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#25-68-20

Date
August 12, 2025

Of interest to
County Directors
Social Services Supervisors and
Staff
County Attorneys
Tribal Directors
Tribal Social Services
Supervisors and Staff
Tribal Attorneys

Action/due date
New law effective July 1, 2025

Expiration date
August 12, 2027

New Legislation Requires Court Review for Foster Youth Before Age 18

Topic

New legislative changes require a court review for youth in foster care before their 18th birthday.

Purpose

To provide information and instructions for court review.

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Signed



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Assistant Commissioner, Child Safety and Permanency

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

The Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law Number 110-351) was signed into law on Oct. 7, 2008. The law created an option to extend eligibility for Title IV-E foster care for children up to age 21, essentially creating the extended foster care program. Minnesota opted into this program on Oct. 1, 2010, after amending the Title IV-E state plan. Minnesota was one of the first states to implement the program.

To ensure youth in foster care receive the required notice and planning before their 18th birthday, changes were proposed and passed in the 2025 legislative session to require a court review. ([Laws of Minnesota 2025, chapter 3, article 10, sections 21-22.](#)) This review process applies to all youth in foster care, including court-ordered placements and voluntary placements under Minnesota Statutes, Chapters 260C and 260D. The responsible social services agency must report to the court the considerations, eligibility, and planning with a youth in foster care before their 18th birthday. This report is to ensure:

- Eligibility for extended foster care has been considered, and if the youth is not eligible, the reason(s) why
- Notice was provided to youth consistent with [Minnesota Statutes, section 260C.451, subdivision 1](#)
- Engagement with the youth in case planning.

The responsible social services agency must complete a court review during the 90-day period before a youth in foster care turns age 18.

The new court review process in [Minnesota Statutes, section 260C.202](#) is administrative; however, it allows the youth or another party the opportunity to request an in-court hearing if they believe the agency did not make reasonable or active efforts. When the court receives the report, it issues an order and findings.

II. Court report

Responsible social services agency case managers must engage with the youth in foster care before their 18th birthday to ensure they understand the benefits of extended foster care, including being able to live in an unlicensed supervised independent living setting when approved by the agency.

The responsible social services agency report must include the following information about the youth in foster care:

- Name, date of birth, race, gender, and current address
- Eligibility status for extended foster care, and if not eligible, the reason(s) why
- Engagement in creating their plan for after their 18th birthday
- Date they received the required extended foster care eligibility notice in [Minnesota Statutes, section 260C.451, subdivision 1](#)
- Current independent living plan required under [Minnesota Statutes, section 260C.212](#)
- Plan for the youth after age 18

- If the agency's recommendation is to extend court jurisdiction up to age 19 under [Minnesota Statutes, section 260C.193, subdivision 6](#), why extended jurisdiction is in the youth's best interest
- If the agency's recommendation is to reunify the youth with their parent or legal guardian, why reunification is in the youth's best interest
- If the agency plans to transition the youth into adult services on or after their 18th birthday, a summary of the transition plan as required in [Minnesota Statutes, section 260C.452](#), and how this plan is in the youth's best interest
- If the youth's plan is to leave foster care at age 18 and not continue in extended foster care, a copy of their 180-day transition plan as required in [Minnesota Statutes, section 260C.452](#), and the reasons they are not continuing in extended foster care. This includes the [Proof of Foster Care Form \(DHS-8241\)](#).

A copy of the court report is provided to the youth, guardian ad litem, youth's attorney, and other parties to the proceedings.

Consistent with the court report templates that were announced in [DCYF Bulletin 25-68-11](#), the department will create a court report template.

III. Court hearing (if requested)

The responsible social services agency must inform the youth and parties of the report, court review requirements, and their right to request a hearing.

The youth or a party to the proceeding may request a hearing if they believe the agency did not make reasonable or active efforts to provide the youth with information about the extended foster care program or plan with the youth for their transition.

When the court receives a request for a hearing, a court hearing is held. If a hearing is not requested, the court reviews the report and issues findings.

IV. Court order and findings

Upon receiving the report and holding a hearing (if requested), the court issues an order with findings including but not limited to the following:

- If the responsible social services agency provided the notice to the youth about extended foster care as required in [Minnesota Statutes, section 260C.451, subdivision 1](#)
- If the responsible social services agency engaged with the youth and appropriately planned to transition to adulthood with the youth
- If the youth has decided not to continue in the extended foster care program at age 18, if the responsible social services agency informed the youth that they can re-enter extended foster care up to age 21, or that the youth is not eligible to re-enter, and why.

Americans with Disabilities Act (ADA) Advisory

This information is available in accessible formats for people with disabilities by calling (651) 431-4660 (voice). For other information on disability rights and protections, contact the agency's ADA coordinator.