

Subject Layla Jackson Law

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Summary

H.F. 912, as amended by H0912DE5, is the “Layla Jackson Law,” previously entitled the “Minnesota African American Family Preservation Act.” The bill establishes social services agency and court requirements for African American and other disproportionately represented children in the child protection system.

The bill proposes coding in chapter 260, and includes a citation and purpose statement in **sections 1 and 2**. **Section 3** provides definitions for the following terms:

- Active efforts
- Adoptive placement
- Best interests of the African American or disproportionately represented child
- Child placement proceeding
- Commissioner
- Custodian
- Disproportionality
- Disproportionately represented child
- Egregious harm
- Foster care placement
- Imminent physical damage or harm
- Responsible social services agency
- Parent
- Preadoptive placement
- Relative
- Safety network
- Sexual abuse
- Termination of parental rights

Section 4 establishes requirements for responsible social services agencies to prevent out-of-home placement of African American or disproportionately represented children, such as providing active efforts and developing a safety plan.

Section 5 establishes emergency removal petition, placement, notice and service, and termination requirements, and emergency hearing procedures as applied to African American or disproportionately represented children.

Section 6 requires the responsible social services agency to make active efforts to locate an African American or disproportionately represented child’s noncustodial or nonadjudicated parent or relatives prior to removal, and establishes additional requirements related to notice, recordkeeping, and assessment of a parent or relative’s ability to care for the child.

Section 7 establishes a right of an African American or disproportionately represented child's parent or custodian, or the child, when appropriate, to select one or more relatives for placement. The section establishes further requirements related to relative placement, and requires such a placement unless the responsible social services agencies make specified showings and the court makes specified inquiries and findings. The section also lists circumstances that must not prevent relative placement.

Section 8 establishes standards for ordering out-of-home placement for an African American or disproportionately represented child alleged to be in need of protection or services. It requires the court to find by clear and convincing evidence that the child would be at risk of serious physical harm if remaining in the child's home, and lists additional inquiries, evaluations, and findings the court must make.

Section 9 declares a preference for transfer of permanent legal and physical custody to a relative or noncustodial parent, and limits the court's ability to terminate the parental rights of a parent of an African American or disproportionately represented child. The section also expands appeal timelines for a parent of an African American or disproportionately represented child whose parental rights have been terminated.

Section 10 lists prohibited conduct by child protection employees in responsible social services agencies and requires notification of the commissioner when there is a maltreatment determination or foster care placement involving an African American or disproportionately represented child. The section also requires notice to the commissioner regarding any adoptive or preadoptive placement proceeding involving an African American or disproportionately represented child; requires each responsible social services agency to conduct a case review every two years; and specifies that noncompliance may lead to corrective action or fines.

Section 11 establishes African American and disproportionately represented family preservation grants.

Sections 12 and 13 allow an African American or disproportionately represented child aged ten or older, the responsible social services agency, or a guardian ad litem to file a petition for the reestablishment of the legal parent and child relationship, and make additional related changes to the timeline for such a petition.

Section 14 requires the commissioner to collaborate with the Children's Justice Initiative to ensure the provision of cultural competency training for all child protection workers, supervisors, attorneys, and judges.

Section 15 requires the commissioner to establish a method to disaggregate data related to African American and other child welfare disproportionality.

Section 16 requires responsible social services agencies to engage in best practices and make active efforts related to family visitation for an African American or disproportionately represented child in out-of-home placement.

Section 17 requires the commissioner to develop, maintain, and administer a publicly available online compliance and feedback portal related to compliance with the Layla Jackson Law and other statutory requirements related to child protection.

Section 18 requires the commissioner to develop and publish guidance on best practices for ensuring that African American and disproportionately represented children in foster care maintain connections and relationships with relatives and kin, and on engaging and assessing noncustodial and nonadjudicated parents to care for children.

Section 19 appropriates money for the administration of the requirements in this bill and for the feedback portal in section 17.



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