

This Document can be made available
in alternative formats upon request

State of Minnesota
HOUSE OF REPRESENTATIVES
EIGHTY-EIGHTH SESSION
H. F. No. 2028

02/25/2014 Authored by Isaacson; Dehn, R.; Ward, J.A.; Newton and Yarusso

The bill was read for the first time and referred to the Committee on Early Childhood and Youth Development Policy

1.1 A bill for an act
1.2 relating to children; clarifying adoption preferences; amending Minnesota
1.3 Statutes 2012, section 259.57, subdivision 2.

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

1.5 Section 1. Minnesota Statutes 2012, section 259.57, subdivision 2, is amended to read:

1.6 Subd. 2. **Protection of child's best interests.** (a) The policy of the state of
1.7 Minnesota is to ensure that the best interests of children are met by requiring an
1.8 individualized determination of the needs of the child and how the adoptive placement
1.9 will serve the needs of the child.

1.10 (b) Among the factors the court shall consider in determining the needs of the child
1.11 are those specified under section 260C.193, subdivision 3, paragraph (b). Consistent with
1.12 section 245C.33 and Public Law 109-248, a complete background study is required before
1.13 the approval of an adoptive placement in a home.

1.14 (c) In reviewing adoptive placement and in determining appropriate adoption,
1.15 the court shall ~~consider placement, consistent with the child's best interests and in the~~
1.16 ~~following order, give preference, in the absence of good cause to the contrary, to placing~~
1.17 the child with (1) a relative or relatives of the child, or (2). If the court finds placement
1.18 with a relative would be detrimental to the child or a relative is not available, then the
1.19 court shall consider placement with an important friend with whom the child has resided
1.20 or had significant contact. Placement of a child cannot be delayed or denied based on race,
1.21 color, or national origin of the adoptive parent or the child. Whenever possible, siblings
1.22 should be placed together unless it is determined not to be in the best interests of a sibling.

2.1 (d) If the child's birth parent or parents explicitly request that relatives and important
2.2 friends not be considered, the court shall honor that request consistent with the best
2.3 interests of the child.

2.4 If the child's birth parent or parents express a preference for placing the child in an
2.5 adoptive home of the same or a similar religious background to that of the birth parent
2.6 or parents, the court shall place the child with a family that also meets the birth parent's
2.7 religious preference. Only if no family is available as described in paragraph (a) or (b)
2.8 may the court give preference to a family described in paragraph (c) that meets the
2.9 parent's religious preference.

2.10 (e) This subdivision does not affect the Indian Child Welfare Act, United States
2.11 Code, title 25, sections 1901 to 1923, and the Minnesota Indian Family Preservation
2.12 Act, sections 260.751 to 260.835.