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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH SESSION

HOUSE FILE No. 1709

March 16, 2009

Authored by Hosch

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

March 25, 2009

Committee Recommendation and Adoption of Report:

To Pass and re-referred to the Committee on Civil Justice

March 30, 2009

Committee Recommendation and Adoption of Report:

To Pass

Read Second Time

1.1 A bill for an act
1.2 relating to human services; changing child welfare provisions; amending
1.3 Minnesota Statutes 2008, sections 13.46, subdivision 2; 256.01, subdivision
1.4 14b; 259.52, subdivisions 2, 6; 260.012; 260.93; 260B.007, subdivision 7;
1.5 260B.157, subdivision 3; 260B.198, subdivision 1; 260C.007, subdivisions 18,
1.6 25; 260C.151, subdivisions 1, 2, 3, by adding a subdivision; 260C.163, by adding
1.7 a subdivision; 260C.175, subdivision 1; 260C.176, subdivision 1; 260C.178,
1.8 subdivisions 1, 3; 260C.201, subdivisions 1, 3, 5, 11; 260C.209, subdivision
1.9 3; 260C.212, subdivisions 1, 2, 4, 4a, 5, 7; 260D.02, subdivision 5; 260D.03,
1.10 subdivision 1; 260D.07; 484.76, subdivision 2; Laws 2008, chapter 361, article 6,
1.11 section 58; proposing coding for new law in Minnesota Statutes, chapter 260C;
1.12 repealing Minnesota Statutes 2008, section 260C.209, subdivision 4.

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

1.14 ARTICLE 1
1.15 CHILD WELFARE TECHNICAL

1.16 Section 1. Minnesota Statutes 2008, section 260.93, is amended to read:

1.17 260.93 INTERSTATE COMPACT FOR THE PLACEMENT OF CHILDREN.

1.18 ARTICLE I. PURPOSE

1.19 The purpose of this Interstate Compact for the Placement of Children is to:

1.20 A. Provide a process through which children subject to this compact are placed in
1.21 safe and suitable homes in a timely manner.

1.22 B. Facilitate ongoing supervision of a placement, the delivery of services, and
1.23 communication between the states.

1.24 C. Provide operating procedures that will ensure that children are placed in safe and
1.25 suitable homes in a timely manner.

2.1 D. Provide for the promulgation and enforcement of administrative rules
2.2 implementing the provisions of this compact and regulating the covered activities of
2.3 the member states.

2.4 E. Provide for uniform data collection and information sharing between member
2.5 states under this compact.

2.6 F. Promote coordination between this compact, the Interstate Compact for Juveniles,
2.7 the Interstate Compact on Adoption and Medical Assistance, and other compacts affecting
2.8 the placement of and which provide services to children otherwise subject to this compact.

2.9 G. Provide for a state's continuing legal jurisdiction and responsibility for placement
2.10 and care of a child that it would have had if the placement were intrastate.

2.11 H. Provide for the promulgation of guidelines, in collaboration with Indian tribes,
2.12 for interstate cases involving Indian children as is or may be permitted by federal law.

2.13 ARTICLE II. DEFINITIONS

2.14 As used in this compact,

2.15 A. "Approved placement" means the public child-placing agency in the receiving
2.16 state has determined that the placement is both safe and suitable for the child.

2.17 B. "Assessment" means an evaluation of a prospective placement by a public
2.18 child-placing agency to determine whether the placement meets the individualized needs
2.19 of the child, including but not limited to the child's safety and stability, health and
2.20 well-being, and mental, emotional, and physical development. An assessment is only
2.21 applicable to a placement by a public child-placing agency.

2.22 C. "Child" means an individual who has not attained the age of eighteen (18).

2.23 D. "Certification" means ~~to attest, declare, or be sworn to~~ attesting, declaring, or
2.24 swearing before a judge or notary public.

2.25 E. "Default" means the failure of a member state to perform the obligations or
2.26 responsibilities imposed upon it by this compact, the bylaws or rules of the Interstate
2.27 Commission.

2.28 F. "Home study" means an evaluation of a home environment conducted according
2.29 to the applicable requirements of the state in which the home is located, and documents
2.30 the preparation and the suitability of the placement resource for placement of a child
2.31 according to the laws and requirements of the state in which the home is located.

2.32 G. "Indian tribe" means any Indian tribe, band, nation, or other organized group
2.33 or community of Indians recognized as eligible for services provided to Indians by the
2.34 Secretary of the Interior because of their status as Indians, including any Alaskan native
2.35 village as defined in section 3(c) of the Alaska Native Claims Settlement Act at United
2.36 States Code, title 43, chapter 33, section 1602(c).

3.1 H. "Interstate Commission for the Placement of Children" means the commission
3.2 that is created under Article VIII of this compact and which is generally referred to as the
3.3 Interstate Commission.

3.4 I. "Jurisdiction" means the power and authority of a court to hear and decide matters.

3.5 J. "Legal risk placement" ("Legal risk adoption") means a placement made
3.6 preliminary to an adoption where the prospective adoptive parents acknowledge in writing
3.7 that a child can be ordered returned to the sending state or the birth mother's state of
3.8 residence, if different from the sending state and a final decree of adoption shall not be
3.9 entered in any jurisdiction until all required consents are obtained or are dispensed with
3.10 according to applicable law.

3.11 K. "Member state" means a state that has enacted this compact.

3.12 L. "Noncustodial parent" means a person who, at the time of the commencement
3.13 of court proceedings in the sending state, does not have sole legal custody of the child
3.14 or has joint legal custody of a child, and who is not the subject of allegations or findings
3.15 of child abuse or neglect.

3.16 M. "Nonmember state" means a state which has not enacted this compact.

3.17 N. "Notice of residential placement" means information regarding a placement
3.18 into a residential facility provided to the receiving state including, but not limited to the
3.19 name, date and place of birth of the child, the identity and address of the parent or legal
3.20 guardian, evidence of authority to make the placement, and the name and address of
3.21 the facility in which the child will be placed. Notice of residential placement shall also
3.22 include information regarding a discharge and any unauthorized absence from the facility.

3.23 O. "Placement" means the act by a public or private child-placing agency intended
3.24 to arrange for the care or custody of a child in another state.

3.25 P. "Private child-placing agency" means any private corporation, agency, foundation,
3.26 institution, or charitable organization, or any private person or attorney that facilitates,
3.27 causes, or is involved in the placement of a child from one state to another and that is not
3.28 an instrumentality of the state or acting under color of state law.

3.29 Q. "Provisional placement" means a determination made by the public child-placing
3.30 agency in the receiving state that the proposed placement is safe and suitable, and, to the
3.31 extent allowable, the receiving state has temporarily waived its standards or requirements
3.32 otherwise applicable to prospective foster or adoptive parents so as to not delay the
3.33 placement. Completion of an assessment and the receiving state requirements regarding
3.34 training for prospective foster or adoptive parents shall not delay an otherwise safe and
3.35 suitable placement.

4.1 R. "Public child-placing agency" means any government child welfare agency or
4.2 child protection agency or a private entity under contract with such an agency, regardless
4.3 of whether they act on behalf of a state, county, municipality, or other governmental
4.4 unit and which facilitates, causes, or is involved in the placement of a child from one
4.5 state to another.

4.6 S. "Receiving state" means the state to which a child is sent, brought, or caused to
4.7 be sent or brought.

4.8 T. "Relative" means someone who is related to the child as a parent, stepparent,
4.9 sibling by half or whole blood or by adoption, grandparent, aunt, uncle, or first cousin or a
4.10 ~~non-relative~~ nonrelative with such significant ties to the child that they may be regarded as
4.11 relatives as determined by the court in the sending state.

4.12 U. "Residential facility" means a facility providing a level of care that is sufficient
4.13 to substitute for parental responsibility or foster care, and is beyond what is needed for
4.14 assessment or treatment of an acute condition. For purposes of the compact, residential
4.15 facilities do not include institutions primarily educational in character, hospitals, or other
4.16 medical facilities.

4.17 V. "Rule" means a written directive, mandate, standard, or principle issued by the
4.18 Interstate Commission promulgated pursuant to Article XI of this compact that is of
4.19 general applicability and that implements, interprets, or prescribes a policy or provision of
4.20 the compact. Rule has the force and effect of an administrative rule in a member state, and
4.21 includes the amendment, repeal, or suspension of an existing rule.

4.22 W. "Sending state" means the state from which the placement of a child is initiated.

4.23 X. "Service member's permanent duty station" means the military installation where
4.24 an active duty Armed Services member is currently assigned and is physically located
4.25 under competent orders that do not specify the duty as temporary.

4.26 Y. "Service member's state of legal residence" means the state in which the active
4.27 duty Armed Services member is considered a resident for tax and voting purposes.

4.28 Z. "State" means a state of the United States, the District of Columbia, the
4.29 Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the
4.30 Northern Marianas Islands, and any other territory of the United States.

4.31 AA. "State court" means a judicial body of a state that is vested by law with
4.32 responsibility for adjudicating cases involving abuse, neglect, deprivation, delinquency, or
4.33 status offenses of individuals who have not attained the age of eighteen (18).

4.34 BB. "Supervision" means monitoring provided by the receiving state once a child
4.35 has been placed in a receiving state pursuant to this compact.

4.36

ARTICLE III. APPLICABILITY

- 5.1 A. Except as otherwise provided in Article III, Section B, this compact shall apply to:
- 5.2 1. The interstate placement of a child subject to ongoing court jurisdiction in the
- 5.3 sending state, due to allegations or findings that the child has been abused, neglected, or
- 5.4 deprived as defined by the laws of the sending state, provided, however, that the placement
- 5.5 of such a child into a residential facility shall only require notice of residential placement
- 5.6 to the receiving state prior to placement.
- 5.7 2. The interstate placement of a child adjudicated delinquent or unmanageable
- 5.8 based on the laws of the sending state and subject to ongoing court jurisdiction of the
- 5.9 sending state if:
- 5.10 a. the child is being placed in a residential facility in another member state and
- 5.11 is not covered under another compact; or
- 5.12 b. the child is being placed in another member state and the determination of safety
- 5.13 and suitability of the placement and services required is not provided through another
- 5.14 compact.
- 5.15 3. The interstate placement of any child by a public child-placing agency or private
- 5.16 child-placing agency as defined in this compact as a preliminary step to a possible
- 5.17 adoption.
- 5.18 B. The provisions of this compact shall not apply to:
- 5.19 1. The interstate placement of a child in a custody proceeding in which a public
- 5.20 child-placing agency is not a party, provided the placement is not intended to effectuate an
- 5.21 adoption.
- 5.22 2. The interstate placement of a child with a ~~non-relative~~ nonrelative in a receiving
- 5.23 state by a parent with the legal authority to make such a placement provided, however,
- 5.24 that the placement is not intended to effectuate an adoption.
- 5.25 3. The interstate placement of a child by one relative with the lawful authority to
- 5.26 make such a placement directly with a relative in a receiving state.
- 5.27 4. The placement of a child, not subject to Article III, Section A, into a residential
- 5.28 facility by the child's parent.
- 5.29 5. The placement of a child with a noncustodial parent provided that:
- 5.30 a. The noncustodial parent proves to the satisfaction of a court in the sending state a
- 5.31 substantial relationship with the child; ~~and~~
- 5.32 b. The court in the sending state makes a written finding that placement with the
- 5.33 noncustodial parent is in the best interests of the child; and
- 5.34 c. The court in the sending state dismisses its jurisdiction ~~over the child's case.~~ in
- 5.35 interstate placements in which the public child-placing agency is a party to the proceedings.

7.1 ~~E~~. D. In accordance with its own laws, the court in the sending state shall have
 7.2 authority to terminate its jurisdiction if:

7.3 1. The child is reunified with the parent in the receiving state who is the subject
 7.4 of allegations or findings of abuse or neglect, only with the concurrence of the public
 7.5 child-placing agency in the receiving state; or

7.6 2. The child is adopted;

7.7 3. The child reaches the age of majority under the laws of the sending state; or

7.8 4. The child achieves legal independence pursuant to the laws of the sending state; or

7.9 5. A guardianship is created by a court in the receiving state with the concurrence of
 7.10 the court in the sending state; or

7.11 6. An Indian tribe has petitioned for and received jurisdiction from the court in
 7.12 the sending state; or

7.13 7. The public child-placing agency of the sending state requests termination and has
 7.14 obtained the concurrence of the public child-placing agency in the receiving state.

7.15 ~~D~~. E. When a sending state court terminates its jurisdiction, the receiving state
 7.16 child-placing agency shall be notified.

7.17 ~~E~~. F. Nothing in this article shall defeat a claim of jurisdiction by a receiving state
 7.18 court sufficient to deal with an act of truancy, delinquency, crime, or behavior involving a
 7.19 child as defined by the laws of the receiving state committed by the child in the receiving
 7.20 state which would be a violation of its laws.

7.21 ~~F~~. G. Nothing in this article shall limit the receiving state's ability to take emergency
 7.22 jurisdiction for the protection of the child.

7.23 ~~G~~. H. The substantive laws of the state in which an adoption will be finalized shall
 7.24 solely govern all issues relating to the adoption of the child and the court in which the
 7.25 adoption proceeding is filed shall have subject matter jurisdiction regarding all substantive
 7.26 issues relating to the adoption, except:

7.27 1. when the child is a ward of another court that established jurisdiction over the
 7.28 child prior to the placement;

7.29 2. when the child is in the legal custody of a public agency in the sending state; or

7.30 3. when the court in the sending state has otherwise appropriately assumed
 7.31 jurisdiction over the child, prior to the submission of the request for approval of placement.

7.32 ARTICLE V. PLACEMENT EVALUATION

7.33 A. Prior to sending, bringing, or causing a child to be sent or brought into a receiving
 7.34 state, the public child-placing agency shall provide a written request for assessment to
 7.35 the receiving state.

8.1 B. For placements by a private child-placing agency, a child may be sent or brought,
8.2 or caused to be sent or brought, into a receiving state, upon receipt and immediate review
8.3 of the required content in a request for approval of a placement in both the sending and
8.4 receiving state's public child-placing agency. The required content to accompany a request
8.5 for provisional approval shall include all of the following:

8.6 1. A request for approval identifying the child, birth parents, the prospective adoptive
8.7 parents, and the supervising agency, signed by the person requesting approval; and

8.8 2. The appropriate consents or relinquishments signed by the birthparents in
8.9 accordance with the laws of the sending state or, where permitted, the laws of the state
8.10 where the adoption will be finalized; and

8.11 3. Certification by a licensed attorney or other authorized agent of a private adoption
8.12 agency that the consent or relinquishment is in compliance with the applicable laws of the
8.13 sending state, or where permitted the laws of the state where finalization of the adoption
8.14 will occur; and

8.15 4. A home study; and

8.16 5. An acknowledgment of legal risk signed by the prospective adoptive parents.

8.17 C. The sending state and the receiving state may request additional information or
8.18 documents prior to finalization of an approved placement, but they may not delay travel
8.19 by the prospective adoptive parents with the child if the required content for approval
8.20 has been submitted, received, and reviewed by the public child-placing agency in both
8.21 the sending state and the receiving state.

8.22 D. Approval from the public child-placing agency in the receiving state for a
8.23 provisional or approved placement is required as provided for in the rules of the Interstate
8.24 Commission.

8.25 E. The procedures for making, and the request for an assessment, shall contain all
8.26 information and be in such form as provided for in the rules of the Interstate Commission.

8.27 F. Upon receipt of a request from the public child-placing agency of the sending
8.28 state, the receiving state shall initiate an assessment of the proposed placement to
8.29 determine its safety and suitability. If the proposed placement is a placement with a
8.30 relative, the public child-placing agency of the sending state may request a determination
8.31 for a provisional placement.

8.32 G. The public child-placing agency in the receiving state may request from the
8.33 public child-placing agency or the private child-placing agency in the sending state, and
8.34 shall be entitled to receive supporting or additional information necessary to complete
8.35 the assessment.

8.36 ARTICLE VI. PLACEMENT AUTHORITY

9.1 A. Except as otherwise provided in this compact, no child subject to this compact
9.2 shall be placed into a receiving state until approval for such placement is obtained.

9.3 B. If the public child-placing agency in the receiving state does not approve
9.4 the proposed placement then the child shall not be placed. The receiving state shall
9.5 provide written documentation of any such determination in accordance with the rules
9.6 promulgated by the Interstate Commission. Such determination is not subject to judicial
9.7 review in the sending state.

9.8 C. If the proposed placement is not approved, any interested party shall have
9.9 standing to seek an administrative review of the receiving state's determination.

9.10 1. The administrative review and any further judicial review associated with
9.11 the determination shall be conducted in the receiving state pursuant to its applicable
9.12 ~~Administrative procedures~~ Procedure Act.

9.13 2. If a determination not to approve the placement of the child in the receiving state
9.14 is overturned upon review, the placement shall be deemed approved, provided however
9.15 that all administrative or judicial remedies have been exhausted or the time for such
9.16 remedies has passed.

9.17 ARTICLE VII. PLACING AGENCY RESPONSIBILITY

9.18 A. For the interstate placement of a child made by a public child-placing agency
9.19 or state court:

9.20 1. The public child-placing agency in the sending state shall have financial
9.21 responsibility for:

9.22 a. the ongoing support and maintenance for the child during the period of the
9.23 placement, unless otherwise provided for in the receiving state; and

9.24 b. as determined by the public child-placing agency in the sending state, services for
9.25 the child beyond the public services for which the child is eligible in the receiving state.

