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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FOURTH SESSION

H. F. No. 3024

04/01/2025 Authored by Hanson, J.,
The bill was read for the first time and referred to the Committee on Children and Families Finance and Policy

A bill for an act

relating to children; establishing a foster youth bill of rights; proposing coding for new law in Minnesota Statutes, chapter 260C.

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

Section 1. **[260C.009] FOSTER YOUTH BILL OF RIGHTS.**

Subdivision 1. **Legislative intent.** (a) It is the intent of the legislature and the purpose of this section to ensure foster youth have the right to receive at least the level of care in which their nonfoster youth peers receive, and a higher level of care than the care they would have received if not placed in foster care, due to the state of Minnesota choosing to intervene in a foster youth's life.

(b) The rights under this section are established for the benefit of children and youth in foster care and the extended foster care program. The rights under this section do not replace or diminish other rights, liberties, and responsibilities that may exist regarding children and youth in foster care or the extended foster care program, including any rights under the Indian Child Welfare Act, the Minnesota Indian Family Preservation Act, and the African American Family Preservation and Child Welfare Disproportionality Act.

Subd. 2. **Definitions.** (a) For the purposes of this section, the following terms have the meanings given.

(b) "Abuse" has the meaning given in section 260C.007, subdivision 5. For the purposes of this section, abuse also includes name calling, derogatory statements about the foster youth or the foster youth's family, insults, harassment, threats, shaming, humiliation, and hate speech.

(c) "Age appropriate" means the activities, rights, and responsibilities that align with a foster youth's chronological age and are common to their peers.

(d) "Appropriate" means in alignment with age and developmental ability of a foster youth, often based on the reasonable treatment a foster youth would receive if not placed in the foster care system.

(e) "Belongings" means personal effects or possessions as defined reasonably by the foster youth.

(f) "Chemical restraint" means the use of any psychopharmacologic drug that is used for discipline or convenience and is not required to treat medical symptoms.

(g) "Clean" means a space that is free from accumulations of dirt, grease, garbage, peeling paint, vermin, and insects. The area must also be free from animal feces and urine on carpets, floors, or furniture. The conditions must not have a direct impact on the health and safety of the foster youth.

(h) "Consent" means words or overt actions by a person indicating a freely given present agreement. Consent does not mean the existence of a prior or current social relationship between the actor and the complainant or that the complainant failed to resist a particular act.

(i) "Culturally appropriate" means practices, resources, or services that reflect, honor, and celebrate a foster youth's cultural background, such as foods, clothing, personal care products, traditions, values, and social norms.

(j) "Developmentally appropriate" means activities, resources, education, or information suitable for the foster youth's age, cognitive level, and emotional maturity.

(k) "Disability" has the meaning given in section 363A.03, subdivision 12.

(l) "Discipline" means actions utilized to correct or deter negative or harmful behaviors. Discipline must be aimed at fostering positive behavior, including teaching and modeling skills to achieve those behaviors. Discipline must be constructive and supportive, and free from physical punishment, confinement, restraint, or withholding of basic needs.

(m) "Discrimination" means the unfair treatment of a person or group of people differently from other people, often because of age, race, sex, nationality, sexual orientation, gender identity, gender expression, religion, or disability.

(n) "Excessive medication" means medication administered as a substitute for a behavioral or therapeutic program, for punishment, for the convenience of any foster parents or care

providers, in quantities that interfere with learning or other social-emotional goals, or that goes beyond prescribed limits, as determined by a licensed health care professional.

(o) "Foster youth" means an individual under 18 years of age and who is in foster care as defined under section 260C.007, subdivision 18, or 260D.02, subdivision 10. For the purposes of this section, foster youth also includes individuals under age 21 who are in foster care pursuant to section 260C.451.

(p) "Group punishment" means collective punishment, given to one or more foster youth regardless of whether their individual behavior warranted the punishment, except for the imposition of restrictions on the foster youth's peer group as part of a recognized treatment program.

(q) "Harassment" means words, behaviors, or actions that cause the person it is directed at to feel scared, annoyed, or emotionally upset.

(r) "Health care or health care services" means medical, dental, vision, and mental health services, treatments, and procedures.

(s) "Medically prescribed diet" means a diet specifically recommended by a medical professional to support a foster youth's health, which must be respected and adhered to in all care settings.

(t) "Neglect" means the denial or omission of physical, emotional, mental, and psychological needs when considering factors such as the child's age and physical and mental ability. This can include the denial or omission of the rights enumerated in this section.

(u) "Physical discipline" means physical harm acted upon a foster youth to punish or correct the foster youth's behavior.

