

44 under chapter 119B, or medical programs under chapter 256B, 256D, or 256L; and
45 (iv) to analyze public assistance employment services and program utilization,
46 cost, effectiveness, and outcomes as implemented under the authority established in Title
47 II, Sections 201-204 of the Ticket to Work and Work Incentives Improvement Act of
48 1999. Health records governed by sections 144.291 to 144.298 and "protected health
49 information" as defined in Code of Federal Regulations, title 45, section 160.103, and
50 governed by Code of Federal Regulations, title 45, parts 160-164, including health care
51 claims utilization information, must not be exchanged under this clause;

52 (10) to appropriate parties in connection with an emergency if knowledge of
53 the information is necessary to protect the health or safety of the individual or other
54 individuals or persons;

55 (11) data maintained by residential programs as defined in section 245A.02 may
56 be disclosed to the protection and advocacy system established in this state according
57 to Part C of Public Law 98-527 to protect the legal and human rights of persons with
58 developmental disabilities or other related conditions who live in residential facilities for
59 these persons if the protection and advocacy system receives a complaint by or on behalf
60 of that person and the person does not have a legal guardian or the state or a designee of
61 the state is the legal guardian of the person;

62 (12) to the county medical examiner or the county coroner for identifying or locating
63 relatives or friends of a deceased person;

64 (13) data on a child support obligor who makes payments to the public agency
65 may be disclosed to the Minnesota Office of Higher Education to the extent necessary to
66 determine eligibility under section 136A.121, subdivision 2, clause (5);

67 (14) participant Social Security numbers and names collected by the telephone
68 assistance program may be disclosed to the Department of Revenue to conduct an
69 electronic data match with the property tax refund database to determine eligibility under
70 section 237.70, subdivision 4a;

71 (15) the current address of a Minnesota family investment program participant
72 may be disclosed to law enforcement officers who provide the name of the participant
73 and notify the agency that:

74 (i) the participant:

75 (A) is a fugitive felon fleeing to avoid prosecution, or custody or confinement after
76 conviction, for a crime or attempt to commit a crime that is a felony under the laws of the
77 jurisdiction from which the individual is fleeing; or

78 (B) is violating a condition of probation or parole imposed under state or federal law;

79 (ii) the location or apprehension of the felon is within the law enforcement officer's
80 official duties; and

81 (iii) the request is made in writing and in the proper exercise of those duties;

82 (16) the current address of a recipient of general assistance or general assistance
83 medical care may be disclosed to probation officers and corrections agents who are
84 supervising the recipient and to law enforcement officers who are investigating the
85 recipient in connection with a felony level offense;

86 (17) information obtained from food support applicant or recipient households may

87 be disclosed to local, state, or federal law enforcement officials, upon their written request,
88 for the purpose of investigating an alleged violation of the Food Stamp Act, according
89 to Code of Federal Regulations, title 7, section 272.1(c);

90 (18) the address, Social Security number, and, if available, photograph of any
91 member of a household receiving food support shall be made available, on request, to a
92 local, state, or federal law enforcement officer if the officer furnishes the agency with the
93 name of the member and notifies the agency that:

94 (i) the member:

95 (A) is fleeing to avoid prosecution, or custody or confinement after conviction, for a
96 crime or attempt to commit a crime that is a felony in the jurisdiction the member is fleeing;

97 (B) is violating a condition of probation or parole imposed under state or federal
98 law; or

99 (C) has information that is necessary for the officer to conduct an official duty related
100 to conduct described in subitem (A) or (B);

101 (ii) locating or apprehending the member is within the officer's official duties; and

102 (iii) the request is made in writing and in the proper exercise of the officer's official
103 duty;

104 (19) the current address of a recipient of Minnesota family investment program,
105 general assistance, general assistance medical care, or food support may be disclosed to
106 law enforcement officers who, in writing, provide the name of the recipient and notify the
107 agency that the recipient is a person required to register under section 243.166, but is not
108 residing at the address at which the recipient is registered under section 243.166;

109 (20) certain information regarding child support obligors who are in arrears may be
110 made public according to section 518A.74;

111 (21) data on child support payments made by a child support obligor and data on
112 the distribution of those payments excluding identifying information on obligees may be
113 disclosed to all obligees to whom the obligor owes support, and data on the enforcement
114 actions undertaken by the public authority, the status of those actions, and data on the
115 income of the obligor or obligee may be disclosed to the other party;

116 (22) data in the work reporting system may be disclosed under section 256.998,
117 subdivision 7 ;

118 (23) to the Department of Education for the purpose of matching Department of
119 Education student data with public assistance data to determine students eligible for free
120 and reduced-price meals, meal supplements, and free milk according to United States
121 Code, title 42, sections 1758, 1761, 1766, 1766a, 1772, and 1773; to allocate federal and
122 state funds that are distributed based on income of the student's family; and to verify
123 receipt of energy assistance for the telephone assistance plan;

124 (24) the current address and telephone number of program recipients and emergency
125 contacts may be released to the commissioner of health or a local board of health as
126 defined in section 145A.02, subdivision 2, when the commissioner or local board of health
127 has reason to believe that a program recipient is a disease case, carrier, suspect case, or at
128 risk of illness, and the data are necessary to locate the person;

129 (25) to other state agencies, statewide systems, and political subdivisions of this

130 state, including the attorney general, and agencies of other states, interstate information
131 networks, federal agencies, and other entities as required by federal regulation or law for
132 the administration of the child support enforcement program;

133 (26) to personnel of public assistance programs as defined in section 256.741, for
134 access to the child support system database for the purpose of administration, including
135 monitoring and evaluation of those public assistance programs;

136 (27) to monitor and evaluate the Minnesota family investment program by
137 exchanging data between the Departments of Human Services and Education, on
138 recipients and former recipients of food support, cash assistance under chapter 256, 256D,
139 256J, or 256K, child care assistance under chapter 119B, or medical programs under
140 chapter 256B, 256D, or 256L;

141 (28) to evaluate child support program performance and to identify and prevent fraud in
142 the child support program by exchanging data between the Department of Human
143 Services, Department of Revenue under section 270B.14, subdivision 1, paragraphs (a)
144 and (b), without regard to the limitation of use in paragraph (c), Department of Health,
145 Department of Employment and Economic Development, and other state agencies as is
146 reasonably necessary to perform these functions; or

147 (29) counties operating child care assistance programs under chapter 119B may
148 disseminate data on program participants, applicants, and providers to the commissioner
149 of education; or

150 (30) child support data on the parents and the child may be disclosed to agencies
151 administering programs under Titles IV-E and IV-B of the Social Security Act, as provided
152 by federal law. Data may be disclosed only to the extent necessary for the purpose of
153 establishing parentage or for determining who has or may have parental rights with respect
154 to a child, which could be related to permanency planning.

155 (b) Information on persons who have been treated for drug or alcohol abuse may
156 only be disclosed according to the requirements of Code of Federal Regulations, title
157 42, sections 2.1 to 2.67.

158 (c) Data provided to law enforcement agencies under paragraph (a), clause (15),
159 (16), (17), or (18), or paragraph (b), are investigative data and are confidential or protected
160 nonpublic while the investigation is active. The data are private after the investigation
161 becomes inactive under section 13.82, subdivision 5, paragraph (a) or (b).

162 (d) Mental health data shall be treated as provided in subdivisions 7, 8, and 9, but is
163 not subject to the access provisions of subdivision 10, paragraph (b).

164 For the purposes of this subdivision, a request will be deemed to be made in writing
165 if made through a computer interface system.

166

167 **Sec. 2.** Minnesota Statutes 2008, section 256.01, subdivision 14b, is amended to read:

168 Subd. 14b. **American Indian child welfare projects.** (a) The commissioner of
169 human services may authorize projects to test tribal delivery of child welfare services to
170 American Indian children and their parents and custodians living on the reservation.
171 The commissioner has authority to solicit and determine which tribes may participate
172 in a project. Grants may be issued to Minnesota Indian tribes to support the projects.

173 The commissioner may waive existing state rules as needed to accomplish the projects.
174 Notwithstanding section 626.556, the commissioner may authorize projects to use
175 alternative methods of investigating and assessing reports of child maltreatment, provided
176 that the projects comply with the provisions of section 626.556 dealing with the rights
177 of individuals who are subjects of reports or investigations, including notice and appeal
178 rights and data practices requirements. The commissioner may seek any federal approvals
179 necessary to carry out the projects as well as seek and use any funds available to the
180 commissioner, including use of federal funds, foundation funds, existing grant funds,
181 and other funds. The commissioner is authorized to advance state funds as necessary to
182 operate the projects. Federal reimbursement applicable to the projects is appropriated
183 to the commissioner for the purposes of the projects. The projects must be required to
184 address responsibility for safety, permanency, and well-being of children.

185 (b) For the purposes of this section, "American Indian child" means a person under
186 18 years of age who is a tribal member or eligible for membership in one of the tribes
187 chosen for a project under this subdivision and who is residing on the reservation of
188 that tribe.

189 (c) In order to qualify for an American Indian child welfare project, a tribe must:

190 (1) be one of the existing tribes with reservation land in Minnesota;
191 (2) have a tribal court with jurisdiction over child custody proceedings;
192 (3) have a substantial number of children for whom determinations of maltreatment
193 have occurred;
194 (4) have capacity to respond to reports of abuse and neglect under section 626.556;
195 (5) provide a wide range of services to families in need of child welfare services; and
196 (6) have a tribal-state title IV-E agreement in effect.

197 (d) Grants awarded under this section may be used for the nonfederal costs of
198 providing child welfare services to American Indian children on the tribe's reservation,
199 including costs associated with:

200 (1) assessment and prevention of child abuse and neglect;
201 (2) family preservation;
202 (3) facilitative, supportive, and reunification services;
203 (4) out-of-home placement for children removed from the home for child protective
204 purposes; and
205 (5) other activities and services approved by the commissioner that further the goals
206 of providing safety, permanency, and well-being of American Indian children.

207 (e) When a tribe has initiated a project and has been approved by the commissioner
208 to assume child welfare responsibilities for American Indian children of that tribe under
209 this section, the affected county social service agency is relieved of responsibility for
210 responding to reports of abuse and neglect under section 626.556 for those children
211 during the time within which the tribal project is in effect and funded. The commissioner
212 shall work with tribes and affected counties to develop procedures for data collection,
213 evaluation, and clarification of ongoing role and financial responsibilities of the county
214 and tribe for child welfare services prior to initiation of the project. Children who have not
215 been identified by the tribe as participating in the project shall remain the responsibility

216 of the county. Nothing in this section shall alter responsibilities of the county for law
217 enforcement or court services.

218 (f) Participating tribes may conduct children's mental health screenings under section
219 245.4874, subdivision 1, paragraph (a), clause (14), for children who are eligible for the
220 initiative and living on the reservation and who meet one of the following criteria:
221 (1) the child must be receiving child protective services;
222 (2) the child must be in foster care; or
223 (3) the child's parents must have had parental rights suspended or terminated.
224 Tribes may access reimbursement from available state funds for conducting the screenings.
225 Nothing in this section shall alter responsibilities of the county for providing services
226 under section 245.487.

227 (g) Participating tribes may establish a local child mortality review panel. In
228 establishing a local child mortality review panel, the tribe agrees to conduct local child
229 mortality reviews for child deaths or near-fatalities occurring on the reservation under
230 section 256.01, subdivision 12. Tribes with established child mortality review panels
231 shall have access to nonpublic data and shall protect nonpublic data under section
232 256.01, subdivision 12, paragraphs (c) to (e). The tribe shall provide written notice to
233 the commissioner and affected counties when a local child mortality review panel has
234 been established and shall provide data upon request of the commissioner for purposes
235 of sharing nonpublic data with members of the state child mortality review panel in
236 connection to an individual case.

237 ~~(f)~~ (h) The commissioner shall collect information on outcomes relating to child
238 safety, permanency, and well-being of American Indian children who are served in
239 the projects. Participating tribes must provide information to the state in a format
240 and completeness deemed acceptable by the state to meet state and federal reporting
241 requirements.

