

**Number**  
#24-68-13

**Date**  
August 15, 2024

**Of interest to**  
County and Tribal Social  
Services Directors  
  
County and Tribal Social  
Services Supervisors and Staff  
  
County and Tribal Attorneys  
  
State District Court  
Administration  
  
Private Child-Placing Agency  
Supervisors and Staff

**Action/due date**  
Please read information and  
prepare for implementation.

**Expiration date**  
August 15, 2026

## Summary of 2024 child welfare legislation

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### Topic

Overview of 2024 child welfare legislation.

### Purpose

Provide a summary of 2024 legislative actions affecting delivery of child welfare services impacting children and families.

### Contact

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### Signed



BHARTI WAHI  
Interim Assistant Commissioner  
Child Safety and Permanency Administration

### Terminology notice

The terminology used to describe people we serve has changed over time. The Department of Children, Youth, and Families (DCYF) supports the use of "People First" language.

## I. Background

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The 2024 legislature continued its 2023 legislative work by making further investments in and modifications to Minnesota’s child welfare system. This bulletin summarizes these changes and investments with law citations for reference. All legislative changes listed in this bulletin were effective July 1, 2024, unless otherwise specified.

The programs included in this bulletin will be implemented by the Department of Children, Youth, and Families (DCYF). This bulletin includes references to both existing and recodified statute numbers as applicable. The Revisor's Office is recodifying statutes this summer. Statutory references to the commissioner of human services for programs transferred to DCYF will be corrected by the Revisor's Office during the recodification or the next legislative session.

Contact Child Safety and Permanency staff at DCYF for more information, including policy and practice implications, as follows:

- Adolescent services and extended foster care: [dcyf\\_csp\\_adolescents@state.mn.us](mailto:dcyf_csp_adolescents@state.mn.us)
- African American child well-being: [dcyf.aacwb@state.mn.us](mailto:dcyf.aacwb@state.mn.us)
- American Indian Wellbeing Unit and Tribal child welfare: [dcyf.icwa.mifpa@state.mn.us](mailto:dcyf.icwa.mifpa@state.mn.us)
- Child mortality review panel and critical incident review: [dcyf.childfatalityreview@state.mn.us](mailto:dcyf.childfatalityreview@state.mn.us)
- Child safety and prevention: [dcyf.csp.safety@state.mn.us](mailto:dcyf.csp.safety@state.mn.us)
- Human Trafficking Child Protection program: [dcyf.safeharbor@state.mn.us](mailto:dcyf.safeharbor@state.mn.us)
- Foster care, CHIPS, and protective supervision: [dcyf.csp.fostercare@state.mn.us](mailto:dcyf.csp.fostercare@state.mn.us)
- Family First Prevention Services Act (FFPSA) Kinship Navigator Program, including temporary relative supports: [dcyf.csp.safety@state.mn.us](mailto:dcyf.csp.safety@state.mn.us)
- Permanency and adoption, including Northstar Care for Children: [northstar.benefits@state.mn.us](mailto:northstar.benefits@state.mn.us)
  - Post-adoption search and original birth record access for adult adopted persons: [betsy.hodek@state.mn.us](mailto:betsy.hodek@state.mn.us) and [search@fosteradoptmn.org](mailto:search@fosteradoptmn.org)
- Rapid consultation: [dcyf.csp.rapidconsult@state.mn.us](mailto:dcyf.csp.rapidconsult@state.mn.us)
- Training via the Minnesota Child Welfare Training Academy: [info@mnchildwelfaretraining.com](mailto:info@mnchildwelfaretraining.com)

## II. Department of Children, Youth, and Families

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DCYF was established as a new state agency on July 1, 2024 (see [bulletin 24-68-03, Summary of 2023 child welfare legislation](#) and the [DCYF Statutory Language Explainer](#) for more information). Legislation enacted during the 2024 legislative session made several additional technical and clarifying changes in preparation for the new state agency, including:

- Establishing DCYF as the state agency for purposes of Title IV of the Social Security Act
- Establishing the Children, Youth, and Families Intergovernmental Advisory Committee to provide advice, consultation, and recommendations to the DCYF commissioner on the planning, design, administration, funding, and evaluation of services to children, youth, and families.

- Adding additional administrative, operational, and programmatic requirements and responsibilities for DCYF, consistent with other state agencies' requirements and responsibilities
- Transitioning additional related duties, responsibilities, programs, and services from the Minnesota Department of Human Services (DHS) and other applicable state agencies to DCYF
- Clarifying interagency procedures and responsibilities for programs and responsibilities remaining at DHS
- Requiring ongoing coordination and collaboration between DHS and DCYF for services and activities impacting children that are overseen by DHS, including requiring the DCYF commissioner to designate a department leader to coordinate services and outcomes around children's mental health and children with or at risk of disabilities.
- Authorizing the Revisor's Office to make necessary updates and technical changes to various statutes to reflect the transition from DHS to DCYF
- Appropriating additional funding to support the transition, including funding transition to ensure DCYF, DHS and the Minnesota Department of Education (MDE) have adequate staffing.