(v) "Physical restraint" means any manual method or physical or mechanical device, material, or equipment attached or adjacent to someone's body that the individual cannot remove easily which restricts freedom of movement or normal access to one's body. Restraints should only be used for a small amount of time and used in the least restrictive way possible.

(w) "Privacy" means to be free from the attention of others. This may include physical privacy or verbal confidentiality.

(x) "Safety" means free from physical, mental, or emotional harm or potential harm.

(y) "Seclusion" has the meaning given in section 245.8261, subdivision 3j.

(z) "Sexualization" means treating someone as an object of sexual desire. This may include but is not limited to sexual comments, gestures, body language, or difference in treatment from others based on sexual reasonings.

(aa) "Sibling" means any individual who shares at least one biological or adoptive parent with the foster youth or any individual that the child considers a sibling and has previously lived with the child, regardless of whether a biological or legal relationship exists between the foster youth and sibling.

(bb) "Trafficking" means labor trafficking as defined in section 609.281, subdivision 5, and sex trafficking as defined in section 609.321, subdivision 7a.

Subd. 3. **Physical and emotional safety.** While in foster care, foster youth have a right to be safe. This includes a foster youth's right to:

(1) appropriate discipline and caregiving that considers the foster youth's unique history and needs. This includes the right to be free from all physical discipline;

(2) be free from physical, verbal, and sexual abuse, including exploitation and trafficking;

(3) the rights, protections, and services under section 260C.212, subdivision 13, and Minnesota Rules, part 2960.3080;

(4) be free from group punishment;

(5) be free from seclusion, in accordance with the laws and policies governing secure facilities;

(6) be free from physical or chemical restraint used for the purposes of discipline or convenience. De-escalation tactics should be exhausted before these are considered, and the least restrictive interventions should be prioritized. Any physical or chemical restraint of the foster youth must be documented and shared with the court;

(7) be free from threats of placement disruption or law enforcement involvement. These must not be used as a threat, retaliation, or discipline;

(8) appropriate supervision and to be free from neglect;

(9) be free from discrimination based on the foster youth's protected class status. This includes but is not limited to the denial or delay of placement or services, more restrictive placement options, physical or emotional isolation, abuse, neglect, or discipline based on these identities;

(10) have appropriate actions taken to keep the foster youth safe and comfortable, if the foster youth shares any information regarding previous or ongoing abuse or sexualization

to the foster youth's family and permanency team. This includes access to accommodations so that the foster youth does not need to face a person who harmed the foster youth while exercising their rights, including attending court;

(11) bodily autonomy. This includes being able to refuse physical touch or emotional affection, including but not limited to hugs and kisses;

(12) an age and developmentally appropriate curfew and house rules that are clear and consistent, and explained to the foster youth in a way the foster youth can understand. If the foster youth is living in a residential treatment facility, licensed residential family-based substance use disorder treatment program, qualified residential treatment program, secure detention facility, or shelter care facility as defined in section 260C.007, the foster youth should have access to written rules or policies upon entering and at the foster youth's request; and

(13) be provided with alternative pathways in juvenile delinquency court, if available, which may include diversionary courts and restorative or transformative justice circles or practices.

Subd. 4. **Basic needs and normalcy.** While in foster care, foster youth have a right to have their basic needs met and experience childhood and adolescence in a way similar to peers who are not in foster care. This includes a foster youth's right to:

(1) not have the foster youth's basic needs withheld as a form of discipline. This includes but is not limited to the foster youth's usual diet, drinking water, clothing, shoes, hygiene facilities, hygiene products, hair care products, medications, menstrual products, comfortable and normal sleeping conditions, proper lighting, educational services, privacy, self-regulation tools, exercise activities, ventilation and proper temperature, visitations, positive reinforcement, nurturing, or health care;

(2) sufficient food and beverages that promote the foster youth's health and nutrition, that are in accordance with the foster youth's religious, spiritual, and cultural observances, that follow the foster youth's medically prescribed diet, and that align with any allergy needs or food aversions. Food must be palatable, of adequate quantity and variety, served at appropriate temperatures, and of the same quality as food others in the household eat;

(3) not be put on a diet to lose or gain weight unless under the direction of a health care professional;

(4) clothing that fits comfortably, sufficiently protects against outside elements, is of the same or similar quality as the clothes other children in the household wear, and is in

accordance with the foster youth's gender expression, and religious, cultural, and spiritual identities and beliefs;

(5) dress themselves and pick out the foster youth's own clothing, as developmentally appropriate;