242
243 **Sec. 3.** Minnesota Statutes 2008, section 259.52, subdivision 2, is amended to read:

244 Subd. 2. **Requirement to search registry before adoption petition can be**
245 **granted; proof of search.** No petition for adoption may be granted unless the agency
246 supervising the adoptive placement, the birth mother of the child, or, in the case of a
247 stepparent or relative adoption, the county agency responsible for the report required
248 under section 259.53, subdivision 1, requests that the commissioner of health search the
249 registry to determine whether a putative father is registered in relation to a child who is or
250 may be the subject of an adoption petition. The search required by this subdivision must
251 be conducted no sooner than 31 days following the birth of the child. A search of the
252 registry may be proven by the production of a certified copy of the registration form or by
253 a certified statement of the commissioner of health that after a search no registration of a
254 putative father in relation to a child who is or may be the subject of an adoption petition
255 could be located. The filing of a certified copy of an order from a juvenile protection
256 matter under chapter 260C containing a finding that certification of the requisite search
257 of the Minnesota fathers' adoption registry was filed with the court in that matter shall
258 also constitute proof of search. Certification that the fathers' adoption registry has been

259 searched must be filed with the court prior to entry of any final order of adoption. In
260 addition to the search required by this subdivision, the agency supervising the adoptive
261 placement, the birth mother of the child, or, in the case of a stepparent or relative adoption,
262 the social services agency responsible for the report under section 259.53, subdivision 1,
263 or the responsible social services agency that is a petitioner in a juvenile protection matter
264 under chapter 260C may request that the commissioner of health search the registry at
265 any time. Search requirements of this section do not apply when the responsible social
266 services agency is proceeding under Safe Place for Newborns, section 260C.217.
267

268 **Sec. 4.** Minnesota Statutes 2008, section 259.52, subdivision 6, is amended to read:

269 Subd. 6. **Who may register.** Any putative father may register with the fathers'
270 adoption registry. ~~However,~~ Any limitation on a putative father's right to assert an interest
271 in the child as provided in this section applies only in adoption proceedings, termination
272 of parental rights proceedings under chapter 260C, and only to those putative fathers not
273 entitled to notice and consent under sections 259.24 and 259.49, subdivision 1, paragraph
274 (a) or (b), clauses (1) to (7).
275

276 **Sec. 5.** Minnesota Statutes 2008, section 259.67, subdivision 1, is amended to read:

277 Subdivision 1. **Adoption assistance.** (a) The commissioner of human services shall
278 enter into an adoption assistance agreement with an adoptive parent or parents ~~who adopt~~
279 ~~a child who meets the eligibility requirements under title IV-E of the Social Security Act,~~
280 ~~United States Code, title 42, sections 670 to 679a, or who otherwise meets the requirements~~
281 ~~in subdivision 4 of an eligible child. To be eligible for adoption assistance a child must:~~
282 (1) be determined to be a child with special needs, according to subdivision 4; and
283 (2)(i) meet the criteria outlined in section 473 of the Social Security Act; or
284 (ii) have had foster care payments paid on the child's behalf while in out-of-home
285 placement through the county or tribe, and be either under the guardianship of the
286 commissioner or under the jurisdiction of a Minnesota tribe, with adoption in accordance
287 with tribal law as the child's documented permanency plan.

288 (b) Notwithstanding any provision to the contrary, no child on whose behalf federal
289 title IV-E adoption assistance payments are to be made may be placed in an adoptive home
290 unless a criminal background check under section 259.41, subdivision 3, paragraph (b),
291 has been completed on the prospective adoptive parents and no disqualifying condition
292 exists. A disqualifying condition exists if:

293 (1) a criminal background check reveals a felony conviction for child abuse; for
294 spousal abuse; for a crime against children (including child pornography); or for a crime
295 involving violence, including rape, sexual assault, or homicide, but not including other
296 physical assault or battery; or

297 (2) a criminal background check reveals a felony conviction within the past five
298 years for physical assault, battery, or a drug-related offense.

299 (c) A child must be a citizen of the United States or otherwise eligible for
300 federal public benefits according to the Personal Responsibility and Work Opportunity
301 Reconciliation Act of 1996, as amended, in order to be eligible for title IV-E adoption

302 assistance. A child must be a citizen of the United States or meet the qualified
303 alien requirements as defined in the Personal Responsibility and Work Opportunity
304 Reconciliation Act of 1996, as amended, in order to be eligible for state-funded adoption
305 assistance.

306 (d) Subject to commissioner approval, the legally responsible agency shall make a
307 title IV-E adoption assistance eligibility determination for each child. Children who meet
308 all eligibility criteria except those specific to title IV-E adoption assistance shall receive
309 adoption assistance paid through state funds.

310 (e) Payments for adoption assistance shall not be made to a biological parent of the
311 child who later adopts the same child. Direct placement adoptions under section 259.47 or
312 the equivalent in tribal code are not eligible for state-funded adoption assistance. A child
313 who is adopted by the child's legal custodian or guardian is not eligible for state-funded
314 adoption assistance. A child who is adopted by the child's legal custodian or guardian may
315 be eligible for title IV-E adoption assistance if all required eligibility factors are met.
316 International adoptions are not eligible for adoption assistance unless the adopted child
317 has been placed into foster care through the public child welfare system subsequent to the
318 failure of the adoption and all required eligibility factors are met.

319

320 **Sec. 6.** Minnesota Statutes 2008, section 259.67, subdivision 2, is amended to read:

321 Subd. 2. **Adoption assistance agreement.** The placing agency shall certify a child
322 as eligible for adoption assistance according to rules promulgated by the commissioner.
323 The placing agency shall not certify a child who remains under the jurisdiction of the
324 sending agency pursuant to section 260.851, article 5, for state-funded adoption assistance
325 when Minnesota is the receiving state. Not later than 30 days after a parent or parents are
326 found and approved for adoptive placement of a child certified as eligible for adoption
327 assistance, and before the final decree of adoption is issued, a written agreement must
328 be entered into by the commissioner, the adoptive parent or parents, and the placing
329 agency. The written agreement must be fully completed by the placing agency and in the
330 form prescribed by the commissioner and must set forth the responsibilities of all parties,
331 the anticipated duration of the adoption assistance ~~payments, agreement, the nature and~~
332 amount of any payment, services, and assistance to be provided under such agreement,
333 the child's eligibility for Medicaid services, eligibility for reimbursement of nonrecurring
334 expenses associated with adopting the child, to the extent that total cost does not exceed
335 \$2,000 per child, provisions for modification of the terms of the agreement, the effective
336 date of the agreement, that the agreement must remain in effect regardless of the state of
337 which the adoptive parents are residents at any given time, and the payment terms. The
338 agreement is effective the date of the adoption decree. The adoption assistance agreement
339 shall be subject to the commissioner's approval, which must be granted or denied not later
340 than 15 days after the agreement is entered. The agreement must be negotiated with
341 the adoptive parent or parents. A monthly payment is provided as part of the adoption
342 assistance agreement to support the care of a child who has manifested special needs.

343 The amount of adoption assistance is ~~subject to the availability of state and~~
344 ~~federal funds and~~ shall be determined through agreement with the adoptive parents.

345 The agreement shall take into consideration the circumstances of the adopting parent
346 or parents, the needs of the child being adopted and may provide ongoing monthly
347 assistance, supplemental maintenance expenses related to the child's special needs,
348 nonmedical expenses periodically necessary for purchase of services, items, or equipment
349 related to the special needs, and medical expenses. The placing agency or the adoptive
350 parent or parents shall provide written documentation to support the need for adoption
351 assistance payments. The commissioner may require periodic reevaluation of adoption
352 assistance payments. The amount of ongoing monthly adoption assistance granted may
353 in no case exceed ~~that which would be allowable for the child under foster family care~~
354 the payment schedule outlined in subdivision 2a, and, for state-funded cases, is subject to
355 the availability of state and federal funds.

356
357 **Sec. 7.** Minnesota Statutes 2008, section 259.67, is amended by adding a subdivision
358 to read:

359 Subd. 2a. **Benefits and payments.** (a) Eligibility for medical assistance for children
360 receiving adoption assistance is as specified in section 256B.055.
361 (b) Basic maintenance payments are available for all children eligible for adoption
362 assistance except those eligible solely based on high risk of developing a disability. Basic
363 maintenance payments must be made according to the following schedule:

<u>Birth through age five</u>	<u>up to \$247 per month</u>
<u>Age six through age 11</u>	<u>up to \$277 per month</u>
<u>Age 12 through age 14</u>	<u>up to \$307 per month</u>
<u>Age 15 and older</u>	<u>up to \$337 per month</u>

364 A child must receive the maximum payment amount for the child's age, unless a
365 lesser amount is negotiated with and agreed to by the prospective adoptive parent.
366 (c) Supplemental adoption assistance needs payments, in addition to basic
367 maintenance payments, are available for a child whose disability necessitates care,
368 supervision, and structure beyond that ordinarily provided in a family setting to persons
369 of the same age. These payments are related to the severity of a child's disability and
370 the level of parenting required to care for the child, and must be made according to the
371 following schedule:

<u>Level I</u>	<u>up to \$150 per month</u>
<u>Level II</u>	<u>up to \$275 per month</u>
<u>Level III</u>	<u>up to \$400 per month</u>
<u>Level IV</u>	<u>up to \$500 per month</u>

372 A child's level shall be assessed on a supplemental maintenance needs assessment
373 form prescribed by the commissioner. A child must receive the maximum payment
374 amount for the child's assessed level, unless a lesser amount is negotiated with and agreed
375 to by the prospective adoptive parent.

376
377 **Sec. 8.** Minnesota Statutes 2008, section 259.67, subdivision 3, is amended to read:

378 Subd. 3. **Modification, ~~or termination~~, or extension of adoption assistance**
379 **agreement.** The adoption assistance agreement shall continue in accordance with its terms
380 as long as the need for adoption assistance continues and the adopted child is the legal
381 or financial dependent of the adoptive parent or parents or guardian or conservator and
382 is under 18 years of age. If the commissioner determines that the adoptive parents are
383 no longer legally responsible for support of the child or are no longer providing financial
384 support to the child, the agreement shall terminate. Under certain limited circumstances,
385 the adoption assistance agreement may be extended to age 22 as allowed by rules adopted
386 by the commissioner. An application for extension must be completed and submitted by
387 the adoptive parent prior to the date the child attains age 18. The application for extension
388 must be made according to policies and procedures prescribed by the commissioner,
389 including documentation of eligibility, and on forms prescribed by the commissioner.
390 Termination or modification of the adoption assistance agreement may be requested by the
391 adoptive parents or subsequent guardian or conservator at any time. When an adoptive
392 parent requests modification of the adoption assistance agreement, a reassessment of the
393 child must be completed consistent with subdivision 2a. If the reassessment indicates
394 that the child's level has changed or, for a high-risk child, that the potential disability
395 upon which eligibility for the agreement was based has manifested itself, the agreement
396 shall be renegotiated to include an appropriate payment, consistent with subdivision 2a.
397 The agreement must not be modified unless the commissioner and the adoptive parent
398 mutually agree to the changes. When the commissioner determines that a child is eligible
399 for extension of title IV-E adoption assistance under Title IV-E section 473 of the Social
400 Security Act, United States Code, title 42, sections 670 to 679a, the commissioner shall
401 modify the adoption assistance agreement require the adoptive parents to submit the
402 necessary documentation in order to obtain the funds under that act.

403
404 **Sec. 9.** Minnesota Statutes 2008, section 259.67, subdivision 4, is amended to read:

405 Subd. 4. **Eligibility conditions Special needs determination.** (a) ~~The placing~~
406 ~~agency shall use the AFDC requirements as specified in federal law as of July 16, 1996,~~
407 ~~when determining the child's eligibility for adoption assistance under title IV-E of the~~
408 ~~Social Security Act. If the child does not qualify, the placing agency shall certify a child~~
409 ~~as eligible for state funded adoption assistance only~~ A child is considered a child with
410 special needs under this section if the following criteria are met:

- 411 (1) Due to the child's characteristics or circumstances it would be difficult to provide
412 the child an adoptive home without adoption assistance.
- 413 (2)(i) A placement agency has made reasonable efforts to place the child for adoption
414 without adoption assistance, but has been unsuccessful;
- 415 (ii) the child's licensed foster parents desire to adopt the child and it is determined by
416 the placing agency that the adoption is in the best interest of the child; ~~or~~
- 417 (iii) the child's relative, as defined in section 260C.007, subdivision 27, desires to
418 adopt the child, and it is determined by the placing agency that the adoption is in the
419 best interest of the child; or
- 420 (iv) for a non-Indian child, the family that previously adopted a child of the same

421 mother or father desires to adopt the child, and it is determined by the placing agency that
422 the adoption is in the best interest of the child.

423 ~~(3)(i) The child is a ward of the commissioner or a tribal social service agency of~~
424 ~~Minnesota recognized by the Secretary of the Interior; or (ii) the child will be adopted~~
425 ~~according to tribal law without a termination of parental rights or relinquishment, provided~~
426 ~~that the tribe has documented the valid reason why the child cannot or should not be~~
427 ~~returned to the home of the child's parent. The placing agency shall not certify a child who~~
428 ~~remains under the jurisdiction of the sending agency pursuant to section 260.851, article 5,~~
429 ~~for state funded adoption assistance when Minnesota is the receiving state. A child who is~~
430 ~~adopted by the child's legal custodian or guardian shall not be eligible for state funded~~
431 ~~adoption assistance. There has been a determination that the child cannot or should not be~~
432 ~~returned to the home of the child's parents as evidenced by:~~

433 (i) a court-ordered termination of parental rights;

434 (ii) a petition to terminate parental rights;

435 (iii) a consent to adopt accepted by the court under sections 260C.201, subdivision
436 11, and 259.24;

437 (iv) in circumstances where tribal law permits the child to be adopted without a
438 termination of parental rights, a judicial determination by tribal court indicating the valid
439 reason why the child cannot or should not return home;

440 (v) a voluntary relinquishment under section 259.25 or 259.47 or, if relinquishment
441 occurred in another state, the applicable laws in that state; or

442 (vi) the death of the legal parent.

