider under section 260C.212,  
 34.26 subdivision 2, paragraph (a), and the possibility of the need for a permanent placement for  
 34.27 the child;

34.28 (2) of their responsibility to keep the responsible social services agency and the court  
 34.29 informed of their current address in order to receive notice in the event that a permanent  
 34.30 placement is sought for the child and to receive notice of the permanency progress review  
 34.31 hearing under section 260C.204. A relative who fails to provide a current address to the  
 34.32 responsible social services agency and the court forfeits the right to receive notice of the  
 34.33 possibility of permanent placement and of the permanency progress review hearing under  
 34.34 section 260C.204, until the relative provides a current address to the responsible social

35.1 services agency and the court. A decision by a relative not to be identified as a potential  
 35.2 permanent placement resource or participate in planning for the child ~~at the beginning of~~  
 35.3 ~~the case~~ shall not affect whether the relative is considered for placement of, or as a  
 35.4 permanency resource for, the child with that relative ~~later~~ at any time in the case, and shall  
 35.5 not be the sole basis for the court to rule out the relative as the child's placement or  
 35.6 permanency resource;

35.7 (3) that the relative may participate in the care and planning for the child, as specified  
 35.8 in subdivision 3, including that the opportunity for such participation may be lost by failing  
 35.9 to respond to the notice sent under this subdivision. ~~"Participate in the care and planning"~~  
 35.10 ~~includes, but is not limited to, participation in case planning for the parent and child,~~  
 35.11 ~~identifying the strengths and needs of the parent and child, supervising visits, providing~~  
 35.12 ~~respite and vacation visits for the child, providing transportation to appointments, suggesting~~  
 35.13 ~~other relatives who might be able to help support the case plan, and to the extent possible,~~  
 35.14 ~~helping to maintain the child's familiar and regular activities and contact with friends and~~  
 35.15 ~~relatives;~~

35.16 (4) of the family foster care licensing and adoption home study requirements, including  
 35.17 how to complete an application and how to request a variance from licensing standards that  
 35.18 do not present a safety or health risk to the child in the home under section 245A.04 and  
 35.19 supports that are available for relatives and children who reside in a family foster home;  
 35.20 ~~and~~

35.21 (5) of the relatives' right to ask to be notified of any court proceedings regarding the  
 35.22 child, to attend the hearings, and of a relative's right ~~or opportunity~~ to be heard by the court  
 35.23 as required under section 260C.152, subdivision 5;

35.24 (6) that regardless of the relative's response to the notice sent under this subdivision, the  
 35.25 agency is required to establish permanency for a child, including planning for alternative  
 35.26 permanency options if the agency's reunification efforts fail or are not required; and

35.27 (7) that by responding to the notice, a relative may receive information about participating  
 35.28 in a child's family and permanency team if the child is placed in a qualified residential  
 35.29 treatment program as defined in section 260C.007, subdivision 26d.

35.30 (b) The responsible social services agency shall send the notice required under paragraph  
 35.31 (a) to relatives who become known to the responsible social services agency, except for  
 35.32 relatives that the agency does not contact due to safety reasons under subdivision 5, paragraph  
 35.33 (b). The responsible social services agency shall continue to send notice to relatives

36.1 notwithstanding a court's finding that the agency has made reasonable efforts to conduct a  
36.2 relative search.

36.3 (c) The responsible social services agency is not required to send the notice under  
36.4 paragraph (a) to relatives who become known to the agency after an adoption placement  
36.5 agreement has been fully executed under section 260C.613, subdivision 1. If such a relative  
36.6 wishes to be considered for adoptive placement of the child, the agency shall inform the  
36.7 relative of the relative's ability to file a motion for an order for adoptive placement under  
36.8 section 260C.607, subdivision 6.