(Laws of Minnesota 2024, [chapter 80](#) and [chapter 115](#), article 16, article 20 and article 22, sections 4 and 10.)

## A. New, renumbered, and unchanged child welfare statutes

While the 2023 legislative session established DCYF and assigned it governing authority for child welfare-related programs and statutes, the 2024 legislative session clarified whether statutes would be added as new provisions, renumbered, or remain unchanged except for clarification of commissioner and department oversight.

Minnesota Statutes, Chapters 259, 260, 260C, 260D, and 260E were not subject to renumbering. Instead, the Revisor's Office will update these chapters to reflect the change in commissioner and department oversight.

Minnesota Statutes, Chapter 142A, which was established in 2023 as the DCYF governing chapter, was amended to add new administrative, fiscal, operational, and general oversight provisions. Several child welfare-related provisions located outside of Minn. Stat. Ch 142A were renumbered to reflect their new governing authority under DCYF, including:

- Child mortality review panel, Minn. Stat. § 142A.03, subds. 7-8 (renumbered from Minn. Stat. § 256.01, subdivisions 12 and 12a)
- Citizen review panel, Minn. Stat. § 142A.03, subd. 10 (renumbered from Minn. Stat. § 256.01, subd. 15)
- Children's Trust Fund and associated provisions, Minn. Stat. §§ 142A.411 to 142A.417 (renumbered from Minn. Stat. §§ 256E.21 to 256E.28)
- Northstar Care for Children, Minn. Stat. §§ 142A.60 to 142A.612 (renumbered from Minn. Stat. Ch. 256N), including foster care maintenance rate setting and federal reimbursement in Minn. Stat. § 142A.418 (renumbered from Minn. Stat. § 256.82)

- Lead county contracts, Minn. Stat. § 142A.07, subd. 8 (renumbered from Minn. Stat. § 256.0112, subd. 10)
- Relative Custody Assistance, Minn. Stat. § 142A.65 (renumbered from Minn. Stat. § 257.85)
- FFPSA grant and allocation programs.
  - Support and Development Grant Program, Minn. Stat. § 142A.45 (renumbered from Minn. Stat. § 256.4793)
  - Kinship Navigator Program, Minn. Stat. § 142A.451 (renumbered from Minn. Stat. § 256.4794)
  - Family First Prevention and Early Intervention Allocation Program, Minn. Stat. § 142A.452 (renumbered from Minn. Stat. § 260.014).

Child foster care licensure provisions and other DCYF-related licensing provisions are in Minn. Stat. Ch. 142B.

### **III. Minnesota African American Family Preservation and Child Welfare Disproportionality Act and related provisions**

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Minnesota Statutes, Chapter 117 contains several provisions that support greater protections for African American children and children who are overrepresented in Minnesota’s child welfare system, including the Minnesota African American Family Preservation and Child Welfare Disproportionality Act. These provisions have varying effective dates as noted below.

#### **A. Establishment of the Act**

Minnesota Statutes, Chapter 117 establishes the Minnesota African American Family Preservation and Child Welfare Disproportionality Act within Minn. Stat. §§ 260.61 to 260.693. Key provisions of the Act include, but are not limited to:

- Requiring DCYF to annually determine which categories of race, culture, ethnicity, income, and disability status are overrepresented, based on child welfare data compared to statewide child data.
- Requiring responsible social service agencies to provide active efforts to prevent out-of-home placement and reunify families, and to implement safety plans with specific parameters to allow children to remain in their home in most cases for all children to whom the Act applies.
- Limiting the use of emergency removals, foster care placements and terminations of parental rights to better ensure children are not unnecessarily removed from their homes either temporarily or permanently.
- Requiring cultural competency training for case workers, supervisors, judges, guardians ad litem and attorneys working in the child welfare system
- Mandating responsible social service agency case reviews and annual summary reports beginning Oct. 1, 2029 (except for Hennepin and Ramsey Counties, which must provide reports

beginning Jan. 1, 2026), with outcomes based on guidance from the commissioner (required by Nov. 1, 2028, and annually thereafter)

- Establishing the African American and Disproportionately Represented Family Preservation grant program, with an ongoing appropriation of \$1 million beginning state fiscal year 2025.
- Permanently establishing both the African American Child Well-being Unit and Advisory Council, with specific duties and responsibilities, including annual reports.

Sections 11 to 13 of the Act, which establish the African American Child Well-being Unit, Advisory Council, and grant program, are effective July 1, 2024. The remaining sections of the Act (sections 1 to 10) are effective January 1, 2025, for Hennepin and Ramsey Counties and July 1, 2027, statewide, as explained in part B below.

(Laws of Minnesota 2024, [chapter 117](#), sections 1-13.)