443 (b) The characteristics or circumstances that may be considered in determining
444 whether a child meets the requirements of paragraph (a), clause (1), or section
445 473(c)(2)(A) of the Social Security Act, are the following:

446 (1) ~~The child is a member of a sibling group to be placed as one unit in which at~~
447 ~~least one sibling is older than 15 months of age or is described in clause (2) or (3) adopted~~
448 ~~at the same time by the same parent.~~

449 (2) The child has been determined by the Social Security Administration to meet
450 all medical or disability requirements of title XVI of the Social Security Act with respect
451 to eligibility for Supplemental Security Income benefits.

452 ~~(2) (3) The child has documented physical, mental, emotional, or behavioral~~
453 ~~disabilities not covered under clause (2).~~

454 ~~(3) (4) The child has a high risk of developing physical, mental, emotional, or~~
455 ~~behavioral disabilities.~~

456 ~~(4) (5) The child is five years of age or older.~~

457 (6) The child is placed for adoption in the home of a parent who previously adopted
458 another child born of the same mother or father for whom they receive adoption assistance.

459 (c) When a child's eligibility for adoption assistance is based upon the high risk of
460 developing physical, mental, emotional, or behavioral disabilities, payments shall not be
461 made under the adoption assistance agreement unless and until the potential disability
462 upon which eligibility for the agreement was based manifests itself as documented by an
463 appropriate health care professional.

464 (d) Documentation must be provided to verify that a child meets the special needs
465 criteria in this subdivision. Documentation is limited to evidence deemed appropriate by
466 the commissioner.
467

468 **Sec. 10.** Minnesota Statutes 2008, section 259.67, subdivision 5, is amended to read:

469 Subd. 5. **Determination of residency.** A child placed in the state from another state
470 or a tribe outside of the state is not eligible for state-funded adoption assistance through
471 the state. A child placed in the state from another state or a tribe outside of the state may
472 be eligible for title IV-E adoption assistance through the state of Minnesota if all eligibility
473 factors are met and there is no state agency that has responsibility for placement and care
474 of the child. A child who is a resident of any county in this state when eligibility for
475 adoption assistance is certified shall remain eligible and receive adoption assistance in
476 accordance with the terms of the adoption assistance agreement, regardless of the domicile
477 or residence of the adopting parents at the time of application for adoptive placement,
478 legal decree of adoption, or thereafter.
479

480 **Sec. 11.** Minnesota Statutes 2008, section 259.67, subdivision 7, is amended to read:

481 Subd. 7. **Reimbursement of costs.** (a) Subject to rules of the commissioner, and
482 the provisions of this subdivision a child-placing agency licensed in Minnesota or any
483 other state, or local or tribal social services agency shall receive a reimbursement from the
484 commissioner equal to 100 percent of the reasonable and appropriate cost of providing
485 child-specific adoption services. Adoption services under this subdivision may include
486 adoptive family child-specific recruitment, counseling, and special training when needed,
487 and home studies for prospective adoptive parents, and placement services.

488 (b) An eligible child must have a goal of adoption, which may include an adoption
489 in accordance with tribal law, and meet one of the following criteria:

490 (1) is a ward of the commissioner of human services or a ward of tribal court
491 pursuant to section 260.755, subdivision 20, who meets one of the criteria in subdivision
492 4, paragraph (a), clause (3), and one of the criteria in subdivision 4, paragraph (b), clause
493 (1), (2), or (3); or

494 (2) is under the guardianship of a Minnesota-licensed child-placing agency who
495 meets one of the criteria in subdivision 4, paragraph (b), clause (1) ~~or~~, (2), (3), (5), or (6).

496 (c) A child-placing agency licensed in Minnesota or any other state shall receive
497 reimbursement for adoption services it purchases for or directly provides to an eligible
498 child. Tribal social services shall receive reimbursement for adoption services it purchases
499 for or directly provides to an eligible child. A local social services agency shall receive
500 reimbursement only for adoption services it purchases for an eligible child.

501 Before providing adoption services for which reimbursement will be sought under
502 this subdivision, a reimbursement agreement, on the designated format, must be entered
503 into with the commissioner. No reimbursement under this subdivision shall be made to
504 an agency for services provided prior to entering a reimbursement agreement. Separate
505 reimbursement agreements shall be made for each child and separate records shall be kept
506 on each child for whom a reimbursement agreement is made. ~~The commissioner of human~~

507 services Reimbursement shall agree not be made unless the commissioner agrees that the
508 reimbursement costs are reasonable and appropriate. The commissioner may spend up
509 to \$16,000 for each purchase of service agreement. Only one agreement per child is
510 allowed, unless an exception is granted by the commissioner and agreed to in writing by
511 the commissioner prior to commencement of services. Funds encumbered and obligated
512 under such an agreement for the child remain available until the terms of the agreement
513 are fulfilled or the agreement is terminated.

514 The commissioner shall make reimbursement payments directly to the agency
515 providing the service if direct reimbursement is specified by the purchase of service
516 agreement, and if the request for reimbursement is submitted by the local or tribal social
517 services agency along with a verification that the service was provided.

518
519 **Sec. 12.** Minnesota Statutes 2008, section 259.67, is amended by adding a subdivision
520 to read:

521 Subd. 11. **Promotion of programs.** The commissioner or the commissioner's
522 designee shall actively seek ways to promote the adoption assistance program, including
523 information to prospective adoptive parents of eligible children under the commissioner's
524 guardianship of the availability of adoption assistance. All families who adopt children
525 under the commissioner's guardianship must also be informed as to the adoption tax credit.
526

527 **Sec. 13.** Minnesota Statutes 2008, section 260.012, is amended to read:

528 **260.012 DUTY TO ENSURE PLACEMENT PREVENTION AND FAMILY**
529 **REUNIFICATION; REASONABLE EFFORTS.**

530 (a) Once a child alleged to be in need of protection or services is under the court's
531 jurisdiction, the court shall ensure that reasonable efforts, including culturally appropriate
532 services, by the social services agency are made to prevent placement or to eliminate the
533 need for removal and to reunite the child with the child's family at the earliest possible
534 time, and the court must ensure that the responsible social services agency makes
535 reasonable efforts to finalize an alternative permanent plan for the child as provided in
536 paragraph (e). In determining reasonable efforts to be made with respect to a child and in
537 making those reasonable efforts, the child's best interests, health, and safety must be of
538 paramount concern. Reasonable efforts to prevent placement and for rehabilitation and
539 reunification are always required except upon a determination by the court that a petition
540 has been filed stating a prima facie case that:

541 (1) the parent has subjected a child to egregious harm as defined in section
542 260C.007, subdivision 14;

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

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

547 (4) the parent's custodial rights to another child have been involuntarily transferred
548 to a relative under section 260C.201, subdivision 11, paragraph (e), clause (1), or a similar
549 law of another jurisdiction; or

550 (5) the provision of services or further services for the purpose of reunification is
551 futile and therefore unreasonable under the circumstances.

552 (b) When the court makes one of the prima facie determinations under paragraph (a),
553 either permanency pleadings under section 260C.201, subdivision 11, or a termination
554 of parental rights petition under sections 260C.141 and 260C.301 must be filed. A
555 permanency hearing under section 260C.201, subdivision 11, must be held within 30
556 days of this determination.

557 (c) In the case of an Indian child, in proceedings under sections 260B.178 or
558 260C.178, 260C.201, and 260C.301 the juvenile court must make findings and conclusions
559 consistent with the Indian Child Welfare Act of 1978, United States Code, title 25, section
560 1901 et seq., as to the provision of active efforts. In cases governed by the Indian Child
561 Welfare Act of 1978, United States Code, title 25, section 1901, the responsible social
562 services agency must provide active efforts as required under United States Code, title
563 25, section 1911(d).

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

565 (1) the agency has made reasonable efforts to prevent the placement of the child in
566 foster care by working with the family to develop and implement a safety plan; or

567 (2) given the particular circumstances of the child and family at the time of the
568 child's removal, there are no services or efforts available which could allow the child to
569 safely remain in the home.

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

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

573 (2) assess a noncustodial parent's ability to provide day-to-day care for the child and,
574 where appropriate, provide services necessary to enable the noncustodial parent to safely
575 provide the care, as required by section 260C.212, subdivision 4;

576 (3) conduct a relative search to identify and provide notice to adult relatives as
577 required under section 260C.212, subdivision 5; and

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

582 (4) (5) when the child cannot return to the parent or guardian from whom the child
583 was removed, to plan for and finalize a safe and legally permanent alternative home
584 for the child, and considers permanent alternative homes for the child inside or outside
585 of the state, preferably through adoption or transfer of permanent legal and physical
586 custody of the child.

587 (f) Reasonable efforts are made upon the exercise of due diligence by the responsible
588 social services agency to use culturally appropriate and available services to meet the
589 needs of the child and the child's family. Services may include those provided by the
590 responsible social services agency and other culturally appropriate services available in
591 the community. At each stage of the proceedings where the court is required to review
592 the appropriateness of the responsible social services agency's reasonable efforts as

593 described in paragraphs (a), (d), and (e), the social services agency has the burden of
594 demonstrating that:

595 (1) it has made reasonable efforts to prevent placement of the child in foster care;

596 (2) it has made reasonable efforts to eliminate the need for removal of the child from
597 the child's home and to reunify the child with the child's family at the earliest possible time;

598 (3) it has made reasonable efforts to finalize an alternative permanent home for
599 the child, and considers permanent alternative homes for the child inside or outside of
600 the state; or

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

607 (g) Once the court determines that reasonable efforts for reunification are not
608 required because the court has made one of the prima facie determinations under paragraph
609 (a), the court may only require reasonable efforts for reunification after a hearing according
610 to section 260C.163, where the court finds there is not clear and convincing evidence of
611 the facts upon which the court based its prima facie determination. In this case when there
612 is clear and convincing evidence that the child is in need of protection or services, the
613 court may find the child in need of protection or services and order any of the dispositions
614 available under section 260C.201, subdivision 1. Reunification of a surviving child with a
615 parent is not required if the parent has been convicted of:

616 (1) a violation of, or an attempt or conspiracy to commit a violation of, sections
617 609.185 to 609.20; 609.222, subdivision 2; or 609.223 in regard to another child of the
618 parent;

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

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

623 (h) The juvenile court, in proceedings under sections 260B.178 or 260C.178,
624 260C.201, and 260C.301 shall make findings and conclusions as to the provision of
625 reasonable efforts. When determining whether reasonable efforts have been made, the
626 court shall consider whether services to the child and family were:

627 (1) relevant to the safety and protection of the child;

628 (2) adequate to meet the needs of the child and family;

629 (3) culturally appropriate;

630 (4) available and accessible;

631 (5) consistent and timely; and

632 (6) realistic under the circumstances.

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

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

643 (j) If continuation of reasonable efforts to prevent placement or reunify the child
644 with the parent or guardian from whom the child was removed is determined by the court
645 to be inconsistent with the permanent plan for the child or upon the court making one of
646 the prima facie determinations under paragraph (a), reasonable efforts must be made to
647 place the child in a timely manner in a safe and permanent home and to complete whatever
648 steps are necessary to legally finalize the permanent placement of the child.

649 (k) Reasonable efforts to place a child for adoption or in another permanent
650 placement may be made concurrently with reasonable efforts to prevent placement or to
651 reunify the child with the parent or guardian from whom the child was removed. When
652 the responsible social services agency decides to concurrently make reasonable efforts for
653 both reunification and permanent placement away from the parent under paragraph (a), the
654 agency shall disclose its decision and both plans for concurrent reasonable efforts to all
655 parties and the court. When the agency discloses its decision to proceed on both plans for
656 reunification and permanent placement away from the parent, the court's review of the
657 agency's reasonable efforts shall include the agency's efforts under both plans.

658
659 **Sec. 14.** Minnesota Statutes 2008, section 260B.007, subdivision 7, is amended to read:

660 Subd. 7. **Foster care.** ~~"Foster care" means the 24-hour a day care of a child in~~
661 ~~any facility which for gain or otherwise regularly provides one or more children, when~~
662 ~~unaccompanied by their parents, with a substitute for the care, food, lodging, training,~~
663 ~~education, supervision or treatment they need but which for any reason cannot be furnished~~
664 ~~by their parents or legal guardians in their homes. "Foster care" means 24-hour substitute~~
665 care for children placed away from their parents or guardian and for whom a responsible
666 social services agency has placement and care responsibility. Foster care includes, but
667 is not limited to, placement in foster family homes, foster homes of relatives, group
668 homes, emergency shelters, residential facilities not excluded in this subdivision, child
669 care institutions, and preadoptive homes. A child is in foster care under this definition
670 regardless of whether the facility is licensed and payments are made for the cost of care.
671 Nothing in this definition creates any authority to place a child in a home or facility that
672 is required to be licensed which is not licensed. Foster care does not include placement
673 in any of the following facilities: hospitals, inpatient chemical dependency treatment
674 facilities, facilities that are primarily for delinquent children, any corrections facility or
675 program within a particular corrections facility not meeting requirements for Title IV-E
676 facilities as determined by the commissioner, facilities to which a child is committed
677 under the provision of chapter 253B, forestry camps, or jails. Foster care is intended to
678 provide for a child's safety or to access treatment. Foster care must not be used as a

679 punishment or consequence for a child's behavior.