36.9 Subd. 3. **Relative engagement requirements.** (a) A relative who responds to the notice  
36.10 under subdivision 2 has the opportunity to participate in care and planning for a child, which  
36.11 must not be limited based solely on the relative's prior inconsistent participation or  
36.12 nonparticipation in care and planning for the child. Care and planning for a child may include  
36.13 but is not limited to:

36.14 (1) participating in case planning for the child and child's parent, including identifying  
36.15 services and resources that meet the individualized needs of the child and child's parent. A  
36.16 relative's participation in case planning may be in person, via phone call, or by electronic  
36.17 means;

36.18 (2) identifying the strengths and needs of the child and child's parent;

36.19 (3) asking the responsible social services agency to consider the relative for placement  
36.20 of the child according to subdivision 4;

36.21 (4) acting as a support person for the child, the child's parents, and the child's current  
36.22 caregiver;

36.23 (5) supervising visits;

36.24 (6) providing respite care for the child and having vacation visits with the child;

36.25 (7) providing transportation;

36.26 (8) suggesting other relatives who may be able to participate in the case plan or that the  
36.27 agency may consider for placement of the child. The agency shall send a notice to each  
36.28 relative identified by other relatives according to subdivision 2, paragraph (b), unless a  
36.29 relative received this notice earlier in the case;

36.30 (9) helping to maintain the child's familiar and regular activities and contact with the  
36.31 child's friends and relatives, including providing supervision of the child at family gatherings  
36.32 and events; and

37.1 (10) participating in the child's family and permanency team if the child is placed in a  
37.2 qualified residential treatment program as defined in section 260C.007, subdivision 26d.

37.3 (b) The responsible social services agency shall make reasonable efforts to contact and  
37.4 engage relatives who respond to the notice required under this section. Upon a request by  
37.5 a relative or party to the proceeding, the court may conduct a review of the agency's  
37.6 reasonable efforts to contact and engage relatives who respond to the notice. If the court  
37.7 finds that the agency did not make reasonable efforts to contact and engage relatives who  
37.8 respond to the notice, the court may order the agency to make reasonable efforts to contact  
37.9 and engage relatives who respond to the notice in care and planning for the child.

37.10 **Subd. 4. Placement considerations.** (a) The responsible social services agency shall  
37.11 consider placing a child with a relative under this section without delay and when the child:

37.12 (1) enters foster care;

37.13 (2) must be moved from the child's current foster setting;

37.14 (3) must be permanently placed away from the child's parent; or

37.15 (4) returns to foster care after permanency has been achieved for the child.

37.16 (b) The agency shall consider placing a child with relatives:

37.17 (1) in the order specified in section 260C.212, subdivision 2, paragraph (a); and

37.18 (2) based on the child's best interests using the factors in section 260C.212, subdivision  
37.19 2.

37.20 (c) The agency shall document how the agency considered relatives in the child's case  
37.21 record.

37.22 (d) Any relative who requests to be a placement option for a child in foster care has the  
37.23 right to be considered for placement of the child according to section 260C.212, subdivision  
37.24 2, paragraph (a), unless the court finds that placing the child with a specific relative would  
37.25 endanger the child, sibling, parent, guardian, or any other family member under subdivision  
37.26 5, paragraph (b).

37.27 (e) When adoption is the responsible social services agency's permanency goal for the  
37.28 child, the agency shall consider adoptive placement of the child with a relative in the order  
37.29 specified under section 260C.212, subdivision 2, paragraph (a).

37.30 **Subd. 5. Data disclosure; court review.** (e) (a) A responsible social services agency  
37.31 may disclose private data, as defined in section 13.02 and chapter 260E, to relatives of the  
37.32 child for the purpose of locating and assessing a suitable placement and may use any

38.1 reasonable means of identifying and locating relatives including the Internet or other  
 38.2 electronic means of conducting a search. The agency shall disclose data that is necessary  
 38.3 to facilitate possible placement with relatives and to ensure that the relative is informed of  
 38.4 the needs of the child so the relative can participate in planning for the child and be supportive  
 38.5 of services to the child and family.