## B. Phase-in program

DCYF is required to establish a phase-in program where, prior to statewide implementation of the Act and provisions related to reestablishment of parental rights modifications, data disaggregation and the compliance portal, Hennepin and Ramsey Counties will implement them first, beginning Jan. 1, 2025. One-time funding of \$5 million in fiscal year 2025 is appropriated to support Hennepin and Ramsey Counties' implementation needs, to be split equally between the two counties. Funding is available until June 30, 2026. While other counties may also participate in the phase-in program, available funding is limited to Hennepin and Ramsey Counties. Prior to the phase-in program expiration date of July 1, 2027, DCYF must submit a report to the legislature on outcomes of the phase-in program.

Effective July 1, 2024, DCYF must establish a working group to provide guidance and oversight of the phase-in program, evaluate costs and assess future costs. Members of the working group must consist of representatives from the Minnesota Association of County Social Service Administrators, the Association of Minnesota Counties, the Minnesota Inter-County Association, the Minnesota County Attorneys Association, Hennepin County, Ramsey County, DHS and community organizations with experience in child welfare (that may be recommended by the legislature).

The working group must submit an interim report to the legislature by Jan. 1, 2026, that includes initial implementation needs and recommendations for statutory or policy changes to support statewide implementation. By Sept. 1, 2026, the working group must develop an implementation plan with best practices for statewide implementation.

(Laws of Minnesota 2024, [chapter 117](#), sections 20-21 and 22 (a).)

## C. Reestablishment of parental rights modifications

The Family Reunification Act, which allows parents and county attorneys to file petitions to reestablish parental rights of children under guardianship of the commissioner under certain conditions, was amended to allow children ages 10 or older, responsible social service agencies and guardians ad litem

to also be able to file these petitions. Additionally, the length of time a child must have been in foster care following a termination of parental rights court order for a reestablishment petition to be filed was reduced from 48 months to 24 months. These modifications are effective Jan. 1, 2025, for Hennepin and Ramsey Counties and statewide by Jan. 1, 2027.

(Laws of Minnesota 2024, [chapter 117](#), sections 14-15.)

## D. Disaggregation of data

By Jan. 1, 2027, DCYF is required to disaggregate data to monitor child welfare outcomes across various categories including race, ethnicity, culture, low-income socioeconomic status, and disability status. This will require updates to the Social Service Information System (SSIS).

(Laws of Minnesota 2024, [chapter 117](#), section 16.)

## E. Best practice guidance

By Jan. 1, 2027, DCYF must develop and publish best practice guidance on:

- Maintaining connections and relationships between African American and disproportionately represented children and their parents, custodians, and relatives.
- Engaging and assessing noncustodial or non-adjudicated parents to care for their African American and disproportionately represented children.

(Laws of Minnesota 2024, [chapter 117](#), section 18.)

## F. Compliance system and portal

DCYF is required to develop, maintain, and administer a publicly accessible online compliance and feedback portal that covers the Act and other child maltreatment, safety, and placement statutes. This must be in effect for Hennepin and Ramsey Counties by Jan. 1, 2025, and statewide by Jan. 1, 2027.

Effective July 1, 2024, DCYF must consult with counties and the phase-in program working group to develop a system to review county compliance with the Act. By Jan. 1, 2026, DCYF must submit a report to the legislature that includes the proposed system with recommended statutory language to codify it.

(Laws of Minnesota 2024, [chapter 117](#), sections 17 and 19.)

# IV. Minnesota Indian Family Preservation Act

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Multiple policy changes and clarifications to the Minnesota Indian Family Preservation Act (MIFPA) were made during this session to support greater alignment with the federal Indian Child Welfare Act (ICWA) and to strengthen existing protections for American Indian/Alaskan Native children and families involved or at risk of

involvement in Minnesota’s child welfare system. In addition to various technical fixes, provisions modified under MIFPA include, but are not limited to:

- Definitions (both new and updated)
- Inquiry
- Tribal jurisdiction, determinations, participation, and access to files
- Transfer of proceedings to Tribal court
- Minnesota district court processes when MIFPA/ICWA apply, including treating the case as if MIFPA/ICWA apply when a court has reason to believe, but does not have sufficient evidence, that a child is an Indian child
- Clarification of notice and petition requirements for parents, Indian custodians, Tribes, and the United States Secretary of Interior
- Active efforts
- Extended family members
- Appointment of counsel
- Placement preferences for temporary or permanent proceedings
- Invalidation, including reimbursement when parents or Indian custodians were assessed for costs of care and possible sanctions imposed against the offending party.

To ensure continued compliance with ICWA and MIFPA in child custody proceedings, new provisions were added to Minnesota Statutes, Chapters 259, 260C, 260D, 260E, and 524, article 5, part 2 to clearly require ICWA and MIFPA compliance in the applicable proceedings.

Additionally, the definition of “relative of an Indian child” under Minnesota Statutes, section 260C.007 was modified to include a reference to the definition of “extended family member” under MIFPA, and a new provision was added to Minn. Stat. § 260C.178 to clearly state that MIFPA placement preferences must be followed when a court orders an emergency placement of an Indian child.