680

681 **Sec. 15.** Minnesota Statutes 2008, section 260B.157, subdivision 3, is amended to read:

682 Subd. 3. **Juvenile treatment screening team.** (a) The local social services agency
683 shall establish a juvenile treatment screening team to conduct screenings and prepare
684 case plans under this subdivision. The team, which may be the team constituted under
685 section 245.4885 or 256B.092 or Minnesota Rules, parts 9530.6600 to 9530.6655, shall
686 consist of social workers, juvenile justice professionals, and persons with expertise in the
687 treatment of juveniles who are emotionally disabled, chemically dependent, or have a
688 developmental disability. The team shall involve parents or guardians in the screening
689 process as appropriate. The team may be the same team as defined in section 260C.157,
690 subdivision 3 .

691 (b) If the court, prior to, or as part of, a final disposition, proposes to place a child:

692 (1) for the primary purpose of treatment for an emotional disturbance, and residential
693 placement is consistent with section 260.012, a developmental disability, or chemical
694 dependency in a residential treatment facility out of state or in one which is within the

695 state and licensed by the commissioner of human services under chapter 245A; or

696 (2) in any out-of-home setting potentially exceeding 30 days in duration, including a
697 ~~postdispositional~~ post-dispositional placement in a facility licensed by the commissioner
698 of corrections or human services, the court shall notify the county welfare agency. The
699 county's juvenile treatment screening team must either:

700 (i) screen and evaluate the child and file its recommendations with the court within
701 14 days of receipt of the notice; or

702 (ii) elect not to screen a given case, and notify the court of that decision within
703 three working days.

704 (c) If the screening team has elected to screen and evaluate the child, the child
705 may not be placed for the primary purpose of treatment for an emotional disturbance, a
706 developmental disability, or chemical dependency, in a residential treatment facility out of
707 state nor in a residential treatment facility within the state that is licensed under chapter
708 245A, unless one of the following conditions applies:

709 (1) a treatment professional certifies that an emergency requires the placement
710 of the child in a facility within the state;

711 (2) the screening team has evaluated the child and recommended that a residential
712 placement is necessary to meet the child's treatment needs and the safety needs of the
713 community, that it is a cost-effective means of meeting the treatment needs, and that it
714 will be of therapeutic value to the child; or

715 (3) the court, having reviewed a screening team recommendation against placement,
716 determines to the contrary that a residential placement is necessary. The court shall state
717 the reasons for its determination in writing, on the record, and shall respond specifically
718 to the findings and recommendation of the screening team in explaining why the
719 recommendation was rejected. The attorney representing the child and the prosecuting
720 attorney shall be afforded an opportunity to be heard on the matter.

721

722 **Sec. 16.** Minnesota Statutes 2008, section 260B.198, subdivision 1, is amended to read:

723 Subdivision 1. **Court order, findings, remedies, treatment.** If the court finds that
724 the child is delinquent, it shall enter an order making any of the following dispositions of
725 the case which are deemed necessary to the rehabilitation of the child:

726 (1) counsel the child or the parents, guardian, or custodian;

727 (2) place the child under the supervision of a probation officer or other suitable
728 person in the child's own home under conditions prescribed by the court including
729 reasonable rules for the child's conduct and the conduct of the child's parents, guardian, or
730 custodian, designed for the physical, mental, and moral well-being and behavior of the
731 child, or with the consent of the commissioner of corrections, in a group foster care facility
732 which is under the management and supervision of said commissioner;

733 (3) if the court determines that the child is a danger to self or others, subject to the
734 supervision of the court, transfer legal custody of the child to one of the following:

735 (i) a child-placing agency; or

736 (ii) the local social services agency; or

737 (iii) a reputable individual of good moral character. No person may receive custody
738 of two or more unrelated children unless licensed as a residential facility pursuant to
739 sections 245A.01 to 245A.16; or

740 (iv) a county home school, if the county maintains a home school or enters into an
741 agreement with a county home school; or

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

744 (4) transfer legal custody by commitment to the commissioner of corrections;

745 (5) if the child is found to have violated a state or local law or ordinance which has
746 resulted in damage to the person or property of another, the court may order the child to
747 make reasonable restitution for such damage;

748 (6) require the child to pay a fine of up to \$1,000. The court shall order payment of
749 the fine in accordance with a time payment schedule which shall not impose an undue
750 financial hardship on the child;

751 (7) if the child is in need of special treatment and care for reasons of physical or
752 mental health, the court may order the child's parent, guardian, or custodian to provide
753 it. If the parent, guardian, or custodian fails to provide this treatment or care, the court
754 may order it provided;

755 (8) if the court believes that it is in the best interests of the child and of public
756 safety that the driver's license of the child be canceled until the child's 18th birthday,
757 the court may recommend to the commissioner of public safety the cancellation of the
758 child's license for any period up to the child's 18th birthday, and the commissioner is
759 hereby authorized to cancel such license without a hearing. At any time before the
760 termination of the period of cancellation, the court may, for good cause, recommend to
761 the commissioner of public safety that the child be authorized to apply for a new license,
762 and the commissioner may so authorize;

763 (9) if the court believes that it is in the best interest of the child and of public safety
764 that the child is enrolled in school, the court may require the child to remain enrolled in a

765 public school until the child reaches the age of 18 or completes all requirements needed
766 to graduate from high school. Any child enrolled in a public school under this clause is
767 subject to the provisions of the Pupil Fair Dismissal Act in chapter 127;
768 (10) if the child is petitioned and found by the court to have committed a controlled
769 substance offense under sections 152.021 to 152.027, the court shall determine whether
770 the child unlawfully possessed or sold the controlled substance while driving a motor
771 vehicle. If so, the court shall notify the commissioner of public safety of its determination
772 and order the commissioner to revoke the child's driver's license for the applicable time
773 period specified in section 152.0271. If the child does not have a driver's license or if the
774 child's driver's license is suspended or revoked at the time of the delinquency finding,
775 the commissioner shall, upon the child's application for driver's license issuance or
776 reinstatement, delay the issuance or reinstatement of the child's driver's license for the
777 applicable time period specified in section 152.0271. Upon receipt of the court's order, the
778 commissioner is authorized to take the licensing action without a hearing;
779 (11) if the child is petitioned and found by the court to have committed or attempted
780 to commit an act in violation of section 609.342; 609.343; 609.344; 609.345; 609.3451;
781 609.746, subdivision 1; 609.79; or 617.23, or another offense arising out of a delinquency
782 petition based on one or more of those sections, the court shall order an independent
783 professional assessment of the child's need for sex offender treatment. An assessor
784 providing an assessment for the court must be experienced in the evaluation and treatment
785 of juvenile sex offenders. If the assessment indicates that the child is in need of and
786 amenable to sex offender treatment, the court shall include in its disposition order a
787 requirement that the child undergo treatment. Notwithstanding sections 13.384, 13.85,
788 144.291 to 144.298, 260B.171, or 626.556, the assessor has access to the following private
789 or confidential data on the child if access is relevant and necessary for the assessment:
790 (i) medical data under section 13.384;
791 (ii) corrections and detention data under section 13.85;
792 (iii) health records under sections 144.291 to 144.298;
793 (iv) juvenile court records under section 260B.171; and
794 (v) local welfare agency records under section 626.556.
795 Data disclosed under this clause may be used only for purposes of the assessment
796 and may not be further disclosed to any other person, except as authorized by law;
797 (12) if the child is found delinquent due to the commission of an offense that would
798 be a felony if committed by an adult, the court shall make a specific finding on the record
799 regarding the juvenile's mental health and chemical dependency treatment needs;
800 (13) any order for a disposition authorized under this section shall contain written
801 findings of fact to support the disposition ordered and shall also set forth in writing the
802 following information:
803 (i) why the best interests of the child are served by the disposition ordered; and
804 (ii) what alternative dispositions were considered by the court and why such
805 dispositions were not appropriate in the instant case.

806
807 **Sec. 17.** Minnesota Statutes 2008, section 260C.007, subdivision 18, is amended to

808 read:

809 Subd. 18. **Foster care.** "Foster care" means 24 hour substitute care for children
810 placed away from their parents or guardian and for whom a responsible social services
811 agency has placement and care responsibility. "Foster care" includes, but is not limited
812 to, placement in foster family homes, foster homes of relatives, group homes, emergency
813 shelters, residential facilities not excluded in this subdivision, child care institutions, and
814 preadoptive homes. A child is in foster care under this definition regardless of whether the
815 facility is licensed and payments are made for the cost of care. Nothing in this definition
816 creates any authority to place a child in a home or facility that is required to be licensed
817 which is not licensed. "Foster care" does not include placement in any of the following
818 facilities: hospitals, inpatient chemical dependency treatment facilities, facilities that are
819 primarily for delinquent children, any corrections facility or program within a particular
820 correction's facility not meeting requirements for Title IV-E facilities as determined by
821 the commissioner, facilities to which a child is committed under the provision of chapter
822 253B, forestry camps, or jails. Foster care is intended to provide for a child's safety or
823 to access treatment. Foster care must not be used as a punishment or consequence for
824 a child's behavior.

825

826 **Sec. 18.** Minnesota Statutes 2008, section 260C.007, subdivision 25, is amended to
827 read:

828 Subd. 25. **Parent.** "Parent" means ~~the birth or adoptive parent of a minor, a person~~
829 who has a legal parent and child relationship with a child under section 257.52 which
830 confers or imposes on the person legal rights, privileges, duties, and obligations. It
831 includes the mother and child relationship and the father and child relationship. For ~~an~~
832 ~~Indian child matters governed by the Indian Child Welfare Act,~~ parent includes any Indian
833 person who has adopted a child by tribal law or custom, as provided in section 260.755,
834 subdivision 14 . For matters governed by the Indian Child Welfare Act, parent does not
835 include the unwed father where paternity has not been acknowledged or established.
836 Parent does not mean a putative father of a child unless the putative father also meets the
837 requirements of section 257.55 or unless the putative father is entitled to notice under
838 section 259.49, subdivision 1.

839

840 **Sec. 19. [260C.150] DILIGENT EFFORTS TO IDENTIFY PARENTS OF A**
841 **CHILD; PROCEDURES FOR REVIEW; REASONABLE EFFORTS.**

842 Subdivision 1. **Determining parentage.** A parent and child relationship may be
843 established under this chapter according to the requirements of section 257.54 and the
844 Minnesota Rules of Juvenile Protection Procedure.

845 Subd. 2. **Genetic test results; duty to cooperate.** (a) For purposes of proceedings
846 under this chapter, a positive test result under section 257.62, subdivision 5, shall be used
847 by the court to treat a person determined to be the biological father of a child by a positive
848 test as if the individual were a presumed father under section 257.55, including giving
849 the biological father the right to notice of proceedings and the right to be assessed and
850 considered for day-to-day care of his child under section 260C.212, subdivision 4.

851 (b) Nothing in this subdivision relieves a person determined to be the biological
852 father of the child by a positive test from the duty to cooperate with paternity establishment
853 proceedings under section 260C.212, subdivision 4.

854 Subd. 3. **Identifying parents of child; diligent efforts; data.** (a) The responsible
855 social services agency shall make diligent efforts to identify and locate both parents of any
856 child who is the subject of proceedings under this chapter. Diligent efforts include:
857 (1) asking the custodial or known parent to identify any nonresident parent of the
858 child and provide information that can be used to verify the nonresident parent's identity
859 including the dates and locations of marriages and divorces, dates and locations of any
860 legal proceedings regarding paternity, date and place of the child's birth, nonresident
861 parent's full legal name, nonresident parent's date of birth, if the nonresident parent's
862 date of birth is unknown, an approximate age, the nonresident parent's Social Security
863 number, the nonresident parent's whereabouts including last known whereabouts, and the
864 whereabouts of relatives of the nonresident parent. For purposes of this subdivision,
865 "nonresident parent" means a parent who does not reside in the same household as the
866 child or did not reside in the same household as the child at the time the child was removed
867 when the child is in foster care;

868 (2) obtaining information that will identify and locate the nonresident parent from
869 the county and state of Minnesota child support enforcement information system;
870 (3) requesting a search of the Minnesota Fathers' Adoption Registry 30 days after
871 the child's birth; and

872 (4) using any other reasonable means to identify and locate the nonresident parent.

873 (b) The agency may disclose data which is otherwise private under section 13.46 or
874 626.556 in order to carry out its duties under this subdivision.

875 Subd. 4. **Court inquiry regarding identities of both parents.** At the first hearing
876 regarding the petition and at any subsequent hearings, as appropriate, the court shall
877 inquire of the parties whether the identities and whereabouts of both parents of the child
878 are known and correctly reflected in the petition filed with the court. If either the identity
879 or whereabouts of both parents is not known, the court shall make inquiry on the record of
880 any party or participant present regarding the identity and whereabouts of the unknown
881 parent of the child.

