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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. 3012

February 14, 2008

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The bill was read for the first time and referred to the Committee on Health and Human Services

1.1 A bill for an act
1.2 relating to children; changing certain placement provisions for children in foster
1.3 or residential care; amending Minnesota Statutes 2006, section 260C.193,
1.4 subdivision 3.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2006, section 260C.193, subdivision 3, is amended to
1.7 read:

1.8 Subd. 3. **Best interest of the child in foster care or residential care.** (a) The
1.9 policy of the state is to ensure that the best interests of children in foster or residential care
1.10 are met by requiring individualized determinations under section 260C.212, subdivision 2,
1.11 paragraph (b), of the needs of the child and of how the selected placement will serve the
1.12 needs of the child in foster care placements.

1.13 (b) The court shall review whether the responsible social services agency made
1.14 efforts as required under section 260C.212, subdivision 5, and made an individualized
1.15 determination as required under section 260C.212, subdivision 2. If the court finds the
1.16 agency has not made efforts as required under section 260C.212, subdivision 5, and there is
1.17 a relative who qualifies to be licensed to provide family foster care under chapter 245A, the
1.18 court may order the child placed with the relative consistent with the child's best interests.

1.19 ~~(c) If the child's birth parent or parents explicitly request that a relative or important~~
1.20 ~~friend not be considered, the court shall honor that request if it is consistent with the best~~
1.21 ~~interests of the child.~~ If the child's birth parent or parents express a preference for placing
1.22 the child in a foster or adoptive home of the same or a similar religious background to
1.23 that of the birth parent or parents, the court shall order placement of the child with an
1.24 individual who meets the birth parent's religious preference.

2.1 (d) Placement of a child cannot be delayed or denied based on race, color, or national
2.2 origin of the foster parent or the child.

2.3 (e) Whenever possible, siblings should be placed together unless it is determined
2.4 not to be in the best interests of a sibling. If siblings are not placed together according to
2.5 section 260C.212, subdivision 2, paragraph (d), the responsible social services agency
2.6 shall report to the court the efforts made to place the siblings together and why the
2.7 efforts were not successful. If the court is not satisfied with the agency's efforts to place
2.8 siblings together, the court may order the agency to make further efforts. If siblings are
2.9 not placed together the court shall review the responsible social services agency's plan
2.10 for visitation among siblings required as part of the out-of-home placement plan under
2.11 section 260C.212.

2.12 (f) This subdivision does not affect the Indian Child Welfare Act, United States
2.13 Code, title 25, sections 1901 to 1923, and the Minnesota Indian Family Preservation
2.14 Act, sections 260.751 to 260.835.