9.26 2. The receiving state shall only have financial responsibility for:

9.27 a. any assessment conducted by the receiving state; and

9.28 b. supervision conducted by the receiving state at the level necessary to support
9.29 the placement as agreed upon by the public child-placing agencies of the receiving and
9.30 sending state.

9.31 3. Nothing in this provision shall prohibit public child-placing agencies in the
9.32 sending state from entering into agreements with licensed agencies or persons in the
9.33 receiving state to conduct assessments and provide supervision.

9.34 B. For the placement of a child by a private child-placing agency preliminary to a
9.35 possible adoption, the private child-placing agency shall be:

10.1 1. Legally responsible for the child during the period of placement as provided for in
10.2 the law of the sending state until the finalization of the adoption.

10.3 2. Financially responsible for the child absent a contractual agreement to the
10.4 contrary.

10.5 C. The public child-placing agency in the receiving state shall provide timely
10.6 assessments, as provided for in the rules of the Interstate Commission.

10.7 D. The public child-placing agency in the receiving state shall provide, or arrange
10.8 for the provision of, supervision and services for the child, including timely reports,
10.9 during the period of the placement.

10.10 E. Nothing in this compact shall be construed as to limit the authority of the public
10.11 child-placing agency in the receiving state from contracting with a licensed agency or
10.12 person in the receiving state for an assessment or the provision of supervision or services
10.13 for the child or otherwise authorizing the provision of supervision or services by a licensed
10.14 agency during the period of placement.

10.15 F. Each member state shall provide for coordination among its branches of
10.16 government concerning the state's participation in, and compliance with, the compact and
10.17 Interstate Commission activities, through the creation of an advisory council or use of an
10.18 existing body or board.

10.19 G. Each member state shall establish a central state compact office, which shall
10.20 be responsible for state compliance with the compact and the rules of the Interstate
10.21 Commission.

10.22 H. The public child-placing agency in the sending state shall oversee compliance
10.23 with the provisions of the Indian Child Welfare Act (United States Code, title 25, chapter
10.24 21, section 1901 et seq.) for placements subject to the provisions of this compact, prior
10.25 to placement.

10.26 I. With the consent of the Interstate Commission, states may enter into limited
10.27 agreements that facilitate the timely assessment and provision of services and supervision
10.28 of placements under this compact.

10.29 ARTICLE VIII. INTERSTATE COMMISSION FOR THE
10.30 PLACEMENT OF CHILDREN

10.31 The member states hereby establish, by way of this compact, a commission known
10.32 as the "Interstate Commission for the Placement of Children." The activities of the
10.33 Interstate Commission are the formation of public policy and are a discretionary state
10.34 function. The Interstate Commission shall:

11.1 A. Be a joint commission of the member states and shall have the responsibilities,
 11.2 powers and duties set forth herein, and such additional powers as may be conferred upon it
 11.3 by subsequent concurrent action of the respective legislatures of the member states.

11.4 B. Consist of one commissioner from each member state who shall be appointed by
 11.5 the executive head of the state human services administration with ultimate responsibility
 11.6 for the child welfare program. The appointed commissioner shall have the legal authority
 11.7 to vote on policy-related matters governed by this compact binding the state.

11.8 1. Each member state represented at a meeting of the Interstate Commission is
 11.9 entitled to one vote.

11.10 2. A majority of the member states shall constitute a quorum for the transaction of
 11.11 business, unless a larger quorum is required by the bylaws of the Interstate Commission.

11.12 3. A representative shall not delegate a vote to another member state.

11.13 4. A representative may delegate voting authority to another person from their state
 11.14 for a specified meeting.

11.15 C. In addition to the commissioners of each member state, the Interstate Commission
 11.16 shall include persons who are members of interested organizations as defined in the bylaws
 11.17 or rules of the Interstate Commission. Such members shall be ex officio and shall not be
 11.18 entitled to vote on any matter before the Interstate Commission.

11.19 D. Establish an executive committee which shall have the authority to administer
 11.20 the day-to-day operations and administration of the Interstate Commission. It shall not
 11.21 have the power to engage in rulemaking.

11.22 ARTICLE IX. POWERS AND DUTIES OF 11.23 THE INTERSTATE COMMISSION

11.24 The Interstate Commission shall have the following powers:

11.25 A. To promulgate rules and take all necessary actions to effect the goals, purposes
 11.26 and obligations as enumerated in this compact.

11.27 B. To provide for dispute resolution among member states.

11.28 C. To issue, upon request of a member state, advisory opinions concerning the
 11.29 meaning or interpretation of the interstate compact, its bylaws, rules or actions.

11.30 D. To enforce compliance with this compact or the bylaws or rules of the Interstate
 11.31 Commission pursuant to Article XII.

11.32 E. Collect standardized data concerning the interstate placement of children subject
 11.33 to this compact as directed through its rules which shall specify the data to be collected,
 11.34 the means of collection and data exchange and reporting requirements.

11.35 F. To establish and maintain offices as may be necessary for the transacting of its
 11.36 business.

- 12.1 G. To purchase and maintain insurance and bonds.
- 12.2 H. To hire or contract for services of personnel or consultants as necessary to
12.3 carry out its functions under the compact and establish personnel qualification policies,
12.4 and rates of compensation.
- 12.5 I. To establish and appoint committees and officers including, but not limited to, an
12.6 executive committee as required by Article X.
- 12.7 J. To accept any and all donations and grants of money, equipment, supplies,
12.8 materials, and services, and to receive, utilize, and dispose thereof.
- 12.9 K. To lease, purchase, accept contributions or donations of, or otherwise to own,
12.10 hold, improve, or use any property, real, personal, or mixed.
- 12.11 L. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose
12.12 of any property, real, personal, or mixed.
- 12.13 M. To establish a budget and make expenditures.
- 12.14 N. To adopt a seal and bylaws governing the management and operation of the
12.15 Interstate Commission.
- 12.16 O. To report annually to the legislatures, governors, the judiciary, and state advisory
12.17 councils of the member states concerning the activities of the Interstate Commission
12.18 during the preceding year. Such reports shall also include any recommendations that may
12.19 have been adopted by the Interstate Commission.
- 12.20 P. To coordinate and provide education, training, and public awareness regarding the
12.21 interstate movement of children for officials involved in such activity.
- 12.22 Q. To maintain books and records in accordance with the bylaws of the Interstate
12.23 Commission.
- 12.24 R. To perform such functions as may be necessary or appropriate to achieve the
12.25 purposes of this compact.

12.26 ARTICLE X. ORGANIZATION AND OPERATION OF THE
12.27 INTERSTATE COMMISSION

12.28 A. Bylaws

- 12.29 1. Within 12 months after the first Interstate Commission meeting, the Interstate
12.30 Commission shall adopt bylaws to govern its conduct as may be necessary or appropriate
12.31 to carry out the purposes of the compact.
- 12.32 2. The Interstate Commission's bylaws and rules shall establish conditions and
12.33 procedures under which the Interstate Commission shall make its information and official
12.34 records available to the public for inspection or copying. The Interstate Commission may
12.35 exempt from disclosure information or official records to the extent they would adversely
12.36 affect personal privacy rights or proprietary interests.

13.1 B. Meetings

13.2 1. The Interstate Commission shall meet at least once each calendar year. The
13.3 chairperson may call additional meetings and, upon the request of a simple majority of the
13.4 member states shall call additional meetings.

13.5 2. Public notice shall be given by the Interstate Commission of all meetings and
13.6 all meetings shall be open to the public, except as set forth in the rules or as otherwise
13.7 provided in the compact. The Interstate Commission and its committees may close a
13.8 meeting, or portion thereof, where it determines by two-thirds vote that an open meeting
13.9 would be likely to:

13.10 a. relate solely to the Interstate Commission's internal personnel practices and
13.11 procedures; or

13.12 b. disclose matters specifically exempted from disclosure by federal law; or

13.13 c. disclose financial or commercial information which is privileged, proprietary or
13.14 confidential in nature; or

13.15 d. involve accusing a person of a crime, or formally censuring a person; or

13.16 e. disclose information of a personal nature where disclosure would constitute
13.17 a clearly unwarranted invasion of personal privacy or physically endanger one or more
13.18 persons; or

13.19 f. disclose investigative records compiled for law enforcement purposes; or

13.20 g. specifically relate to the Interstate Commission's participation in a civil action
13.21 or other legal proceeding.

13.22 3. For a meeting, or portion of a meeting, closed pursuant to this provision, the
13.23 Interstate Commission's legal counsel or designee shall certify that the meeting may be
13.24 closed and shall reference each relevant exemption provision. The Interstate Commission
13.25 shall keep minutes which shall fully and clearly describe all matters discussed in a meeting
13.26 and shall provide a full and accurate summary of actions taken, and the reasons therefore,
13.27 including a description of the views expressed and the record of a roll call vote. All
13.28 documents considered in connection with an action shall be identified in such minutes. All
13.29 minutes and documents of a closed meeting shall remain under seal, subject to release by a
13.30 majority vote of the Interstate Commission or by court order.

13.31 4. The bylaws may provide for meetings of the Interstate Commission to be
13.32 conducted by telecommunication or other electronic communication.

13.33 C. Officers and Staff

13.34 1. The Interstate Commission may, through its executive committee, appoint or
13.35 retain a staff director for such period, upon such terms and conditions and for such
13.36 compensation as the Interstate Commission may deem appropriate. The staff director shall

14.1 serve as secretary to the Interstate Commission, but shall not have a vote. The staff director
14.2 may hire and supervise such other staff as may be authorized by the Interstate Commission.

14.3 2. The Interstate Commission shall elect, from among its members, a chairperson
14.4 and a vice chairperson of the executive committee and other necessary officers, each of
14.5 whom shall have such authority and duties as may be specified in the bylaws.

14.6 D. Qualified Immunity, Defense and Indemnification

14.7 1. The Interstate Commission's staff director and its employees shall be immune
14.8 from suit and liability, either personally or in their official capacity, for a claim for damage
14.9 to or loss of property or personal injury or other civil liability caused or arising out of or
14.10 relating to an actual or alleged act, error, or omission that occurred, or that such person had
14.11 a reasonable basis for believing occurred within the scope of commission employment,
14.12 duties, or responsibilities; provided, that such person shall not be protected from suit or
14.13 liability for damage, loss, injury, or liability caused by a criminal act or the intentional or
14.14 willful and wanton misconduct of such person.

14.15 a. The liability of the Interstate Commission's staff director and employees
14.16 or Interstate Commission representatives, acting within the scope of such person's
14.17 employment or duties for acts, errors, or omissions occurring within such person's state
14.18 may not exceed the limits of liability set forth under the Constitution and laws of that state
14.19 for state officials, employees, and agents. The Interstate Commission is considered to
14.20 be an instrumentality of the states for the purposes of any such action. Nothing in this
14.21 subsection shall be construed to protect such person from suit or liability for damage,
14.22 loss, injury, or liability caused by a criminal act or the intentional or willful and wanton
14.23 misconduct of such person.

14.24 b. The Interstate Commission shall defend the staff director and its employees and,
14.25 subject to the approval of the Attorney General or other appropriate legal counsel of the
14.26 member state shall defend the commissioner of a member state in a civil action seeking to
14.27 impose liability arising out of an actual or alleged act, error, or omission that occurred
14.28 within the scope of Interstate Commission employment, duties or responsibilities, or that
14.29 the defendant had a reasonable basis for believing occurred within the scope of Interstate
14.30 Commission employment, duties, or responsibilities, provided that the actual or alleged
14.31 act, error, or omission did not result from intentional or willful and wanton misconduct on
14.32 the part of such person.

14.33 c. To the extent not covered by the state involved, member state, or the Interstate
14.34 Commission, the representatives or employees of the Interstate Commission shall be
14.35 held harmless in the amount of a settlement or judgment, including attorney's fees and
14.36 costs, obtained against such persons arising out of an actual or alleged act, error, or

15.1 omission that occurred within the scope of Interstate Commission employment, duties, or
15.2 responsibilities, or that such persons had a reasonable basis for believing occurred within
15.3 the scope of Interstate Commission employment, duties, or responsibilities, provided that
15.4 the actual or alleged act, error, or omission did not result from intentional or willful and
15.5 wanton misconduct on the part of such persons.

15.6 ARTICLE XI. RULEMAKING FUNCTIONS OF
15.7 THE INTERSTATE COMMISSION

15.8 A. The Interstate Commission shall promulgate and publish rules in order to
15.9 effectively and efficiently achieve the purposes of the compact.

15.10 B. Rulemaking shall occur pursuant to the criteria set forth in this article and the
15.11 bylaws and rules adopted pursuant thereto. Such rulemaking shall substantially conform
15.12 to the principles of the "Model State Administrative Procedures Act," 1981 Act, Uniform
15.13 Laws Annotated, Vol. 15, p.1 (2000), or such other administrative procedure acts as
15.14 the Interstate Commission deems appropriate consistent with due process requirements
15.15 under the United States Constitution as now or hereafter interpreted by the United States
15.16 Supreme Court. All rules and amendments shall become binding as of the date specified,
15.17 as published with the final version of the rule as approved by the Interstate Commission.

15.18 C. When promulgating a rule, the Interstate Commission shall, at a minimum:

15.19 1. Publish the proposed rule's entire text stating the reason(s) for that proposed
15.20 rule; and

15.21 2. Allow and invite any and all persons to submit written data, facts, opinions,
15.22 and arguments, which information shall be added to the record, and be made publicly
15.23 available; and

15.24 3. Promulgate a final rule and its effective date, if appropriate, based on input from
15.25 state or local officials, or interested parties.

15.26 D. Rules promulgated by the Interstate Commission shall have the force and effect
15.27 of administrative rules and shall be binding in the compacting states to the extent and in
15.28 the manner provided for in this compact.

15.29 E. Not later than 60 days after a rule is promulgated, an interested person may
15.30 file a petition in the United States District Court for the District of Columbia or in the
15.31 Federal District Court where the Interstate Commission's principal office is located for
15.32 judicial review of such rule. If the court finds that the Interstate Commission's action is
15.33 not supported by substantial evidence in the rulemaking record, the court shall hold the
15.34 rule unlawful and set it aside.

16.1 F. If a majority of the legislatures of the member states rejects a rule, those states
16.2 may by enactment of a statute or resolution in the same manner used to adopt the compact
16.3 cause that such rule shall have no further force and effect in any member state.

16.4 G. The existing rules governing the operation of the Interstate Compact on the
16.5 Placement of Children superseded by this act shall be null and void no less than 12, but
16.6 no more than 24 months after the first meeting of the Interstate Commission created
16.7 hereunder, as determined by the members during the first meeting.

16.8 H. Within the first 12 months of operation, the Interstate Commission shall
16.9 promulgate rules addressing the following:

- 16.10 1. Transition rules
- 16.11 2. Forms and procedures
- 16.12 3. Timelines
- 16.13 4. Data collection and reporting
- 16.14 5. Rulemaking
- 16.15 6. Visitation
- 16.16 7. Progress reports/supervision
- 16.17 8. Sharing of information/confidentiality
- 16.18 9. Financing of the Interstate Commission
- 16.19 10. Mediation, arbitration, and dispute resolution
- 16.20 11. Education, training, and technical assistance
- 16.21 12. Enforcement
- 16.22 13. Coordination with other interstate compacts

16.23 I. Upon determination by a majority of the members of the Interstate Commission
16.24 that an emergency exists:

16.25 1. The Interstate Commission may promulgate an emergency rule only if it is
16.26 required to:

16.27 a. Protect the children covered by this compact from an imminent threat to their
16.28 health, safety, and well-being; or

16.29 b. Prevent loss of federal or state funds; or

16.30 c. Meet a deadline for the promulgation of an administrative rule required by
16.31 federal law.

16.32 2. An emergency rule shall become effective immediately upon adoption, provided
16.33 that the usual rulemaking procedures provided hereunder shall be retroactively applied
16.34 to said rule as soon as reasonably possible, but no later than 90 days after the effective
16.35 date of the emergency rule.

17.1 3. An emergency rule shall be promulgated as provided for in the rules of the
17.2 Interstate Commission.

17.3 ARTICLE XII. OVERSIGHT, DISPUTE RESOLUTION,
17.4 ENFORCEMENT

17.5 A. Oversight

17.6 1. The Interstate Commission shall oversee the administration and operation of the
17.7 compact.

17.8 2. The executive, legislative, and judicial branches of state government in each
17.9 member state shall enforce this compact and the rules of the Interstate Commission and
17.10 shall take all actions necessary and appropriate to effectuate the compact's purposes and
17.11 intent. The compact and its rules shall be binding in the compacting states to the extent
17.12 and in the manner provided for in this compact.

17.13 3. All courts shall take judicial notice of the compact and the rules in any judicial
17.14 or administrative proceeding in a member state pertaining to the subject matter of this
17.15 compact.

17.16 4. The Interstate Commission shall be entitled to receive service of process in any
17.17 action in which the validity of a compact provision or rule is the issue for which a judicial
17.18 determination has been sought and shall have standing to intervene in any proceedings.
17.19 Failure to provide service of process to the Interstate Commission shall render any
17.20 judgment, order or other determination, however so captioned or classified, void as to the
17.21 Interstate Commission, this compact, its bylaws, or rules of the Interstate Commission.

17.22 B. Dispute Resolution

17.23 1. The Interstate Commission shall attempt, upon the request of a member state, to
17.24 resolve disputes which are subject to the compact and which may arise among member
17.25 states and between member and nonmember states.

17.26 2. The Interstate Commission shall promulgate a rule providing for both mediation
17.27 and binding dispute resolution for disputes among compacting states. The costs of such
17.28 mediation or dispute resolution shall be the responsibility of the parties to the dispute.