882 Subd. 5. **Sworn testimony from known parent.** When the county attorney
883 requests, the court shall have the custodial or known parent of the child sworn for the
884 purpose of answering questions relevant to the identity of a child's other parent in any
885 proceeding under this chapter. The county attorney may request this information at any
886 point in the proceedings if the custodial or known parent has not been cooperative in
887 providing information to identify and locate the nonresident parent or information that
888 may lead to identifying and locating the nonresident parent. If the child's custodial or
889 known parent testifies that disclosure of identifying information regarding the identity
890 of the nonresident parent would cause either the custodial or known parent, the child, or
891 another family member to be endangered, the court may make a protective order regarding
892 any information necessary to protect the custodial or known parent, the child, or family
893 member. Consistent with section 260C.212, subdivision 4, paragraph (a), clause (4), if the

894 child remains in the care of the known or custodial parent and the court finds it in the child's
895 best interests, the court may waive notice to the nonresident parent of the child if such
896 notice would endanger the known or custodial parent, the child, or another family member.

897 Subd. 6. **Court review of diligent efforts and service.** As soon as possible, but
898 not later than the first review hearing required under the Minnesota Rules of Juvenile
899 Protection Procedure, unless the responsible social services agency has identified and
900 located both parents of the child, the agency shall include in its report to the court required
901 under the Minnesota Rules of Juvenile Protection Procedure a description of its diligent
902 efforts to locate any parent who remains unknown or who the agency has been unable
903 to locate. The court shall determine whether (1) diligent efforts have been made by the
904 agency to identify both parents of the child, (2) both parents have been located, and (3)
905 both parents have been served with the summons or notice of the proceedings required by
906 section 260C.151 or 260C.152 and the Minnesota Rules of Juvenile Protection Procedure.
907 If the court determines the agency has not made diligent efforts to locate both parents of
908 the child or if both parents of the child have not been served as required by the rules, the
909 court shall order the agency to take further steps to identify and locate both parents of the
910 child identifying what further specific efforts are appropriate. If the summons has not
911 been served on the parent as required by section 260C.151, subdivision 1, the court shall
912 order further efforts to complete service.

913 Subd. 7. **Reasonable efforts findings.** When the court finds the agency has
914 made diligent efforts to identify and locate both parents of the child and one or both
915 parents remain unknown or cannot be located, the court may find that the agency has
916 made reasonable efforts under sections 260.012, 260C.178, 260C.201, and 260C.301,
917 subdivision 8, regarding any parent who remains unknown or cannot be located. The court
918 may also find that further reasonable efforts for reunification with the parent who cannot
919 be identified or located would be futile.

920 Subd. 8. **Safe place for newborns.** Neither the requirements of this subdivision
921 nor the search requirements of section 259.52, subdivision 2, apply when the agency
922 is proceeding under section 260C.217. When the agency is proceeding under section
923 260C.217, the agency has no duty to identify and locate either parent of the newborn and
924 no notice or service of summons on either parent is required under section 260C.151 or
925 260C.152 or the Minnesota Rules of Juvenile Protection Procedure.

926
927 **Sec. 20.** Minnesota Statutes 2008, section 260C.151, subdivision 1, is amended to read:

928 **Subdivision 1. **Issuance of summons.**** After a petition has been filed and unless
929 the parties hereinafter named voluntarily appear, the court shall set a time for a hearing
930 and shall issue a summons requiring the child's parents or legal guardian and any person
931 who has legal custody or control of the child to appear with the child before the court at
932 a time and place stated. The summons shall have a copy of the petition attached, and
933 shall advise the parties of the right to counsel and of the consequences of failure to obey
934 the summons. The court shall give docket priority to any child in need of protection or
935 services or neglected and in foster care, that contains allegations of child abuse over any
936 other case. As used in this subdivision, "child abuse" has the meaning given it in section

937 630.36, subdivision 2.

938

939 **Sec. 21.** Minnesota Statutes 2008, section 260C.151, subdivision 2, is amended to read:

940 Subd. 2. **Notice; child in need of protection or services.** After a petition has
941 been filed alleging a child to be in need of protection or services and unless the persons
942 named in ~~clauses~~ clause (1) to (4) or (2) voluntarily ~~appear or are summoned according~~
943 ~~to subdivision 1~~ appears, the court shall issue a notice to:

944 ~~(1) an adjudicated or presumed father of the child;~~

945 ~~(2) an alleged~~ (1) a putative father of the child, including any putative father who has
946 timely registered with the Minnesota Fathers' Adoption Registry under section 259.52; and

947 ~~(3) a noncustodial mother; and~~

948 ~~(4)~~ (2) a grandparent with the right to participate under section 260C.163,
949 subdivision 2 .

950

951 **Sec. 22.** Minnesota Statutes 2008, section 260C.151, is amended by adding a
952 subdivision to read:

953 Subd. 2a. **Notice; termination of parental rights or permanency proceeding.** (a)

954 After a petition for termination of parental rights or petition for permanent placement of a
955 child away from a parent under section 260C.201, subdivision 11, has been filed, the court
956 shall set a time for the admit or deny hearing as required under the Minnesota Rules of
957 Juvenile Protection Procedure and shall issue a summons requiring the parents of the child
958 to appear before the court at the time and place stated. The court shall issue a notice to:

959 (1) a putative father who has timely registered with the Minnesota Fathers' Adoption
960 Registry and who is entitled to notice of an adoption proceeding under section 259.49,
961 subdivision 1; and

962 (2) a grandparent with the right to participate under section 260C.163, subdivision 2.

963 (b) Neither summons nor notice under this section or section 260C.152 of a
964 termination of parental rights matter or other permanent placement matter under section
965 260C.201, subdivision 11, is required to be given to a putative father who has failed
966 to timely register with the Minnesota Father's Adoption Registry under section 259.52
967 unless that individual also meets the requirements of section 257.55 or, is required to be
968 given notice under section 259.49, subdivision 1. When a putative father is not entitled
969 to notice under this clause and is therefore not given notice, any order terminating his
970 rights does not give rise to a presumption of parental unfitness under section 260C.301,
971 subdivision 1, paragraph (b), clause (4).

972

973 **Sec. 23.** Minnesota Statutes 2008, section 260C.151, subdivision 3, is amended to read:

974 Subd. 3. **Notice of pendency of case.** Notice means written notice as provided in
975 the Minnesota Rules of Juvenile Protection Procedure. The court shall have notice of
976 the pendency of the case and of the time and place of the hearing served upon a parent,
977 guardian, or spouse of the child, who has not been summoned as provided in subdivision 1
978 as required by subdivision 2. For an Indian child, notice of all proceedings must comply
979 with the Indian Child Welfare Act of 1978, United States Code, title 25, section 1901, et

980 seq., and section 260.765.

981

982 **Sec. 24.** Minnesota Statutes 2008, section 260C.163, is amended by adding a
983 subdivision to read:

984 **Subd. 12. Alternative dispute resolution authorized; family group decision**
985 **making, parallel protection process and mediation.** The court may authorize parties
986 and participants in any child in need of protection or services, permanency, or termination
987 of parental rights petition to participate in any appropriate form of alternative dispute
988 resolution including family group decision making, parallel protection process, and
989 mediation when such alternative dispute resolution is in the best interests of the child. The
990 court may order that a child be included in the alternative dispute resolution process, as
991 appropriate and in the best interests of the child. An alternative dispute resolution process,
992 including family group decision making, parallel protection process, and mediation, may
993 be used to resolve part or all of a matter before the court at any point in the proceedings
994 subject to approval by the court that the resolution is in the best interests of the child.

995

996 **Sec. 25.** Minnesota Statutes 2008, section 260C.175, subdivision 1, is amended to read:

997 Subdivision 1. **Immediate custody.** No child may be taken into immediate custody
998 except:

999 (1) with an order issued by the court in accordance with the provisions of section
1000 260C.151, subdivision 6, or Laws 1997, chapter 239, article 10, section 10, paragraph
1001 (a), clause (3), or 12, paragraph (a), clause (3), or by a warrant issued in accordance
1002 with the provisions of section 260C.154;

1003 (2) by a peace officer:

1004 (i) when a child has run away from a parent, guardian, or custodian, or when the
1005 peace officer reasonably believes the child has run away from a parent, guardian, or
1006 custodian, but only for the purpose of transporting the child home, to the home of a
1007 relative, or to another safe place; or

1008 (ii) when a child is found in surroundings or conditions which endanger the child's
1009 health or welfare or which such peace officer reasonably believes will endanger the child's
1010 health or welfare. If an Indian child is a resident of a reservation or is domiciled on a
1011 reservation but temporarily located off the reservation, the taking of the child into custody
1012 under this clause shall be consistent with the Indian Child Welfare Act of 1978, United
1013 States Code, title 25, section 1922;

1014 (3) by a peace officer or probation or parole officer when it is reasonably believed
1015 that the child has violated the terms of probation, parole, or other field supervision; or
1016 (4) by a peace officer or probation officer under section 260C.143, subdivision 1 or 4.

1017

1018 **Sec. 26.** Minnesota Statutes 2008, section 260C.176, subdivision 1, is amended to read:

1019 Subdivision 1. **Notice; release.** If a child is taken into custody as provided in section
1020 260C.175, the parent, guardian, or custodian of the child shall be notified as soon as
1021 possible. Unless there is reason to believe that the child would endanger self or others,
1022 not return for a court hearing, ~~run away from the child's parent, guardian, or custodian or~~

1023 ~~otherwise not remain in the care or control of the person to whose lawful custody the child~~
1024 ~~is released,~~ or that the child's health or welfare would be immediately endangered, the
1025 child shall be released to the custody of a parent, guardian, ~~eustodian,~~ or other suitable
1026 person relative. When a child is taken into custody by a peace officer under section
1027 260C.175, subdivision 1, clause (2), item (ii), release from detention may be authorized
1028 by the detaining officer, the detaining officer's supervisor, ~~or the county attorney,~~ or the
1029 social services agency, provided that the agency has conducted an assessment and with
1030 the family has developed and implemented a safety plan for the child, if needed. If
1031 ~~the social services agency has determined that the child's health or welfare will not be~~
1032 ~~endangered and the provision of appropriate and available services will eliminate the~~
1033 ~~need for placement, the agency shall request authorization for the child's release from~~
1034 ~~detention.~~ The person to whom the child is released shall promise to bring the child to
1035 the court, if necessary, at the time the court may direct. If the person taking the child into
1036 custody believes it desirable, that person may request the parent, guardian, custodian, or
1037 other person designated by the court to sign a written promise to bring the child to court as
1038 provided above. The intentional violation of such a promise, whether given orally or in
1039 writing, shall be punishable as contempt of court.

1040 The court may require the parent, guardian, custodian, or other person to whom the
1041 child is released, to post any reasonable bail or bond required by the court which shall be
1042 forfeited to the court if the child does not appear as directed. The court may also release
1043 the child on the child's own promise to appear in juvenile court.
1044

1045 **Sec. 27.** Minnesota Statutes 2008, section 260C.178, subdivision 1, is amended to read:

1046 Subdivision 1. **Hearing and release requirements.** (a) If a child was taken into
1047 custody under section 260C.175, subdivision 1, clause (1) or (2), item (ii), the court shall
1048 hold a hearing within 72 hours of the time the child was taken into custody, excluding
1049 Saturdays, Sundays, and holidays, to determine whether the child should continue in
1050 custody.

1051 (b) Unless there is reason to believe that the child would endanger self or others,
1052 ~~not return for a court hearing, run away from the child's parent, guardian, or custodian~~
1053 ~~or otherwise not remain in the care or control of the person to whose lawful custody the~~
1054 ~~child is released,~~ or that the child's health or welfare would be immediately endangered,
1055 the child shall be released to the custody of a parent, guardian, custodian, or other
1056 suitable person, subject to reasonable conditions of release including, but not limited to,
1057 a requirement that the child undergo a chemical use assessment as provided in section
1058 260C.157, subdivision 1.

1059 (c) If the court determines there is reason to believe that the child would endanger
1060 self or others; not return for a court hearing; ~~run away from the child's parent, guardian, or~~
1061 ~~eustodian or otherwise not remain in the care or control of the person to whose lawful~~
1062 ~~custody the child is released;~~ or that the child's health or welfare would be immediately
1063 endangered if returned to the care of the parent or guardian who has custody and from
1064 whom the child was removed, the court shall order the child into foster care under the
1065 legal responsibility of the responsible social services agency or responsible probation or

1066 corrections agency for the purposes of protective care as that term is used in the juvenile
1067 court rules or into the home of a noncustodial parent and order the noncustodial parent
1068 to comply with any conditions the court determines to be appropriate to the safety and
1069 care of the child, including cooperating with paternity establishment proceedings in the
1070 case of a man who has not been adjudicated the child's father. The court shall not give
1071 the responsible social services legal custody and order a trial home visit at any time prior
1072 to adjudication and disposition under section 260C.201, subdivision 1, paragraph (a),
1073 clause (3), but may order the child returned to the care of the parent or guardian who
1074 has custody and from whom the child was removed and order the parent or guardian to
1075 comply with any conditions the court determines to be appropriate to meet the safety,
1076 health, and welfare of the child.