(6) have access to a bedroom, whenever safe and appropriate, in the place where the foster youth is living;

(7) have access to a clean home and safe methods and products for the foster youth to clean themselves and the foster youth's belongings;

(8) have access to safe, appropriate, and sufficient menstrual products with consideration of the foster youth's preferences;

(9) have access to a comfortable and clean place to sleep that is furnished to the same or similar quality to other rooms;

(10) the foster youth's own personal belongings that the foster youth is not required to share with others;

(11) acquire more belongings and bring the foster youth's belongings with if the foster youth needs to move to a new placement;

(12) have the space to store personal belongings, including hygiene items, clothes, sentimental belongings, and religious or spiritual altars, artifacts, books, or pieces. This includes the right to have private access to those belongings, if reasonable;

(13) appropriate travel bags to pack the foster youth's belongings if the foster youth needs to move that do not include trash or grocery bags;

(14) have access to a method of communication that is appropriate for the foster youth's age and developmental level, which may include a cell phone;

(15) the foster youth's own money that the foster youth has earned or has been gifted, and which should not be used to pay for the foster youth's basic needs;

(16) support to open and access the foster youth's own bank account, as developmentally appropriate, which should not be accessed or borrowed from by others;

(17) have the foster youth's credit frozen upon entry into foster care at any age and support in unfreezing and refreezing the foster youth's credit upon the foster youth's request if the foster youth is 15 years of age or older;

(18) receive a yearly credit report. If a foster youth's credit is being used fraudulently, the responsible social service agency will support the foster youth by amending any discrepancies; and

(19) have chores and tasks assigned to the foster youth to be typical for the foster youth's age and development and comparable to other children in the home, if applicable, which includes a consideration of the type, volume, and duration of the chores and tasks.

Subd. 5. **Privacy.** While in foster care, foster youth have a right to privacy. This includes a foster youth's right to:

(1) communication privacy. A foster youth's communication can only be monitored due to a safety concern and if a safety concern is determined, the monitoring of any communication must be communicated to the foster youth and documented in the foster youth's out-of-home placement plan. Communication may include but is not limited to technology usage or personal belongings, including writings and artwork;

(2) change clothes, bathe, and use the bathroom privately, as developmentally appropriate and safe;

(3) data privacy. Details of the foster youth's personal history must only be shared as permitted by law and necessary to ensure the foster youth's safety and well-being;

(4) request for the court to make the foster youth's medical and therapeutic information confidential from the public, as allowed by law;

(5) only have cameras in common areas and not to have cameras in areas such as bathrooms, bedrooms, or areas in which the foster youth is expected to bathe and change clothing; and

(6) be free from unreasonable searches of the foster youth's personal belongings, space, or body. Searches must be based on an articulated and individualized need that must be as minimally invasive as possible in relation to that need.

Subd. 6. **Health and wellness.** While in foster care, foster youth have a right to be healthy and receive high quality health care. This includes a foster youth's right to:

(1) timely access and transportation to health care services, as recommended by the foster youth's health care team and upon the foster youth's request;

(2) have the foster youth's health care explained in a manner the foster youth can understand by the provider, social worker, or other professional, to have the foster youth's

concerns addressed, to meet with the foster youth's provider in private, and to have a trusted adult present if the foster youth wants one;

(3) be free from excessive or unnecessary medication, procedures, or treatments. Determinations for excessiveness can be made by a licensed health care professional;

(4) be free from consumption of drugs, alcohol, or medications which are not prescribed to the foster youth;

(5) give input on the foster youth's health care providers, including selecting health care providers or switching a provider for any reason;

(6) not have details of the foster youth's health care shared with anyone without the foster youth's consent, unless it impacts the foster youth's safety or the care provided to the foster youth, as developmentally appropriate and in accordance with the law;

(7) access or refuse contraceptives and abortion services, unless a health care professional determines it to be medically necessary;

(8) be free from secondhand smoke exposure;

(9) have decisions made regarding the foster youth's health care be only between the foster youth and a health care provider, as developmentally appropriate and in accordance with the law, unless medically necessary circumstances arise;

(10) be free from drug testing as a condition of the foster youth's placement, unless ordered by a judge or part of an evidence-based substance use treatment program;

(11) have support in accessing or refusing family therapy with anyone the foster youth considers a relative, unless required by the foster youth's out-of-home placement plan;

(12) have support in accessing an alternative mental health treatment option of the foster youth's preference;

(13) have support in accessing education and services regarding consent, healthy relationships, and sexual and reproductive health and safety, as developmentally appropriate; and

(14) be informed of and supported in accessing counseling and mental health support, including resources at school.

