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**CHILDREN'S LAW CENTER
OF MINNESOTA**

**Recent Legislative Changes Affecting Child
Protection Practice**

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Topics

Extended Foster Care

Definition of neglect and terminology

Truancy and school attendance

Reestablishment of parental rights for adopted children

Out -of -state child abuse/neglect enforcement

Licensing changes

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Updates to MAAFPA

Items that did not pass

MN Supreme Court Council and looking ahead



Extended Foster Care

- [HF 2 Special Session/Minn. Sess. L. Ch. 3](#)
- Modifications to entering EFC at 18 – now an “opt out” program
- Court review required 90 days before turning 18
- Social services must prepare a report that addresses:
 - Whether the child is eligible for EFC and if not, the reasons why
 - Written summary describing how the child was involved in creating the child’s plan for after their 18th birthday;
 - Date EFC eligibility notice was sent;
 - Latest Independent Living Plan (ILP);
 - Plan for child if not EFC

EFC hearings

- Court review can be done administratively in chambers or through a formal court hearing
- Youth has a right to request a hearing
- Best practices: request a court hearing
- Annual reviews after entering EFC

Effective August 1, 2025

EFC hearing reports

- [HF 2 Special Session/ Minn. Sess. L. Ch. 3](#)
- Social services must file a report prior to annual EFC review hearings and provide the following information:
 - Child's name, DOB, race, gender, and current address;
 - a written summary describing planning with the child, including supports and services to ensure the child's safety, housing stability, well-being needs, and independent living skills;
 - the child's most recent out-of-home placement plan and independent living plan;
 - if the child's plan is to not continue in extended foster care or if the child will reach age 21 before the next review, a copy of their 180-day transition plan;
 - if the agency plans to transition the child into adult services, a summary of the transition plan and how this plan is in the child's best interest.

Effective August 1, 2025

Definition of neglect modified

- [HF 2 Special Session/Minn. Sess. L. Ch. 3](#)
- Originally drafted to modify a CHIPS definition under 260C
- Neglect under 260E: Reporting of Maltreatment of Minors
 - Neglect does not include when a child with mental, physical, or emotional condition remains in an emergency department or hospital setting because services (like residential treatment) are not available and child cannot be safely discharged
- The intent of this statutory change is to prevent parents, custodians and guardians from a maltreatment finding when they cannot safely care for their children and cannot find an available residential treatment facility.

Effective August 1, 2025

Mental health terminology

- [Minn. Sess. L. Ch. 38](#)
- “Emotionally disturbed” replaced with “mental illness” in child protection statutes
- Replaced “out-of-home placement” with “residential treatment or therapeutic foster home” in Children’s Mental Health statutes

Effective August 1, 2025

Concurrent permanency planning goals

- HF 2 Special Session/Minn. Sess. L. Ch. 3
- Modified one of three goals for concurrent permanency planning to include:

~~“develop a group of families — establish a foster parent for a child who will work towards — toward reunification and also serve as a permanent families — family for children.”~~

Effective August 1, 2025

Truancy

- [HF 2 Special Session/ Minn. Sess. L. Ch. 3](#)
- CHIPS definition of “habitual truant” modified
 - Applies to children 12-17 when they have missed one or more class periods on seven school days per year
 - For children under 12 to be truant, there must be a showing by clear and convincing evidence that the child’s absence is not due to the failure of the child’s parent, guardian, or custodian

Effective August 1, 2025

Reporting of school attendance concerns

- [HF 2 Special Session/ Minn. Sess. L. Ch. 3](#)
- Mandated reporters must make a report if a child has seven unexcused absences in a school year and is at risk of educational neglect
- Voluntary reports can be made for the same reasons
- Mandated reporters must make an oral report, followed by a written report within 72 hours and include:
 - Sufficient information to identify the child and parent/guardian
 - Number of school absences
 - Efforts made by school officials to resolve attendance concerns with family
 - Name and address of reporter

Effective August 1, 2025

School attendance continued

- Social services agency must provide a child welfare response including offering services (or through a community partner, county attorney's office, or community-based organization). Services must be culturally and linguistically appropriate and tailored to the needs of the child and the child's family.
- If unexcused absences continue and family does not engage in services, a report of educational neglect must be made and CHIPS can be filed.