17.29 C. Enforcement

17.30 1. If the Interstate Commission determines that a member state has defaulted in the
17.31 performance of its obligations or responsibilities under this compact, its bylaws or rules,
17.32 the Interstate Commission may:

17.33 a. Provide remedial training and specific technical assistance; or

17.34 b. Provide written notice to the defaulting state and other member states, of the
17.35 nature of the default and the means of curing the default. The Interstate Commission shall
17.36 specify the conditions by which the defaulting state must cure its default; or

18.1 c. By majority vote of the members, initiate against a defaulting member state legal
18.2 action in the United States District Court for the District of Columbia or, at the discretion
18.3 of the Interstate Commission, in the federal district where the Interstate Commission has
18.4 its principal office, to enforce compliance with the provisions of the compact, its bylaws,
18.5 or rules. The relief sought may include both injunctive relief and damages. In the event
18.6 judicial enforcement is necessary the prevailing party shall be awarded all costs of such
18.7 litigation including reasonable attorney's fees; or

18.8 d. Avail itself of any other remedies available under state law or the regulation of
18.9 official or professional conduct.

18.10 ARTICLE XIII. FINANCING OF THE COMMISSION

18.11 A. The Interstate Commission shall pay, or provide for the payment of the reasonable
18.12 expenses of its establishment, organization, and ongoing activities.

18.13 B. The Interstate Commission may levy on and collect an annual assessment from
18.14 each member state to cover the cost of the operations and activities of the Interstate
18.15 Commission and its staff which must be in a total amount sufficient to cover the Interstate
18.16 Commission's annual budget as approved by its members each year. The aggregate annual
18.17 assessment amount shall be allocated based upon a formula to be determined by the
18.18 Interstate Commission which shall promulgate a rule binding upon all member states.

18.19 C. The Interstate Commission shall not incur obligations of any kind prior to securing
18.20 the funds adequate to meet the same; nor shall the Interstate Commission pledge the credit
18.21 of any of the member states, except by and with the authority of the member state.

18.22 D. The Interstate Commission shall keep accurate accounts of all receipts and
18.23 disbursements. The receipts and disbursements of the Interstate Commission shall be
18.24 subject to the audit and accounting procedures established under its bylaws. However,
18.25 all receipts and disbursements of funds handled by the Interstate Commission shall be
18.26 audited yearly by a certified or licensed public accountant and the report of the audit shall
18.27 be included in and become part of the annual report of the Interstate Commission.

18.28 ARTICLE XIV. MEMBER STATES, EFFECTIVE DATE

18.29 AND AMENDMENT

18.30 A. Any state is eligible to become a member state.

18.31 B. The compact shall become effective and binding upon legislative enactment of
18.32 the compact into law by no less than 35 states. The effective date shall be the later of July
18.33 1, 2007 or upon enactment of the compact into law by the 35th state. Thereafter it shall
18.34 become effective and binding as to any other member state upon enactment of the compact
18.35 into law by that state. The executive heads of the state human services administration
18.36 with ultimate responsibility for the child welfare program of nonmember states or their

19.1 designees shall be invited to participate in the activities of the Interstate Commission on a
19.2 ~~non-voting~~ nonvoting basis prior to adoption of the compact by all states.

19.3 C. The Interstate Commission may propose amendments to the compact for
19.4 enactment by the member states. No amendment shall become effective and binding
19.5 on the member states unless and until it is enacted into law by unanimous consent of
19.6 the member states.

19.7 ARTICLE XV. WITHDRAWAL AND DISSOLUTION

19.8 A. Withdrawal

19.9 1. Once effective, the compact shall continue in force and remain binding upon each
19.10 and every member state; provided that a member state may withdraw from the compact
19.11 specifically repealing the statute which enacted the compact into law.

19.12 2. Withdrawal from this compact shall be by the enactment of a statute repealing
19.13 the same. The effective date of withdrawal shall be the effective date of the repeal of
19.14 the statute.

19.15 3. The withdrawing state shall immediately notify the president of the Interstate
19.16 Commission in writing upon the introduction of legislation repealing this compact in the
19.17 withdrawing state. The Interstate Commission shall then notify the other member states of
19.18 the withdrawing state's intent to withdraw.

19.19 4. The withdrawing state is responsible for all assessments, obligations, and
19.20 liabilities incurred through the effective date of withdrawal.

19.21 5. Reinstatement following withdrawal of a member state shall occur upon the
19.22 withdrawing state reenacting the compact or upon such later date as determined by the
19.23 members of the Interstate Commission.

19.24 B. Dissolution of Compact

19.25 1. This compact shall dissolve effective upon the date of the withdrawal or default
19.26 of the member state which reduces the membership in the compact to one member state.

19.27 2. Upon the dissolution of this compact, the compact becomes null and void and shall
19.28 be of no further force or effect, and the business and affairs of the Interstate Commission
19.29 shall be concluded and surplus funds shall be distributed in accordance with the bylaws.

19.30 ARTICLE XVI. SEVERABILITY AND CONSTRUCTION

19.31 A. The provisions of this compact shall be severable, and if any phrase, clause,
19.32 sentence, or provision is deemed unenforceable, the remaining provisions of the compact
19.33 shall be enforceable.

19.34 B. The provisions of this compact shall be liberally construed to effectuate its
19.35 purposes.

20.1 C. Nothing in this compact shall be construed to prohibit the concurrent applicability
20.2 of other interstate compacts to which the states are members.

20.3 ARTICLE XVII. BINDING EFFECT OF COMPACT
20.4 AND OTHER LAWS

20.5 A. Other Laws

20.6 1. Nothing herein prevents the enforcement of any other law of a member state
20.7 that is not inconsistent with this compact.

20.8 B. Binding Effect of the Compact

20.9 1. All lawful actions of the Interstate Commission, including all rules and bylaws
20.10 promulgated by the Interstate Commission, are binding upon the member states.

20.11 2. All agreements between the Interstate Commission and the member states are
20.12 binding in accordance with their terms.

20.13 3. In the event any provision of this compact exceeds the constitutional limits
20.14 imposed on the legislature of any member state, such provision shall be ineffective to the
20.15 extent of the conflict with the constitutional provision in question in that member state.

20.16 ARTICLE XVIII. INDIAN TRIBES

20.17 Notwithstanding any other provision in this compact, the Interstate Commission
20.18 may promulgate guidelines to permit Indian tribes to utilize the compact to achieve any or
20.19 all of the purposes of the compact as specified in Article I. The Interstate Commission
20.20 shall make reasonable efforts to consult with Indian tribes in promulgating guidelines to
20.21 reflect the diverse circumstances of the various Indian tribes.

20.22 Sec. 2. Minnesota Statutes 2008, section 260C.201, subdivision 3, is amended to read:

20.23 Subd. 3. **Domestic child abuse.** (a) If the court finds that the child is a victim of
20.24 domestic child abuse, as defined in section 260C.007, subdivision ~~28~~ 13, it may order any
20.25 of the following dispositions of the case in addition to or as alternatives to the dispositions
20.26 authorized under subdivision 1:

20.27 (1) restrain any party from committing acts of domestic child abuse;

20.28 (2) exclude the abusing party from the dwelling which the family or household
20.29 members share or from the residence of the child;

20.30 (3) on the same basis as is provided in chapter 518, establish temporary visitation
20.31 with regard to minor children of the adult family or household members;

20.32 (4) on the same basis as is provided in chapter 518 or 518A, establish temporary
20.33 support or maintenance for a period of 30 days for minor children or a spouse;

20.34 (5) provide counseling or other social services for the family or household members;

20.35 or

21.1 (6) order the abusing party to participate in treatment or counseling services.

21.2 Any relief granted by the order for protection shall be for a fixed period not to
21.3 exceed one year.

21.4 (b) No order excluding the abusing party from the dwelling may be issued unless
21.5 the court finds that:

21.6 (1) the order is in the best interests of the child or children remaining in the dwelling;

21.7 (2) a remaining adult family or household member is able to care adequately for the
21.8 child or children in the absence of the excluded party; and

21.9 (3) the local welfare agency has developed a plan to provide appropriate social
21.10 services to the remaining family or household members.

21.11 (c) Upon a finding that the remaining parent is able to care adequately for the child
21.12 and enforce an order excluding the abusing party from the home and that the provision of
21.13 supportive services by the responsible social services agency is no longer necessary, the
21.14 responsible social services agency may be dismissed as a party to the proceedings. Orders
21.15 entered regarding the abusing party remain in full force and effect and may be renewed by
21.16 the remaining parent as necessary for the continued protection of the child for specified
21.17 periods of time, not to exceed one year.

21.18 Sec. 3. Minnesota Statutes 2008, section 260C.201, subdivision 11, is amended to read:

21.19 Subd. 11. **Review of court-ordered placements; permanent placement**
21.20 **determination.** (a) This subdivision and subdivision 11a do not apply ~~in~~ to cases where
21.21 the child is in ~~placement due solely to~~ foster care for treatment of the child's developmental
21.22 ~~disability or emotional disturbance, where legal custody has not been transferred to the~~
21.23 ~~responsible social services agency, and where the court finds compelling reasons under~~
21.24 ~~section 260C.007, subdivision 8, to continue the child in foster care past the time periods~~
21.25 ~~specified in this subdivision~~ chapter 260D. Foster care placements of children ~~due solely~~
21.26 ~~to their disability~~ for treatment are governed by ~~section 260C.141, subdivision 2a~~ chapter
21.27 260D. In all other cases where the child is in foster care or in the care of a noncustodial
21.28 parent under subdivision 1, the court shall commence proceedings to determine the
21.29 permanent status of a child not later than 12 months after the child is placed in foster care
21.30 or in the care of a noncustodial parent. At the admit-deny hearing commencing such
21.31 proceedings, the court shall determine whether there is a prima facie basis for finding
21.32 that the agency made reasonable efforts, or in the case of an Indian child active efforts,
21.33 required under section 260.012 and proceed according to the rules of juvenile court.

21.34 For purposes of this subdivision, the date of the child's placement in foster care is
21.35 the earlier of the first court-ordered placement or 60 days after the date on which the

22.1 child has been voluntarily placed in foster care by the child's parent or guardian. For
22.2 purposes of this subdivision, time spent by a child under the protective supervision of the
22.3 responsible social services agency in the home of a noncustodial parent pursuant to an
22.4 order under subdivision 1 counts towards the requirement of a permanency hearing under
22.5 this subdivision or subdivision 11a. Time spent on a trial home visit counts towards the
22.6 requirement of a permanency hearing under this subdivision and a permanency review
22.7 for a child under eight years of age under subdivision 11a.

22.8 For purposes of this subdivision, 12 months is calculated as follows:

22.9 (1) during the pendency of a petition alleging that a child is in need of protection
22.10 or services, all time periods when a child is placed in foster care or in the home of a
22.11 noncustodial parent are cumulated;

22.12 (2) if a child has been placed in foster care within the previous five years under one
22.13 or more previous petitions, the lengths of all prior time periods when the child was placed
22.14 in foster care within the previous five years are cumulated. If a child under this clause
22.15 has been in foster care for 12 months or more, the court, if it is in the best interests of the
22.16 child and for compelling reasons, may extend the total time the child may continue out
22.17 of the home under the current petition up to an additional six months before making a
22.18 permanency determination.

22.19 (b) Unless the responsible social services agency recommends return of the child
22.20 to the custodial parent or parents, not later than 30 days prior to the admit-deny hearing
22.21 required under paragraph (a) and the rules of juvenile court, the responsible social services
22.22 agency shall file pleadings in juvenile court to establish the basis for the juvenile court to
22.23 order permanent placement of the child, including a termination of parental rights petition,
22.24 according to paragraph (d). Notice of the hearing and copies of the pleadings must be
22.25 provided pursuant to section 260C.152.

22.26 (c) The permanency proceedings shall be conducted in a timely fashion including
22.27 that any trial required under section 260C.163 shall be commenced within 60 days of the
22.28 admit-deny hearing required under paragraph (a). At the conclusion of the permanency
22.29 proceedings, the court shall:

22.30 (1) order the child returned to the care of the parent or guardian from whom the
22.31 child was removed; or

22.32 (2) order a permanent placement or termination of parental rights if permanent
22.33 placement or termination of parental rights is in the child's best interests. The "best
22.34 interests of the child" means all relevant factors to be considered and evaluated. Transfer
22.35 of permanent legal and physical custody, termination of parental rights, or guardianship

23.1 and legal custody to the commissioner through a consent to adopt are preferred
23.2 permanency options for a child who cannot return home.

23.3 (d) If the child is not returned to the home, the court must order one of the following
23.4 dispositions:

23.5 (1) permanent legal and physical custody to a relative in the best interests of the
23.6 child according to the following conditions:

23.7 (i) an order for transfer of permanent legal and physical custody to a relative shall
23.8 only be made after the court has reviewed the suitability of the prospective legal and
23.9 physical custodian;

23.10 (ii) in transferring permanent legal and physical custody to a relative, the juvenile
23.11 court shall follow the standards applicable under this chapter and chapter 260, and the
23.12 procedures set out in the juvenile court rules;

23.13 (iii) an order establishing permanent legal and physical custody under this
23.14 subdivision must be filed with the family court;

23.15 (iv) a transfer of legal and physical custody includes responsibility for the protection,
23.16 education, care, and control of the child and decision making on behalf of the child;

23.17 (v) the social services agency may bring a petition or motion naming a fit and
23.18 willing relative as a proposed permanent legal and physical custodian. The commissioner
23.19 of human services shall annually prepare for counties information that must be given to
23.20 proposed custodians about their legal rights and obligations as custodians together with
23.21 information on financial and medical benefits for which the child is eligible; and

23.22 (vi) the juvenile court may maintain jurisdiction over the responsible social services
23.23 agency, the parents or guardian of the child, the child, and the permanent legal and
23.24 physical custodian for purposes of ensuring appropriate services are delivered to the child
23.25 and permanent legal custodian or for the purpose of ensuring conditions ordered by the
23.26 court related to the care and custody of the child are met;

23.27 (2) termination of parental rights when the requirements of sections 260C.301 to
23.28 260C.328 are met or according to the following conditions:

23.29 (i) order the social services agency to file a petition for termination of parental
23.30 rights in which case all the requirements of sections 260C.301 to 260C.328 remain
23.31 applicable; and

23.32 (ii) an adoption completed subsequent to a determination under this subdivision may
23.33 include an agreement for communication or contact under section 259.58;

23.34 (3) long-term foster care according to the following conditions:

23.35 (i) the court may order a child into long-term foster care only if it approves the
23.36 responsible social service agency's compelling reasons that neither an award of permanent

24.1 legal and physical custody to a relative, nor termination of parental rights is in the child's
24.2 best interests;

24.3 (ii) further, the court may only order long-term foster care for the child under this
24.4 section if it finds the following:

24.5 (A) the child has reached age 12 and the responsible social services agency has made
24.6 reasonable efforts to locate and place the child with an adoptive family or with a fit and
24.7 willing relative who will agree to a transfer of permanent legal and physical custody of
24.8 the child, but such efforts have not proven successful; or

24.9 (B) the child is a sibling of a child described in subitem (A) and the siblings have
24.10 a significant positive relationship and are ordered into the same long-term foster care
24.11 home; and

24.12 (iii) at least annually, the responsible social services agency reconsiders its provision
24.13 of services to the child and the child's placement in long-term foster care to ensure that:

24.14 (A) long-term foster care continues to be the most appropriate legal arrangement
24.15 for meeting the child's need for permanency and stability, including whether there is
24.16 another permanent placement option under this chapter that would better serve the child's
24.17 needs and best interests;

24.18 (B) whenever possible, there is an identified long-term foster care family that is
24.19 committed to being the foster family for the child as long as the child is a minor or under
24.20 the jurisdiction of the court;

24.21 (C) the child is receiving appropriate services or assistance to maintain or build
24.22 connections with the child's family and community;

24.23 (D) the child's physical and mental health needs are being appropriately provided
24.24 for; and

24.25 (E) the child's educational needs are being met;

24.26 (4) foster care for a specified period of time according to the following conditions:

24.27 (i) foster care for a specified period of time may be ordered only if:

24.28 (A) the sole basis for an adjudication that the child is in need of protection or
24.29 services is the child's behavior;

24.30 (B) the court finds that foster care for a specified period of time is in the best
24.31 interests of the child; and

24.32 (C) the court approves the responsible social services agency's compelling reasons
24.33 that neither an award of permanent legal and physical custody to a relative, nor termination
24.34 of parental rights is in the child's best interests;

24.35 (ii) the order does not specify that the child continue in foster care for any period
24.36 exceeding one year; or

25.1 (5) guardianship and legal custody to the commissioner of human services under
25.2 the following procedures and conditions:

25.3 (i) there is an identified prospective adoptive home agreed to by the responsible
25.4 social services agency having legal custody of the child pursuant to court order under this
25.5 section that has agreed to adopt the child and the court accepts the parent's voluntary
25.6 consent to adopt under section 259.24, except that such consent executed by a parent under
25.7 this item, following proper notice that consent given under this provision is irrevocable
25.8 upon acceptance by the court, shall be irrevocable unless fraud is established and an order
25.9 issues permitting revocation as stated in item (vii);

25.10 (ii) if the court accepts a consent to adopt in lieu of ordering one of the other
25.11 enumerated permanency dispositions, the court must review the matter at least every 90
25.12 days. The review will address the reasonable efforts of the agency to achieve a finalized
25.13 adoption;

25.14 (iii) a consent to adopt under this clause vests all legal authority regarding the child,
25.15 including guardianship and legal custody of the child, with the commissioner of human
25.16 services as if the child were a state ward after termination of parental rights;

25.17 (iv) the court must forward a copy of the consent to adopt, together with a certified
25.18 copy of the order transferring guardianship and legal custody to the commissioner, to
25.19 the commissioner;

25.20 (v) if an adoption is not finalized by the identified prospective adoptive parent within
25.21 12 months of the execution of the consent to adopt under this clause, the commissioner of
25.22 human services or the commissioner's delegate shall pursue adoptive placement in another
25.23 home unless the commissioner certifies that the failure to finalize is not due to either an
25.24 action or a failure to act by the prospective adoptive parent;

25.25 (vi) notwithstanding item (v), the commissioner of human services or the
25.26 commissioner's designee must pursue adoptive placement in another home as soon as the
25.27 commissioner or commissioner's designee determines that finalization of the adoption with
25.28 the identified prospective adoptive parent is not possible, that the identified prospective
25.29 adoptive parent is not willing to adopt the child, that the identified prospective adoptive
25.30 parent is not cooperative in completing the steps necessary to finalize the adoption, or
25.31 upon the commissioner's determination to withhold consent to the adoption.