Subd. 7. **Family and relative connections.** While in foster care, foster youth have a right to be connected to family, relatives, and kin. This includes a foster youth's right to:

(1) be supported in having frequent, consistent, and quality contact with relatives, including both in-person or virtual opportunities, with in-person visits being preferred. Other communications such as letters, emails, texts, or phone calls should be supported;

(2) have contact or visits with relatives only be restricted in circumstances when the foster youth's family and permanency team has collaboratively weighed factors, including but not limited to the foster youth's physical and emotional safety; the input of the foster youth's health care team, when applicable; the foster youth's own input; and whether alternative forms of visits or contact may be appropriate;

(3) have the foster youth's caseworker notify the foster youth's relatives who responded to the initial search, regardless of whether the relative indicated interest in being a placement option, or relatives identified by the foster youth, when the foster youth moved to a new placement, within five business days of the caseworker being informed of the placement change;

(4) be told in a personal and confidential manner if a relative of the foster youth dies or is experiencing life-threatening health issues when the agency is aware. When practicable, to be supported in attending any death-related services if someone the foster youth knew dies or to visit a person who is experiencing life-threatening health issues;

(5) have an updated relative search be completed, at minimum, every six months to reevaluate relative and kinship placement and connection opportunities for the foster youth, if the foster youth is not already placed in a relative or kinship placement;

(6) have the foster youth's caseworker update the courts regarding the caseworker's efforts to support sibling relationships at each court hearing;

(7) have the foster youth's family and permanency team make every effort to support relationships with all of the foster youth's siblings, including adult siblings, whether the siblings are in foster care or not, unless the agency has documented a verifiable safety concern. This support must include:

(i) having the foster youth's input prioritized regarding any sibling relationships. This may include how often and the methods for communication, including phone calls, letters, or in-person or virtual visits;

(ii) frequent contact and support in contacting the foster youth's siblings. This includes weekly regular face-to-face visits, whenever possible, and weekly virtual contact. Virtual contact includes, but is not limited to, telephone calls, text messaging, social media, other internet use, and video calls;

(iii) not withholding or restricting sibling relationships as a consequence for behavior;

(iv) regular visits being ensured by members of the foster youth's family and permanency team and the coordination of dates, times, transportation, and other accommodations as necessary;

(v) the timing and regularity of visits to be outlined in each sibling's service plan; and

(vi) alternative ways to preserve relationships being supported, in the event of a documented verifiable safety concern;

(8) at least quarterly, receive a telephone number, address, or email address for all the foster youth's siblings, both those in foster care and not in foster care, and receive updated photographs of siblings regularly, by regular mail or email;

(9) be actively involved in the lives of the foster youth siblings, including celebrations, and to be provided with support in doing so. Celebrations may include but are not limited to birthdays, holidays, graduations, school and extracurricular activities, cultural customs in the foster youth's native language, and other milestones;

(10) be promptly informed about changes in a sibling's placement or circumstance, including but not limited to new placements, discharge from placements, significant life events, and discharge from foster care;

(11) be included in permanency planning decisions for any siblings;

(12) have the adult siblings of the foster youth be notified of the opportunity to become a foster care provider, adoptive parent, or relative custodian;

(13) have the foster youth's siblings, if known, to be notified of their rights as a sibling, through materials in a format specified by the Office of the Foster Youth Ombudsperson. This includes adult siblings and siblings not in foster care; and

(14) have support in planning to maintain sibling relationships after the foster youth exit foster care for any reason.

Subd. 8. **Community and cultural connections.** While in foster care, foster youth have a right to be connected to the foster youth's community and culture. This includes a foster youth's right to:

(1) have support in finding and maintaining regular contact with communities that reflect the foster youth's culture, ethnicity, religion, sexual orientation, and gender identity, with specific attention paid to maintaining the community connections the foster youth had prior

to entering foster care. The foster youth's cultural and community needs must be documented in the foster youth's out-of-home placement plan;

(2) be cared for by people that have received training on understanding and validating the foster youth's cultural, racial, and ethnic heritage in a trauma-informed manner;

(3) ethnically and culturally appropriate hygiene and hair care products and services, which may include access to protective hairstyling services, bonnets, du rags, lotions, shampoo, conditioner, and body wash;

(4) have support in accessing education in personal care, hygiene, and grooming that reflects the foster youth's race, ethnicity, culture, and gender identity;

(5) have support to make and cultivate friendships, including connections made before the foster youth's time in foster care or while in a previous placement. Connections should be supported through in-person or virtual opportunities, with preference for in-person visits. Letters, emails, texts, or phone calls should also be supported. The foster youth's communications with friends must only be limited due to safety or well-being concerns of the foster youth;

(6) speak and be spoken to in the foster youth's own language, which may include Braille or sign language. If the foster youth's foster parent or caregiver does not know the foster youth's language, the foster youth's caseworker will provide a plan to meet the foster youth's needs to communicate; and

(7) have support in accessing online or in-person peer support groups that are age-appropriate, and that may include support or affinity groups that align with the foster youth's protected class status.