(Laws of Minnesota 2024, [chapter 115](#), article 17.)

## V. General child welfare investments

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### A. Funding for Social Service Information System

The legislature appropriated funding to begin work on modernizing and replacing SSIS, specifically focusing on child protection components of SSIS, with minimum requirements for modernization:

- Allow better financial tracking by local agencies, including collection of parental fees and use of a child’s federal cash benefits
- Provide the Ombudspersons for Families, Ombudsperson for American Indian Families and Ombudsperson for Foster Youth with case-by-case direct access to nonprivileged and not Tribal-sovereign data in SSIS as is necessary to perform their statutory duties

- Provide statewide comprehensive data reports
- Track increased categories of child and family demographic data, including a child’s race, ethnicity, culture, low-income socioeconomic status, and disability status.

(Laws of Minnesota 2024, [chapter 115](#), article 12, section 32 and article 22, section 2, subdivision 2 (a).)

## **B. Temporary relative and kin supports**

One-time funding was appropriated for DCYF to contract with community-based nonprofit organizations to provide culturally competent supports and connection to local and state resources for relative caregivers caring for children who are from communities that are disproportionately overrepresented in Minnesota’s child welfare system. The goal of these funds is to prevent child welfare system entry or, if already involved in the child welfare system, to reduce the possibility of relative placement disruption. Funds must be spent by the end of state fiscal year 2025.

(Laws of Minnesota 2024, [chapter 115](#), article 12, section 33 and article 22, section 2, subdivision 7.)

## **C. Supreme Court Council on Child Protection and Maltreatment Prevention**

The legislature appropriated funding to invite the Minnesota Supreme Court to study and create a comprehensive blueprint to improve Minnesota’s child protection system and prevent unnecessary child protection involvement as part of the Children’s Justice Initiative. Membership will be determined primarily by the Supreme Court and encompasses a wide variety of individuals and organizations, including individuals with professional and/or lived experience within the child protection and child welfare systems and experts in areas such as historical and generational trauma, generational and situational poverty, educational and disability services, and systemic racism. Membership also includes the DCYF commissioner or designee.

Meetings must begin by Sept. 15, 2024. An interim report is due to the legislature, governor, and chief justice of the Supreme Court by July 15, 2025. A final report containing the comprehensive blueprint, as well as a review of research related to foster care and permanency placements and dispositions, is due Jan. 15, 2026.

(Laws of Minnesota 2024, [chapter 115](#), article 12, section 30 and article 22, section 6.)

# **VI. Prevention and child protection services**

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## **A. Formula adjustment for Opiate Epidemic Response Fund allocation**

The formula for how the commissioner distributes funds received from the Opiate Epidemic Response Fund to counties and Initiative Tribes was modified to support continued use of effective child protection services and to broaden eligible services to include prevention services.

Previously, the statutory formula required funding to be distributed proportionally based on the previous calendar year's number of children in out-of-home placement episodes due primarily to parental drug abuse in a given county or Initiative Tribe. This had an unintended consequence of a reduction in funding received when a county or Tribal agency used the funding to provide services that successfully reduced the number of children who entered out-of-home placement due primarily to parental drug abuse.

Funding will now be distributed via a formula that will use both intake data related to substance use as well as out-of-home placement episodes where parental drug abuse is a reason (but not necessarily the primary reason), using a three-year average to help stabilize the funding distribution.

The sunset of the opiate registration fee was also repealed.

(Laws of Minnesota 2024, [chapter 127](#), article 48, sections 1, 11 and 20 and [chapter 125](#), article 3, sections 1, 11 and 20.)

## **B. Appropriations from 2023 session extended and corrected**

The legislature extended the availability of funds appropriated during the 2023 session for FFPSA early intervention assessment response grants through fiscal year 2025. Additionally, the legislature established authority for DCYF to compensate Community Resource Center Advisory Councils at a compensation rate of \$125 per day. Funds were previously appropriated for this purpose during the 2023 session.

(Laws of Minnesota 2024, [chapter 115](#), article 12, section 29 and article 22, section 8 (h)(i).)

## **C. Prekindergarten and early learning scholarships**

Voluntary prekindergarten program provisions were modified to include a requirement that school districts and charter schools use available state funding for 4-year-old children who meet certain criteria, effective July 1, 2025. Criteria includes (but is not limited to) children who are in:

- Foster care
- Kinship care (including children whose relative custodians receive Northstar Kinship Assistance on their behalf)
- Need of child protection services.

Additionally, early learning scholarship family priority status was expanded to include parents or guardians who are themselves children placed in foster care, in addition to the existing eligibility criterion that they have a child who meets the requirement. This supports parenting youth in foster care, including those in extended foster care, to access these scholarships under priority status with categorical eligibility and no need to prove other income eligibility.