25.32 (vii) unless otherwise required by the Indian Child Welfare Act, United States Code,
25.33 title 25, section 1913, a consent to adopt executed under this section, following proper
25.34 notice that consent given under this provision is irrevocable upon acceptance by the court,
25.35 shall be irrevocable upon acceptance by the court except upon order permitting revocation
25.36 issued by the same court after written findings that consent was obtained by fraud.

26.1 (e) In ordering a permanent placement of a child, the court must be governed by the
26.2 best interests of the child, including a review of the relationship between the child and
26.3 relatives and the child and other important persons with whom the child has resided or
26.4 had significant contact. When the court has determined that permanent placement of the
26.5 child away from the parent is necessary, the court shall consider permanent alternative
26.6 homes that are available both inside and outside the state.

26.7 (f) Once a permanent placement determination has been made and permanent
26.8 placement has been established, further court reviews are necessary if:

26.9 (1) the placement is long-term foster care or foster care for a specified period of time;

26.10 (2) the court orders further hearings because it has retained jurisdiction of a transfer
26.11 of permanent legal and physical custody matter;

26.12 (3) an adoption has not yet been finalized; or

26.13 (4) there is a disruption of the permanent or long-term placement.

26.14 (g) Court reviews of an order for long-term foster care, whether under this section
26.15 or section 260C.317, subdivision 3, paragraph (d), must be conducted at least yearly and
26.16 must review the child's out-of-home placement plan and the reasonable efforts of the
26.17 agency to finalize the permanent plan for the child including the agency's efforts to:

26.18 (1) ensure that long-term foster care continues to be the most appropriate legal
26.19 arrangement for meeting the child's need for permanency and stability or, if not, to identify
26.20 and attempt to finalize another permanent placement option under this chapter that would
26.21 better serve the child's needs and best interests;

26.22 (2) identify a specific long-term foster home for the child, if one has not already
26.23 been identified;

26.24 (3) support continued placement of the child in the identified home, if one has been
26.25 identified;

26.26 (4) ensure appropriate services are provided to address the physical health, mental
26.27 health, and educational needs of the child during the period of long-term foster care and
26.28 also ensure appropriate services or assistance to maintain relationships with appropriate
26.29 family members and the child's community; and

26.30 (5) plan for the child's independence upon the child's leaving long-term foster care
26.31 living as required under section 260C.212, subdivision 1.

26.32 (h) In the event it is necessary for a child that has been ordered into foster care for a
26.33 specified period of time to be in foster care longer than one year after the permanency
26.34 hearing held under this section, not later than 12 months after the time the child was
26.35 ordered into foster care for a specified period of time, the matter must be returned to
26.36 court for a review of the appropriateness of continuing the child in foster care and of the

27.1 responsible social services agency's reasonable efforts to finalize a permanent plan for
27.2 the child; if it is in the child's best interests to continue the order for foster care for a
27.3 specified period of time past a total of 12 months, the court shall set objectives for the
27.4 child's continuation in foster care, specify any further amount of time the child may be in
27.5 foster care, and review the plan for the safe return of the child to the parent.

27.6 (i) An order permanently placing a child out of the home of the parent or guardian
27.7 must include the following detailed findings:

27.8 (1) how the child's best interests are served by the order;

27.9 (2) the nature and extent of the responsible social service agency's reasonable efforts,
27.10 or, in the case of an Indian child, active efforts to reunify the child with the parent or
27.11 guardian where reasonable efforts are required;

27.12 (3) the parent's or parents' efforts and ability to use services to correct the conditions
27.13 which led to the out-of-home placement; and

27.14 (4) that the conditions which led to the out-of-home placement have not been
27.15 corrected so that the child can safely return home.

27.16 (j) An order for permanent legal and physical custody of a child may be modified
27.17 under sections 518.18 and 518.185. The social services agency is a party to the proceeding
27.18 and must receive notice. A parent may only seek modification of an order for long-term
27.19 foster care upon motion and a showing by the parent of a substantial change in the parent's
27.20 circumstances such that the parent could provide appropriate care for the child and that
27.21 removal of the child from the child's permanent placement and the return to the parent's
27.22 care would be in the best interest of the child. The responsible social services agency may
27.23 ask the court to vacate an order for long-term foster care upon a prima facie showing
27.24 that there is a factual basis for the court to order another permanency option under this
27.25 chapter and that such an option is in the child's best interests. Upon a hearing where
27.26 the court determines that there is a factual basis for vacating the order for long-term
27.27 foster care and that another permanent order regarding the placement of the child is in
27.28 the child's best interests, the court may vacate the order for long-term foster care and
27.29 enter a different order for permanent placement that is in the child's best interests. The
27.30 court shall not require further reasonable efforts to reunify the child with the parent or
27.31 guardian as a basis for vacating the order for long-term foster care and ordering a different
27.32 permanent placement in the child's best interests. The county attorney must file pleadings
27.33 and give notice as required under the rules of juvenile court in order to modify an order for
27.34 long-term foster care under this paragraph.

28.1 (k) The court shall issue an order required under this section within 15 days of the
28.2 close of the proceedings. The court may extend issuing the order an additional 15 days
28.3 when necessary in the interests of justice and the best interests of the child.

28.4 (l) This paragraph applies to proceedings required under this subdivision when
28.5 the child is on a trial home visit:

28.6 (1) if the child is on a trial home visit 12 months after the child was placed in
28.7 foster care or in the care of a noncustodial parent as calculated in this subdivision, the
28.8 responsible social services agency may file a report with the court regarding the child's and
28.9 parent's progress on the trial home visit and its reasonable efforts to finalize the child's safe
28.10 and permanent return to the care of the parent in lieu of filing the pleadings required under
28.11 paragraph (b). The court shall make findings regarding reasonableness of the responsible
28.12 social services efforts to finalize the child's return home as the permanent order in the best
28.13 interests of the child. The court may continue the trial home visit to a total time not to
28.14 exceed six months as provided in subdivision 1. If the court finds the responsible social
28.15 services agency has not made reasonable efforts to finalize the child's return home as the
28.16 permanent order in the best interests of the child, the court may order other or additional
28.17 efforts to support the child remaining in the care of the parent; and

28.18 (2) if a trial home visit ordered or continued at proceedings under this subdivision
28.19 terminates, the court shall re-commence proceedings under this subdivision to determine
28.20 the permanent status of the child not later than 30 days after the child is returned to foster
28.21 care.

28.22 Sec. 4. Minnesota Statutes 2008, section 260C.209, subdivision 3, is amended to read:

28.23 Subd. 3. **Multistate information.** ~~For every background study completed under this~~
28.24 ~~section, the subject of the background study shall provide the responsible social services~~
28.25 ~~agency with a set of classifiable fingerprints obtained from an authorized agency. The~~
28.26 ~~responsible social services agency shall provide the fingerprints to the commissioner, and~~
28.27 ~~the commissioner shall obtain criminal history data from the National Criminal Records~~
28.28 ~~Repository by submitting the fingerprints to the Bureau of Criminal Apprehension.~~

28.29 In cases involving the emergency relative placement of children under section
28.30 245A.035, the social services agency or county attorney may request a name-based check
28.31 of the National Criminal Records Repository. In those cases, fingerprints of the individual
28.32 being checked must be forwarded to the Bureau of Criminal Apprehension for submission
28.33 to the Federal Bureau of Investigation within 15 calendar days of the name-based check. If
28.34 the subject of the name-based check does not provide fingerprints upon request, the child
28.35 or children must be removed from the home.

29.1 Sec. 5. Minnesota Statutes 2008, section 260C.212, subdivision 4, is amended to read:

29.2 Subd. 4. **Agency responsibilities for parents and children in placement.** (a)

29.3 When a child is in foster care, the responsible social services agency shall make diligent
29.4 efforts to identify, locate, and, where appropriate, offer services to both parents of the child.

29.5 (1) The responsible social services agency shall assess whether a noncustodial or
29.6 nonadjudicated parent is willing and capable of providing for the day-to-day care of the
29.7 child temporarily or permanently. An assessment under this clause may include, but
29.8 is not limited to, obtaining information under section 260C.209. If after assessment,
29.9 the responsible social services agency determines that a noncustodial or nonadjudicated
29.10 parent is willing and capable of providing day-to-day care of the child, the responsible
29.11 social services agency may seek authority from the custodial parent or the court to have
29.12 that parent assume day-to-day care of the child. If a parent is not an adjudicated parent,
29.13 the responsible social services agency shall require the nonadjudicated parent to cooperate
29.14 with paternity establishment procedures as part of the case plan.

29.15 (2) If, after assessment, the responsible social services agency determines that the
29.16 child cannot be in the day-to-day care of either parent, the agency shall:

29.17 (i) prepare an out-of-home placement plan addressing the conditions that each parent
29.18 must meet before the child can be in that parent's day-to-day care; and

29.19 (ii) provide a parent who is the subject of a background study under section
29.20 260C.209 15 days' notice that it intends to use the study to recommend against putting the
29.21 child with that parent, ~~as well as the notice provided in section 260C.209, subdivision 4,~~
29.22 and the court shall afford the parent an opportunity to be heard concerning the study.

29.23 The results of a background study of a noncustodial parent shall not be used by the
29.24 agency to determine that the parent is incapable of providing day-to-day care of the child
29.25 unless the agency reasonably believes that placement of the child into the home of that
29.26 parent would endanger the child's health, safety, or welfare.

29.27 (3) If, after the provision of services following an out-of-home placement plan under
29.28 this section, the child cannot return to the care of the parent from whom the child was
29.29 removed or who had legal custody at the time the child was placed in foster care, the
29.30 agency may petition on behalf of a noncustodial parent to establish legal custody with
29.31 that parent under section 260C.201, subdivision 11. If paternity has not already been
29.32 established, it may be established in the same proceeding in the manner provided for
29.33 under chapter 257.

29.34 (4) The responsible social services agency may be relieved of the requirement to
29.35 locate and offer services to both parents by the juvenile court upon a finding of good cause
29.36 after the filing of a petition under section 260C.141.

30.1 (b) The responsible social services agency shall give notice to the parent or guardian
30.2 of each child in foster care, other than a child in voluntary foster care for treatment under
30.3 chapter 260D, of the following information:

30.4 (1) that the child's placement in foster care may result in termination of parental
30.5 rights or an order permanently placing the child out of the custody of the parent, but only
30.6 after notice and a hearing as required under chapter 260C and the juvenile court rules;

30.7 (2) time limits on the length of placement and of reunification services, including
30.8 the date on which the child is expected to be returned to and safely maintained in the
30.9 home of the parent or parents or placed for adoption or otherwise permanently removed
30.10 from the care of the parent by court order;

30.11 (3) the nature of the services available to the parent;

30.12 (4) the consequences to the parent and the child if the parent fails or is unable to use
30.13 services to correct the circumstances that led to the child's placement;

30.14 (5) the first consideration for placement with relatives;

30.15 (6) the benefit to the child in getting the child out of foster care as soon as possible,
30.16 preferably by returning the child home, but if that is not possible, through a permanent
30.17 legal placement of the child away from the parent;

30.18 (7) when safe for the child, the benefits to the child and the parent of maintaining
30.19 visitation with the child as soon as possible in the course of the case and, in any event,
30.20 according to the visitation plan under this section; and

30.21 (8) the financial responsibilities and obligations, if any, of the parent or parents for
30.22 the support of the child during the period the child is in foster care.

30.23 (c) The responsible social services agency shall inform a parent considering
30.24 voluntary placement of a child under subdivision 8, of the following information:

30.25 (1) the parent and the child each has a right to separate legal counsel before signing a
30.26 voluntary placement agreement, but not to counsel appointed at public expense;

30.27 (2) the parent is not required to agree to the voluntary placement, and a parent
30.28 who enters a voluntary placement agreement may at any time request that the agency
30.29 return the child. If the parent so requests, the child must be returned within 24 hours of
30.30 the receipt of the request;

30.31 (3) evidence gathered during the time the child is voluntarily placed may be used
30.32 at a later time as the basis for a petition alleging that the child is in need of protection
30.33 or services or as the basis for a petition seeking termination of parental rights or other
30.34 permanent placement of the child away from the parent;

30.35 (4) if the responsible social services agency files a petition alleging that the child is
30.36 in need of protection or services or a petition seeking the termination of parental rights

31.1 or other permanent placement of the child away from the parent, the parent would have
31.2 the right to appointment of separate legal counsel and the child would have a right to the
31.3 appointment of counsel and a guardian ad litem as provided by law, and that counsel will
31.4 be appointed at public expense if they are unable to afford counsel; and

31.5 (5) the timelines and procedures for review of voluntary placements under
31.6 subdivision 3, and the effect the time spent in voluntary placement on the scheduling of a
31.7 permanent placement determination hearing under section 260C.201, subdivision 11.

31.8 (d) When an agency accepts a child for placement, the agency shall determine
31.9 whether the child has had a physical examination by or under the direction of a licensed
31.10 physician within the 12 months immediately preceding the date when the child came into
31.11 the agency's care. If there is documentation that the child has had an examination within
31.12 the last 12 months, the agency is responsible for seeing that the child has another physical
31.13 examination within one year of the documented examination and annually in subsequent
31.14 years. If the agency determines that the child has not had a physical examination within
31.15 the 12 months immediately preceding placement, the agency shall ensure that the child
31.16 has an examination within 30 days of coming into the agency's care and once a year
31.17 in subsequent years.

31.18 (e) Whether under state guardianship or not, if a child leaves foster care by reason of
31.19 having attained the age of majority under state law, the child must be given at no cost a
31.20 copy of the child's social and medical history, as defined in section 259.43, and education
31.21 report.

31.22 Sec. 6. Minnesota Statutes 2008, section 260C.212, subdivision 7, is amended to read:

31.23 Subd. 7. **Administrative or court review of placements.** (a) There shall be an
31.24 administrative review of the out-of-home placement plan of each child placed in foster
31.25 care no later than 180 days after the initial placement of the child in foster care and at least
31.26 every six months thereafter if the child is not returned to the home of the parent or parents
31.27 within that time. The out-of-home placement plan must be monitored and updated at each
31.28 administrative review. The administrative review shall be conducted by the responsible
31.29 social services agency using a panel of appropriate persons at least one of whom is not
31.30 responsible for the case management of, or the delivery of services to, either the child or
31.31 the parents who are the subject of the review. The administrative review shall be open to
31.32 participation by the parent or guardian of the child and the child, as appropriate.

31.33 (b) As an alternative to the administrative review required in paragraph (a), the court
31.34 may, as part of any hearing required under the Minnesota Rules of Juvenile Protection
31.35 Procedure, conduct a hearing to monitor and update the out-of-home placement plan

32.1 pursuant to the procedure and standard in section 260C.201, subdivision 6, paragraph (d).
32.2 The party requesting review of the out-of-home placement plan shall give parties to the
32.3 proceeding notice of the request to review and update the out-of-home placement plan.
32.4 A court review conducted pursuant to section 260C.193; 260C.201, subdivision 1 or 11;
32.5 260C.141, subdivision 2 or 2a, clause (2); or 260C.317 shall satisfy the requirement for
32.6 the review so long as the other requirements of this section are met.

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

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

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

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

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

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

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

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

32.26 (1) At the court review, the responsible social services agency shall establish that it
32.27 has given the notice required under Minnesota Rules, part 9560.0060, regarding the right
32.28 to continued access to services for certain children in foster care past age 18 and of the
32.29 right to appeal a denial of social services under section ~~256.245~~ 256.045. If the agency is
32.30 unable to establish that the notice, including the right to appeal a denial of social services,
32.31 has been given, the court shall require the agency to give it.

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

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

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

- 33.1 (iii) the child is employed or enrolled in postsecondary education;
- 33.2 (iv) the child has applied for and obtained postsecondary education financial aid for
33.3 which the child is eligible;
- 33.4 (v) the child has health care coverage and health care providers to meet the child's
33.5 physical and mental health needs;
- 33.6 (vi) the child has applied for and obtained disability income assistance for which
33.7 the child is eligible;
- 33.8 (vii) the child has obtained affordable housing with necessary supports, which does
33.9 not include a homeless shelter;
- 33.10 (viii) the child has saved sufficient funds to pay for the first month's rent and a
33.11 damage deposit;
- 33.12 (ix) the child has an alternative affordable housing plan, which does not include a
33.13 homeless shelter, if the original housing plan is unworkable;
- 33.14 (x) the child, if male, has registered for the Selective Service; and
- 33.15 (xi) the child has a permanent connection to a caring adult.
- 33.16 (3) The court shall ensure that the responsible agency in conjunction with the
33.17 placement provider assists the child in obtaining the following documents prior to the
33.18 child's leaving foster care: a Social Security card; the child's birth certificate; a state
33.19 identification card or driver's license, green card, or school visa; the child's school,
33.20 medical, and dental records; a contact list of the child's medical, dental, and mental health
33.21 providers; and contact information for the child's siblings, if the siblings are in foster care.