38.6 (b) If the child's parent refuses to give the responsible social services agency information  
 38.7 sufficient to identify the maternal and paternal relatives of the child, the agency shall ask  
 38.8 the juvenile court to order the parent to provide the necessary information and shall use  
 38.9 other resources to identify the child's maternal and paternal relatives. If a parent makes an  
 38.10 explicit request that a specific relative not be contacted or considered for placement due to  
 38.11 safety reasons, including past family or domestic violence, the agency shall bring the parent's  
 38.12 request to the attention of the court to determine whether the parent's request is consistent  
 38.13 with the best interests of the child ~~and~~. The agency shall not contact the specific relative  
 38.14 when the juvenile court finds that contacting or placing the child with the specific relative  
 38.15 would endanger the parent, guardian, child, sibling, or any family member. Unless section  
 38.16 260C.139 applies to the child's case, a court shall not waive or relieve the responsible social  
 38.17 services agency of reasonable efforts to:

38.18 (1) conduct a relative search;

38.19 (2) notify relatives;

38.20 (3) contact and engage relatives in case planning; and

38.21 (4) consider relatives for placement of the child.

38.22 (c) Notwithstanding chapter 13, the agency shall disclose data to the court about particular  
 38.23 relatives that the agency has identified, contacted, or considered for the child's placement  
 38.24 for the court to review the agency's due diligence.

38.25 (d) At a regularly scheduled hearing not later than three months after the child's placement  
 38.26 in foster care and as required in ~~section~~ sections 260C.193 and 260C.202, the agency shall  
 38.27 report to the court:

38.28 (1) ~~its~~ the agency's efforts to identify maternal and paternal relatives of the child and to  
 38.29 engage the relatives in providing support for the child and family, and document that the  
 38.30 relatives have been provided the notice required under ~~paragraph (a)~~ subdivision 2; and

38.31 (2) ~~its~~ the agency's decision regarding placing the child with a relative as required under  
 38.32 section 260C.212, subdivision 2, ~~and to ask~~. If the responsible social services agency decides

39.1 that relative placement is not in the child's best interests at the time of the hearing, the agency  
 39.2 shall inform the court of the agency's decision, including:

39.3 (i) why the agency decided against relative placement of the child; and

39.4 (ii) the agency's efforts to engage relatives to visit or maintain contact with the child in  
 39.5 order as required under subdivision 3 to support family connections for the child, when  
 39.6 placement with a relative is not possible or appropriate.

39.7 ~~(e) Notwithstanding chapter 13, the agency shall disclose data about particular relatives~~  
 39.8 ~~identified, searched for, and contacted for the purposes of the court's review of the agency's~~  
 39.9 ~~due diligence.~~

39.10 ~~(f)~~ (e) When the court is satisfied that the agency has exercised due diligence to identify  
 39.11 relatives and provide the notice required in paragraph (a) subdivision 2, the court may find  
 39.12 that the agency made reasonable efforts have been made to conduct a relative search to  
 39.13 identify and provide notice to adult relatives as required under section 260.012, paragraph  
 39.14 (e), clause (3). A finding under this paragraph does not relieve the responsible social services  
 39.15 agency of the ongoing duty to contact, engage, and consider relatives under this section nor  
 39.16 is it a basis for the court to rule out any relative from being a foster care or permanent  
 39.17 placement option for the child. The agency has the continuing responsibility to:

39.18 (1) involve relatives who respond to the notice in planning for the child; and

39.19 (2) continue considering relatives for the child's placement while taking the child's short-  
 39.20 and long-term permanency goals into consideration, according to the requirements of section  
 39.21 260C.212, subdivision 2.

39.22 (f) At any time during the course of juvenile protection proceedings, the court may order  
 39.23 the agency to reopen the search for relatives when it is in the child's best interests.

39.24 (g) If the court is not satisfied that the agency has exercised due diligence to identify  
 39.25 relatives and provide the notice required in paragraph (a) subdivision 2, the court may order  
 39.26 the agency to continue its search and notice efforts and to report back to the court.