The new priority application statuses that were established during the 2023 legislative session were modified to include children who are in substance use or mental health treatment programs and children with an Individualized Family Service Plan (IFSP) or an Individualized Education Program (IEP).

Questions about early learning scholarships can be sent to [DCYF.ELScholarships@state.mn.us](mailto:DCYF.ELScholarships@state.mn.us).

(Laws of Minnesota 2024, [chapter 109](#), article 9, sections 3-5.)

## VII. Child maltreatment and critical incident reviews

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### A. Change to the definition of threatened injury

The definition of “threatened injury” under chapter 260E was amended to clarify that this includes exposing a child to a person responsible for the child’s care who committed an act that resulted in an involuntary transfer of permanent legal and physical custody (TPLPC) to either a relative or a parent. This conforming change is based on changes made to the TPLPC permanency disposition (see [Section X, Part C. Transfer of permanent legal and physical custody to a parent and to a relative](#)).

(Laws of Minnesota 2024, [chapter 115](#), article 18, section 45.)

### B. Labor trafficking as a form of child maltreatment

Effective July 1, 2025, in compliance with federal law, labor trafficking will be established as a form of child maltreatment in Minnesota Statutes, Chapter 260E, with human trafficking established as an umbrella term encompassing all forms of trafficking in Minn. Stat. Ch. 260C. The labor trafficking response path will be aligned with that for sex trafficking: Reports involving parents/guardians, siblings, and household members (“caregivers”) must be screened for a family investigation, while reports involving other known or unknown alleged offenders require a noncaregiver trafficking assessment. Existing references to sex trafficking across Minn. Stat. Chs. 260C and 260E and MIFPA will be updated to reflect the new umbrella term, and SSIS changes will be made as an enhancement to SSIS. The child protection training requirement in Minn. Stat. Ch. 260E will also be expanded to include labor trafficking and the response when youth go missing from care.

Note: The definitions of “labor trafficked youth” and “human trafficking” under Minnesota Statutes, Chapter 260C went into effect July 1, 2024, for purposes of juvenile protection proceedings and local welfare agency response when youth go missing from care.

Guidance on implementing these changes was issued in [bulletin 24-68-10: Best practice response to trafficking and exploitation of children and youth in Minnesota](#). Revisions to [Minnesota’s Best Practice Response to Human Trafficking and Exploitation of Children and Youth: A guide for county and Tribal welfare agencies \(DHS-7641Z\)](#) are forthcoming.

(Laws of Minnesota 2024, [chapter 115](#), article 12, sections 4, 6-9, 10 (f) and 12-26.)

## C. Safe Place for Newborns relinquishment

Birth record registration provisions were amended to allow an individual who gives birth in a hospital to utilize Safe Place for Newborns provisions to anonymously relinquish their newborn in that same hospital. Previously, birth record registration requirements prohibited hospitals from accepting anonymous relinquishments under Safe Place for Newborns when the birth and relinquishment were in the same hospital.

(Laws of Minnesota 2024, [chapter 127](#), article 59, sections 22-26.)

## D. Child maltreatment reporting systems review and report

The legislature directed the commissioner to review other states' child maltreatment reporting systems and processes and consult with stakeholders to develop and provide recommendations to the legislature on whether Minnesota should have a centralized child maltreatment reporting system. The report is due to the legislature by June 1, 2025, and must also be published on DCYF's website.

(Laws of Minnesota 2024, [chapter 115](#), article 12, section 31 and article 22, section 2, subdivision 3 (a).)

## E. Mandated reporting updates

Mandated reporting provisions were amended to clearly prohibit corporations, schools, nonprofit organizations, religious organizations, facilities who meet the definition of facility under Minnesota Statutes, Chapter 260E and other similar entities from having policies that prevent or discourage mandatory or voluntary reports of child abuse and neglect. A misdemeanor penalty was also established for individuals who intentionally prevent (or attempt to prevent) a mandated report of child maltreatment.

(Laws of Minnesota 2024, [chapter 123](#), article 4, sections 6-7.)

MDE's responsibility to screen and investigate reports of maltreatment for older students in a school setting was clarified to include students 18 through 21 years of age, rather than students 18 to 21 years of age.

(Laws of Minnesota 2024, [chapter 109](#), article 8, section 11.)

## F. Clarification of local agency access to predatory offender registry data

A technical clarification was made to confirm that law enforcement and corrections agents are authorized to disclose the status of an individual as a predatory offender to child protection staff at local social services agencies as part of an investigation or assessment under Minnesota Statutes, Chapter 260E.

(Laws of Minnesota 2024, [chapter 115](#), article 18, section 10.)

## G. New process for state and local review of critical incidents

Effective July 1, 2025, a new process for reviewing critical incidents involving a death or near-death of a child will be established under Minnesota Statutes, section 260E.39, and the existing statute and administrative rule governing child mortality review panels and the DHS child fatality and near fatality review team will be repealed.