Effective August 1, 2025

Reestablishment of parental rights modifications

- [HF 2 Special Session/ Minn. Sess. L. Ch. 3](#)
- Clarifies that reestablishment of parental rights can occur when a parent signs a consent to adopt but the adoption does not finalize, or the adoption subsequently resolves
- Clarifies that the petition may be filed if the child is not currently adopted

Effective August 1, 2025

Out -of-state child abuse/neglect enforcement

- [HF 2 Special Session/ Minn. Sess. L. Ch. 3](#)
- Requires socials services agencies to investigate allegations of sexual abuse, neglect or physical abuse including if the alleged abuse occurred in another state or country but the child's residence is in Minnesota.

Effective August 1, 2025



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Licensing Changes

- [HF 2 Special Session/ Minn. Sess. L. Ch. 3](#)
 - Definition of “individual who is related” now includes “an important friend of the child or the child’s parent or custodian” “prior to the children’s placement in the individual’s home.”
 - Important friend” is “an individual with whom the child has previously resided or had significant contact or who has a significant relationship to the child or the child’s parent or custodian”
 - Matches the definition of “relative” under Chapter 260C (Juvenile Safety and Placement)
 - Modification for licensing when “individual who is related” has a domestic partner (not married). Domestic partner does NOT need to be licensed but is subject to background studies on household members.
 - Adds definition of relative under 260C to Chapter 245C: background studies. A relative for background study purposes includes a person “known to the child or the child's parent before the child is placed in foster care.”

Effective August 1, 2025



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Training for foster care licensing

- [HF 2 Special Session/Minn. Sess. L. Ch. 3](#)
 - Special exception for individuals related to the child. Training regarding (1) risk of sudden unexpected infant death and abusive head trauma (children 5 and under) and (2) child passenger restraint systems (children 8 and under) must be completed within 30 days of licensure for related individuals (other caregivers must complete before licensure).
 - Expedites licensing process for related individuals
 - Relative caregivers must complete 6 hours of in-service training per year (non-relative caregivers must complete 12 hours per year)

Effective January 1, 2026

Respite care license exemption

- [Minn. Sess. L. Ch. 9](#)
- Applies to respite care for foster care children
- A home and community -based license holder can provide respite care in an unlicensed residential setting with some safeguards, including
 - Background studies completed;
 - Case manager conducts an assessment of the setting;
 - Child's legal representative visits the residence and agrees to services;
 - No more than 4 children, must be under 21

Effective January 1, 2026, or upon federal approval

Mandated reporter training

- [HF 1346 / Minn. Sess. L. Ch. 13](#)
- Requires at least half of the training must be spent on how to identify signs of suspected maltreatment or abuse
- Training must cover the definitions of each type of maltreatment under the statute
- Development of trainings must include input from “professionals with specialized knowledge related to maltreatment, including but not limited to medical professionals, attorneys, mental health professionals, and social workers”

Effective August 1, 2025

DCYF information system

- [HF 2 Special Session/Minn. Sess. L. Ch. 3](#)
 - Child welfare information system
 - \$40 million for upgrades to the system
 - DCYF to acquire, implement and configure comprehensive system
 - By March 1, 2026, DCYF must have a plan and estimated timeline
 - By August 15, 2026, then biannually, DCYF must provide updates until completed

Duties of DCYF

- [HF 2 Special Session/Minn. Sess. L. Ch. 3](#)
 - Clarifies that DCYF may contract with a licensed child-placing agency or Tribal social services agency when a child will be subject to a transfer of custody (current language discusses adoption only)
 - ICWA grants from DCYF
 - Tribal and urban Indian organizations with grants from DCYF to report annually, not quarterly
 - Eliminates cap of \$100k for special focus grants
 - DCYF to scan and report on out-of-school and youth programming for youth under 21 years of age
 - Report due July 1, 2026

Fostering Independence Grants

- [Minn. Sess. L. Ch. 5](#) / [Higher ed article](#)
- Increased funding by \$8 million to fund FIG