39.27 ~~(g) When the placing agency determines that permanent placement proceedings are~~  
 39.28 ~~necessary because there is a likelihood that the child will not return to a parent's care, the~~  
 39.29 ~~agency must send the notice provided in paragraph (h), may ask the court to modify the~~  
 39.30 ~~duty of the agency to send the notice required in paragraph (h), or may ask the court to~~  
 39.31 ~~completely relieve the agency of the requirements of paragraph (h). The relative notification~~  
 39.32 ~~requirements of paragraph (h) do not apply when the child is placed with an appropriate~~  
 39.33 ~~relative or a foster home that has committed to adopting the child or taking permanent legal~~

40.1 ~~and physical custody of the child and the agency approves of that foster home for permanent~~  
 40.2 ~~placement of the child. The actions ordered by the court under this section must be consistent~~  
 40.3 ~~with the best interests, safety, permanency, and welfare of the child.~~

40.4 (h) ~~Unless required under the Indian Child Welfare Act or relieved of this duty by the~~  
 40.5 ~~court under paragraph (f),~~ When the agency determines that it is necessary to prepare for  
 40.6 permanent placement determination proceedings, or in anticipation of filing a termination  
 40.7 of parental rights petition, the agency shall send notice to ~~the~~ relatives who responded to a  
 40.8 notice under this section sent at any time during the case, any adult with whom the child is  
 40.9 currently residing, any adult with whom the child has resided for one year or longer in the  
 40.10 past, and any adults who have maintained a relationship or exercised visitation with the  
 40.11 child as identified in the agency case plan. The notice must state that a permanent home is  
 40.12 sought for the child and that the individuals receiving the notice may indicate to the agency  
 40.13 their interest in providing a permanent home. The notice must state that within 30 days of  
 40.14 receipt of the notice an individual receiving the notice must indicate to the agency the  
 40.15 individual's interest in providing a permanent home for the child or that the individual may  
 40.16 lose the opportunity to be considered for a permanent placement. A relative's failure to  
 40.17 respond or timely respond to the notice is not a basis for ruling out the relative from being  
 40.18 a permanent placement option for the child should the relative request to be considered for  
 40.19 permanent placement at a later date.

40.20 Sec. 19. Minnesota Statutes 2020, section 260C.513, is amended to read:

40.21 **260C.513 PERMANENCY DISPOSITIONS WHEN CHILD CANNOT RETURN**  
 40.22 **HOME.**

40.23 (a) ~~Termination of parental rights and adoption, or guardianship to the commissioner of~~  
 40.24 ~~human services through a consent to adopt, are preferred permanency options for a child~~  
 40.25 ~~who cannot return home. If the court finds that termination of parental rights and guardianship~~  
 40.26 ~~to the commissioner is not in the child's best interests, the court may transfer permanent~~  
 40.27 ~~legal and physical custody of the child to a relative when that order is in the child's best~~  
 40.28 ~~interests~~ In determining a permanency disposition under section 260C.515 for a child who  
 40.29 cannot return home, the court shall give preference to a permanency disposition that will  
 40.30 result in the child being placed in the permanent care of a relative through a termination of  
 40.31 parental rights and adoption, guardianship to the commissioner of human services through  
 40.32 a consent to adopt, or a transfer of permanent legal and physical custody, consistent with  
 40.33 the best interests of the child and section 260C.212, subdivision 2, paragraph (a). If a relative  
 40.34 is not available to accept placement or the court finds that a permanent placement with a



41.1 relative is not in the child's best interests, the court may consider a permanency disposition  
 41.2 that may result in the child being permanently placed in the care of a nonrelative caregiver,  
 41.3 including adoption.

41.4 (b) When the court has determined that permanent placement of the child away from  
 41.5 the parent is necessary, the court shall consider permanent alternative homes that are available  
 41.6 both inside and outside the state.

41.7 Sec. 20. Minnesota Statutes 2021 Supplement, section 260C.605, subdivision 1, is amended  
 41.8 to read:

41.9 Subdivision 1. **Requirements.** (a) Reasonable efforts to finalize the adoption of a child  
 41.10 under the guardianship of the commissioner shall be made by the responsible social services  
 41.11 agency responsible for permanency planning for the child.