Subd. 9. **Religious and spiritual practices.** While in foster care, foster youth have rights regarding religious and spiritual practices. This includes a foster youth's right to:

(1) participate in cultural, religious, and spiritual events and practices that are meaningful to the foster youth. This may include private spaces and materials to practice the foster youth's religion or spirituality, including but not limited to the ability to smudge, light incense, or light candles, and a designated area to do this;

(2) choose not to participate in cultural, religious, and spiritual events and practices; and

(3) be in a placement that is informed and respectful of the foster youth's religious and spiritual practices and needs.

Subd. 10. **Sexual orientation and gender identity.** While in foster care, foster youth have rights regarding sexual orientation and gender identity. This includes a foster youth's right to:

(1) have the foster youth's sexual orientation, gender identity, and gender expression affirmed and supported. This includes the right for the foster youth to express themselves in the way the foster youth decides, including but not limited to the foster youth's hair styles, makeup choices, chosen pronouns, chosen name, and the way the foster youth dresses, including gender-affirming undergarments;

(2) request and be supported in obtaining gender-affirming care including counseling, medication, and other supportive services;

(3) privacy regarding the foster youth's sexual orientation and gender identity. Whenever possible, to not have the foster youth's gender identity or sexual orientation disclosed without consent; and

(4) not experience conversion or reparative therapies.

Subd. 11. **Disability and accommodation.** While in foster care, foster youth have rights regarding disability status and accommodation. This includes a foster youth's right to:

(1) receive proper and reasonable accommodation and services to help the foster youth thrive in the foster youth's placement and at school, which may include support in obtaining full access to education;

(2) be in a placement that is educated about the foster youth's disability and the accommodations the foster youth may need;

(3) the same access to age or developmentally appropriate activities and experiences as the foster youth's peers and given accommodations to participate in such experiences; and

(4) not be excluded from participation in or be denied benefits of the services, programs, or activities due to the foster youth's disability status.

Subd. 12. **Education.** While in foster care, foster youth have rights regarding school and education. This includes a foster youth's right to:

(1) have support to attend school in a consistent setting, which may include staying in the same school throughout the foster youth's time in foster care and attending the same school as the foster youth's siblings, if possible. This includes timely transportation that is free of cost to the foster youth;

(2) have support to ensure all credits, including partial credits, received in different schools or placements be counted if the foster youth were to move schools;

(3) have support to ensure that the foster youth does not receive a reduction of a grade due to the foster youth's foster care status and any foster care related absences and circumstances;

(4) be provided with recovery options in the foster youth's classes during school hours, if possible, when these circumstances occur;

(5) have support to be free from disciplinary action at school due to the foster youth's foster care status. This can include but is not limited to detention or suspension regarding lateness or absence from school due to foster care related circumstances;

(6) not have the foster youth's scheduled activities, including school, disrupted by foster care-related meetings and events, if possible, in accordance with the foster youth's preferences or if there is a safety need or necessity;

(7) only have the foster youth's foster care status or personal information disclosed to necessary staff members at the foster youth's school;

(8) have support in accessing quality education that is equivalent or better than what the foster youth would receive if the foster youth were not in foster care. This may include access to the materials and time needed to complete the foster youth's homework;

(9) have support from the foster youth's family and permanency team to graduate high school in a timely manner and in a similar timeframe to the foster youth's peers;

(10) have support in enrolling in any accelerated and college-level courses and programs the foster youth is qualified to enroll in, including timely support to prepare for postsecondary education;

(11) have support in accessing extra help and tutoring if needed;

(12) make choices about the foster youth's classes in accordance with the foster youth's school's requirements and policies; and

(13) own or access to all necessary school supplies.