33.22 Sec. 7. Minnesota Statutes 2008, section 260D.07, is amended to read:

33.23 **260D.07 REQUIRED PERMANENCY REVIEW HEARING.**

33.24 (a) When the court has found that the voluntary arrangement is in the child's best
33.25 interests and that the agency and parent are appropriately planning for the child pursuant
33.26 to the report submitted under section 260D.06, and the child continues in voluntary foster
33.27 care as defined in section 260D.02, subdivision 10, for 13 months from the date of the
33.28 voluntary foster care agreement, or has been in placement for 15 of the last 22 months, the
33.29 agency must:

- 33.30 (1) terminate the voluntary foster care agreement and return the child home; or
- 33.31 (2) determine whether there are compelling reasons to continue the voluntary foster
33.32 care arrangement and, if the agency determines there are compelling reasons, seek judicial
33.33 approval of its determination; or
- 33.34 (3) file a petition for the termination of parental rights.

34.1 (b) When the agency is asking for the court's approval of its determination that there
34.2 are compelling reasons to continue the child in the voluntary foster care arrangement, the
34.3 agency shall file a "Petition for Permanency Review Regarding a Child in Voluntary
34.4 Foster Care for Treatment" and ask the court to proceed under this section.

34.5 (c) The "Petition for Permanency Review Regarding a Child in Voluntary Foster
34.6 Care for Treatment" shall be drafted or approved by the county attorney and be under
34.7 oath. The petition shall include:

34.8 (1) the date of the voluntary placement agreement;

34.9 (2) whether the petition is due to the child's developmental disability or emotional
34.10 disturbance;

34.11 (3) the plan for the ongoing care of the child and the parent's participation in the plan;

34.12 (4) a description of the parent's visitation and contact with the child;

34.13 (5) the date of the court finding that the foster care placement was in the best
34.14 interests of the child, if required under section 260D.06, or the date the agency filed the
34.15 motion under section 260D.09, paragraph (b);

34.16 (6) the agency's reasonable efforts to finalize the permanent plan for the child,
34.17 including returning the child to the care of the child's family; and

34.18 (7) a citation to this chapter as the basis for the petition.

34.19 (d) An updated copy of the out-of-home placement plan required under section
34.20 260C.212, subdivision 1, shall be filed with the petition.

34.21 (e) The court shall set the date for the permanency review hearing no later than 14
34.22 months after the child has been in placement or within 30 days of the petition filing date
34.23 when the child has been in placement 15 of the last 22 months. The court shall serve the
34.24 petition together with a notice of hearing by United States mail on the parent, the child
34.25 age 12 or older, the child's guardian ad litem, if one has been appointed, the agency, the
34.26 county attorney, and counsel for any party.

34.27 (f) The court shall conduct the permanency review hearing on the petition no later
34.28 than 14 months after the date of the voluntary placement agreement, within 30 days of the
34.29 filing of the petition when the child has been in placement 15 days of the last 22 months,
34.30 or within 15 days of a motion to terminate jurisdiction and to dismiss an order for foster
34.31 care under chapter 260C, as provided in section 260D.09, paragraph (b).

34.32 (g) At the permanency review hearing, the court shall:

34.33 (1) inquire of the parent if the parent has reviewed the "Petition for Permanency
34.34 Review Regarding a Child in Voluntary Foster Care for Treatment," whether the petition is
34.35 accurate, and whether the parent agrees to the continued voluntary foster care arrangement
34.36 as being in the child's best interests;

35.1 (2) inquire of the parent if the parent is satisfied with the agency's reasonable efforts
35.2 to finalize the permanent plan for the child, including whether there are services available
35.3 and accessible to the parent that might allow the child to safely be with the child's family;

35.4 (3) inquire of the parent if the parent consents to the court entering an order that:

35.5 (i) approves the responsible agency's reasonable efforts to finalize the permanent
35.6 plan for the child, which includes ongoing future planning for the safety, health, and best
35.7 interests of the child; and

35.8 (ii) approves the responsible agency's determination that there are compelling
35.9 reasons why the continued voluntary foster care arrangement is in the child's best
35.10 interests; and

35.11 (4) inquire of the child's guardian ad litem and any other party whether the guardian
35.12 or the party agrees that:

35.13 (i) the court should approve the responsible agency's reasonable efforts to finalize
35.14 the permanent plan for the child, which includes ongoing and future planning for the
35.15 safety, health, and best interests of the child; and

35.16 (ii) the court should approve of the responsible agency's determination that there
35.17 are compelling reasons why the continued voluntary foster care arrangement is in the
35.18 child's best interests.

35.19 (h) At a permanency review hearing under this section, the court may take the
35.20 following actions based on the contents of the sworn petition and the consent of the parent:

35.21 (1) approve the agency's compelling reasons that the voluntary foster care
35.22 arrangement is in the best interests of the child; and

35.23 (2) find that the agency has made reasonable efforts to finalize ~~a plan for the~~
35.24 permanent plan for the child.

35.25 (i) A child, age 12 or older, may object to the agency's request that the court approve
35.26 its compelling reasons for the continued voluntary arrangement and may be heard on the
35.27 reasons for the objection. Notwithstanding the child's objection, the court may approve
35.28 the agency's compelling reasons and the voluntary arrangement.

35.29 (j) If the court does not approve the voluntary arrangement after hearing from the
35.30 child or the child's guardian ad litem, the court shall dismiss the petition. In this case,
35.31 either:

35.32 (1) the child must be returned to the care of the parent; or

35.33 (2) the agency must file a petition under section 260C.141, asking for appropriate
35.34 relief under section 260C.201, subdivision 11, or 260C.301.

35.35 (k) When the court approves the agency's compelling reasons for the child to
35.36 continue in voluntary foster care for treatment, and finds that the agency has made

36.1 reasonable efforts to finalize a permanent plan for the child, the court shall approve the
36.2 continued voluntary foster care arrangement, and continue the matter under the court's
36.3 jurisdiction for the purposes of reviewing the child's placement every 12 months while
36.4 the child is in foster care.

36.5 (l) A finding that the court approves the continued voluntary placement means
36.6 the agency has continued legal authority to place the child while a voluntary placement
36.7 agreement remains in effect. The parent or the agency may terminate a voluntary
36.8 agreement as provided in section 260D.10. Termination of a voluntary foster care
36.9 placement of an Indian child is governed by section 260.765, subdivision 4.

36.10 Sec. 8. Laws 2008, chapter 361, article 6, section 58, is amended to read:

36.11 Sec. 58. **REVISOR'S INSTRUCTION.**

36.12 (a) In each section of Minnesota Statutes referred to in column A, the revisor of
36.13 statutes shall delete the reference in column B and insert the reference in column C.

| 36.14 | Column A | Column B | Column C |
|-------|----------|--------------------|--------------------------------------|
| 36.15 | 259.67 | 260.851, article 5 | 260.853 260.93, article 4 |
| 36.16 | 256B.094 | 260.851 | 260.853 260.93 |

36.17 (b) In each section of Minnesota Rules referred to in column A, the revisor of
36.18 statutes shall delete the reference in column B and insert the reference in column C.

| 36.19 | <u>Column A</u> | <u>Column B</u> | <u>Column C</u> |
|-------|------------------|--------------------------|--------------------------|
| 36.20 | <u>9545.0755</u> | <u>260.851 to 260.91</u> | <u>260.855 to 260.93</u> |
| 36.21 | <u>9545.0815</u> | <u>260.851</u> | <u>260.93</u> |
| 36.22 | <u>9550.6210</u> | <u>260.851 to 260.91</u> | <u>260.855 to 260.93</u> |
| 36.23 | <u>9560.0130</u> | <u>260.851</u> | <u>260.93</u> |

36.24 (c) The revisor of statutes shall replace "Interstate Compact on the Placement of
36.25 Children" with "Interstate Compact for the Placement of Children" wherever it appears
36.26 in rules or statutes.

36.27 **EFFECTIVE DATE.** This section is effective upon legislative enactment of the
36.28 compact in Minnesota Statutes, section 260.93, into law by no less than 35 states. The
36.29 commissioner of human services shall inform the revisor of statutes when this occurs.

36.30 Sec. 9. **REPEALER.**

36.31 Minnesota Statutes 2008, section 260C.209, subdivision 4, is repealed.

ARTICLE 2**CHILD WELFARE POLICY**

37.1

37.2

37.3 Section 1. Minnesota Statutes 2008, section 13.46, subdivision 2, is amended to read:

37.4 Subd. 2. **General.** (a) Unless the data is summary data or a statute specifically
37.5 provides a different classification, data on individuals collected, maintained, used, or
37.6 disseminated by the welfare system is private data on individuals, and shall not be
37.7 disclosed except:

37.8 (1) according to section 13.05;

37.9 (2) according to court order;

37.10 (3) according to a statute specifically authorizing access to the private data;

37.11 (4) to an agent of the welfare system, including a law enforcement person, attorney,
37.12 or investigator acting for it in the investigation or prosecution of a criminal or civil
37.13 proceeding relating to the administration of a program;

37.14 (5) to personnel of the welfare system who require the data to verify an individual's
37.15 identity; determine eligibility, amount of assistance, and the need to provide services to
37.16 an individual or family across programs; evaluate the effectiveness of programs; assess
37.17 parental contribution amounts; and investigate suspected fraud;

37.18 (6) to administer federal funds or programs;

37.19 (7) between personnel of the welfare system working in the same program;

37.20 (8) to the Department of Revenue to assess parental contribution amounts for
37.21 purposes of section 252.27, subdivision 2a, administer and evaluate tax refund or tax credit
37.22 programs and to identify individuals who may benefit from these programs. The following
37.23 information may be disclosed under this paragraph: an individual's and their dependent's
37.24 names, dates of birth, Social Security numbers, income, addresses, and other data as
37.25 required, upon request by the Department of Revenue. Disclosures by the commissioner
37.26 of revenue to the commissioner of human services for the purposes described in this clause
37.27 are governed by section 270B.14, subdivision 1. Tax refund or tax credit programs include,
37.28 but are not limited to, the dependent care credit under section 290.067, the Minnesota
37.29 working family credit under section 290.0671, the property tax refund and rental credit
37.30 under section 290A.04, and the Minnesota education credit under section 290.0674;

37.31 (9) between the Department of Human Services, the Department of Employment
37.32 and Economic Development, and when applicable, the Department of Education, for
37.33 the following purposes:

37.34 (i) to monitor the eligibility of the data subject for unemployment benefits, for any
37.35 employment or training program administered, supervised, or certified by that agency;

38.1 (ii) to administer any rehabilitation program or child care assistance program,
38.2 whether alone or in conjunction with the welfare system;

38.3 (iii) to monitor and evaluate the Minnesota family investment program or the child
38.4 care assistance program by exchanging data on recipients and former recipients of food
38.5 support, cash assistance under chapter 256, 256D, 256J, or 256K, child care assistance
38.6 under chapter 119B, or medical programs under chapter 256B, 256D, or 256L; and

38.7 (iv) to analyze public assistance employment services and program utilization,
38.8 cost, effectiveness, and outcomes as implemented under the authority established in Title
38.9 II, Sections 201-204 of the Ticket to Work and Work Incentives Improvement Act of
38.10 1999. Health records governed by sections 144.291 to 144.298 and "protected health
38.11 information" as defined in Code of Federal Regulations, title 45, section 160.103, and
38.12 governed by Code of Federal Regulations, title 45, parts 160-164, including health care
38.13 claims utilization information, must not be exchanged under this clause;

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

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

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

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

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

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

38.36 (i) the participant:

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

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

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

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

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

39.12 (17) information obtained from food support applicant or recipient households may
39.13 be disclosed to local, state, or federal law enforcement officials, upon their written request,
39.14 for the purpose of investigating an alleged violation of the Food Stamp Act, according
39.15 to Code of Federal Regulations, title 7, section 272.1(c);

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

39.20 (i) the member:

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

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

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

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

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

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

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

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

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

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

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

40.19 (25) to other state agencies, statewide systems, and political subdivisions of this
40.20 state, including the attorney general, and agencies of other states, interstate information
40.21 networks, federal agencies, and other entities as required by federal regulation or law for
40.22 the administration of the child support enforcement program;

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

40.26 (27) to monitor and evaluate the Minnesota family investment program by
40.27 exchanging data between the Departments of Human Services and Education, on
40.28 recipients and former recipients of food support, cash assistance under chapter 256, 256D,
40.29 256J, or 256K, child care assistance under chapter 119B, or medical programs under
40.30 chapter 256B, 256D, or 256L;

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

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

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

41.9 (b) Information on persons who have been treated for drug or alcohol abuse may
41.10 only be disclosed according to the requirements of Code of Federal Regulations, title
41.11 42, sections 2.1 to 2.67.

41.12 (c) Data provided to law enforcement agencies under paragraph (a), clause (15),
41.13 (16), (17), or (18), or paragraph (b), are investigative data and are confidential or protected
41.14 nonpublic while the investigation is active. The data are private after the investigation
41.15 becomes inactive under section 13.82, subdivision 5, paragraph (a) or (b).

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

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

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

41.21 Subd. 14b. **American Indian child welfare projects.** (a) The commissioner of
41.22 human services may authorize projects to test tribal delivery of child welfare services to
41.23 American Indian children and their parents and custodians living on the reservation.
41.24 The commissioner has authority to solicit and determine which tribes may participate
41.25 in a project. Grants may be issued to Minnesota Indian tribes to support the projects.
41.26 The commissioner may waive existing state rules as needed to accomplish the projects.
41.27 Notwithstanding section 626.556, the commissioner may authorize projects to use
41.28 alternative methods of investigating and assessing reports of child maltreatment, provided
41.29 that the projects comply with the provisions of section 626.556 dealing with the rights
41.30 of individuals who are subjects of reports or investigations, including notice and appeal
41.31 rights and data practices requirements. The commissioner may seek any federal approvals
41.32 necessary to carry out the projects as well as seek and use any funds available to the
41.33 commissioner, including use of federal funds, foundation funds, existing grant funds,
41.34 and other funds. The commissioner is authorized to advance state funds as necessary to
41.35 operate the projects. Federal reimbursement applicable to the projects is appropriated

42.1 to the commissioner for the purposes of the projects. The projects must be required to
42.2 address responsibility for safety, permanency, and well-being of children.

42.3 (b) For the purposes of this section, "American Indian child" means a person under
42.4 18 years of age who is a tribal member or eligible for membership in one of the tribes
42.5 chosen for a project under this subdivision and who is residing on the reservation of
42.6 that tribe.

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

42.8 (1) be one of the existing tribes with reservation land in Minnesota;

42.9 (2) have a tribal court with jurisdiction over child custody proceedings;

42.10 (3) have a substantial number of children for whom determinations of maltreatment
42.11 have occurred;

42.12 (4) have capacity to respond to reports of abuse and neglect under section 626.556;

42.13 (5) provide a wide range of services to families in need of child welfare services; and

42.14 (6) have a tribal-state title IV-E agreement in effect.

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

42.18 (1) assessment and prevention of child abuse and neglect;

42.19 (2) family preservation;

42.20 (3) facilitative, supportive, and reunification services;

42.21 (4) out-of-home placement for children removed from the home for child protective
42.22 purposes; and

42.23 (5) other activities and services approved by the commissioner that further the goals
42.24 of providing safety, permanency, and well-being of American Indian children.

42.25 (e) When a tribe has initiated a project and has been approved by the commissioner
42.26 to assume child welfare responsibilities for American Indian children of that tribe under
42.27 this section, the affected county social service agency is relieved of responsibility for
42.28 responding to reports of abuse and neglect under section 626.556 for those children
42.29 during the time within which the tribal project is in effect and funded. The commissioner
42.30 shall work with tribes and affected counties to develop procedures for data collection,
42.31 evaluation, and clarification of ongoing role and financial responsibilities of the county
42.32 and tribe for child welfare services prior to initiation of the project. Children who have not
42.33 been identified by the tribe as participating in the project shall remain the responsibility
42.34 of the county. Nothing in this section shall alter responsibilities of the county for law
42.35 enforcement or court services.

43.1 (f) Participating tribes may conduct children's mental health screenings under section
43.2 245.4874, subdivision 1, paragraph (a), clause (14), for children who are eligible for the
43.3 initiative and living on the reservation and who meet one of the following criteria:

43.4 (1) the child must be receiving child protective services;

43.5 (2) the child must be in foster care; or

43.6 (3) the child's parents must have had parental rights suspended or terminated.

43.7 Tribes may access reimbursement from available state funds for conducting the screenings.
43.8 Nothing in this section shall alter responsibilities of the county for providing services
43.9 under section 245.487.