Modifications regarding MAAFPA:

Minnesota African American Family Preservation and Child Welfare Disproportionality Act

African American Child and Family Well Being Advisory Council

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- HF 2 Special Session/ Minn. Sess. L. Ch. 3

- Modifies last year's robust Minnesota African American Family Preservation and Child Welfare Disproportionality Act (MAAFPA)
 - Changes the name of the advisory council to include "Family"
 - Outlines membership
 - 31 members
 - "Must include representatives with lived personal or professional experience within African American communities"
 - Lists potential members including youth who have exited the child welfare system and various community members

Effective August 1, 2025



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Inquiry about child's heritage

- [HF 2 Special Session/Minn. Sess. L. Ch. 3](#)
- Language added to 10 sections to include the following inquiry requirement under MAAFPA:

“inquire about the child’s heritage, including the child’s Tribal lineage pursuant to section 260.761 and the child’s race, culture, and ethnicity pursuant to section 260.63, subdivision 10”

Inquiry language added to the following sections:

1. [1.260C.001, subd. 2](#) : Purpose of juvenile protection laws to ensure permanency planning includes this inquiry
2. [2.260C.141, subd. 1](#) : Statement regarding inquiry efforts must be in CHIPS petitions
3. [3.260C.150, subd. 3](#) : Social services must make “diligent efforts” regarding this inquiry
4. [4.260C.178, subd. 1](#) : at EPC hearing, when a court orders a child should be in foster care, the court must make the inquiry and the social services initial relative search efforts
5. [5.260C.201, subd. 1](#) : when adjudicated CHIPS and temporary legal custody is granted, the court must make the inquiry
6. [6.260C.201, subd. 2](#) : inquiry must be in court’s written findings upon adjudication
7. [7.260C.204](#) : at permanency progress review hearing, inquiry must be made before social services agency can define foster family as the permanent home for a child and reasonable/active efforts have been made
8. [8.260C.223, subd. 2](#) : must be included in DCYF’s guidelines and protocols regarding concurrent permanency planning
9. [9.260E.09](#) : when a child protection report is made, inquiry as to reporter’s knowledge
10. [10.260E.20](#) : inquiry made during family assessment, noncaregiver human trafficking assessment, or investigation

Items of interest that did not pass

- Northstar funding for children under 6 did NOT increase to same rate for children 6 and up
- Trust for social security benefits for youth in foster care
- Foster Youth Bill of Rights
- Fiscal analysis of child welfare system
- Removing some licensing disqualifications for relative foster care licensing; reducing time passed for certain crimes and a prior termination of parental rights

Update on the Supreme Court Council

- MN Supreme Court Council on Child Protection and Maltreatment Prevention created last year:
“To develop a comprehensive blueprint to improve Minnesota's child protection system and prevent unnecessary entry of children and families into the system”
- Identifying concerns through
 - presentations,
 - focus groups, and
 - surveys
- Recommendations for potential solutions
- Final report due January 15, 2026

Concerns identified by Council

- General concerns:
 - Communities need to be involved
 - Trauma when children are moved from schools or foster placements
 - Not enough time in court hearings
 - SSIS outdated
- Workforce concerns
 - Lack of people
 - Significant turnover
 - Lack of training
- Funding concerns
 - Property taxes as main source of funding
 - Variation in county tax bases
- Lack of resources
 - Services to help families who are doing their best
 - Affordable and stable housing
 - Daycare costs for single parents
 - Mental health and chemical health treatment centers



Challenges	Potential Solutions
Public awareness, stigma in seeking help	Community hubs, peer mentors, outreach campaigns
Resource scarcity	Expanded in-home services, non-county providers
Communication complexity	Simplified case plans and orders, multilingual/visual materials
Inconsistent standards	Uniform training, statewide screening harmonization
Workforce training and retention	Peer-support networks, competitive pay, continuing education
Placement shortages	Recruit/train foster families, expand group & PRTF
Cultural stigma and mistrust	Cultural brokers, tribal partnerships, trust building



Questions?

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Thank you!