

highway No. 61 to the boundary line between the state of Minnesota and the province of Ontario, Canada.

(b) The route of the Voyageur highway designated and described in clause (a) is supplemented by legs or alternative routes described as follows:

Beginning at a point on trunk highway No. 1 at its junction with trunk highway No. 61 northerly of Silver Bay; thence northwesterly along trunk highway No. 1 to Ely; thence southwesterly along trunk highway No. 1 to its junction with trunk highway No. 169; thence southerly and westerly along trunk highway No. 169 to its junction with trunk highway No. 53, and there terminating.

Beginning at a point on trunk highway No. 11 at its junction with trunk highway No. 53 at International Falls; thence easterly along trunk highway No. 11 to its easterly terminus near Island View.

(c) The commissioner of highways shall

(1) adopt a suitable marking design of signs or informational plaques.

(2) effect the installation of such signs or plaques in public waysides or other public areas as approved and designated by the commissioner.

Approved February 20, 1974.

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**CHAPTER 66—H.F.No.2332**  
[Coded in Part]

*An act relating to adoption; amending Minnesota Statutes 1971, Sections 259.24, Subdivisions 1 and 2, and by adding a subdivision; 259.25, Subdivision 1; 259.26, Subdivisions 1 and 2; 260.221; 260.231, Subdivision 3; and Chapter 259, by adding a section.*

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

Section 1. Minnesota Statutes 1971, Chapter 259, is amended by adding a section to read:

**[259.261] ADOPTION; RETENTION OF RIGHTS. Subdivision 1. NOTICE BY ILLEGITIMATE PARENT. Any person not entitled to notice under section 259.26, shall lose his parental rights and not be entitled to notice at termination, adoption, or other proceedings affecting the child, unless within 90 days of the child's birth or within 60 days of the child's placement with prospective adoptive parents, whichever is**

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sooner, that person gives to the division of vital statistics of the Minnesota department of health an affidavit stating his intention to retain parental rights.

Subd. 2. NOTICE, CONTENTS. Such affidavit shall contain the claimant's name and address, the name and the last known address of the other parent of the child and the month and the year of the birth of the child, if known.

Subd. 3. NOTICE, EFFECT. Upon receipt of the aforementioned affidavit the division of vital statistics of the Minnesota department of health shall notify the other parent of same within seven days. This notice to the parent shall constitute conclusive evidence of parenthood for the purposes of this statute, unless within 60 days of its receipt, either the notified parent or some other interested petitioner denies that claimant is the parent of the child and files a petition pursuant to Minnesota Statutes, Chapter 260 to challenge such notice of parenthood.

Sec. 2. Minnesota Statutes 1971, Section 259.24, Subdivision 1, is amended to read:

259.24 **CONSENTS.** Subdivision 1. **EXCEPTIONS.** No child shall be adopted without the consent of his parents and his guardian, if there be one, except in the following instances:

(a) Consent shall not be required of the ~~father~~-parent of an illegitimate child not entitled to notice of the proceedings under either section 259.26 or section 1 of this act .

(b) Consent shall not be required of a parent who has abandoned the child, or of a parent who has lost custody of the child through a divorce decree, and upon whom notice has been served as required by section 259.26.

(c) Consent shall not be required of a parent whose parental rights to the child have been terminated by a juvenile court or who has lost custody of a child through a final commitment of the juvenile court or through a decree in a prior adoption proceeding.

(d) Consent shall not be required of a parent who has been adjudged insane or incompetent by a court of competent jurisdiction.

(e) If there be no parent or guardian qualified to consent to the adoption, the consent may be given by the commissioner.

(f) The commissioner or agency having authority to place a child for adoption pursuant to section 259.25, subdivision 1, shall have the exclusive right to consent to the adoption of such child.

Sec. 3. Minnesota Statutes 1971, Section 259.24, Subdivision 2, is amended to read:

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Subd. 2. **PARENTS, GUARDIAN.** If a ~~mother-parent~~ who consents to the adoption of an illegitimate child is under 18 years of age, the consent of his her parents ~~and-or~~ guardian, if any, also shall be required; if either or both of ~~her-the~~ parents are disqualified for any of the reasons enumerated in subdivision 1, the consent of such parent shall be waived, and the consent of the guardian only shall be sufficient; and, if there be neither parent nor guardian qualified to give such consent, the consent may be given by the commissioner.

Sec. 4. Minnesota Statutes 1971, Section 259.24, is amended by adding a subdivision to read:

Subd. 7. WITHHOLDING CONSENT; REASON. Consent to an adoption shall not be unreasonably withheld by a guardian, who is not a parent of the child, by the commissioner or by an agency.

Sec. 5. Minnesota Statutes 1971, Section 259.25, Subdivision 1, is amended to read:

**259.25 AGREEMENT CONFERRING AUTHORITY TO PLACE FOR ADOPTION.** Subdivision 1. **CONSENTS REQUIRED.** The parents and guardian, if there be one, of a legitimate child may enter into a written agreement with the commissioner of public welfare or an agency, giving the commissioner or such agency authority to place the child for adoption. The ~~mother-parents~~ of an illegitimate child also may enter into such written agreement, but, if ~~he she~~ is under the age of 18 years the written consent of his her parents and guardian, if any, also shall be required; if either or both of ~~her-the~~ parents are disqualified from giving such consent for any of the reasons enumerated in section 259.24, subdivision 1, then the written consent of the guardian shall be required. Such agreement and consent shall be in the form prescribed by the commissioner. The agreement shall be executed by the commissioner or agency, or one of their authorized agents, and all other necessary parties, and shall be filed, together with the consent, in the proceedings for the adoption of the child.