41.12 (b) Reasonable efforts to make a placement in a home according to the placement  
 41.13 considerations under section 260C.212, subdivision 2, with a relative or foster parent who  
 41.14 will commit to being the permanent resource for the child in the event the child cannot be  
 41.15 reunified with a parent are required under section 260.012 and may be made concurrently  
 41.16 with reasonable, or if the child is an Indian child, active efforts to reunify the child with the  
 41.17 parent.

41.18 (c) Reasonable efforts under paragraph (b) must begin as soon as possible when the  
 41.19 child is in foster care under this chapter, but not later than the hearing required under section  
 41.20 260C.204.

41.21 (d) Reasonable efforts to finalize the adoption of the child include:

41.22 (1) considering the child's preference for an adoptive family;

41.23 ~~(1)~~ (2) using age-appropriate engagement strategies to plan for adoption with the child;

41.24 ~~(2)~~ (3) identifying an appropriate prospective adoptive parent for the child by updating  
 41.25 the child's identified needs using the factors in section 260C.212, subdivision 2;

41.26 ~~(3)~~ (4) making an adoptive placement that meets the child's needs by:

41.27 (i) completing or updating the relative search required under section 260C.221 and giving  
 41.28 notice of the need for an adoptive home for the child to:

41.29 (A) relatives who have kept the agency or the court apprised of their whereabouts ~~and~~  
 41.30 ~~who have indicated an interest in adopting the child;~~ or

41.31 (B) relatives of the child who are located in an updated search;

- 42.1 (ii) an updated search is required whenever:
- 42.2 (A) there is no identified prospective adoptive placement for the child notwithstanding
- 42.3 a finding by the court that the agency made diligent efforts under section 260C.221, in a
- 42.4 hearing required under section 260C.202;
- 42.5 (B) the child is removed from the home of an adopting parent; or
- 42.6 (C) the court determines that a relative search by the agency is in the best interests of
- 42.7 the child;
- 42.8 (iii) engaging the child's relatives or current or former foster parent and the child's
- 42.9 relatives identified as an adoptive resource during the search conducted under section
- 42.10 260C.221, parents to commit to being the prospective adoptive parent of the child, and
- 42.11 considering the child's relatives for adoptive placement of the child in the order specified
- 42.12 under section 260C.212, subdivision 2, paragraph (a); or
- 42.13 (iv) when there is no identified prospective adoptive parent:
- 42.14 (A) registering the child on the state adoption exchange as required in section 259.75
- 42.15 unless the agency documents to the court an exception to placing the child on the state
- 42.16 adoption exchange reported to the commissioner;
- 42.17 (B) reviewing all families with approved adoption home studies associated with the
- 42.18 responsible social services agency;
- 42.19 (C) presenting the child to adoption agencies and adoption personnel who may assist
- 42.20 with finding an adoptive home for the child;
- 42.21 (D) using newspapers and other media to promote the particular child;
- 42.22 (E) using a private agency under grant contract with the commissioner to provide adoption
- 42.23 services for intensive child-specific recruitment efforts; and
- 42.24 (F) making any other efforts or using any other resources reasonably calculated to identify
- 42.25 a prospective adoption parent for the child;
- 42.26 ~~(4)~~ (5) updating and completing the social and medical history required under sections
- 42.27 260C.212, subdivision 15, and 260C.609;
- 42.28 ~~(5)~~ (6) making, and keeping updated, appropriate referrals required by section 260.851,
- 42.29 the Interstate Compact on the Placement of Children;
- 42.30 ~~(6)~~ (7) giving notice regarding the responsibilities of an adoptive parent to any prospective
- 42.31 adoptive parent as required under section 259.35;

43.1 ~~(7)~~ (8) offering the adopting parent the opportunity to apply for or decline adoption  
 43.2 assistance under chapter 256N;

43.3 ~~(8)~~ (9) certifying the child for adoption assistance, assessing the amount of adoption  
 43.4 assistance, and ascertaining the status of the commissioner's decision on the level of payment  
 43.5 if the adopting parent has applied for adoption assistance;

43.6 ~~(9)~~ (10) placing the child with siblings. If the child is not placed with siblings, the agency  
 43.7 must document reasonable efforts to place the siblings together, as well as the reason for  
 43.8 separation. The agency may not cease reasonable efforts to place siblings together for final  
 43.9 adoption until the court finds further reasonable efforts would be futile or that placement  
 43.10 together for purposes of adoption is not in the best interests of one of the siblings; and

43.11 ~~(10)~~ (11) working with the adopting parent to file a petition to adopt the child and with  
 43.12 the court administrator to obtain a timely hearing to finalize the adoption.

