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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 3104

01/31/2020 Authored by Moran and Christensen The bill was referred to the Committee on Health and Human Services Policy

1.1 A bill for an act
1.2 relating to human services; child protection; requiring responsible social services
1.3 agencies to initiate and facilitate phone calls between parents and foster care
1.4 providers for children in out-of-home placement; amending Minnesota Statutes
1.5 2018, section 260C.219.

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

1.7 Section 1. Minnesota Statutes 2018, section 260C.219, is amended to read:

1.8 260C.219 AGENCY RESPONSIBILITIES FOR PARENTS AND CHILDREN IN
1.9 PLACEMENT.

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

1.13 (1) The responsible social services agency shall assess whether a noncustodial or
1.14 nonadjudicated parent is willing and capable of providing for the day-to-day care of the
1.15 child temporarily or permanently. An assessment under this clause may include, but is not
1.16 limited to, obtaining information under section 260C.209. If after assessment, the responsible
1.17 social services agency determines that a noncustodial or nonadjudicated parent is willing
1.18 and capable of providing day-to-day care of the child, the responsible social services agency
1.19 may seek authority from the custodial parent or the court to have that parent assume
1.20 day-to-day care of the child. If a parent is not an adjudicated parent, the responsible social
1.21 services agency shall require the nonadjudicated parent to cooperate with paternity
1.22 establishment procedures as part of the case plan.

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

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

2.5 (ii) provide a parent who is the subject of a background study under section 260C.209
2.6 15 days' notice that it intends to use the study to recommend against putting the child with
2.7 that parent, and the court shall afford the parent an opportunity to be heard concerning the
2.8 study.

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

2.13 (3) If, after the provision of services following an out-of-home placement plan under
2.14 this section, the child cannot return to the care of the parent from whom the child was
2.15 removed or who had legal custody at the time the child was placed in foster care, the agency
2.16 may petition on behalf of a noncustodial parent to establish legal custody with that parent
2.17 under section 260C.515, subdivision 4. If paternity has not already been established, it may
2.18 be established in the same proceeding in the manner provided for under chapter 257.

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

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

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

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

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

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

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

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

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

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

3.12 (c) The responsible social services agency shall inform a parent considering voluntary
3.13 placement of a child under section 260C.227 of the following information:

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

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

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

3.24 (4) if the responsible social services agency files a petition alleging that the child is in
3.25 need of protection or services or a petition seeking the termination of parental rights or other
3.26 permanent placement of the child away from the parent, the parent would have the right to
3.27 appointment of separate legal counsel and the child would have a right to the appointment
3.28 of counsel and a guardian ad litem as provided by law, and that counsel will be appointed
3.29 at public expense if they are unable to afford counsel; and

3.30 (5) the timelines and procedures for review of voluntary placements under section
3.31 260C.212, subdivision 3, and the effect the time spent in voluntary placement on the
3.32 scheduling of a permanent placement determination hearing under sections 260C.503 to
3.33 260C.521.

4.1 (d) When an agency accepts a child for placement, the agency shall determine whether
4.2 the child has had a physical examination by or under the direction of a licensed physician
4.3 within the 12 months immediately preceding the date when the child came into the agency's
4.4 care. If there is documentation that the child has had an examination within the last 12
4.5 months, the agency is responsible for seeing that the child has another physical examination
4.6 within one year of the documented examination and annually in subsequent years. If the
4.7 agency determines that the child has not had a physical examination within the 12 months
4.8 immediately preceding placement, the agency shall ensure that the child has an examination
4.9 within 30 days of coming into the agency's care and once a year in subsequent years.

4.10 (e) For any child in foster care, the responsible social services agency shall initiate and
4.11 facilitate a phone call between the child's parent or parents and the foster care provider as
4.12 soon as is practicable or within 48 hours of the removal of the child from the child's home,
4.13 in order to encourage a connection between the child's parents and the foster care provider.
4.14 If the responsible social services agency determines that the phone call is not in the child's
4.15 best interests, or if the responsible social services agency is unable to identify, locate, or
4.16 contact the child's parent or parents after diligent efforts, the responsible social services
4.17 agency is not required to initiate or facilitate the phone call. During the call, the child's
4.18 parent or parents and the foster care provider must discuss:

4.19 (1) how long the foster care provider has been a foster parent;

4.20 (2) the other inhabitants of the foster care provider's home;

4.21 (3) the foster care provider's daily routine and any regular family activities or hobbies;

4.22 (4) the child's sleeping habits since residing with the foster care provider;

4.23 (5) the best methods for comforting the child;

4.24 (6) the child's favorite foods or, for an infant or toddler, preferred milk or formula;

4.25 (7) the child's favorite toys, games, interests, or hobbies;

4.26 (8) the child's nickname, if any;

4.27 (9) the name and location of the child's primary care physician or clinic;

4.28 (10) the child's allergies, health conditions, or prescription medications, if any;

4.29 (11) when the child will return to school or child care; and

4.30 (12) any additional information the child's parents or foster care provider deem relevant.

5.1 The responsible social services agency shall document the agency's efforts to initiate and
5.2 facilitate the phone call and shall document the time and date when the phone call was
5.3 completed. If the child's parent or parents decline to participate in the phone call, the
5.4 responsible social services agency may delay the phone call.

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

5.9 **EFFECTIVE DATE.** This section is effective for children entering out-of-home
5.10 placement on or after August 1, 2020.