43.10 (g) Participating tribes may establish a local child mortality review panel. In
43.11 establishing a local child mortality review panel, the tribe agrees to conduct local child
43.12 mortality reviews for child deaths or near-fatalities occurring on the reservation under
43.13 section 256.01, subdivision 12. Tribes with established child mortality review panels
43.14 shall have access to nonpublic data and shall protect nonpublic data under section
43.15 256.01, subdivision 12, paragraphs (c) to (e). The tribe shall provide written notice to
43.16 the commissioner and affected counties when a local child mortality review panel has
43.17 been established and shall provide data upon request of the commissioner for purposes
43.18 of sharing nonpublic data with members of the state child mortality review panel in
43.19 connection to an individual case.

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

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

43.26 Subd. 2. **Requirement to search registry before adoption petition can be**
43.27 **granted; proof of search.** No petition for adoption may be granted unless the agency
43.28 supervising the adoptive placement, the birth mother of the child, or, in the case of a
43.29 stepparent or relative adoption, the county agency responsible for the report required
43.30 under section 259.53, subdivision 1, requests that the commissioner of health search the
43.31 registry to determine whether a putative father is registered in relation to a child who is or
43.32 may be the subject of an adoption petition. The search required by this subdivision must
43.33 be conducted no sooner than 31 days following the birth of the child. A search of the
43.34 registry may be proven by the production of a certified copy of the registration form or by
43.35 a certified statement of the commissioner of health that after a search no registration of a

44.1 putative father in relation to a child who is or may be the subject of an adoption petition
44.2 could be located. The filing of a certified copy of an order from a juvenile protection
44.3 matter under chapter 260C containing a finding that certification of the requisite search
44.4 of the Minnesota fathers' adoption registry was filed with the court in that matter shall
44.5 also constitute proof of search. Certification that the fathers' adoption registry has been
44.6 searched must be filed with the court prior to entry of any final order of adoption. In
44.7 addition to the search required by this subdivision, the agency supervising the adoptive
44.8 placement, the birth mother of the child, or, in the case of a stepparent or relative adoption,
44.9 the social services agency responsible for the report under section 259.53, subdivision 1,
44.10 or the responsible social services agency that is a petitioner in a juvenile protection matter
44.11 under chapter 260C may request that the commissioner of health search the registry at
44.12 any time. Search requirements of this section do not apply when the responsible social
44.13 services agency is proceeding under Safe Place for Newborns, section 260C.217.

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

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

44.21 Sec. 5. Minnesota Statutes 2008, section 260.012, is amended to read:

44.22 **260.012 DUTY TO ENSURE PLACEMENT PREVENTION AND FAMILY**
44.23 **REUNIFICATION; REASONABLE EFFORTS.**

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

45.1 (1) the parent has subjected a child to egregious harm as defined in section
45.2 260C.007, subdivision 14;

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

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

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

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

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

45.17 (c) In the case of an Indian child, in proceedings under sections 260B.178 or
45.18 260C.178, 260C.201, and 260C.301 the juvenile court must make findings and conclusions
45.19 consistent with the Indian Child Welfare Act of 1978, United States Code, title 25, section
45.20 1901 et seq., as to the provision of active efforts. In cases governed by the Indian Child
45.21 Welfare Act of 1978, United States Code, title 25, section 1901, the responsible social
45.22 services agency must provide active efforts as required under United States Code, title
45.23 25, section 1911(d).

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

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

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

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

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

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

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

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

46.7 ~~(4)~~ (5) when the child cannot return to the parent or guardian from whom the child
46.8 was removed, to plan for and finalize a safe and legally permanent alternative home
46.9 for the child, and considers permanent alternative homes for the child inside or outside
46.10 of the state, preferably through adoption or transfer of permanent legal and physical
46.11 custody of the child.

46.12 (f) Reasonable efforts are made upon the exercise of due diligence by the responsible
46.13 social services agency to use culturally appropriate and available services to meet the
46.14 needs of the child and the child's family. Services may include those provided by the
46.15 responsible social services agency and other culturally appropriate services available in
46.16 the community. At each stage of the proceedings where the court is required to review
46.17 the appropriateness of the responsible social services agency's reasonable efforts as
46.18 described in paragraphs (a), (d), and (e), the social services agency has the burden of
46.19 demonstrating that:

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

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

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

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

46.32 (g) Once the court determines that reasonable efforts for reunification are not
46.33 required because the court has made one of the prima facie determinations under paragraph
46.34 (a), the court may only require reasonable efforts for reunification after a hearing according
46.35 to section 260C.163, where the court finds there is not clear and convincing evidence of
46.36 the facts upon which the court based its prima facie determination. In this case when there

47.1 is clear and convincing evidence that the child is in need of protection or services, the
47.2 court may find the child in need of protection or services and order any of the dispositions
47.3 available under section 260C.201, subdivision 1. Reunification of a surviving child with a
47.4 parent is not required if the parent has been convicted of:

47.5 (1) a violation of, or an attempt or conspiracy to commit a violation of, sections
47.6 609.185 to 609.20; 609.222, subdivision 2; or 609.223 in regard to another child of the
47.7 parent;

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

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

47.12 (h) The juvenile court, in proceedings under sections 260B.178 or 260C.178,
47.13 260C.201, and 260C.301 shall make findings and conclusions as to the provision of
47.14 reasonable efforts. When determining whether reasonable efforts have been made, the
47.15 court shall consider whether services to the child and family were:

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

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

47.18 (3) culturally appropriate;

47.19 (4) available and accessible;

47.20 (5) consistent and timely; and

47.21 (6) realistic under the circumstances.

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

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

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

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

48.3 (k) Reasonable efforts to place a child for adoption or in another permanent
48.4 placement may be made concurrently with reasonable efforts to prevent placement or to
48.5 reunify the child with the parent or guardian from whom the child was removed. When
48.6 the responsible social services agency decides to concurrently make reasonable efforts for
48.7 both reunification and permanent placement away from the parent under paragraph (a), the
48.8 agency shall disclose its decision and both plans for concurrent reasonable efforts to all
48.9 parties and the court. When the agency discloses its decision to proceed on both plans for
48.10 reunification and permanent placement away from the parent, the court's review of the
48.11 agency's reasonable efforts shall include the agency's efforts under both plans.

48.12 Sec. 6. Minnesota Statutes 2008, section 260B.007, subdivision 7, is amended to read:

48.13 Subd. 7. **Foster care.** ~~"Foster care" means the 24-hour a day care of a child in~~
48.14 ~~any facility which for gain or otherwise regularly provides one or more children, when~~
48.15 ~~unaccompanied by their parents, with a substitute for the care, food, lodging, training,~~
48.16 ~~education, supervision or treatment they need but which for any reason cannot be furnished~~
48.17 ~~by their parents or legal guardians in their homes.~~ "Foster care" means 24-hour substitute
48.18 care for children placed away from their parents or guardian and for whom a responsible
48.19 social services agency has placement and care responsibility. Foster care includes, but
48.20 is not limited to, placement in foster family homes, foster homes of relatives, group
48.21 homes, emergency shelters, residential facilities not excluded in this subdivision, child
48.22 care institutions, and preadoptive homes. A child is in foster care under this definition
48.23 regardless of whether the facility is licensed and payments are made for the cost of care.
48.24 Nothing in this definition creates any authority to place a child in a home or facility that
48.25 is required to be licensed which is not licensed. Foster care does not include placement
48.26 in any of the following facilities: hospitals, inpatient chemical dependency treatment
48.27 facilities, facilities that are primarily for delinquent children, any corrections facility or
48.28 program within a particular corrections facility not meeting requirements for Title IV-E
48.29 facilities as determined by the commissioner, facilities to which a child is committed
48.30 under the provision of chapter 253B, forestry camps, or jails. Foster care is intended to
48.31 provide for a child's safety or to access treatment. Foster care must not be used as a
48.32 punishment or consequence for a child's behavior.

48.33 Sec. 7. Minnesota Statutes 2008, section 260B.157, subdivision 3, is amended to read:

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

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

49.11 (1) for the primary purpose of treatment for an emotional disturbance, and residential
49.12 placement is consistent with section 260.012, a developmental disability, or chemical
49.13 dependency in a residential treatment facility out of state or in one which is within the
49.14 state and licensed by the commissioner of human services under chapter 245A; or

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

49.19 (i) screen and evaluate the child and file its recommendations with the court within
49.20 14 days of receipt of the notice; or

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

49.23 (c) If the screening team has elected to screen and evaluate the child, the child
49.24 may not be placed for the primary purpose of treatment for an emotional disturbance, a
49.25 developmental disability, or chemical dependency, in a residential treatment facility out of
49.26 state nor in a residential treatment facility within the state that is licensed under chapter
49.27 245A, unless one of the following conditions applies:

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

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

49.34 (3) the court, having reviewed a screening team recommendation against placement,
49.35 determines to the contrary that a residential placement is necessary. The court shall state
49.36 the reasons for its determination in writing, on the record, and shall respond specifically

50.1 to the findings and recommendation of the screening team in explaining why the
50.2 recommendation was rejected. The attorney representing the child and the prosecuting
50.3 attorney shall be afforded an opportunity to be heard on the matter.

50.4 Sec. 8. Minnesota Statutes 2008, section 260B.198, subdivision 1, is amended to read:

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

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

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

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

50.17 (i) a child-placing agency; or

50.18 (ii) the local social services agency; or

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

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

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

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

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

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

50.33 (7) if the child is in need of special treatment and care for reasons of physical or
50.34 mental health, the court may order the child's parent, guardian, or custodian to provide

51.1 it. If the parent, guardian, or custodian fails to provide this treatment or care, the court
51.2 may order it provided;

51.3 (8) if the court believes that it is in the best interests of the child and of public
51.4 safety that the driver's license of the child be canceled until the child's 18th birthday,
51.5 the court may recommend to the commissioner of public safety the cancellation of the
51.6 child's license for any period up to the child's 18th birthday, and the commissioner is
51.7 hereby authorized to cancel such license without a hearing. At any time before the
51.8 termination of the period of cancellation, the court may, for good cause, recommend to
51.9 the commissioner of public safety that the child be authorized to apply for a new license,
51.10 and the commissioner may so authorize;

51.11 (9) if the court believes that it is in the best interest of the child and of public safety
51.12 that the child is enrolled in school, the court may require the child to remain enrolled in a
51.13 public school until the child reaches the age of 18 or completes all requirements needed
51.14 to graduate from high school. Any child enrolled in a public school under this clause is
51.15 subject to the provisions of the Pupil Fair Dismissal Act in chapter 127;

51.16 (10) if the child is petitioned and found by the court to have committed a controlled
51.17 substance offense under sections 152.021 to 152.027, the court shall determine whether
51.18 the child unlawfully possessed or sold the controlled substance while driving a motor
51.19 vehicle. If so, the court shall notify the commissioner of public safety of its determination
51.20 and order the commissioner to revoke the child's driver's license for the applicable time
51.21 period specified in section 152.0271. If the child does not have a driver's license or if the
51.22 child's driver's license is suspended or revoked at the time of the delinquency finding,
51.23 the commissioner shall, upon the child's application for driver's license issuance or
51.24 reinstatement, delay the issuance or reinstatement of the child's driver's license for the
51.25 applicable time period specified in section 152.0271. Upon receipt of the court's order, the
51.26 commissioner is authorized to take the licensing action without a hearing;

51.27 (11) if the child is petitioned and found by the court to have committed or attempted
51.28 to commit an act in violation of section 609.342; 609.343; 609.344; 609.345; 609.3451;
51.29 609.746, subdivision 1; 609.79; or 617.23, or another offense arising out of a delinquency
51.30 petition based on one or more of those sections, the court shall order an independent
51.31 professional assessment of the child's need for sex offender treatment. An assessor
51.32 providing an assessment for the court must be experienced in the evaluation and treatment
51.33 of juvenile sex offenders. If the assessment indicates that the child is in need of and
51.34 amenable to sex offender treatment, the court shall include in its disposition order a
51.35 requirement that the child undergo treatment. Notwithstanding sections 13.384, 13.85,

52.1 144.291 to 144.298, 260B.171, or 626.556, the assessor has access to the following private
52.2 or confidential data on the child if access is relevant and necessary for the assessment:

- 52.3 (i) medical data under section 13.384;
- 52.4 (ii) corrections and detention data under section 13.85;
- 52.5 (iii) health records under sections 144.291 to 144.298;
- 52.6 (iv) juvenile court records under section 260B.171; and
- 52.7 (v) local welfare agency records under section 626.556.

52.8 Data disclosed under this clause may be used only for purposes of the assessment
52.9 and may not be further disclosed to any other person, except as authorized by law;

52.10 (12) if the child is found delinquent due to the commission of an offense that would
52.11 be a felony if committed by an adult, the court shall make a specific finding on the record
52.12 regarding the juvenile's mental health and chemical dependency treatment needs;

52.13 (13) any order for a disposition authorized under this section shall contain written
52.14 findings of fact to support the disposition ordered and shall also set forth in writing the
52.15 following information:

- 52.16 (i) why the best interests of the child are served by the disposition ordered; and
- 52.17 (ii) what alternative dispositions were considered by the court and why such
52.18 dispositions were not appropriate in the instant case.

52.19 Sec. 9. Minnesota Statutes 2008, section 260C.007, subdivision 18, is amended to read:

52.20 Subd. 18. **Foster care.** "Foster care" means 24 hour substitute care for children
52.21 placed away from their parents or guardian and for whom a responsible social services
52.22 agency has placement and care responsibility. "Foster care" includes, but is not limited
52.23 to, placement in foster family homes, foster homes of relatives, group homes, emergency
52.24 shelters, residential facilities not excluded in this subdivision, child care institutions, and
52.25 preadoptive homes. A child is in foster care under this definition regardless of whether the
52.26 facility is licensed and payments are made for the cost of care. Nothing in this definition
52.27 creates any authority to place a child in a home or facility that is required to be licensed
52.28 which is not licensed. "Foster care" does not include placement in any of the following
52.29 facilities: hospitals, inpatient chemical dependency treatment facilities, facilities that are
52.30 primarily for delinquent children, any corrections facility or program within a particular
52.31 correction's facility not meeting requirements for Title IV-E facilities as determined by
52.32 the commissioner, facilities to which a child is committed under the provision of chapter
52.33 253B, forestry camps, or jails. Foster care is intended to provide for a child's safety or
52.34 to access treatment. Foster care must not be used as a punishment or consequence for
52.35 a child's behavior.

53.1 Sec. 10. Minnesota Statutes 2008, section 260C.007, subdivision 25, is amended to
53.2 read:

53.3 Subd. 25. **Parent.** "Parent" means ~~the birth or adoptive parent of a minor.~~ a person
53.4 who has a legal parent and child relationship with a child under section 257.52 which
53.5 confers or imposes on the person legal rights, privileges, duties, and obligations. It
53.6 includes the mother and child relationship and the father and child relationship. For an
53.7 Indian child matters governed by the Indian Child Welfare Act, parent includes any Indian
53.8 person who has adopted a child by tribal law or custom, as provided in section 260.755,
53.9 subdivision 14. For matters governed by the Indian Child Welfare Act, parent does not
53.10 include the unwed father where paternity has not been acknowledged or established.
53.11 Parent does not mean a putative father of a child unless the putative father also meets the
53.12 requirements of section 257.55 or unless the putative father is entitled to notice under
53.13 section 259.49, subdivision 1.

53.14 Sec. 11. **[260C.150] DILIGENT EFFORTS TO IDENTIFY PARENTS OF A**
53.15 **CHILD; PROCEDURES FOR REVIEW; REASONABLE EFFORTS.**

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

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

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

53.28 Subd. 3. **Identifying parents of child; diligent efforts; data.** (a) The responsible
53.29 social services agency shall make diligent efforts to identify and locate both parents of any
53.30 child who is the subject of proceedings under this chapter. Diligent efforts include:

53.31 (1) asking the custodial or known parent to identify any nonresident parent of the
53.32 child and provide information that can be used to verify the nonresident parent's identity
53.33 including the dates and locations of marriages and divorces, dates and locations of any
53.34 legal proceedings regarding paternity, date and place of the child's birth, nonresident
53.35 parent's full legal name, nonresident parent's date of birth, if the nonresident parent's

54.1 date of birth is unknown, an approximate age, the nonresident parent's Social Security
54.2 number, the nonresident parent's whereabouts including last known whereabouts, and the
54.3 whereabouts of relatives of the nonresident parent. For purposes of this subdivision,
54.4 "nonresident parent" means a parent who does not reside in the same household as the
54.5 child or did not reside in the same household as the child at the time the child was removed
54.6 when the child is in foster care;

54.7 (2) obtaining information that will identify and locate the nonresident parent from
54.8 the county and state of Minnesota child support enforcement information system;

54.9 (3) requesting a search of the Minnesota Fathers' Adoption Registry 30 days after
54.10 the child's birth; and

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

54.12 (b) The agency may disclose data which is otherwise private under section 13.46 or
54.13 626.556 in order to carry out its duties under this subdivision.

54.14 Subd. 4. **Court inquiry regarding identities of both parents.** At the first hearing
54.15 regarding the petition and at any subsequent hearings, as appropriate, the court shall
54.16 inquire of the parties whether the identities and whereabouts of both parents of the child
54.17 are known and correctly reflected in the petition filed with the court. If either the identity
54.18 or whereabouts of both parents is not known, the court shall make inquiry on the record of
54.19 any party or participant present regarding the identity and whereabouts of the unknown
54.20 parent of the child.