DCYF will be required to establish a state multidisciplinary child mortality review panel comprised of a variety of professionals across multiple systems, and employ an executive director for the state panel, who will also conduct or direct training requirements. State panel members will serve four-year terms, with no term limits.

Counties will also be required to establish local multidisciplinary child mortality review teams and participate in local critical incident reviews, which may be conducted jointly with the state child mortality review panel. Joint reviews will be required whenever a critical incident involves a family, child, or caregiver who was involved in a family assessment or investigation within 12 months of the critical incident. A joint review will also be required for any critical incident the panel is directed to review by the governor or DCYF commissioner, as well as any critical incident the panel chooses for review. Critical incidents not subject to joint reviews must be reviewed by local child mortality review teams. The state panel or local review team may also request additional information gathering from the commissioner.

Both the state panel and local review team will have 120 days to complete their review and compile their report, with extensions permitted if necessary. Reviews must proceed regardless of pending litigation or other active investigations.

Beginning Dec. 15, 2026, and annually thereafter, DCYF must publish a report of the child mortality review panel, to include summary data, number of critical incidents reviewed by the state panel and the local review teams, systemic learnings identified during the period of review, and recommendations on improving the child protection system.

(Laws of Minnesota 2024, [chapter 115](#), article 12, sections 1, 27 and 35.)

## VIII. Child in need of protection or services (CHIPS) and protective supervision modifications

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### A. Changes to the CHIPS definition and associated proceedings

Two modifications were made to the definition of “child in need of protection or services” under Minnesota Statutes, Chapter 260C:

- Children whose parent or custodian has a disability cannot be considered a child in need of protection or services based solely on the existence of their parent’s or custodian’s disability.

- Effective Aug. 1, 2026, children who commit a delinquent act or juvenile petty offense on or after Aug. 1, 2026, while under age 13, will fall within the scope of “child in need of protection or services” under Minn. Stat. Ch. 260C instead of “delinquent child” or “juvenile petty offender” under Minn. Stat. Ch. 260B.

Additionally, for pleadings or motions pending on or after Aug. 1, 2024, a child cannot be removed from the care of a parent or custodian based solely on a parent’s or custodian’s disability. If it is alleged that a parent’s or custodian’s disability places their child in danger, they must be given the opportunity to prove that concerns can be alleviated by using supportive parenting services.

(Laws of Minnesota 2024, [chapter 115](#), article 18, sections 31-32 and [chapter 123](#), article 4, sections 2-3 and 5.)

## **B. Protective supervision case plan and court review clarifications**

New provisions and clarifying language were added to sections of Minnesota Statutes governing protective supervision case plan and court review requirements to ensure consistency in practice across Minnesota. These modifications:

- Specify that a child protective service plan is used when a child is in the care of a parent
- Align court filing and review requirements for protective supervision case plans with existing requirements for out-of-home placement plans
- Clarify that children ordered into foster care and not into a parent’s care must have out-of-home placement plans filed according to existing timelines.

(Laws of Minnesota 2024, [chapter 115](#), article 18, sections 33-34.)

# **IX. Foster care and extended foster care**

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## **A. FFPSA exception to licensing moratorium for child foster residence settings**

Changes were made to the licensing moratorium exception under Minnesota Statutes, section 245A.03, subdivision 7, to allow a child foster residence setting with an FFPSA specialized setting certification without requiring a moratorium exception. Should a child foster residence setting that was licensed under this provision lose its FFPSA specialized setting certification, its licensure will be revoked as the licensing moratorium will apply.

(Laws of Minnesota 2024, [chapter 115](#), article 18, section 11.)

## B. Placement decisions and background study information

To ensure a child’s safety in out-of-home placements, modifications were made to sections of Minnesota Statutes that govern foster care placement decisions and local agency access to criminal and maltreatment history.

Minnesota Statutes, section 260C.212, subdivision 2 was amended to clearly prohibit a child’s placement in an unlicensed emergency relative placement or a licensed family foster home when a local agency knows there is an adult in the home with criminal or maltreatment history that is a permanent disqualification to child foster care licensure. This amendment aligns with existing state laws and rules.

Minnesota Statutes, section 260C.209, subdivision 1 was also amended to remove confusing language and clearly state that a local agency may access criminal and maltreatment history when considering a child’s relative for foster care placement, regardless of whether they must be licensed.

(Laws of Minnesota 2024, [chapter 115](#), article 18, sections 35 and 37.)

## C. Out-of-home placement plan summary

Effective March 1, 2025, before parents or guardians sign out-of-home placement plans for their child, county social service agencies will be required to provide them with a one- to two-page document outlining, in plain language, requirements they must complete to reunify with their child and a summary of the plan contents.

Summaries must also be updated and provided to parents/guardians whenever out-of-home placement plans are updated. The summary must be on a form developed by the commissioner.

(Laws of Minnesota 2024, [chapter 115](#), article 18, section 36.)