Subd. 13. **Activities.** While in foster care, foster youth have a right to participate in various activities. This includes a foster youth's right to:

(1) be included in activities with the foster youth's placement, relatives, and friends. This includes but is not limited to birthdays, special celebrations, holidays, and vacations;

(2) participate in age and developmentally appropriate activities that align with the foster youth's preferences and to not be denied access to an activity based on the fact that the foster youth is in foster care. This includes but is not limited to social activities, school events, sports, arts programming, clubs, community activities, and other extracurriculars;

(3) have support in ensuring continuation of activities if the foster youth's foster care status or related circumstances affects the foster youth's participation or attendance; and

(4) timely transportation to activities that is free of cost to the foster youth.

Subd. 14. **Case management and planning.** While in foster care, foster youth have rights regarding case management and planning. This includes a foster youth's right to:

(1) a guardian ad litem and caseworker;

(2) be involved with case planning, including having a current out-of-home placement plan, receiving a copy of the placement plan, having the contents of the placement plan explained to the foster youth in a developmentally appropriate and accessible manner, helping create and edit the plan, and having it updated every six months and upon request;

(3) receive contact information for the foster youth's caseworker and guardian ad litem, to be able to contact them when desired and privately, and to receive a response that is reasonably prompt;

(4) timely, quality, and private visits with the foster youth's caseworker and guardian ad litem at least in-person every 30 days, including if the foster youth is out of state;

(5) be represented by and communicate with an attorney if the foster youth is ten years of age or older, to have the right to an attorney be explained to the foster youth, to receive contact information for the foster youth's attorney and contact them when desired and confidentially, and to request and receive a new attorney, as available;

(6) be supported in seeking equitable relief within the underlying dependency case;

(7) know why the foster youth is in foster care and what will or might happen to the foster youth while in foster care, explained to the foster youth by the agency in a developmentally appropriate and accessible manner;

(8) translation support for all court hearings, foster care-related meetings, and materials if needed or requested;

(9) participate in and attend all court hearings and receive transportation to court hearings. This includes being told about the foster youth's right to attend court with as much advance

notice as possible for each hearing, both by court administration in writing and verbally by the foster youth's caseworker;

(10) communicate with the court through the foster youth's family and permanency team and attorney, if applicable, or directly in a court setting that is open to other parties;

(11) if the foster youth has an attorney, to have court processes and participation explained to the foster youth in an age and developmentally appropriate way;

(12) have the foster youth's input prioritized in decision-making by the foster youth's family and permanency team;

(13) select two people to be on the foster youth's family and permanency team. Upon the foster youth's request, these two people may attend meetings instead of the foster youth;

(14) select one member of the foster youth's family and permanency team to be the foster youth's advisor. This person can also advocate for the foster youth about how parenting decisions will apply;

(15) give input on where the foster youth will live, including:

(i) being placed in the least restrictive placement possible. If the considerations regarding the least restrictive placement change, other less restrictive placement options must be evaluated;

(ii) being in a placement that affirms and supports the foster youth's identities;

(iii) requesting to have the placement changed if it is not affirming of the foster youth's identities;

(iv) having placement with the foster youth's relatives prioritized over nonrelatives in accordance with the foster youth's preferences, as developmentally appropriate;

(v) being in the same placement as any siblings, whenever possible;

(vi) asking the court to consider a relative as the foster youth's adoptive placement; and

(vii) not being placed in a juvenile detention facility for more than 24 hours due to foster care status;

(16) be placed in close geographical distance to any siblings to facilitate frequent and meaningful contact, if placement together is not possible;

(17) receive as much advance notice as possible before a transition to a new placement and to be informed about what the foster youth can expect, including but not limited to placement location and type, where the foster youth will sleep, if the foster youth will have

roommates, and any changes in the foster youth's life that will result in this placement change;

(18) have support from the foster youth's caseworker to navigate how the foster youth can obtain legal permanent residency or Tribal enrollment, if applicable; and

(19) have support from the foster youth's family and permanency team to advocate for the foster youth's rights.

Subd. 15. **Transition resources and support.** While in foster care, foster youth have rights regarding the transition to adulthood. This includes a foster youth's right to:

(1) request, receive, and give input on an independent living plan once the foster youth is 14 years of age and to review the foster youth's independent living plan regularly and upon request;

(2) receive appropriate resources to meet the objectives of the foster youth's independent living plan, including but not limited to educational and vocational resources, mental and physical health management, life skills, financial literacy, insurance, and social and recreational skills;

(3) remain or enroll in extended foster care until the foster youth is 21 years of age if the foster youth does not have a legally permanent family when the foster youth is 18 years of age and meets eligibility requirements. This may include being exempted due to a medical condition, which can include a medical emergency, disability, childbirth, or pregnancy. If the foster youth is eligible, the foster youth must be notified in writing of the enrollment at least six months prior to the foster youth's 18th birthday. The foster youth will be automatically enrolled into extended foster care on the foster youth's 18th birthday and receive all associated support and benefits, unless the foster youth otherwise notifies the foster youth's caseworker with a signed form created by the commissioner of children, youth, and families;