43.13 Sec. 21. Minnesota Statutes 2020, section 260C.607, subdivision 2, is amended to read:

43.14 Subd. 2. **Notice.** Notice of review hearings shall be given by the court to:

43.15 (1) the responsible social services agency;

43.16 (2) the child, if the child is age ten and older;

43.17 (3) the child's guardian ad litem;

43.18 (4) counsel appointed for the child pursuant to section 260C.163, subdivision 3;

43.19 (5) relatives of the child who have kept the court informed of their whereabouts as  
 43.20 required in section 260C.221 and who have responded to the agency's notice under section  
 43.21 260C.221, ~~indicating a willingness to provide an adoptive home for the child unless the~~  
 43.22 ~~relative has been previously ruled out by the court as a suitable foster parent or permanency~~  
 43.23 ~~resource for the child;~~

43.24 (6) the current foster or adopting parent of the child;

43.25 (7) any foster or adopting parents of siblings of the child; and

43.26 (8) the Indian child's tribe.

43.27 Sec. 22. Minnesota Statutes 2020, section 260C.607, subdivision 5, is amended to read:

43.28 Subd. 5. **Required placement by responsible social services agency.** (a) No petition  
 43.29 for adoption shall be filed for a child under the guardianship of the commissioner unless  
 43.30 the child sought to be adopted has been placed for adoption with the adopting parent by the

44.1 responsible social services agency as required under section 260C.613, subdivision 1. The  
 44.2 court may order the agency to make an adoptive placement using standards and procedures  
 44.3 under subdivision 6.

44.4 (b) Any relative or the child's foster parent who believes the responsible agency has not  
 44.5 reasonably considered the relative's or foster parent's request to be considered for adoptive  
 44.6 placement as required under section 260C.212, subdivision 2, and who wants to be considered  
 44.7 for adoptive placement of the child shall bring a request for consideration to the attention  
 44.8 of the court during a review required under this section. The child's guardian ad litem and  
 44.9 the child may also bring a request for a relative or the child's foster parent to be considered  
 44.10 for adoptive placement. After hearing from the agency, the court may order the agency to  
 44.11 take appropriate action regarding the relative's or foster parent's request for consideration  
 44.12 under section 260C.212, subdivision 2, paragraph (b).

44.13 Sec. 23. Minnesota Statutes 2021 Supplement, section 260C.607, subdivision 6, is amended  
 44.14 to read:

44.15 Subd. 6. **Motion and hearing to order adoptive placement.** (a) At any time after the  
 44.16 district court orders the child under the guardianship of the commissioner of human services,  
 44.17 but not later than 30 days after receiving notice required under section 260C.613, subdivision  
 44.18 1, paragraph (c), that the agency has made an adoptive placement, a relative or the child's  
 44.19 foster parent may file a motion for an order for adoptive placement of a child who is under  
 44.20 the guardianship of the commissioner if the relative or the child's foster parent:

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

44.29 (2) is not a resident of Minnesota, but has an approved adoption home study by an agency  
 44.30 licensed or approved to complete an adoption home study in the state of the individual's  
 44.31 residence and the study is filed with the motion for adoptive placement. If the relative or  
 44.32 foster parent does not have an adoption home study in the relative or foster parent's state  
 44.33 of residence, an affidavit attesting to efforts to complete an adoption home study may be

45.1 filed with the motion instead. The affidavit must be signed by the relative or foster parent  
45.2 and the agency completing the adoption home study.