## D. Children and youth missing from foster care provisions

Provisions governing actions for responsible social services agencies to take upon learning a child or youth is missing from foster care were modified to comply with federal law, expand collaboration and communication, and include a response to labor trafficking. Changes include:

- Adding a definition of missing foster children and youth (replacing the previously used term “runaway”)
- Requiring additional information and communication to be provided to law enforcement and the National Center for Missing and Exploited Children at the beginning, throughout and end of a missing episode
- Requiring notification of all parties to the case and Tribes who have received a MIFPA notice at the start and end of a missing episode
- Requiring an assessment for experiences of labor trafficking for recovered children and youth.

SSIS changes will be made as an enhancement to SSIS.

(Laws of Minnesota 2024, [chapter 115](#), article 12, sections 5 and 10 (a)-(e); and [chapter 127](#), article 66, section 18.)

## E. Federal cash benefits for children and youth in foster care

New requirements were added to Minnesota Statutes, Chapters 256N and 260C related to county and financially responsible agency use of federal cash benefits of children in foster care. For purposes of these new requirements, federal cash benefits are:

- Supplemental Security Income (SSI)
- Retirement, Survivors, and Disability Insurance (RSDI)
- Veteran benefits
- Railroad retirement benefits
- Black Lung benefits.

These new requirements are described below.

### 1. Notice requirements and limitations on use of benefits

If a county or financially responsible agency applies to be the representative payee for a child receiving federal cash benefits, or if a county or financially responsible agency receives these benefits on a child's behalf, it must provide written notice by certified mail to the following:

- The child if age 13 or older
- The child's parent, guardian, or custodian; if there is no legal parent or custodian, then the child's relative as selected by the county or agency
- The child's guardian ad litem
- The legally responsible agency, if different from the county or financially responsible agency
- The child's attorney.

For children who are at least age 13 and living in Minnesota, their legally responsible agency and guardian ad litem must also disclose this information to them in person in a way that helps them understand it.

County and financially responsible agencies are prohibited from commingling federal cash benefits received on behalf of children and from using a child's federal cash benefits for any other purpose besides caring for that child.

### 2. Tracking and annual reporting requirements

County and financially responsible agencies who receive federal cash benefits on behalf of a child must maintain a record of the following data:

- Total dollar amount received on behalf of all children for whom the agency receives federal cash benefits
- Total number of children for whom the agency applied to be representative payee
- Total number of children for whom the agency received federal cash benefits.

This data must then be reported to DCYF on an annual basis, beginning July 1, 2025. DCYF must submit an annual report containing this data to the legislature beginning Sept. 1, 2025. Reporting requirements expire Jan. 31, 2034. The legislature appropriated funding for DCYF to develop a tool to aid county and financially responsible agencies in reporting required data to DCYF and for DCYF to develop annual legislative reports.

(Laws of Minnesota 2024, [chapter 115](#), article 12, sections 2-3 and 11.)

## **F. Extended foster care payments**

Technical changes were made to Northstar Care for Children processes (such as notice requirements and payment requirements) to ensure such processes are also available and applicable to youth aged 18 to 21 years old placed in unlicensed supervised independent living settings and receiving extended foster care payments directly. For youth who are being financially exploited, or who are at risk of financial exploitation, statute was amended to allow these payments to be made to a vendor instead.

(Laws of Minnesota 2024, [chapter 115](#), article 18, sections 17-21.)

## **G. Fostering independence higher education grants**

To address a shortfall in the 2023 session allocation, additional funding was appropriated for fostering independence higher education grants for state fiscal year 2025 for a total of \$9,456,000, with a base of \$4,416,000 established in state fiscal year 2026 and thereafter.

In addition to increasing the appropriation, the legislature modified eligibility criteria to prohibit students from receiving these grants if they are in default of federal or state student loans, are more than 30 days in child support arrears (with certain exceptions) or were convicted of or pled guilty to a crime involving fraud in obtaining federal Title IV funds. The legislature also established priority application deadlines and procedures as well as a requirement that available funding be taken into consideration when determining grant awards, with awards proportionately reduced in the event of a projected shortfall.

(Laws of Minnesota 2024, [chapter 127](#), article 34, section 3 and article 35, sections 14-15.)

## X. Permanency and adoption

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### A. Conforming changes regarding access to original birth record information and post-adoption services

To ensure successful implementation of legislation that passed in 2023 allowing expanded access to original birth record information by adult adoptees, several clarifying and technical changes were made to various sections of statute governing processes for original birth record disclosure and post-adoption service provision. These changes:

- Allow DCYF and the Minnesota Department of Health to continue sharing certain data for the purpose of providing original birth record information to adult adopted persons as allowable under the law.
- Further align post-adoption service provisions with the 2023 legislation
- Reinstate timeline requirements for completing post-adoption search requests.

(Laws of Minnesota 2024, [chapter 115](#), article 18, sections 8-9, 24 and 26-30.)