(4) receive notice at least 60 days before case management services end, or as soon as the foster youth's caseworker or the court is aware, whichever is sooner, if the foster youth is 18 years of age or older and under 24 years of age. The foster youth can appeal this decision within the agency or the court to review the termination of case management services;

(5) request, receive, and give input on a transition plan, at least six months before the foster youth ages out of foster care or if the foster youth is 17 years and six months of age. This plan may include but is not limited to housing options; health insurance, including

medical assistance; education options; mentoring opportunities; workforce supports and employment services; a copy of the foster youth's consumer credit report; health care directive; contact information if the foster youth needs help with a crisis situation before the foster youth is 21 years old; and official documentation to show the foster youth was in foster care. A foster youth has the right to receive support from the foster youth's caseworker in accessing these services and resources;

(6) request and receive social and medical history and genetic health conditions of the foster youth's biological family, if available, upon discharge from foster care. If the foster youth is 18 years of age or older when exiting foster care, to receive these records from the foster youth's caseworker;

(7) receive the foster youth's social security card; an official or certified copy of the foster youth's birth certificate; a state identification card or driver's license; Tribal enrollment identification card; green card or school visa; health insurance information; the foster youth's health care records; a contact list of the foster youth's health care providers; social and educational history and records; and contact information for the foster youth's siblings, if they are in foster care, at no cost to the foster youth if the foster youth is 18 years of age or older when exiting foster care;

(8) support in obtaining the foster youth's vital documents from the foster youth's caseworker, as age-appropriate, at no cost to the foster youth;

(9) maintain employment or professional development opportunities, in accordance with the law and to receive support in accessing transportation to and from these opportunities that is free or low cost to the foster youth;

(10) have support to enroll in and attend a driver's education class and take a permit and driver's license test, as many attempts as it may take, that is free of cost to the foster youth;

(11) own a car, in accordance with the law, and be provided with support by the agency to obtain car insurance;

(12) as reasonably known by the foster youth's caseworker, be notified by the agency of all benefits that the foster youth is eligible to receive during the foster youth's time in foster care at the point when the foster youth is eligible and every six months after and be supported in accessing them. This includes but is not limited to fostering independence grants, education training voucher, free application for federal student aid, fostering youth independence voucher, medical assistance, and extended foster care;

(13) be notified in person by the legally responsible agency and the guardian ad litem, and in a manner that best helps the foster youth understand the information, when a financially responsible agency receives benefits on behalf of the foster youth if the foster youth is 13 years of age or older;

(14) request and receive, in accordance with the law, the foster youth's foster care records upon discharge from foster care or transition to extended foster care, and if the foster youth is 13 years of age or older, to receive official documentation that shows the foster youth was in foster care;

(15) request and be notified if the foster youth has any personal effects that are in the foster youth's file, which may include pictures, letters, notes, or other personal effects;

(16) have support from the foster youth's caseworker to ensure the foster youth has and can maintain safe and stable housing while the foster youth is enrolled in extended foster care; and

(17) be enrolled in medical assistance throughout the foster youth's time in foster care, including extended foster care. If the foster youth is in the foster care system when the foster youth turns 18 years of age, the foster youth has a right to maintain eligibility for medical assistance until the foster youth turns 26 years of age.

Subd. 16. **Pregnant and parenting.** While in foster care, foster youth who are pregnant or parenting have rights. This includes a foster youth's right to:

(1) legal and physical custody of the foster youth's child, unless otherwise determined by a court order;

(2) receive clear and accurate information regarding the foster youth's parental rights from the foster youth's caseworker;

(3) be informed of the foster youth's legal rights relating to paternity and child support, and to receive support in engaging with related court processes upon request by the foster youth;

(4) have support from the foster youth's family and permanency team in maintaining the foster youth's parental rights through:

(i) accessing any resources needed to adequately and safely care for the foster youth's child, including affordable child care;

(ii) ensuring that the foster youth's absence from school due to pregnancy, birth, or parenting circumstances does not result in punishment or a delay in the foster youth's educational development and progress; and

(iii) accessing health care appointments and services for the foster youth and the foster youth's children, including transportation that is at no cost to the foster youth;

(5) access services to support the foster youth's birth plan and postpartum needs and resources needed to ensure these services are free or low-cost to the foster youth;

