STATE OF MINNESOTA
IN COURT OF APPEALS
A25-0224

In the Matter of the Welfare of the Child of: K. R., Parent.

Filed March 31, 2025
Appeal dismissed
Frisch, Chief Judge

Ramsey County District Court
File No. 62-JV-25-21

John J. Choi, Ramsey County Attorney, Kathryn Eilers, Christos Jensen, Assistant County Attorneys, St. Paul, Minnesota (for appellant Ramsey County Social Services Department)

Anne M. Carlson, Anne M. Carlson Law Office, PLLC, St. Paul, Minnesota (for respondent-mother K.R.)

Christopher Heilman, St. Paul, Minnesota (guardian ad litem)

Considered and decided by Frisch, Chief Judge; Bjorkman, Judge; and Ede, Judge.

SYLLABUS

A social services agency is not aggrieved, within the meaning of Minn. R. Juv. Prot. P. 23.02, subd. 1, by a district court's order to adjudicate a child as in need of protection or services when the district court grants the agency's petition and applies a standard with which the agency disagrees.

SPECIAL TERM OPINION

FRISCH, Chief Judge

In this juvenile-protection matter, respondent Ramsey County Social Services Department (the county) seeks review of both a January 2025 order applying the Minnesota African American Family Preservation and Child Welfare Disproportionality Act in this

matter and a February 2025 order granting the county's petition and adjudicating the child as in need of protection or services (CHIPS). We questioned whether the county is aggrieved by the orders within the meaning of the juvenile-protection rules and whether the January 2025 order is an appealable final order, and if not, whether we must dismiss this appeal. The parties filed informal memoranda. In an order filed on March 4, 2025, we dismissed the appeal, with an opinion to follow. We now explain that we dismiss this appeal because the county does not argue that the January 2025 order is independently appealable, and the county has not established that it is aggrieved, within the meaning of Minn. R. Juv. Prot. P. 23.02, subd. 1, by the February 2025 order granting its CHIPS petition.

DECISION

In 2024, the Minnesota Legislature enacted the Minnesota African American Family Preservation and Child Welfare Disproportionality Act (the Act). 2024 Minn. Laws ch. 117, §§ 1-22, at 1922-41. The Act requires that, in juvenile-protection cases, a social services agency must "make active efforts to prevent the out-of-home placement of an African American or a disproportionately represented child, eliminate the need for a child's removal from the child's home, and reunify an African American or a disproportionately represented child with the child's family as soon as practicable."[1] Minn. Stat. § 260.64,

[1] This provision of the Act parallels the federal Indian Child Welfare Act, which requires a social services agency to make "active efforts" to provide remedial services and rehabilitative programs before a child is placed out of the home. 25 U.S.C. § 1912(d) (2018); *see also* Minn. Stat. § 260.762, subd. 2a(a) (2024) (requiring the same "active efforts" under the Minnesota Indian Family Preservation Act).

subd. 1 (2024). "Active efforts" is "a higher standard" for the social services agency than the reasonable-efforts standard generally applicable in most juvenile-protection cases not involving an African American or disproportionately represented child.[2] Minn. Stat. § 260.63, subd. 2 (2024).

The legislature specified multiple effective dates for the Act. For most counties in Minnesota, the Act takes effect on January 1, 2027. *See* 2024 Minn. Laws ch. 117, §§ 1-10, 14-18, at 1922-33, 1938-39. But the legislature specified that starting on January 1, 2025, the Act applies to a limited number of cases in Hennepin and Ramsey Counties, with the number of cases subject to the Act in those counties periodically increasing through January 1, 2027. *Id.*, § 20, at 1940. The Act requires the commissioner of human services to create the plan to phase in application of the Act in Hennepin and Ramsey Counties. *Id.* Separate legislation designates the commissioner of children, youth, and families as the responsible authority to administer the phase-in plan and other child-welfare activities. *See* 2024 Minn. Laws ch. 80, art. 1, § 2, at 116-17 (granting authority to commissioner of children, youth, and families to administer and supervise child-welfare activities). The commissioner of children, youth, and families is not a party to this appeal and was not a party to the proceeding before the district court.