### B. Termination of parental rights

The termination of parental rights condition based solely on failing to financially support one's child, after having been ordered to do so, was eliminated. Courts can no longer terminate parental rights based solely on failing to financially support a child.

(Laws of Minnesota 2024, [chapter 115](#), article 18, section 38.)

### C. Transfer of permanent legal and physical custody to a parent and to a relative

The permanency disposition of transfer of permanent legal and physical custody (TPLPC) of children in foster care was modified to clearly distinguish between TPLPC to parents and TPLPC to relatives, and to clarify court reviews, requirements, and procedures within the two TPLPC options. These modifications:

- Ensure consistency in permanency disposition options available to children in foster care across Minnesota district courts.
- Support children's safety in permanency placements while removing a barrier to Northstar Kinship Assistance eligibility by clarifying local agency access to criminal and maltreatment history when relatives are not pursuing Northstar Kinship Assistance eligibility for a child, and by requiring a summary of background study results to be filed with the court prior to the court granting a TPLPC petition or finalizing a TPLPC order.

- Clarify TPLPC petition, background study requirements and required court findings depending on whether a relative will receive Northstar Kinship Assistance on a child’s behalf or not.

(Laws of Minnesota 2024, [chapter 115](#), article 18, sections 35 and 39.)

## D. Northstar Kinship Assistance and benefit agreement clarifications

Statute was amended to clarify that if a named successor custodian in a benefit agreement is unable or unwilling to become a child’s permanent caregiver, Northstar Kinship Assistance payments may be paid to a different successor custodian in the event of a relative custodian’s death or incapacity. This aligns with existing department policy.

Additionally, a statutory reference to expiration of benefit agreements was eliminated, as benefit agreements do not have expiration dates.

(Laws of Minnesota 2024, [chapter 115](#), article 18, sections 15-16.)

## E. Adoption efforts and court reviews during a pending appeal

Modifications were made to clarify court and responsible social services agency requirements while an appeal is pending involving children under guardianship of the commissioner.

While parents can appeal termination of parental rights court orders, court reviews of an agency’s progress toward adoption were required to continue during appeals of guardianship orders. A technical fix was added to clarify that this also includes appeals of termination of parental rights orders, which aligns with existing policy and practice.

Consistent with the prohibition on finalizing an adoption during appeal of a guardianship or termination of parental rights court order, courts are also now prohibited from finalizing adoptions of children under the commissioner’s guardianship while an appeal related to a motion for adoptive placement is pending. This supports an appellant’s due process and ensures that the appeal process is meaningful.

(Laws of Minnesota 2024, [chapter 115](#), article 18, sections 40-41.)

## F. Adoptive placement decisions

Statute was amended to clarify that:

- A responsible social services agency’s exclusive authority for adoptive placements of children under guardianship of the commissioner is related to the adoptive placement decision itself.
- A child is considered legally placed for adoption when all required parties have fully executed an adoption placement agreement.
- A party to an adoption placement agreement has the ability to terminate it.

The ability to use a home study associated with an active child foster care license to meet adoption home study requirements for children under the commissioner's guardianship was modified to allow the commissioner to consider individual circumstances when a sanction or order for conditional license was issued within the past three years, rather than automatically prohibiting its use. This eliminates unnecessary delays to finalizing a child's adoption in instances where a sanction or conditional license was not due to matters impacting a child's safety or well-being.

Statute was also amended to require:

- Responsible social services agencies to immediately notify the commissioner upon learning of any new or previously undisclosed criminal or maltreatment information involving an adoptive placement of a child under the commissioner's guardianship.
- The commissioner to review new or previously undisclosed criminal or maltreatment information, upon notification by an agency or other individuals or entities, to determine whether it may impact the health, safety or well-being of a child who is the subject of a fully executed adoption placement agreement.

(Laws of Minnesota 2024, [chapter 115](#), article 18, sections 42-44.)

## **G. Supportive parenting services for prospective adoptive parents in private adoptions**

Effective Aug. 1, 2024, and applicable to pleadings and motions pending on or after that date, prospective adoptive parents who have a disability will be protected from the possibility of a court or agency denying their ability to proceed with a private adoption under Minnesota Statutes, Chapter 259 due to their disability. Should concerns about a child's health or safety be raised and meet the burden of clear and convincing evidence, prospective adoptive parents must be given the opportunity to show how supportive parenting services will alleviate such concerns. In this circumstance, the court may require the agency that completed the post-placement assessment and filed the required court report under Minn. Stat. § 259.53, subd. 2, to conduct a new post-placement assessment that includes the impact of supportive parenting services and file an updated report.

(Laws of Minnesota 2024, [chapter 115](#), article 18, section 25.)

## **Americans with Disabilities Act (ADA) Advisory**

This information is available in accessible formats for people with disabilities by calling (651) 431-4660 (voice) or by using your preferred relay service. For other information on disability rights and protections, contact the DHS ADA coordinator, Andrew Christensen, at (651) 431-3039.