54.21 Subd. 5. **Sworn testimony from known parent.** When the county attorney
54.22 requests, the court shall have the custodial or known parent of the child sworn for the
54.23 purpose of answering questions relevant to the identity of a child's other parent in any
54.24 proceeding under this chapter. The county attorney may request this information at any
54.25 point in the proceedings if the custodial or known parent has not been cooperative in
54.26 providing information to identify and locate the nonresident parent or information that
54.27 may lead to identifying and locating the nonresident parent. If the child's custodial or
54.28 known parent testifies that disclosure of identifying information regarding the identity
54.29 of the nonresident parent would cause either the custodial or known parent, the child, or
54.30 another family member to be endangered, the court may make a protective order regarding
54.31 any information necessary to protect the custodial or known parent, the child, or family
54.32 member. Consistent with section 260C.212, subdivision 4, paragraph (a), clause (4), if the
54.33 child remains in the care of the known or custodial parent and the court finds it in the child's
54.34 best interests, the court may waive notice to the nonresident parent of the child if such
54.35 notice would endanger the known or custodial parent, the child, or another family member.

55.1 **Subd. 6. Court review of diligent efforts and service.** As soon as possible, but
55.2 not later than the first review hearing required under the Minnesota Rules of Juvenile
55.3 Protection Procedure, unless the responsible social services agency has identified and
55.4 located both parents of the child, the agency shall include in its report to the court required
55.5 under the Minnesota Rules of Juvenile Protection Procedure a description of its diligent
55.6 efforts to locate any parent who remains unknown or who the agency has been unable
55.7 to locate. The court shall determine whether (1) diligent efforts have been made by the
55.8 agency to identify both parents of the child, (2) both parents have been located, and (3)
55.9 both parents have been served with the summons or notice of the proceedings required by
55.10 section 260C.151 or 260C.152 and the Minnesota Rules of Juvenile Protection Procedure.
55.11 If the court determines the agency has not made diligent efforts to locate both parents of
55.12 the child or if both parents of the child have not been served as required by the rules, the
55.13 court shall order the agency to take further steps to identify and locate both parents of the
55.14 child identifying what further specific efforts are appropriate. If the summons has not
55.15 been served on the parent as required by section 260C.151, subdivision 1, the court shall
55.16 order further efforts to complete service.

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

55.24 **Subd. 8. Safe place for newborns.** Neither the requirements of this subdivision
55.25 nor the search requirements of section 259.52, subdivision 2, apply when the agency
55.26 is proceeding under section 260C.217. When the agency is proceeding under section
55.27 260C.217, the agency has no duty to identify and locate either parent of the newborn and
55.28 no notice or service of summons on either parent is required under section 260C.151 or
55.29 260C.152 or the Minnesota Rules of Juvenile Protection Procedure.

55.30 Sec. 12. Minnesota Statutes 2008, section 260C.151, subdivision 1, is amended to read:

55.31 Subdivision 1. **Issuance of summons.** After a petition has been filed and unless
55.32 the parties hereinafter named voluntarily appear, the court shall set a time for a hearing
55.33 and shall issue a summons requiring the child's parents or legal guardian and any person
55.34 who has legal custody or control of the child to appear ~~with the child~~ before the court at
55.35 a time and place stated. The summons shall have a copy of the petition attached, and

56.1 shall advise the parties of the right to counsel and of the consequences of failure to obey
 56.2 the summons. The court shall give docket priority to any child in need of protection or
 56.3 services or neglected and in foster care, that contains allegations of child abuse over any
 56.4 other case. As used in this subdivision, "child abuse" has the meaning given it in section
 56.5 630.36, subdivision 2.

56.6 Sec. 13. Minnesota Statutes 2008, section 260C.151, subdivision 2, is amended to read:

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

56.11 ~~(1) an adjudicated or presumed father of the child;~~
 56.12 ~~(2) an alleged~~ (1) a putative father of the child, including any putative father who has
 56.13 timely registered with the Minnesota Fathers' Adoption Registry under section 259.52; and
 56.14 ~~(3) a noncustodial mother; and~~
 56.15 ~~(4)~~ (2) a grandparent with the right to participate under section 260C.163,
 56.16 subdivision 2.

56.17 Sec. 14. Minnesota Statutes 2008, section 260C.151, is amended by adding a
 56.18 subdivision to read:

56.19 Subd. 2a. **Notice; termination of parental rights or permanency proceeding.** (a)
 56.20 After a petition for termination of parental rights or petition for permanent placement of a
 56.21 child away from a parent under section 260C.201, subdivision 11, has been filed, the court
 56.22 shall set a time for the admit or deny hearing as required under the Minnesota Rules of
 56.23 Juvenile Protection Procedure and shall issue a summons requiring the parents of the child
 56.24 to appear before the court at the time and place stated. The court shall issue a notice to:

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

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

56.29 (b) Neither summons nor notice under this section or section 260C.152 of a
 56.30 termination of parental rights matter or other permanent placement matter under section
 56.31 260C.201, subdivision 11, is required to be given to a putative father who has failed
 56.32 to timely register with the Minnesota Father's Adoption Registry under section 259.52
 56.33 unless that individual also meets the requirements of section 257.55 or, is required to be
 56.34 given notice under section 259.49, subdivision 1. When a putative father is not entitled

57.1 to notice under this clause and is therefore not given notice, any order terminating his
57.2 rights does not give rise to a presumption of parental unfitness under section 260C.301,
57.3 subdivision 1, paragraph (b), clause (4).

57.4 Sec. 15. Minnesota Statutes 2008, section 260C.151, subdivision 3, is amended to read:

57.5 Subd. 3. **Notice of pendency of case.** Notice means written notice as provided in
57.6 the Minnesota Rules of Juvenile Protection Procedure. The court shall have notice of
57.7 the pendency of the case and of the time and place of the hearing served upon a parent,
57.8 guardian, or spouse of the child, who has not been summoned as provided in subdivision 1
57.9 as required by subdivision 2. For an Indian child, notice of all proceedings must comply
57.10 with the Indian Child Welfare Act of 1978, United States Code, title 25, section 1901, et
57.11 seq., and section 260.765.

57.12 Sec. 16. Minnesota Statutes 2008, section 260C.163, is amended by adding a
57.13 subdivision to read:

57.14 Subd. 12. **Alternative dispute resolution authorized; family group decision**
57.15 **making, parallel protection process and mediation.** The court may authorize parties
57.16 and participants in any child in need of protection or services, permanency, or termination
57.17 of parental rights petition to participate in any appropriate form of alternative dispute
57.18 resolution including family group decision making, parallel protection process, and
57.19 mediation when such alternative dispute resolution is in the best interests of the child. The
57.20 court may order that a child be included in the alternative dispute resolution process, as
57.21 appropriate and in the best interests of the child. An alternative dispute resolution process,
57.22 including family group decision making, parallel protection process, and mediation, may
57.23 be used to resolve part or all of a matter before the court at any point in the proceedings
57.24 subject to approval by the court that the resolution is in the best interests of the child.

57.25 Sec. 17. Minnesota Statutes 2008, section 260C.175, subdivision 1, is amended to read:

57.26 Subdivision 1. **Immediate custody.** No child may be taken into immediate custody
57.27 except:

57.28 (1) with an order issued by the court in accordance with the provisions of section
57.29 260C.151, subdivision 6, or Laws 1997, chapter 239, article 10, section 10, paragraph
57.30 (a), clause (3), or 12, paragraph (a), clause (3), or by a warrant issued in accordance
57.31 with the provisions of section 260C.154;

57.32 (2) by a peace officer:

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

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

58.11 (3) by a peace officer or probation or parole officer when it is reasonably believed
58.12 that the child has violated the terms of probation, parole, or other field supervision; or

58.13 (4) by a peace officer or probation officer under section 260C.143, subdivision 1 or 4.

58.14 Sec. 18. Minnesota Statutes 2008, section 260C.176, subdivision 1, is amended to read:

58.15 Subdivision 1. **Notice; release.** If a child is taken into custody as provided in section
58.16 260C.175, the parent, guardian, or custodian of the child shall be notified as soon as
58.17 possible. Unless there is reason to believe that the child would endanger self or others,
58.18 not return for a court hearing, ~~run away from the child's parent, guardian, or custodian or~~
58.19 ~~otherwise not remain in the care or control of the person to whose lawful custody the child~~
58.20 ~~is released,~~ or that the child's health or welfare would be immediately endangered, the
58.21 child shall be released to the custody of a parent, guardian, ~~custodian,~~ or other suitable
58.22 ~~person~~ relative. When a child is taken into custody by a peace officer under section
58.23 260C.175, subdivision 1, clause (2), item (ii), release from detention may be authorized
58.24 by the detaining officer, the detaining officer's supervisor, ~~or~~ the county attorney, or the
58.25 social services agency, provided that the agency has conducted an assessment and with
58.26 the family has developed and implemented a safety plan for the child, if needed. ~~If~~
58.27 ~~the social services agency has determined that the child's health or welfare will not be~~
58.28 ~~endangered and the provision of appropriate and available services will eliminate the~~
58.29 ~~need for placement, the agency shall request authorization for the child's release from~~
58.30 ~~detention.~~ The person to whom the child is released shall promise to bring the child to
58.31 the court, if necessary, at the time the court may direct. If the person taking the child into
58.32 custody believes it desirable, that person may request the parent, guardian, custodian, or
58.33 other person designated by the court to sign a written promise to bring the child to court as
58.34 provided above. The intentional violation of such a promise, whether given orally or in
58.35 writing, shall be punishable as contempt of court.

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

59.5 Sec. 19. Minnesota Statutes 2008, section 260C.178, subdivision 1, is amended to read:

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

59.11 (b) Unless there is reason to believe that the child would endanger self or others,
59.12 not return for a court hearing, ~~run away from the child's parent, guardian, or custodian~~
59.13 ~~or otherwise not remain in the care or control of the person to whose lawful custody the~~
59.14 ~~child is released,~~ or that the child's health or welfare would be immediately endangered,
59.15 the child shall be released to the custody of a parent, guardian, custodian, or other
59.16 suitable person, subject to reasonable conditions of release including, but not limited to,
59.17 a requirement that the child undergo a chemical use assessment as provided in section
59.18 260C.157, subdivision 1.

59.19 (c) If the court determines there is reason to believe that the child would endanger
59.20 self or others; not return for a court hearing; ~~run away from the child's parent, guardian, or~~
59.21 ~~custodian or otherwise not remain in the care or control of the person to whose lawful~~
59.22 ~~custody the child is released;~~ or that the child's health or welfare would be immediately
59.23 endangered if returned to the care of the parent or guardian who has custody and from
59.24 whom the child was removed, the court shall order the child into foster care under the
59.25 legal responsibility of the responsible social services agency or responsible probation or
59.26 corrections agency for the purposes of protective care as that term is used in the juvenile
59.27 court rules or into the home of a noncustodial parent and order the noncustodial parent
59.28 to comply with any conditions the court determines to be appropriate to the safety and
59.29 care of the child, including cooperating with paternity establishment proceedings in the
59.30 case of a man who has not been adjudicated the child's father. The court shall not give
59.31 the responsible social services legal custody and order a trial home visit at any time prior
59.32 to adjudication and disposition under section 260C.201, subdivision 1, paragraph (a),
59.33 clause (3), but may order the child returned to the care of the parent or guardian who
59.34 has custody and from whom the child was removed and order the parent or guardian to

60.1 comply with any conditions the court determines to be appropriate to meet the safety,
60.2 health, and welfare of the child.

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

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

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

60.18 (2) that there are no services or other efforts that could be made at the time of the
60.19 hearing that could safely permit the child to remain home or to return home. When
60.20 reasonable efforts to prevent placement are required and there are services or other efforts
60.21 that could be ordered which would permit the child to safely return home, the court shall
60.22 order the child returned to the care of the parent or guardian and the services or efforts put
60.23 in place to ensure the child's safety. When the court makes a prima facie determination
60.24 that one of the circumstances under paragraph (g) exists, the court shall determine that
60.25 reasonable efforts to prevent placement and to return the child to the care of the parent or
60.26 guardian are not required.

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

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

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

61.4 (1) the parent has subjected a child to egregious harm as defined in section
61.5 260C.007, subdivision 14;

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

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

61.10 (4) the parents' custodial rights to another child have been involuntarily transferred
61.11 to a relative under section 260C.201, subdivision 11, paragraph (e), clause (1), or a similar
61.12 law of another jurisdiction; or

61.13 (5) the provision of services or further services for the purpose of reunification is
61.14 futile and therefore unreasonable.

61.15 (h) When a petition to terminate parental rights is required under section 260C.301,
61.16 subdivision 3 or 4, but the county attorney has determined not to proceed with a
61.17 termination of parental rights petition, and has instead filed a petition to transfer permanent
61.18 legal and physical custody to a relative under section 260C.201, subdivision 11, the court
61.19 shall schedule a permanency hearing within 30 days of the filing of the petition.

61.20 (i) If the county attorney has filed a petition under section 260C.307, the court
61.21 shall schedule a trial under section 260C.163 within 90 days of the filing of the petition
61.22 except when the county attorney determines that the criminal case shall proceed to trial
61.23 first under section 260C.201, subdivision 3.

61.24 (j) If the court determines the child should be ordered into foster care and the child's
61.25 parent refuses to give information to the responsible social services agency regarding the
61.26 child's father or relatives of the child, the court may order the parent to disclose the names,
61.27 addresses, telephone numbers, and other identifying information to the responsible social
61.28 services agency for the purpose of complying with the requirements of sections 260C.151,
61.29 260C.212, and 260C.215.

61.30 (k) If a child ordered into foster care has siblings, whether full, half, or step, who
61.31 are also ordered into foster care, the court shall inquire of the responsible social services
61.32 agency of the efforts to place the children together as required by section 260C.212,
61.33 subdivision 2, paragraph (d), if placement together is in each child's best interests, unless
61.34 a child is in placement ~~due solely to the child's own behavior~~ for treatment or a child is
61.35 placed with a previously noncustodial parent who is not parent to all siblings. If the
61.36 children are not placed together at the time of the hearing, the court shall inquire at each

62.1 subsequent hearing of the agency's reasonable efforts to place the siblings together, as
62.2 required under section 260.012. If any sibling is not placed with another sibling or
62.3 siblings, the agency must develop a plan ~~for~~ to facilitate visitation or ongoing contact
62.4 among the siblings as required under section 260C.212, subdivision 1, unless it is contrary
62.5 to the safety or well-being of any of the siblings to do so.

62.6 Sec. 20. Minnesota Statutes 2008, section 260C.178, subdivision 3, is amended to read:

62.7 Subd. 3. **Parental visitation.** (a) If a child has been taken into custody under
62.8 section 260C.151, subdivision 5, or 260C.175, subdivision 1, clause (2), item (ii), and
62.9 the court determines that the child should continue in foster care, the court shall include
62.10 in its order ~~reasonable rules for supervised or unsupervised~~ notice that the responsible
62.11 social services agency has a duty to develop and implement a plan for parental visitation
62.12 of and contact with the child in the foster care facility that promotes the parent and child
62.13 relationship unless it the court finds that visitation would endanger the child's physical
62.14 or emotional well-being.

62.15 (b) Unless the court finds that visitation would endanger the child's physical or
62.16 emotional well-being or unless paragraph (c) or (d) apply, the plan for parental visitation
62.17 required under section 260C.212, subdivision 1, paragraph (c), clause (5), must be
62.18 developed and implemented by the agency and the child's parents as soon as possible after
62.19 the court's order for the child to continue in foster care.

62.20 (c) When a parent has had no or only limited visitation or contact with the child
62.21 prior to the court order for the child to continue in foster care, the court shall not order a
62.22 visitation plan developed and implemented until the agency has conducted the assessment
62.23 of the parent's ability to provide day-to-day care for the child required under section
62.24 260C.212, subdivision 4.

62.25 (d) When it is in the best interests of the child, the agency may ask the court to
62.26 defer its duty to develop a visitation plan between a putative father and the child until the
62.27 paternity status of the child's father is adjudicated or until there is a positive test result
62.28 under section 257.62, subdivision 5.

62.29 (e) The visitation plan developed under this subdivision is the same visitation plan
62.30 required under section 260C.212, subdivision 1, paragraph (c), clause (5).