On January 8, 2025, the county filed a petition in district court to adjudicate the child of respondent K.R. as in need of protection or services. The child is a resident of Ramsey County. Before the district court, the parties briefed whether the Act applies to

[2] This provision of the Act is consistent with the Minnesota Indian Family Preservation Act definition of "active efforts." Minn. Stat. § 260.755, subd. 1a (2024).

this case. On January 23, 2025, the district court ruled that the child is an African American child under the Act and that the Act "applies" to this case. By order filed February 3, 2025, the district court reaffirmed its ruling that the Act applies to this case, adjudicated the child as in need of protection or services, transferred temporary legal custody of the child to the county, and authorized out-of-home placement of the child. The county sought review of both orders but does not now argue that the January 2025 order is independently appealable. We therefore focus on whether we have jurisdiction over the county's appeal of the February 2025 order.

An appeal may be taken by an "aggrieved person from a final order of the juvenile court affecting a substantial right of the aggrieved person." Minn. R. Juv. Prot. P. 23.02, subd. 1. A party is "aggrieved" by a ruling "[w]hen the adjudication of a court injuriously affects [that] party's interests." *Webster v. Hennepin County*, 910 N.W.2d 420, 434 (Minn. 2018) (citing *In re Custody of D.T.R.*, 796 N.W.2d 509, 513 (Minn. 2011)).

The district court granted the county's CHIPS petition. The county therefore received the relief it sought from the district court. The county nevertheless argues that it is "aggrieved" by the district court's order granting its requested relief because, it asserts, the county "does not have the personnel, resources, services, and infrastructure necessary to implement the additional requirements of [the 'active efforts' required by the Act] to cases beyond the parameters of the phase-in program at this time." The county also asserts that it "will continue to be aggrieved as the case moves forward by having to comply with the many additional actions mandated by [the Act] throughout the life of the case." The county argues that the district court's decision to apply the Act to this case "jeopardizes

the [county's] ability to provide for the health, safety, and welfare of the child in this case and others" by requiring the county to "redirect limited personnel, resources, and services from other families" to meet the requirements of the Act in this case.

The county is not aggrieved by the district court's order, which, again, *granted* the county's petition to adjudicate the child as in need of protection or services, transfer temporary legal custody, and authorize out-of-home placement. In so ordering, the district court ruled that the county had satisfied the "active efforts" standard under the Act. The county was therefore not injuriously affected—i.e., the county was not aggrieved—by the district court's grant of the relief the county sought and determination that the county had complied with the heightened adjudication standard set forth in the Act. Because the district court determined that the county had satisfied all requirements of the Act and granted the petition under that standard, the county has not demonstrated that it is injuriously affected by the district court's application of the "active efforts" standard in this case.

Nor has the county shown that the February 2025 order otherwise injuriously affects the county. The county asserts that allocating additional resources to this case may limit the resources available for other child-protection matters. But the county cites no authority indicating that this type of speculative consequence in other cases is a recognized injury that aggrieves the county within the meaning of Minn. R. Juv. Prot. P. 23.02, subd. 1. And the record before us is devoid of evidence substantiating these general, hypothetical assertions or evidence showing that the application of the Act in this case, to this child, will

result in the collateral consequences identified by the county. Thus, the county's use-of-resources argument is unpersuasive.

We must therefore dismiss the appeal because the county has not established that it is aggrieved within the meaning of Minn. R. Juv. Prot. P. 23.02, subd. 1, by the district court's order granting its CHIPS petition.[3] We express no opinion regarding the existence or availability of other present or future potential challenges to the application of the Act.

Appeal dismissed.

[3] We acknowledge that the county argues that the district court erred in applying the Act, but given that we lack jurisdiction over this appeal, we express no opinion about the county's arguments on the merits.