(6) access resources to establish a health care directive and will for the foster youth and the foster youth's children;

(7) access proper and reasonable accommodations in school and work if the foster youth becomes pregnant or parenting while in foster care;

(8) determine the foster youth's own birth and parenting plans, in collaboration with the foster youth's birth services provider, and that is aligned with the foster youth's religious, spiritual, cultural, racial, and ethnic identities;

(9) certain rights if the foster youth is not the primary caregiver of the foster youth's child, which include:

(i) support to coparent, if and when possible and safe;

(ii) support in attending regular visitations and overnights with the foster youth's children in the foster youth's choice of location, in accordance with custody orders; and

(iii) regular contact with the foster youth's child, which may include in-person and virtual visits, phone calls, and letters;

(10) not be coerced into terminating the foster youth's parental rights. The foster youth should not have to choose between staying in the foster youth's placement, receiving services, or accessing basic needs, and maintaining the foster youth's parental rights;

(11) be placed with the foster youth's children in a setting as family-like as possible;

(12) provide recommendations of where the foster youth would like the foster youth's children to live if the foster youth's children are removed from the foster youth's care or the foster youth willingly chooses to release them from the foster youth's care;

(13) not have the foster youth or the foster youth's children drug tested solely due to the foster youth's foster care status, in accordance with the law; and

(14) only be subjected to a paternity test as authorized by law.

Subd. 17. **Feedback, complaints, and grievances.** While in foster care, foster youth have the right to information and to give feedback regarding the foster youth's rights. This includes a foster youth's right to:

(1) confidentially provide feedback, share a concern, make a complaint, or file a grievance and have that feedback be directed to the foster youth's placement, the agency, the Office of the Foster Youth Ombudsperson, or another complaint body. These can be related to:

(i) the conduct of a person on the foster youth's family and permanency team;

(ii) the quality of care received in the foster youth's foster care placement;

(iii) services the foster youth is receiving or should be receiving;

(iv) if previously shared concerns, complaints, or feedback are unresolved; and

(v) a violation or confusion regarding the rights enumerated under this section;

(2) file a complaint or grievance regarding the foster youth's caseworker, guardian ad litem, attorney, or placement. The foster youth may request instructions on submitting a complaint or grievance from any person on this list or the Office of the Foster Youth Ombudsperson. The instructions must include:

(i) who to address a complaint to;

(ii) the manner to bring a complaint forward;

(iii) the timeframe to expect to receive a response;

(iv) possible actions that may be taken as a result of the complaint; and

(v) that the foster youth cannot face any retaliation, punishment, or discrimination as a result of exercising this right;

(3) receive materials related to the foster youth's rights, which must include:

(i) materials relating to the bill of rights under this section and the Office of the Foster Youth Ombudsperson, in a format specified by the Office of the Foster Youth Ombudsperson;

(ii) receiving the materials under item (i) from the foster youth's caseworker when entering or re-entering foster care and at least every six months, or upon the foster youth's request;

(iii) signing a verification that the foster youth has received the materials under item (i) every six months; and

(iv) a copy of the bill of rights under this section that is easily accessible to the foster youth, either posted in a common area or the foster youth's own copy;

(4) have any person file a grievance with the Office of the Foster Youth Ombudsperson on the foster youth's behalf;

(5) ask for anything the foster youth needs, including the rights under this section or under any other law. The foster youth must not be retaliated against or disciplined for asking for, accessing, reporting, or raising concern about accessing the rights under this section or any other law. The rights under this section or any other law must not be taken away from the foster youth as discipline or retaliation;

(6) receive intervention and remedy if the foster youth's rights are being violated. If a person is in violation of the foster youth's rights under this section or any other law, and the caseworker is aware, the caseworker must intervene and remedy the violation of rights to the extent possible. If the foster youth's caseworker is in violation of the foster youth's rights, the agency must intervene and remedy the violation of rights to the extent possible. The foster youth may be present, at the foster youth's option, during meetings or hearings regarding the violation of the foster youth's rights;

(7) if the foster youth reports any violation of rights to the foster youth's family and permanency team, to have the family and permanency team to report the violation of the foster youth's rights to the foster youth's caseworker, or if the caseworker is violating the rights of the foster youth, to the agency. The foster youth's caseworker or the agency must submit any reported violation to the court; and

(8) have the juvenile court issue any necessary orders to any party, including the agency, any state agency, guardian ad litem, foster parents, or placement provider, upon appropriate motion by any party, to ensure the foster youth is provided with the rights enumerated under this section.

EFFECTIVE DATE. This section is effective the day following final enactment.