62.31 Sec. 21. Minnesota Statutes 2008, section 260C.201, subdivision 1, is amended to read:

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

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

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

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

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

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

63.16 (i) a child-placing agency; or

63.17 (ii) the responsible social services agency. In making a foster care placement for a
63.18 child whose custody has been transferred under this subdivision, the agency shall make an
63.19 individualized determination of how the placement is in the child's best interests using the
63.20 consideration for relatives and the best interest factors in section 260C.212, subdivision
63.21 2, paragraph (b); or

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

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

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

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

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

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

64.4 (vi) shall prepare a report for the court when the trial home visit is terminated
64.5 whether by the agency or court order which describes the child's circumstances during
64.6 the trial home visit and recommends appropriate orders, if any, for the court to enter to
64.7 provide for the child's safety and stability. In the event a trial home visit is terminated by
64.8 the agency by removing the child to foster care without prior court order or authorization,
64.9 the court shall conduct a hearing within ten days of receiving notice of the termination
64.10 of the trial home visit by the agency and shall order disposition under this subdivision
64.11 or conduct a permanency hearing under subdivision 11 or 11a. The time period for the
64.12 hearing may be extended by the court for good cause shown and if it is in the best interests
64.13 of the child as long as the total time the child spends in foster care without a permanency
64.14 hearing does not exceed 12 months;

64.15 (4) if the child has been adjudicated as a child in need of protection or services
64.16 because the child is in need of special services or care to treat or ameliorate a physical or
64.17 mental disability or emotional disturbance as defined in section 245.4871, subdivision
64.18 15, the court may order the child's parent, guardian, or custodian to provide it. The court
64.19 may order the child's health plan company to provide mental health services to the child.
64.20 Section 62Q.535 applies to an order for mental health services directed to the child's health
64.21 plan company. If the health plan, parent, guardian, or custodian fails or is unable to provide
64.22 this treatment or care, the court may order it provided. Absent specific written findings by
64.23 the court that the child's disability is the result of abuse or neglect by the child's parent or
64.24 guardian, the court shall not transfer legal custody of the child for the purpose of obtaining
64.25 special treatment or care solely because the parent is unable to provide the treatment or
64.26 care. If the court's order for mental health treatment is based on a diagnosis made by a
64.27 treatment professional, the court may order that the diagnosing professional not provide
64.28 the treatment to the child if it finds that such an order is in the child's best interests; or

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

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

- 65.1 (1) counsel the child or the child's parents, guardian, or custodian;
- 65.2 (2) place the child under the supervision of a probation officer or other suitable
- 65.3 person in the child's own home under conditions prescribed by the court, including
- 65.4 reasonable rules for the child's conduct and the conduct of the parents, guardian, or
- 65.5 custodian, designed for the physical, mental, and moral well-being and behavior of the
- 65.6 child; ~~or with the consent of the commissioner of corrections, place the child in a group~~
- 65.7 ~~foster care facility which is under the commissioner's management and supervision;~~
- 65.8 (3) subject to the court's supervision, transfer legal custody of the child to one of
- 65.9 the following:
- 65.10 (i) a reputable person of good moral character. No person may receive custody of
- 65.11 two or more unrelated children unless licensed to operate a residential program under
- 65.12 sections 245A.01 to 245A.16; or
- 65.13 (ii) a county probation officer for placement in a group foster home established
- 65.14 under the direction of the juvenile court and licensed pursuant to section 241.021;
- 65.15 (4) require the child to pay a fine of up to \$100. The court shall order payment of the
- 65.16 fine in a manner that will not impose undue financial hardship upon the child;
- 65.17 (5) require the child to participate in a community service project;
- 65.18 (6) order the child to undergo a chemical dependency evaluation and, if warranted
- 65.19 by the evaluation, order participation by the child in a drug awareness program or an
- 65.20 inpatient or outpatient chemical dependency treatment program;
- 65.21 (7) if the court believes that it is in the best interests of the child or of public safety
- 65.22 that the child's driver's license or instruction permit be canceled, the court may order the
- 65.23 commissioner of public safety to cancel the child's license or permit for any period up to
- 65.24 the child's 18th birthday. If the child does not have a driver's license or permit, the court
- 65.25 may order a denial of driving privileges for any period up to the child's 18th birthday. The
- 65.26 court shall forward an order issued under this clause to the commissioner, who shall cancel
- 65.27 the license or permit or deny driving privileges without a hearing for the period specified
- 65.28 by the court. At any time before the expiration of the period of cancellation or denial, the
- 65.29 court may, for good cause, order the commissioner of public safety to allow the child to
- 65.30 apply for a license or permit, and the commissioner shall so authorize;
- 65.31 (8) order that the child's parent or legal guardian deliver the child to school at the
- 65.32 beginning of each school day for a period of time specified by the court; or
- 65.33 (9) require the child to perform any other activities or participate in any other
- 65.34 treatment programs deemed appropriate by the court.
- 65.35 To the extent practicable, the court shall enter a disposition order the same day it
- 65.36 makes a finding that a child is in need of protection or services or neglected and in foster

66.1 care, but in no event more than 15 days after the finding unless the court finds that the best
 66.2 interests of the child will be served by granting a delay. If the child was under eight years
 66.3 of age at the time the petition was filed, the disposition order must be entered within ten
 66.4 days of the finding and the court may not grant a delay unless good cause is shown and the
 66.5 court finds the best interests of the child will be served by the delay.

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

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

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

66.21 Sec. 22. Minnesota Statutes 2008, section 260C.201, subdivision 5, is amended to read:

66.22 Subd. 5. **Visitation.** If the court orders ~~that the child be placed outside of the child's~~
 66.23 ~~home or present residence~~ into foster care, it shall set reasonable rules for the court shall
 66.24 review and either modify or approve the agency's plan for supervised or unsupervised
 66.25 ~~parental~~ visitation that contribute contributes to the objectives of the court order and
 66.26 court-ordered case plan, the maintenance of the familial relationship, and that meets the
 66.27 requirements of section 260C.212, subdivision 1, paragraph (c), clause (5). No parent may
 66.28 be denied visitation unless the court finds at the disposition hearing that the visitation
 66.29 ~~would act to prevent the achievement of the order's objectives or that it would endanger~~
 66.30 the child's physical or emotional well-being, is not in the child's best interests, or is not
 66.31 required under section 260C.178, subdivision 3, paragraph (c) or (d). The court shall
 66.32 ~~set reasonable rules~~ review and either modify or approve the agency plan for visitation
 66.33 for any relatives as defined in section 260C.007, subdivision 27, and with siblings of the
 66.34 child, if visitation is consistent with the best interests of the child.

67.1 Sec. 23. Minnesota Statutes 2008, section 260C.212, subdivision 1, is amended to read:

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

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

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

67.14 (2) ordered by the court, either as presented or modified after hearing, under section
67.15 260C.178, subdivision 7, or 260C.201, subdivision 6; and

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

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

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

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

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

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

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

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

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

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

68.20 (7) efforts to ensure the child's educational stability while in foster care, including:

68.21 (i) efforts to ensure that the child in placement remains in the same school in
68.22 which the child was enrolled prior to placement, including efforts to work with the local
68.23 education authorities to ensure the child's educational stability; or

68.24 (ii) if it is not in the child's best interest to remain in the same school that the child
68.25 was enrolled in prior to placement, efforts to ensure immediate and appropriate enrollment
68.26 for the child in a new school;

68.27 (8) the ~~health and~~ educational records of the child including the most recent
68.28 information available regarding:

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

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

68.31 (iii) the child's school record;

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

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

- 69.1 ~~(vi) the child's known medical problems, including any known communicable~~
 69.2 ~~diseases, as defined in section 144.4172, subdivision 2;~~
 69.3 ~~(vii) the child's medications; and~~
 69.4 ~~(viii) any other relevant health and education information;~~
 69.5 (v) any other relevant educational information;
 69.6 ~~(8)~~ (9) the efforts by the local agency to ensure the oversight and continuity of health
 69.7 care services for the foster child, including:
 69.8 (i) the plan to schedule the child's initial health screens;
 69.9 (ii) how the child's known medical problems and identified needs from the screens,
 69.10 including any known communicable diseases, as defined in section 144.4172, subdivision
 69.11 2, will be monitored and treated while the child is in foster care;
 69.12 (iii) how the child's medical information will be updated and shared, including
 69.13 the child's immunizations;
 69.14 (iv) who is responsible to coordinate and respond to the child's health care needs,
 69.15 including the role of the parent, the agency, and the foster parent;
 69.16 (v) who is responsible for oversight of the child's prescription medications;
 69.17 (vi) how physicians or other appropriate medical and nonmedical professionals
 69.18 will be consulted and involved in assessing the health and well-being of the child and
 69.19 determine the appropriate medical treatment for the child; and
 69.20 (vii) the responsibility to ensure that the child has access to medical care through
 69.21 either medical insurance or medical assistance;
 69.22 (10) the health records of the child including information available regarding:
 69.23 (i) the name and addresses of the child's health care and dental care providers;
 69.24 (ii) a record of the child's immunizations;
 69.25 (iii) the child's known medical problems, including any known communicable
 69.26 diseases as defined in section 144.4172, subdivision 2;
 69.27 (iv) the child's medications; and
 69.28 (v) any other relevant health care information such as the child's eligibility for
 69.29 medical insurance or medical assistance;
 69.30 (11) an independent living plan for a child age 16 or older who is in placement as
 69.31 a result of a permanency disposition. The plan should include, but not be limited to,
 69.32 the following objectives:
 69.33 (i) educational, vocational, or employment planning;
 69.34 (ii) health care planning and medical coverage;
 69.35 (iii) transportation including, where appropriate, assisting the child in obtaining a
 69.36 driver's license;

- 70.1 (iv) money management;
- 70.2 (v) planning for housing;
- 70.3 (vi) social and recreational skills; and
- 70.4 (vii) establishing and maintaining connections with the child's family and
- 70.5 community; and

70.6 ~~(9)~~ (12) for a child in voluntary foster care for treatment under chapter 260D,

70.7 diagnostic and assessment information, specific services relating to meeting the mental

70.8 health care needs of the child, and treatment outcomes.

70.9 (d) The parent or parents or guardian and the child each shall have the right to legal

70.10 counsel in the preparation of the case plan and shall be informed of the right at the time

70.11 of placement of the child. The child shall also have the right to a guardian ad litem.

70.12 If unable to employ counsel from their own resources, the court shall appoint counsel

70.13 upon the request of the parent or parents or the child or the child's legal guardian. The

70.14 parent or parents may also receive assistance from any person or social services agency

70.15 in preparation of the case plan.

70.16 After the plan has been agreed upon by the parties involved or approved or ordered

70.17 by the court, the foster parents shall be fully informed of the provisions of the case plan

70.18 and shall be provided a copy of the plan.

70.19 Upon discharge from foster care, the parent, adoptive parent, or permanent legal and

70.20 physical custodian, as appropriate, and the child, if appropriate, must be provided with

70.21 a current copy of the child's health and education record.

70.22 Sec. 24. Minnesota Statutes 2008, section 260C.212, subdivision 2, is amended to read:

70.23 Subd. 2. **Placement decisions based on best interest of the child.** (a) The policy

70.24 of the state of Minnesota is to ensure that the child's best interests are met by requiring an

70.25 individualized determination of the needs of the child and of how the selected placement

70.26 will serve the needs of the child being placed. The authorized child-placing agency shall

70.27 place a child, released by court order or by voluntary release by the parent or parents, in

70.28 a family foster home selected by considering placement with relatives and important

70.29 friends in the following order:

70.30 (1) with an individual who is related to the child by blood, marriage, or adoption; or

70.31 (2) with an individual who is an important friend with whom the child has resided or

70.32 had significant contact.

70.33 (b) Among the factors the agency shall consider in determining the needs of the

70.34 child are the following:

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

71.1 (2) the medical, educational, and developmental needs of the child;
 71.2 (3) the child's history and past experience;
 71.3 (4) the child's religious and cultural needs;
 71.4 (5) the child's connection with a community, school, and ~~church~~ faith community;
 71.5 (6) the child's interests and talents;
 71.6 (7) the child's relationship to current caretakers, parents, siblings, and relatives; and
 71.7 (8) the reasonable preference of the child, if the court, or the child-placing agency
 71.8 in the case of a voluntary placement, deems the child to be of sufficient age to express
 71.9 preferences.

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

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

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

71.23 Sec. 25. Minnesota Statutes 2008, section 260C.212, subdivision 4a, is amended to
 71.24 read:

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

71.29 (1) "visit" is defined as a face-to-face contact between a child and the child's
 71.30 caseworker;

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

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

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

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

72.8 Sec. 26. Minnesota Statutes 2008, section 260C.212, subdivision 5, is amended to read:

72.9 Subd. 5. **Relative search.** (a) ~~In implementing the requirement that the responsible~~
 72.10 ~~social services agency must~~ The responsible social services agency shall exercise due
 72.11 diligence to identify and notify adult relatives prior to placement or within 30 days after
 72.12 the child's removal from the parent. The county agency shall consider placement with a
 72.13 relative under subdivision 2 without delay after identifying the need for placement of the
 72.14 ~~child in foster care, the responsible social services agency shall identify relatives of the~~
 72.15 ~~child and notify them of the need for a foster care home for the child and of the possibility~~
 72.16 ~~of the need for a permanent out-of-home placement of the child.~~ The relative search
 72.17 required by this section shall be reasonable and comprehensive in scope and may last up
 72.18 to six months or until a fit and willing relative is identified. The relative search required by
 72.19 this section shall include both maternal relatives of the child and paternal relatives of the
 72.20 child, if paternity is adjudicated. The relatives must be notified ~~that they must:~~

72.21 (1) of the need for a foster home for the child, the option to become a placement
 72.22 resource for the child, and the possibility of the need for a permanent placement for the
 72.23 child;

72.24 (2) of their responsibility to keep the responsible social services agency informed of
 72.25 their current address in order to receive notice in the event that a permanent placement
 72.26 is being sought for the child. A relative who fails to provide a current address to the
 72.27 responsible social services agency forfeits the right to notice of the possibility of
 72.28 permanent placement. A decision by a relative not to be a placement resource at the
 72.29 beginning of the case shall not affect whether the relative is considered for placement of
 72.30 the child with that relative later;

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

72.34 (4) of the family foster care licensing requirements, including how to complete an
 72.35 application and how to request a variance from licensing standards that do not present a

73.1 safety or health risk to the child in the home under section 245A.04 and supports that are
73.2 available for relatives and children who reside in a family foster home.

73.3 (b) A responsible social services agency may disclose private or confidential data,
73.4 as defined in section 13.02, to relatives of the child for the purpose of locating a suitable
73.5 placement. The agency shall disclose only data that is necessary to facilitate possible
73.6 placement with relatives. If the child's parent refuses to give the responsible social
73.7 services agency information sufficient to identify the maternal and paternal relatives of the
73.8 child, the agency shall ask the juvenile court to order the parent to provide the necessary
73.9 information. If a parent makes an explicit request that relatives or a specific relative not be
73.10 contacted or considered for placement, the agency shall bring the parent's request to the
73.11 attention of the court to determine whether the parent's request is consistent with the best
73.12 interests of the child and the agency shall not contact relatives or a specific relative unless
73.13 authorized to do so by the juvenile court.

73.14 (c) When the placing agency determines that a permanent placement hearing is
73.15 necessary because there is a likelihood that the child will not return to a parent's care, the
73.16 agency may send the notice provided in paragraph (d), may ask the court to modify the
73.17 requirements of the agency under this paragraph, or may ask the court to completely
73.18 relieve the agency of the requirements of this paragraph. The relative notification
73.19 requirements of this paragraph do not apply when the child is placed with an appropriate
73.20 relative or a foster home that has committed to being the permanent legal placement for
73.21 the child and the agency approves of that foster home for permanent placement of the
73.22 child. The actions ordered by the court under this section must be consistent with the best
73.23 interests, safety, and welfare of the child.

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

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

74.4 Sec. 27. Minnesota Statutes 2008, section 260C.212, subdivision 7, is amended to read:

74.5 Subd. 7. **Administrative or court review of placements.** (a) There shall be an
74.6 administrative review of the out-of-home placement plan of each child placed in foster
74.7 care no later than 180 days after the initial placement of the child in foster care and at least
74.8 every six months thereafter if the child is not returned to the home of the parent or parents
74.9 within that time. The out-of-home placement plan must be monitored and updated at each
74.10 administrative review. The administrative review shall be conducted by the responsible
74.11 social services agency using a panel of appropriate persons at least one of whom is not
74.12 responsible for the case management of, or the delivery of services to, either the child or
74.13 the parents who are the subject of the review. The administrative review shall be open to
74.14 participation by the parent or guardian of the child and the child, as appropriate.

74.15 (b) As an alternative to the administrative review required in paragraph (a), the court
74.16 may, as part of any hearing required under the Minnesota Rules of Juvenile Protection
74.17 Procedure, conduct a hearing to monitor and update the out-of-home placement plan
74.18 pursuant to the procedure and standard in section 260C.201, subdivision 6, paragraph (d).
74.19 The party requesting review of the out-of-home placement plan shall give parties to the
74.20 proceeding notice of the request to review and update the out-of-home placement plan.
74.21 A court review conducted pursuant to section 260C.193; 260C.201, subdivision 1 or 11;
74.22 260C.141, subdivision 2 or 2a, clause (2); or 260C.317 shall satisfy the requirement for
74.23 the review so long as the other requirements of this section are met.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

75.35 (3) The court shall ensure that the responsible agency in conjunction with the
75.36 placement provider assists the child in obtaining the following documents prior to the

76.1 child's leaving foster care: a Social Security card; the child's birth certificate; a state
76.2 identification card or driver's license, green card, or school visa; the child's school,
76.3 medical, and dental records; a contact list of the child's medical, dental, and mental health
76.4 providers; and contact information for the child's siblings, if the siblings are in foster care.

76.5 (e) When a child is age 17 or older, during the 90-day period immediately prior to
76.6 the date the child is expected to be discharged from foster care, the responsible social
76.7 services agency is required to provide the child with assistance and support in developing
76.8 a transition plan that is personalized at the direction of the child. The transition plan
76.9 must be as detailed as the child may elect and include specific options on housing, health
76.10 insurance, education, local opportunities for mentors and continuing support services, and
76.11 work force supports and employment services.

76.12 Sec. 28. Minnesota Statutes 2008, section 260D.02, subdivision 5, is amended to read:

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

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

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

76.23 A child is not in voluntary foster care for treatment under this chapter when there
76.24 is a current determination under section 626.556 that the child requires child protective
76.25 services or when the child is in foster care for any reason other than the child's emotional
76.26 or developmental disability or related condition.

76.27 Sec. 29. Minnesota Statutes 2008, section 260D.03, subdivision 1, is amended to read:

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

77.1 Sec. 30. Minnesota Statutes 2008, section 484.76, subdivision 2, is amended to read:

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

APPENDIX
Article locations in 09-0255

ARTICLE 1 CHILD WELFARE TECHNICAL Page.Ln 1.14
ARTICLE 2 CHILD WELFARE POLICY Page.Ln 37.1