Sec. 6. Minnesota Statutes 1971, Section 259.26, Subdivision 1, is amended to read:

**259.26 NOTICE, HEARING ON PETITION.** Subdivision 1. **TO WHOM GIVEN.** Except as provided in subdivision 3, and subject to section 1 of this act, notice of the hearing upon a petition to adopt a child shall be given to the parents and guardian, if any, of any legitimate child and the mother and guardian, if any, of an illegitimate child, unless they have consented to the adoption or waived notice of the hearing

(1) The parents and guardian, if any, of any legitimate child;

(2) The guardian, if any, of an illegitimate child;

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(3) The parent of an illegitimate child if

(a) The person's name appears on the child's birth certificate, as a parent, or

(b) The person has substantially supported the child, or

(c) The person either was married to the person designated on the birth certificate as the natural mother within the 325 days before the child's birth or married that person within the ten days after the child's birth, or

(d) The person is openly living with the child or the person designated on the birth certificate as the natural mother of the child, or both, or

(e) The person has been adjudicated the child's parent, or

(f) The person has filed an affidavit pursuant to section 1 of this act.

This notice need not be given to any above named person whose parental rights have been terminated, whose notice of intention to retain parental rights filed pursuant to section 1 has been successfully challenged, who have consented to the adoption or who have waived notice of the hearing. The notice of the hearing may be waived by a parent, guardian or other interested party by a writing executed before two competent witnesses and duly acknowledged. Such waiver shall be filed in the adoption proceedings at any time before the matter is heard.

Sec. 7. Minnesota Statutes 1971, Section 259.26, Subdivision 2, is amended to read:

Subd. 2. **SERVICE.** Such notice shall be served, within or without the state, at least 14 days before the date of the hearing, in the manner provided by law for the service of a summons in a civil action. If personal service cannot be made, the court may order service by publication. The petitioner or his attorneys shall make an affidavit setting forth the effort that was made to locate the parents, and the names and addresses of the known kin of the child. If satisfied that the parents cannot be served personally, the court shall order three weeks published notice to be given, the last publication to be at least ten days before the time set for the hearing. Where service is made by publication the court may cause such further notice to be given as it deems just. If, in the course of the proceedings, the court shall consider that the interests of justice will be promoted it may continue the proceeding and require that such notice as it deems proper shall be served on the ~~admitted or adjudicated father of an illegitimate child, or on any other person~~ any person. In the course of proceedings the court may enter reasonable orders for the protection of the child if the court de-

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termines that the best interests of the child require such an order.

Sec. 8. Minnesota Statutes 1971, Section 260.221, is amended to read:

**260.221 GROUNDS FOR TERMINATION OF PARENTAL RIGHTS.** The juvenile court may, upon petition, terminate all rights of parents to a child in the following cases:

(a) With the written consent of parents who for good cause desire to terminate their parental rights; or

(b) If it finds that one or more of the following conditions exist:

(1) That the parents have abandoned the child; or

(2) That the parents have substantially and continuously or repeatedly refused to give the child necessary parental care and protection; or

(3) That, although the parents are financially able, they have substantially and continuously neglected to provide the child with necessary subsistence, education, or other care necessary for his physical or mental health or morals or have neglected to pay for such subsistence, education or other care when legal custody is lodged with others; or

(4) That the parents are unfit by reason of debauchery, intoxication or habitual use of narcotic drugs, or repeated lewd and lascivious behavior, or other conduct found by the court to be likely to be detrimental to the physical or mental health or morals of the child; or

(5) That following upon a determination of neglect or dependency, reasonable efforts, under the direction of the court, have failed to correct the conditions leading to the determination ; or

(6) That in the case of an illegitimate child the person is not entitled to notice of an adoption hearing under section 259.26 and either the person has not filed a notice of his intention to retain parental rights under section 1 or that such notice has been successfully challenged .

Sec. 9. Minnesota Statutes 1971, Section 260.231, Subdivision 3, is amended to read:

Subd. 3. The court shall have notice of the time, place, and purpose of the hearing served on the parents in the manner provided in sections 260.135 and 260.141, except that personal service shall be made at least ten days before the day of the hearing ; provided that in the case of an illegitimate child, notice shall be given to the parent of an illegitimate child meeting the requirements of section 259.26, subdi-

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vision 1(3). Published notice shall be made for three weeks, the last publication to be at least ten days before the day of the hearing; and notice sent by certified mail shall be mailed at least 20 days before the day of the hearing. A parent who consents to the termination of parental rights under the provisions of section 260.221, clause (a), may waive in writing the notice required by this subdivision; however, if the parent is a minor or incompetent his waiver shall be effective only if his guardian ad litem concurs in writing.

Sec. 10. **EFFECTIVE DATE.** This shall be effective as to adoptive placements after July 1, 1974.

Approved February 21, 1974.

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**CHAPTER 67—H.F.No.2502**  
[Not Coded]

*An act relating to Ramsey county; authorizing the board of county commissioners to create a revolving tort liability fund.*

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

Section 1. **RAMSEY COUNTY; TORT LIABILITY FUND.** The board of county commissioners of Ramsey county is authorized to create a tort liability fund by carrying forward any unexpended liability appropriation balance from one fiscal year to the next.

Sec. 2. This act shall take effect upon its approval by the board of county commissioners of Ramsey county, and upon compliance with Minnesota Statutes, Section 645.021.

Approved February 20, 1974.

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**CHAPTER 68—H.F.No.2735**  
[Not Coded]

*An act relating to the town of Rapidan in Blue Earth county; conferring certain powers on the town.*

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

Section 1. **RAPIDAN, TOWN OF; BLUE EARTH COUNTY; POWERS.** The town of Rapidan in Blue Earth county shall have in addition to all other powers now or hereafter granted to it, the powers enumerated in Minnesota Statutes, Section 368.01. With respect to any of the

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