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

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

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

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

45.22 (1) considered relatives for adoptive placement in the order specified under section  
45.23 260C.212, subdivision 2, paragraph (a); and

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

45.28 ~~(e)~~ (f) At the conclusion of the evidentiary hearing, if the court finds that the agency has  
45.29 been unreasonable in failing to make the adoptive placement and that the ~~relative or the~~  
45.30 ~~child's foster parent~~ moving party is the most suitable adoptive home to meet the child's  
45.31 needs using the factors in section 260C.212, subdivision 2, paragraph (b), the court may:

46.1 (1) order the responsible social services agency to make an adoptive placement in the  
 46.2 home of the ~~relative or the child's foster parent.~~ moving party if the moving party has an  
 46.3 approved adoption home study; or

46.4 (2) order the responsible social services agency to place the child in the home of the  
 46.5 moving party upon approval of an adoption home study. The agency must promote and  
 46.6 support the child's ongoing visitation and contact with the moving party until the child is  
 46.7 placed in the moving party's home. The agency must provide an update to the court after  
 46.8 90 days, including progress and any barriers encountered. If the moving party does not have  
 46.9 an approved adoption home study within 180 days, the moving party and the agency must  
 46.10 inform the court of any barriers to obtaining the approved adoption home study during a  
 46.11 review hearing under this section. If the court finds that the moving party is unable to obtain  
 46.12 an approved adoption home study, the court must dismiss the order for adoptive placement  
 46.13 under this subdivision and order the agency to continue making reasonable efforts to finalize  
 46.14 the adoption of the child as required under section 260C.605.

46.15 ~~(f)~~ (g) If, in order to ensure that a timely adoption may occur, the court orders the  
 46.16 responsible social services agency to make an adoptive placement under this subdivision,  
 46.17 the agency shall:

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

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

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

46.24 ~~(g)~~ (h) Denial or granting of a motion for an order for adoptive placement after an  
 46.25 evidentiary hearing is an order which may be appealed by the responsible social services  
 46.26 agency, the moving party, the child, when age ten or over, the child's guardian ad litem,  
 46.27 and any individual who had a fully executed adoption placement agreement regarding the  
 46.28 child at the time the motion was filed if the court's order has the effect of terminating the  
 46.29 adoption placement agreement. An appeal shall be conducted according to the requirements  
 46.30 of the Rules of Juvenile Protection Procedure.

46.31 Sec. 24. Minnesota Statutes 2020, section 260C.613, subdivision 1, is amended to read:

46.32 Subdivision 1. **Adoptive placement decisions.** (a) The responsible social services agency  
 46.33 has exclusive authority to make an adoptive placement of a child under the guardianship of

47.1 the commissioner. The child shall be considered placed for adoption when the adopting  
47.2 parent, the agency, and the commissioner have fully executed an adoption placement  
47.3 agreement on the form prescribed by the commissioner.

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

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

47.12 (d) In the event an adoption placement agreement terminates, the responsible social  
47.13 services agency shall notify the court, the parties entitled to notice under section 260C.607,  
47.14 subdivision 2, and the commissioner that the agreement and the adoptive placement have  
47.15 terminated.

47.16 Sec. 25. Minnesota Statutes 2020, section 260C.613, subdivision 5, is amended to read:

47.17 Subd. 5. **Required record keeping.** The responsible social services agency shall  
47.18 document, in the records required to be kept under section 259.79, the reasons for the  
47.19 adoptive placement decision regarding the child, including the individualized determination  
47.20 of the child's needs based on the factors in section 260C.212, subdivision 2, paragraph (b);  
47.21 the agency's consideration of relatives in the order specified in section 260C.212, subdivision  
47.22 2, paragraph (a); and the assessment of how the selected adoptive placement meets the  
47.23 identified needs of the child. The responsible social services agency shall retain in the  
47.24 records required to be kept under section 259.79, copies of all out-of-home placement plans  
47.25 made since the child was ordered under guardianship of the commissioner and all court  
47.26 orders from reviews conducted pursuant to section 260C.607.