1077 (d) In determining whether the child's health or welfare would be immediately
1078 endangered, the court shall consider whether the child would reside with a perpetrator
1079 of domestic child abuse.

1080 (e) The court, before determining whether a child should be placed in or continue
1081 in foster care under the protective care of the responsible agency, shall also make a
1082 determination, consistent with section 260.012 as to whether reasonable efforts were made
1083 to prevent placement or whether reasonable efforts to prevent placement are not required.
1084 In the case of an Indian child, the court shall determine whether active efforts, according
1085 to the Indian Child Welfare Act of 1978, United States Code, title 25, section 1912(d),
1086 were made to prevent placement. The court shall enter a finding that the responsible
1087 social services agency has made reasonable efforts to prevent placement when the agency
1088 establishes either:

1089 (1) that it has actually provided services or made efforts in an attempt to prevent
1090 the child's removal but that such services or efforts have not proven sufficient to permit
1091 the child to safely remain in the home; or

1092 (2) that there are no services or other efforts that could be made at the time of the
1093 hearing that could safely permit the child to remain home or to return home. When
1094 reasonable efforts to prevent placement are required and there are services or other efforts
1095 that could be ordered which would permit the child to safely return home, the court shall
1096 order the child returned to the care of the parent or guardian and the services or efforts put
1097 in place to ensure the child's safety. When the court makes a prima facie determination
1098 that one of the circumstances under paragraph (g) exists, the court shall determine that
1099 reasonable efforts to prevent placement and to return the child to the care of the parent or
1100 guardian are not required.

1101 If the court finds the social services agency's preventive or reunification efforts
1102 have not been reasonable but further preventive or reunification efforts could not permit
1103 the child to safely remain at home, the court may nevertheless authorize or continue
1104 the removal of the child.

1105 (f) The court may not order or continue the foster care placement of the child unless
1106 the court makes explicit, individualized findings that continued custody of the child by
1107 the parent or guardian would be contrary to the welfare of the child and that placement is
1108 in the best interest of the child.

1109 (g) At the emergency removal hearing, or at any time during the course of the
1110 proceeding, and upon notice and request of the county attorney, the court shall determine
1111 whether a petition has been filed stating a prima facie case that:
1112 (1) the parent has subjected a child to egregious harm as defined in section
1113 260C.007, subdivision 14;
1114 (2) the parental rights of the parent to another child have been involuntarily
1115 terminated;
1116 (3) the child is an abandoned infant under section 260C.301, subdivision 2,
1117 paragraph (a), clause (2);
1118 (4) the parents' custodial rights to another child have been involuntarily transferred
1119 to a relative under section 260C.201, subdivision 11, paragraph (e), clause (1), or a similar
1120 law of another jurisdiction; or
1121 (5) the provision of services or further services for the purpose of reunification is
1122 futile and therefore unreasonable.
1123 (h) When a petition to terminate parental rights is required under section 260C.301,
1124 subdivision 3 or 4, but the county attorney has determined not to proceed with a
1125 termination of parental rights petition, and has instead filed a petition to transfer permanent
1126 legal and physical custody to a relative under section 260C.201, subdivision 11, the court
1127 shall schedule a permanency hearing within 30 days of the filing of the petition.
1128 (i) If the county attorney has filed a petition under section 260C.307, the court
1129 shall schedule a trial under section 260C.163 within 90 days of the filing of the petition
1130 except when the county attorney determines that the criminal case shall proceed to trial
1131 first under section 260C.201, subdivision 3.
1132 (j) If the court determines the child should be ordered into foster care and the child's
1133 parent refuses to give information to the responsible social services agency regarding the
1134 child's father or relatives of the child, the court may order the parent to disclose the names,
1135 addresses, telephone numbers, and other identifying information to the responsible social
1136 services agency for the purpose of complying with the requirements of sections 260C.151,
1137 260C.212, and 260C.215.
1138 (k) If a child ordered into foster care has siblings, whether full, half, or step, who
1139 are also ordered into foster care, the court shall inquire of the responsible social services
1140 agency of the efforts to place the children together as required by section 260C.212,
1141 subdivision 2 , paragraph (d), if placement together is in each child's best interests, unless
1142 a child is in placement ~~due solely to the child's own behavior~~ for treatment or a child is
1143 placed with a previously noncustodial parent who is not parent to all siblings. If the
1144 children are not placed together at the time of the hearing, the court shall inquire at each
1145 subsequent hearing of the agency's reasonable efforts to place the siblings together, as
1146 required under section 260.012. If any sibling is not placed with another sibling or
1147 siblings, the agency must develop a plan ~~for~~ to facilitate visitation or ongoing contact
1148 among the siblings as required under section 260C.212, subdivision 1, unless it is contrary
1149 to the safety or well-being of any of the siblings to do so.

1150
1151 **Sec. 28.** Minnesota Statutes 2008, section 260C.178, subdivision 3, is amended to read:

1152 Subd. 3. **Parental visitation.** (a) If a child has been taken into custody under
1153 section 260C.151, subdivision 5, or 260C.175, subdivision 1, clause (2), item (ii), and
1154 the court determines that the child should continue in foster care, the court shall include
1155 in its order ~~reasonable rules for supervised or unsupervised~~ notice that the responsible
1156 social services agency has a duty to develop and implement a plan for parental visitation
1157 of and contact with the child in the foster care facility that promotes the parent and child
1158 relationship unless it the court finds that visitation would endanger the child's physical
1159 or emotional well-being.
1160 (b) Unless the court finds that visitation would endanger the child's physical or
1161 emotional well-being or unless paragraph (c) or (d) apply, the plan for parental visitation
1162 required under section 260C.212, subdivision 1, paragraph (c), clause (5), must be
1163 developed and implemented by the agency and the child's parents as soon as possible after
1164 the court's order for the child to continue in foster care.
1165 (c) When a parent has had no or only limited visitation or contact with the child
1166 prior to the court order for the child to continue in foster care, the court shall not order a
1167 visitation plan developed and implemented until the agency has conducted the assessment
1168 of the parent's ability to provide day-to-day care for the child required under section
1169 260C.212, subdivision 4.
1170 (d) When it is in the best interests of the child, the agency may ask the court to
1171 defer its duty to develop a visitation plan between a putative father and the child until the
1172 paternity status of the child's father is adjudicated or until there is a positive test result
1173 under section 257.62, subdivision 5.
1174 (e) The visitation plan developed under this subdivision is the same visitation plan
1175 required under section 260C.212, subdivision 1, paragraph (c), clause (5).

1176
1177 **Sec. 29.** Minnesota Statutes 2008, section 260C.201, subdivision 1, is amended to read:

1178 Subdivision 1. **Dispositions.** (a) If the court finds that the child is in need of
1179 protection or services or neglected and in foster care, it shall enter an order making any
1180 of the following dispositions of the case:

1181 (1) place the child under the protective supervision of the responsible social services
1182 agency or child-placing agency in the home of a parent of the child under conditions
1183 prescribed by the court directed to the correction of the child's need for protection or
1184 services:

1185 (i) the court may order the child into the home of a parent who does not otherwise
1186 have legal custody of the child, however, an order under this section does not confer
1187 legal custody on that parent;

1188 (ii) if the court orders the child into the home of a father who is not adjudicated,
1189 he must cooperate with paternity establishment proceedings regarding the child in the
1190 appropriate jurisdiction as one of the conditions prescribed by the court for the child to
1191 continue in his home; and

1192 (iii) the court may order the child into the home of a noncustodial parent with
1193 conditions and may also order both the noncustodial and the custodial parent to comply
1194 with the requirements of a case plan under subdivision 2; or

1195 (2) transfer legal custody to one of the following:
1196 (i) a child-placing agency; or
1197 (ii) the responsible social services agency. In making a foster care placement for a
1198 child whose custody has been transferred under this subdivision, the agency shall make an
1199 individualized determination of how the placement is in the child's best interests using the
1200 consideration for relatives and the best interest factors in section 260C.212, subdivision
1201 2, paragraph (b) ; or
1202 (3) order a trial home visit without modifying the transfer of legal custody to the
1203 responsible social services agency under clause (2). Trial home visit means the child is
1204 returned to the care of the parent or guardian from whom the child was removed for a
1205 period not to exceed six months. During the period of the trial home visit, the responsible
1206 social services agency:
1207 (i) shall continue to have legal custody of the child, which means the agency may
1208 see the child in the parent's home, at school, in a child care facility, or other setting as the
1209 agency deems necessary and appropriate;
1210 (ii) shall continue to have the ability to access information under section 260C.208;
1211 (iii) shall continue to provide appropriate services to both the parent and the child
1212 during the period of the trial home visit;
1213 (iv) without previous court order or authorization, may terminate the trial home
1214 visit in order to protect the child's health, safety, or welfare and may remove the child
1215 to foster care;
1216 (v) shall advise the court and parties within three days of the termination of the trial
1217 home visit when a visit is terminated by the responsible social services agency without
1218 a court order; and
1219 (vi) shall prepare a report for the court when the trial home visit is terminated
1220 whether by the agency or court order which describes the child's circumstances during
1221 the trial home visit and recommends appropriate orders, if any, for the court to enter to
1222 provide for the child's safety and stability. In the event a trial home visit is terminated by
1223 the agency by removing the child to foster care without prior court order or authorization,
1224 the court shall conduct a hearing within ten days of receiving notice of the termination
1225 of the trial home visit by the agency and shall order disposition under this subdivision
1226 or conduct a permanency hearing under subdivision 11 or 11a. The time period for the
1227 hearing may be extended by the court for good cause shown and if it is in the best interests
1228 of the child as long as the total time the child spends in foster care without a permanency
1229 hearing does not exceed 12 months;
1230 (4) if the child has been adjudicated as a child in need of protection or services
1231 because the child is in need of special services or care to treat or ameliorate a physical or
1232 mental disability or emotional disturbance as defined in section 245.4871, subdivision
1233 15 , the court may order the child's parent, guardian, or custodian to provide it. The court
1234 may order the child's health plan company to provide mental health services to the child.
1235 Section 62Q.535 applies to an order for mental health services directed to the child's health
1236 plan company. If the health plan, parent, guardian, or custodian fails or is unable to provide
1237 this treatment or care, the court may order it provided. Absent specific written findings by

1238 the court that the child's disability is the result of abuse or neglect by the child's parent or
1239 guardian, the court shall not transfer legal custody of the child for the purpose of obtaining
1240 special treatment or care solely because the parent is unable to provide the treatment or
1241 care. If the court's order for mental health treatment is based on a diagnosis made by a
1242 treatment professional, the court may order that the diagnosing professional not provide
1243 the treatment to the child if it finds that such an order is in the child's best interests; or
1244 (5) if the court believes that the child has sufficient maturity and judgment and that it
1245 is in the best interests of the child, the court may order a child 16 years old or older to be
1246 allowed to live independently, either alone or with others as approved by the court under
1247 supervision the court considers appropriate, if the county board, after consultation with the
1248 court, has specifically authorized this dispositional alternative for a child.

1249 (b) If the child was adjudicated in need of protection or services because the child
1250 is a runaway or habitual truant, the court may order any of the following dispositions in
1251 addition to or as alternatives to the dispositions authorized under paragraph (a):

1252 (1) counsel the child or the child's parents, guardian, or custodian;
1253 (2) place the child under the supervision of a probation officer or other suitable
1254 person in the child's own home under conditions prescribed by the court, including
1255 reasonable rules for the child's conduct and the conduct of the parents, guardian, or
1256 custodian, designed for the physical, mental, and moral well-being and behavior of the
1257 child; ~~or with the consent of the commissioner of corrections, place the child in a group~~
1258 ~~foster care facility which is under the commissioner's management and supervision;~~
1259 (3) subject to the court's supervision, transfer legal custody of the child to one of
1260 the following:

1261 (i) a reputable person of good moral character. No person may receive custody of
1262 two or more unrelated children unless licensed to operate a residential program under
1263 sections 245A.01 to 245A.16; or
1264 (ii) a county probation officer for placement in a group foster home established
1265 under the direction of the juvenile court and licensed pursuant to section 241.021;

1266 (4) require the child to pay a fine of up to \$100. The court shall order payment of the
1267 fine in a manner that will not impose undue financial hardship upon the child;
1268 (5) require the child to participate in a community service project;
1269 (6) order the child to undergo a chemical dependency evaluation and, if warranted
1270 by the evaluation, order participation by the child in a drug awareness program or an
1271 inpatient or outpatient chemical dependency treatment program;
1272 (7) if the court believes that it is in the best interests of the child or of public safety
1273 that the child's driver's license or instruction permit be canceled, the court may order the
1274 commissioner of public safety to cancel the child's license or permit for any period up to
1275 the child's 18th birthday. If the child does not have a driver's license or permit, the court
1276 may order a denial of driving privileges for any period up to the child's 18th birthday. The
1277 court shall forward an order issued under this clause to the commissioner, who shall cancel
1278 the license or permit or deny driving privileges without a hearing for the period specified
1279 by the court. At any time before the expiration of the period of cancellation or denial, the
1280 court may, for good cause, order the commissioner of public safety to allow the child to

1281 apply for a license or permit, and the commissioner shall so authorize;
1282 (8) order that the child's parent or legal guardian deliver the child to school at the
1283 beginning of each school day for a period of time specified by the court; or
1284 (9) require the child to perform any other activities or participate in any other
1285 treatment programs deemed appropriate by the court.
1286 To the extent practicable, the court shall enter a disposition order the same day it
1287 makes a finding that a child is in need of protection or services or neglected and in foster
1288 care, but in no event more than 15 days after the finding unless the court finds that the best
1289 interests of the child will be served by granting a delay. If the child was under eight years
1290 of age at the time the petition was filed, the disposition order must be entered within ten
1291 days of the finding and the court may not grant a delay unless good cause is shown and the
1292 court finds the best interests of the child will be served by the delay.
1293 (c) If a child who is 14 years of age or older is adjudicated in need of protection
1294 or services because the child is a habitual truant and truancy procedures involving the
1295 child were previously dealt with by a school attendance review board or county attorney
1296 mediation program under section 260A.06 or 260A.07, the court shall order a cancellation
1297 or denial of driving privileges under paragraph (b), clause (7), for any period up to the
1298 child's 18th birthday.
1299 (d) In the case of a child adjudicated in need of protection or services because the
1300 child has committed domestic abuse and been ordered excluded from the child's parent's
1301 home, the court shall dismiss jurisdiction if the court, at any time, finds the parent is able
1302 or willing to provide an alternative safe living arrangement for the child, as defined in
1303 Laws 1997, chapter 239, article 10, section 2.
1304 (e) When a parent has complied with a case plan ordered under subdivision 6 and the
1305 child is in the care of the parent, the court may order the responsible social services agency
1306 to monitor the parent's continued ability to maintain the child safely in the home under
1307 such terms and conditions as the court determines appropriate under the circumstances.
1308

1309 **Sec. 30.** Minnesota Statutes 2008, section 260C.201, subdivision 5, is amended to read:

1310 Subd. 5. **Visitation.** If the court orders that the child be placed outside of the child's
1311 home or present residence into foster care, it shall set reasonable rules for the court shall
1312 review and either modify or approve the agency's plan for supervised or unsupervised
1313 parental visitation that contribute contributes to the objectives of the court order and
1314 court-ordered case plan, the maintenance of the familial relationship, and that meets the
1315 requirements of section 260C.212, subdivision 1, paragraph (c), clause (5). No parent may
1316 be denied visitation unless the court finds at the disposition hearing that the visitation
1317 would act to prevent the achievement of the order's objectives or that it would endanger
1318 the child's physical or emotional well-being, is not in the child's best interests, or is not
1319 required under section 260C.178, subdivision 3, paragraph (c) or (d). The court shall
1320 set reasonable rules review and either modify or approve the agency plan for visitation
1321 for any relatives as defined in section 260C.007, subdivision 27, and with siblings of the
1322 child, if visitation is consistent with the best interests of the child.
1323

1324 **Sec. 31.** Minnesota Statutes 2008, section 260C.212, subdivision 1, is amended to read:

1325 Subdivision 1. **Out-of-home placement; plan.** (a) An out-of-home placement plan
1326 shall be prepared within 30 days after any child is placed in foster care by court order or a
1327 voluntary placement agreement between the responsible social services agency and the
1328 child's parent pursuant to subdivision 8 or chapter 260D.

1329 (b) An out-of-home placement plan means a written document which is prepared
1330 by the responsible social services agency jointly with the parent or parents or guardian
1331 of the child and in consultation with the child's guardian ad litem, the child's tribe, if the
1332 child is an Indian child, the child's foster parent or representative of the residential facility,
1333 and, where appropriate, the child. For a child in voluntary foster care for treatment under
1334 chapter 260D, preparation of the out-of-home placement plan shall additionally include
1335 the child's mental health treatment provider. As appropriate, the plan shall be:

1336 (1) submitted to the court for approval under section 260C.178, subdivision 7;

1337 (2) ordered by the court, either as presented or modified after hearing, under section
1338 260C.178, subdivision 7, or 260C.201, subdivision 6; and

1339 (3) signed by the parent or parents or guardian of the child, the child's guardian ad
1340 litem, a representative of the child's tribe, the responsible social services agency, and, if
1341 possible, the child.

1342 (c) The out-of-home placement plan shall be explained to all persons involved in its
1343 implementation, including the child who has signed the plan, and shall set forth:

1344 (1) a description of the residential facility including how the out-of-home placement
1345 plan is designed to achieve a safe placement for the child in the least restrictive, most
1346 family-like, setting available which is in close proximity to the home of the parent or
1347 parents or guardian of the child when the case plan goal is reunification, and how the
1348 placement is consistent with the best interests and special needs of the child according to
1349 the factors under subdivision 2, paragraph (b);

1350 (2) the specific reasons for the placement of the child in a residential facility, and
1351 when reunification is the plan, a description of the problems or conditions in the home of
1352 the parent or parents which necessitated removal of the child from home and the changes
1353 the parent or parents must make in order for the child to safely return home;

1354 (3) a description of the services offered and provided to prevent removal of the child
1355 from the home and to reunify the family including:

1356 (i) the specific actions to be taken by the parent or parents of the child to eliminate
1357 or correct the problems or conditions identified in clause (2), and the time period during
1358 which the actions are to be taken; and

1359 (ii) the reasonable efforts, or in the case of an Indian child, active efforts to be made
1360 to achieve a safe and stable home for the child including social and other supportive
1361 services to be provided or offered to the parent or parents or guardian of the child, the
1362 child, and the residential facility during the period the child is in the residential facility;

1363 (4) a description of any services or resources that were requested by the child or the
1364 child's parent, guardian, foster parent, or custodian since the date of the child's placement
1365 in the residential facility, and whether those services or resources were provided and if
1366 not, the basis for the denial of the services or resources;

1367 (5) the visitation plan for the parent or parents or guardian, other relatives as defined
1368 in section 260C.007, subdivision 27, and siblings of the child if the siblings are not placed
1369 together in foster care, and whether visitation is consistent with the best interest of the
1370 child, during the period the child is in foster care;

1371 (6) documentation of steps to finalize the adoption or legal guardianship of the child
1372 if the court has issued an order terminating the rights of both parents of the child or of the
1373 only known, living parent of the child. At a minimum, the documentation must include
1374 child-specific recruitment efforts such as relative search and the use of state, regional, and
1375 national adoption exchanges to facilitate orderly and timely placements in and outside
1376 of the state. A copy of this documentation shall be provided to the court in the review
1377 required under section 260C.317, subdivision 3, paragraph (b);

1378 (7) efforts to ensure the child's educational stability while in foster care, including:
1379 (i) efforts to ensure that the child in placement remains in the same school in
1380 which the child was enrolled prior to placement, including efforts to work with the local
1381 education authorities to ensure the child's educational stability; or
1382 (ii) if it is not in the child's best interest to remain in the same school that the child
1383 was enrolled in prior to placement, efforts to ensure immediate and appropriate enrollment
1384 for the child in a new school;

1385 (8) the health and educational records of the child including the most recent
1386 information available regarding:

1387 (i) the names and addresses of the child's health and educational providers;

1388 (ii) the child's grade level performance;

1389 (iii) the child's school record;

1390 (iv) assurances that a statement about how the child's placement in foster care
1391 takes into account proximity to the school in which the child is enrolled at the time
1392 of placement; and

1393 (v) a record of the child's immunizations;

1394 (vi) the child's known medical problems, including any known communicable
1395 diseases, as defined in section 144.4172, subdivision 2;

1396 (vii) the child's medications; and

1397 (viii) any other relevant health and education information;

1398 (v) any other relevant educational information;

1399 (8) (9) the efforts by the local agency to ensure the oversight and continuity of health
1400 care services for the foster child, including:

1401 (i) the plan to schedule the child's initial health screens;

1402 (ii) how the child's known medical problems and identified needs from the screens,
1403 including any known communicable diseases, as defined in section 144.4172, subdivision
1404 2, will be monitored and treated while the child is in foster care;

1405 (iii) how the child's medical information will be updated and shared, including
1406 the child's immunizations;

1407 (iv) who is responsible to coordinate and respond to the child's health care needs,
1408 including the role of the parent, the agency, and the foster parent;

1409 (v) who is responsible for oversight of the child's prescription medications;

1410 (vi) how physicians or other appropriate medical and nonmedical professionals
1411 will be consulted and involved in assessing the health and well-being of the child and
1412 determine the appropriate medical treatment for the child; and
1413 (vii) the responsibility to ensure that the child has access to medical care through
1414 either medical insurance or medical assistance;
1415 (10) the health records of the child including information available regarding:
1416 (i) the name and addresses of the child's health care and dental care providers;
1417 (ii) a record of the child's immunizations;
1418 (iii) the child's known medical problems, including any known communicable
1419 diseases as defined in section 144.4172, subdivision 2;
1420 (iv) the child's medications; and
1421 (v) any other relevant health care information such as the child's eligibility for
1422 medical insurance or medical assistance;
1423 (11) an independent living plan for a child age 16 or older who is in placement as
1424 a result of a permanency disposition. The plan should include, but not be limited to,
1425 the following objectives:
1426 (i) educational, vocational, or employment planning;
1427 (ii) health care planning and medical coverage;
1428 (iii) transportation including, where appropriate, assisting the child in obtaining a
1429 driver's license;
1430 (iv) money management;
1431 (v) planning for housing;
1432 (vi) social and recreational skills; and
1433 (vii) establishing and maintaining connections with the child's family and
1434 community; and
1435 (9) (12) for a child in voluntary foster care for treatment under chapter 260D,
1436 diagnostic and assessment information, specific services relating to meeting the mental
1437 health care needs of the child, and treatment outcomes.
1438 (d) The parent or parents or guardian and the child each shall have the right to legal
1439 counsel in the preparation of the case plan and shall be informed of the right at the time
1440 of placement of the child. The child shall also have the right to a guardian ad litem.
1441 If unable to employ counsel from their own resources, the court shall appoint counsel
1442 upon the request of the parent or parents or the child or the child's legal guardian. The
1443 parent or parents may also receive assistance from any person or social services agency
1444 in preparation of the case plan.
1445 After the plan has been agreed upon by the parties involved or approved or ordered
1446 by the court, the foster parents shall be fully informed of the provisions of the case plan
1447 and shall be provided a copy of the plan.
1448 Upon discharge from foster care, the parent, adoptive parent, or permanent legal and
1449 physical custodian, as appropriate, and the child, if appropriate, must be provided with
1450 a current copy of the child's health and education record.
1451
1452 **Sec. 32.** Minnesota Statutes 2008, section 260C.212, subdivision 2, is amended to read:

1453 Subd. 2. **Placement decisions based on best interest of the child.** (a) The policy
1454 of the state of Minnesota is to ensure that the child's best interests are met by requiring an
1455 individualized determination of the needs of the child and of how the selected placement
1456 will serve the needs of the child being placed. The authorized child-placing agency shall
1457 place a child, released by court order or by voluntary release by the parent or parents, in
1458 a family foster home selected by considering placement with relatives and important
1459 friends in the following order:

1460 (1) with an individual who is related to the child by blood, marriage, or adoption; or
1461 (2) with an individual who is an important friend with whom the child has resided or
1462 had significant contact.

1463 (b) Among the factors the agency shall consider in determining the needs of the
1464 child are the following:

1465 (1) the child's current functioning and behaviors;
1466 (2) the medical, educational, and developmental needs of the child;
1467 (3) the child's history and past experience;
1468 (4) the child's religious and cultural needs;
1469 (5) the child's connection with a community, school, and ~~church~~ faith community;
1470 (6) the child's interests and talents;
1471 (7) the child's relationship to current caretakers, parents, siblings, and relatives; and
1472 (8) the reasonable preference of the child, if the court, or the child-placing agency
1473 in the case of a voluntary placement, deems the child to be of sufficient age to express
1474 preferences.

1475 (c) Placement of a child cannot be delayed or denied based on race, color, or national
1476 origin of the foster parent or the child.

1477 (d) Siblings should be placed together for foster care and adoption at the earliest
1478 possible time unless it is ~~determined not to be in the best interests of a sibling~~ documented
1479 that a joint placement would be contrary to the safety or well-being of any of the siblings
1480 or unless it is not possible after ~~appropriate~~ reasonable efforts by the responsible social
1481 services agency. In cases where siblings cannot be placed together, the agency is required
1482 to provide frequent visitation or other ongoing interaction between siblings unless the
1483 agency documents that the interaction would be contrary to the safety or well-being of
1484 any of the siblings.

1485 (e) Except for emergency placement as provided for in section 245A.035, a
1486 completed background study is required under section 245C.08 before the approval of a
1487 foster placement in a related or unrelated home.

1488
1489 **Sec. 33.** Minnesota Statutes 2008, section 260C.212, subdivision 4a, is amended to
1490 read:

1491 Subd. 4a. **Monthly caseworker visits.** (a) Every child in foster care or on a trial
1492 home visit shall be visited by the child's caseworker on a monthly basis, with the majority
1493 of visits occurring in the child's residence. For the purposes of this section, the following
1494 definitions apply:

1495 (1) "visit" is defined as a face-to-face contact between a child and the child's

1496 caseworker;

1497 (2) "visited on a monthly basis" is defined as at least one visit per calendar month;

1498 (3) "the child's caseworker" is defined as the person who has responsibility for
1499 managing the child's foster care placement case as assigned by the responsible social
1500 service agency; and

1501 (4) "the child's residence" is defined as the home where the child is residing, and
1502 can include the foster home, child care institution, or the home from which the child was
1503 removed if the child is on a trial home visit.

1504 (b) Caseworker visits shall be of sufficient substance and duration to address issues
1505 pertinent to case planning and service delivery to ensure the safety, permanency, and
1506 well-being of the child, including whether the child is enrolled and attending school
1507 as required by law.

1508

1509 **Sec. 34.** Minnesota Statutes 2008, section 260C.212, subdivision 5, is amended to read:

1510 Subd. 5. **Relative search.** (a) ~~In implementing the requirement that the responsible~~
1511 ~~social services agency must~~ The responsible social services agency shall exercise due
1512 diligence to identify and notify adult relatives prior to placement or within 30 days after
1513 the child's removal from the parent. The county agency shall consider placement with a
1514 relative under subdivision 2 without delay after identifying the need for placement of the
1515 child in foster care, the responsible social services agency shall identify relatives of the
1516 child and notify them of the need for a foster care home for the child and of the possibility
1517 of the need for a permanent out-of-home placement of the child. The relative search
1518 required by this section shall be reasonable and comprehensive in scope and may last up
1519 to six months or until a fit and willing relative is identified. The relative search required by
1520 this section shall include both maternal relatives of the child and paternal relatives of the
1521 child, if paternity is adjudicated. The relatives must be notified ~~that they must:~~

1522 (1) of the need for a foster home for the child, the option to become a placement
1523 resource for the child, and the possibility of the need for a permanent placement for the
1524 child;

1525 (2) of their responsibility to keep the responsible social services agency informed of
1526 their current address in order to receive notice in the event that a permanent placement
1527 is being sought for the child. A relative who fails to provide a current address to the
1528 responsible social services agency forfeits the right to notice of the possibility of
1529 permanent placement. A decision by a relative not to be a placement resource at the
1530 beginning of the case shall not affect whether the relative is considered for placement of
1531 the child with that relative later.;

1532 (3) that the relative may participate in the care and planning for the child, including
1533 that the opportunity for such participation may be lost by failing to respond to the notice;
1534 and

1535 (4) of the family foster care licensing requirements, including how to complete an
1536 application and how to request a variance from licensing standards that do not present a
1537 safety or health risk to the child in the home under section 245A.04 and supports that are
1538 available for relatives and children who reside in a family foster home.

1539 (b) A responsible social services agency may disclose private or confidential data,
1540 as defined in section 13.02, to relatives of the child for the purpose of locating a suitable
1541 placement. The agency shall disclose only data that is necessary to facilitate possible
1542 placement with relatives. If the child's parent refuses to give the responsible social
1543 services agency information sufficient to identify the maternal and paternal relatives of the
1544 child, the agency shall ask the juvenile court to order the parent to provide the necessary
1545 information. If a parent makes an explicit request that relatives or a specific relative not be
1546 contacted or considered for placement, the agency shall bring the parent's request to the
1547 attention of the court to determine whether the parent's request is consistent with the best
1548 interests of the child and the agency shall not contact relatives or a specific relative unless
1549 authorized to do so by the juvenile court.

1550 (c) When the placing agency determines that a permanent placement hearing is
1551 necessary because there is a likelihood that the child will not return to a parent's care, the
1552 agency may send the notice provided in paragraph (d), may ask the court to modify the
1553 requirements of the agency under this paragraph, or may ask the court to completely
1554 relieve the agency of the requirements of this paragraph. The relative notification
1555 requirements of this paragraph do not apply when the child is placed with an appropriate
1556 relative or a foster home that has committed to being the permanent legal placement for
1557 the child and the agency approves of that foster home for permanent placement of the
1558 child. The actions ordered by the court under this section must be consistent with the best
1559 interests, safety, and welfare of the child.

1560 (d) Unless required under the Indian Child Welfare Act or relieved of this duty by the
1561 court under paragraph (c), when the agency determines that it is necessary to prepare for
1562 the permanent placement determination hearing, or in anticipation of filing a termination
1563 of parental rights petition, the agency shall send notice to the relatives, any adult with
1564 whom the child is currently residing, any adult with whom the child has resided for one
1565 year or longer in the past, and any adults who have maintained a relationship or exercised
1566 visitation with the child as identified in the agency case plan. The notice must state that a
1567 permanent home is sought for the child and that the individuals receiving the notice may
1568 indicate to the agency their interest in providing a permanent home. The notice must state
1569 that within 30 days of receipt of the notice an individual receiving the notice must indicate
1570 to the agency the individual's interest in providing a permanent home for the child or that
1571 the individual may lose the opportunity to be considered for a permanent placement.

1572 (e) The Department of Human Services shall develop a best practices guide and
1573 specialized staff training to assist the responsible social services agency in performing and
1574 complying with the relative search requirements under this subdivision.
1575

1576 **Sec. 35.** Minnesota Statutes 2008, section 260C.212, subdivision 7, is amended to read:

1577 Subd. 7. **Administrative or court review of placements.** (a) There shall be an
1578 administrative review of the out-of-home placement plan of each child placed in foster
1579 care no later than 180 days after the initial placement of the child in foster care and at least
1580 every six months thereafter if the child is not returned to the home of the parent or parents
1581 within that time. The out-of-home placement plan must be monitored and updated at each

1582 administrative review. The administrative review shall be conducted by the responsible
1583 social services agency using a panel of appropriate persons at least one of whom is not
1584 responsible for the case management of, or the delivery of services to, either the child or
1585 the parents who are the subject of the review. The administrative review shall be open to
1586 participation by the parent or guardian of the child and the child, as appropriate.

1587 (b) As an alternative to the administrative review required in paragraph (a), the court
1588 may, as part of any hearing required under the Minnesota Rules of Juvenile Protection
1589 Procedure, conduct a hearing to monitor and update the out-of-home placement plan
1590 pursuant to the procedure and standard in section 260C.201, subdivision 6, paragraph (d).
1591 The party requesting review of the out-of-home placement plan shall give parties to the
1592 proceeding notice of the request to review and update the out-of-home placement plan.
1593 A court review conducted pursuant to section 260C.193; 260C.201, subdivision 1 or 11;
1594 260C.141, subdivision 2 or 2a, clause (2); or 260C.317 shall satisfy the requirement for
1595 the review so long as the other requirements of this section are met.

1596 (c) As appropriate to the stage of the proceedings and relevant court orders, the
1597 responsible social services agency or the court shall review:

1598 (1) the safety, permanency needs, and well-being of the child;

1599 (2) the continuing necessity for and appropriateness of the placement;

1600 (3) the extent of compliance with the out-of-home placement plan;

1601 (4) the extent of progress which has been made toward alleviating or mitigating the
1602 causes necessitating placement in foster care;

1603 (5) the projected date by which the child may be returned to and safely maintained in
1604 the home or placed permanently away from the care of the parent or parents or guardian;
1605 and

1606 (6) the appropriateness of the services provided to the child.

1607 (d) When a child is age 16 or older, in addition to any administrative review
1608 conducted by the agency, at the review required under section 260C.201, subdivision 11,
1609 paragraph (d), clause (3), item (iii); or 260C.317, subdivision 3, clause (3), the court shall
1610 review the independent living plan required under subdivision 1, paragraph (c), clause
1611 (8), and the provision of services to the child related to the well-being of the child as the
1612 child prepares to leave foster care. The review shall include the actual plans related to
1613 each item in the plan necessary to the child's future safety and well-being when the child is
1614 no longer in foster care.

1615 (1) At the court review, the responsible social services agency shall establish that it
1616 has given the notice required under Minnesota Rules, part 9560.0060, regarding the right
1617 to continued access to services for certain children in foster care past age 18 and of the
1618 right to appeal a denial of social services under section 256.245. If the agency is unable
1619 to establish that the notice, including the right to appeal a denial of social services, has
1620 been given, the court shall require the agency to give it.

1621 (2) The court shall make findings regarding progress toward or accomplishment of
1622 the following goals:

1623 (i) the child has obtained a high school diploma or its equivalent;

1624 (ii) the child has completed a driver's education course or has demonstrated the

1625 ability to use public transportation in the child's community;
1626 (iii) the child is employed or enrolled in postsecondary education;
1627 (iv) the child has applied for and obtained postsecondary education financial aid for
1628 which the child is eligible;
1629 (v) the child has health care coverage and health care providers to meet the child's
1630 physical and mental health needs;
1631 (vi) the child has applied for and obtained disability income assistance for which
1632 the child is eligible;
1633 (vii) the child has obtained affordable housing with necessary supports, which does
1634 not include a homeless shelter;
1635 (viii) the child has saved sufficient funds to pay for the first month's rent and a
1636 damage deposit;
1637 (ix) the child has an alternative affordable housing plan, which does not include a
1638 homeless shelter, if the original housing plan is unworkable;
1639 (x) the child, if male, has registered for the Selective Service; and
1640 (xi) the child has a permanent connection to a caring adult.
1641 (3) The court shall ensure that the responsible agency in conjunction with the
1642 placement provider assists the child in obtaining the following documents prior to the
1643 child's leaving foster care: a Social Security card; the child's birth certificate; a state
1644 identification card or driver's license, green card, or school visa; the child's school,
1645 medical, and dental records; a contact list of the child's medical, dental, and mental health
1646 providers; and contact information for the child's siblings, if the siblings are in foster care.
1647 (e) When a child is age 17 or older, during the 90-day period immediately prior to
1648 the date the child is expected to be discharged from foster care, the responsible social
1649 services agency is required to provide the child with assistance and support in developing
1650 a transition plan that is personalized at the direction of the child. The transition plan
1651 must be as detailed as the child may elect and include specific options on housing, health
1652 insurance, education, local opportunities for mentors and continuing support services, and
1653 work force supports and employment services.
1654

1655 **Sec. 36.** Minnesota Statutes 2008, section 260D.02, subdivision 5, is amended to read:

1656 Subd. 5. **Child in voluntary foster care for treatment.** "Child in voluntary foster
1657 care for treatment" means a child who is emotionally disturbed or developmentally
1658 disabled or has a related condition and is in foster care under a voluntary foster care
1659 agreement between the child's parent and the agency due to concurrence between the
1660 agency and the parent ~~that the child's level of care requires placement in foster care either~~
1661 when it is determined that foster care is medically necessary:

1662 (1) due to a determination by the agency's screening team based on its review of the
1663 diagnostic and functional assessment under section 245.4885; or

1664 (2) due to a determination by the agency's screening team under section 256B.092
1665 and Minnesota Rules, parts 9525.0004 to 9525.0016.

1666 A child is not in voluntary foster care for treatment under this chapter when there
1667 is a current determination under section 626.556 that the child requires child protective

1668 services or when the child is in foster care for any reason other than the child's emotional
1669 or developmental disability or related condition.

1670

1671 **Sec. 37.** Minnesota Statutes 2008, section 260D.03, subdivision 1, is amended to read:

1672 Subdivision 1. **Voluntary foster care.** When the agency's screening team, based
1673 upon the diagnostic and functional assessment under section 245.4885 or medical
1674 necessity screenings under section 256B.092, subdivision 7, determines the child's
1675 need for treatment due to emotional disturbance or developmental disability or related
1676 condition requires foster care placement of the child, a voluntary foster care agreement
1677 between the child's parent and the agency gives the agency legal authority to place the
1678 child in foster care.

1679

1680 **Sec. 38.** Minnesota Statutes 2008, section 484.76, subdivision 2, is amended to read:

1681 Subd. 2. **Scope.** Alternative dispute resolution methods provided for under the rules
1682 must include arbitration, private trials, neutral expert fact-finding, mediation, minitrials,
1683 consensual special magistrates including retired judges and qualified attorneys to serve
1684 as special magistrates for binding proceedings with a right of appeal, and any other
1685 methods developed by the Supreme Court. The methods provided must be nonbinding
1686 unless otherwise agreed to in a valid agreement between the parties. Alternative dispute
1687 resolution may not be required in guardianship, conservatorship, or civil commitment
1688 matters; ~~proceedings in the juvenile court under chapter 260~~; or in matters arising under
1689 section 144.651, 144.652, 518B.01, or 626.557.

1690

1691 **Sec. 39. REPEALER.**

1692 Minnesota Rules, parts 9560.0081; 9560.0083, subparts 1, 5, and 6; and 9560.0091,
1693 subpart 4, item C, are repealed.

1694