

State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. **704**

- 02/18/2013 Authored by Hilstrom, Holberg, Moran, Scott, Isaacson and others  
The bill was read for the first time and referred to the Committee on Early Childhood and Youth Development Policy
- 02/28/2013 Adoption of Report: Pass and re-referred to the Committee on Civil Law
- 03/06/2013 Adoption of Report: Pass and re-referred to the Committee on Judiciary Finance and Policy
- 03/13/2013 Adoption of Report: Pass and Read Second Time

1.1 A bill for an act  
 1.2 relating to children; creating the Family Reunification Act of 2013; amending  
 1.3 Minnesota Statutes 2012, section 260C.101, subdivision 2; proposing coding for  
 1.4 new law in Minnesota Statutes, chapter 260C.

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

1.6 Section 1. Minnesota Statutes 2012, section 260C.101, subdivision 2, is amended to  
 1.7 read:

1.8 Subd. 2. **Other matters relating to children.** The juvenile court has original and  
 1.9 exclusive jurisdiction in proceedings concerning:

1.10 (1) the termination of parental rights to a child in accordance with the provisions of  
 1.11 sections 260C.301 to 260C.328;

1.12 (2) permanency matters under sections 260C.503 to 260C.521;

1.13 (3) the appointment and removal of a juvenile court guardian for a child, where  
 1.14 parental rights have been terminated under the provisions of sections 260C.301 to  
 1.15 260C.328;

1.16 (4) judicial consent to the marriage of a child when required by law;

1.17 (5) all adoption matters and review of the efforts to finalize the adoption of the child  
 1.18 under section 260C.317;

1.19 (6) the review of the placement of a child who is in foster care pursuant to a  
 1.20 voluntary placement agreement between the child's parent or parents and the responsible  
 1.21 social services agency under section 260C.227; or between the child, when the child is  
 1.22 over age 18, and the agency under section 260C.229; ~~and~~

1.23 (7) the review of voluntary foster care placement of a child for treatment under  
 1.24 chapter 260D according to the review requirements of that chapter; and

2.1 (8) the reestablishment of a legal parent and child relationship under section  
 2.2 260C.329.

2.3 **Sec. 2. [260C.329] REESTABLISHMENT OF THE LEGAL PARENT AND**  
 2.4 **CHILD RELATIONSHIP.**

2.5 Subdivision 1. **Citation.** This section may be cited as the "Family Reunification  
 2.6 Act of 2013."

2.7 Subd. 2. **Definition.** "Reestablishment of the legal parent and child relationship"  
 2.8 means the physical reunification of a child under the guardianship of the commissioner  
 2.9 of human services and a previously terminated legal parent and restoration of all rights,  
 2.10 powers, privileges, immunities, duties, and obligations that were severed and terminated  
 2.11 by the court under section 260C.317.

2.12 Subd. 3. **Petition.** Only the county attorney may file a petition for the  
 2.13 reestablishment of the legal parent and child relationship. A petition for the  
 2.14 reestablishment of the legal parent and child relationship may be filed when:

2.15 (1) both the responsible social services agency and the county attorney agree that  
 2.16 reestablishment of the legal parent and child relationship is in the child's best interests;

2.17 (2) the parent has corrected the conditions that led to an order terminating parental  
 2.18 rights;

2.19 (3) the parent is willing and has the capability to provide day-to-day care and  
 2.20 maintain the health, safety, and welfare of the child;

2.21 (4) the child has been in foster care for at least 36 months after the court issued the  
 2.22 order terminating parental rights;

2.23 (5) the child is 15 years of age or older at the time the petition for reestablishment of  
 2.24 the legal parent and child relationship is filed;

2.25 (6) the child has not been adopted; and

2.26 (7) the child is not the subject of a written adoption placement agreement between  
 2.27 the responsible social services agency and the prospective adoptive parent, as required  
 2.28 under Minnesota Rules, part 9560.0060, subpart 2.

2.29 Subd. 4. **Petition may not be brought in certain circumstances.** A petition for the  
 2.30 reestablishment of the legal parent and child relationship may not be brought if the parent  
 2.31 whose rights are the subject of the petition for reestablishment has:

2.32 (1) previously had parental rights terminated based on a finding in a legal proceeding  
 2.33 of either sexual abuse or other conduct that resulted in the death of a minor; or

2.34 (2) has been convicted of any crime enumerated under section 260C.007, subdivision  
 2.35 14.

3.1 Subd. 5. **Decision not appealable.** The decision by the county attorney not to file a  
3.2 petition for the reestablishment of legal parent and child relationship is not appealable.

3.3 Subd. 6. **Venue.** The petition must be filed with the court that issued the order for  
3.4 guardianship and legal custody and conducts the reviews required under section 260C.607.

3.5 Subd. 7. **Service of petition on the parties.** The petition for the reestablishment  
3.6 of the legal parent and child relationship and notice of hearing on the petition must be  
3.7 served on:

3.8 (1) the child;

3.9 (2) the parent whose rights have been terminated and with whom the legal parent  
3.10 and child relationship is proposed to be reestablished;

3.11 (3) the child's guardian ad litem; and

3.12 (4) the child's tribe if the child is subject to the Indian Child Welfare Act.

3.13 Subd. 8. **Hearing.** The court may grant the petition ordering the reestablishment of  
3.14 the legal parent and child relationship only if it finds by clear and convincing evidence that:

3.15 (1) reestablishment of the legal parent and child relationship is in the child's best  
3.16 interests;

3.17 (2) the child is 15 years of age or older;

3.18 (3) the child has not been adopted;

3.19 (4) the child is not the subject of a written adoption placement agreement between  
3.20 the responsible social services agency and the prospective adoptive parent, as required  
3.21 under Minnesota Rules, part 9560.0060, subpart 2;

3.22 (5) at least 36 months have elapsed following a final order terminating parental  
3.23 rights and the child remains in foster care;

3.24 (6) the child desires to reside with the parent;

3.25 (7) the parent has corrected the conditions that led to an order terminating parental  
3.26 rights; and

3.27 (8) the parent is willing and has the capability to provide day-to-day care and  
3.28 maintain the health, safety, and welfare of the child.

3.29 Subd. 9. **Service of order.** The court administrator must serve:

3.30 (1) a copy of the final court order granting or denying the petition for the  
3.31 reestablishment of the legal parent and child relationship on all persons or entities entitled  
3.32 under subdivision 7 to service; and

3.33 (2) a certified copy of any order for the reestablishment of the legal parent and child  
3.34 relationship on the commissioner of human services.

3.35 Subd. 10. **No right to appointed counsel.** A petition for the reestablishment of the  
3.36 legal parent and child relationship made under this chapter does not provide a right to the

4.1 appointment of counsel to the parent under section 260C.163, subdivision 3, or the Rules  
4.2 of Juvenile Protection Procedure, rule 25.02, subdivision 2.

4.3 Subd. 11. **Effect of order.** (a) As of the effective date of a court order providing for  
4.4 the reestablishment of the legal parent and child relationship:

4.5 (1) the child is the legal child of the parent;

4.6 (2) the parent whose rights were terminated under a previous order of the court  
4.7 is restored to the status of legal parent of the child and all rights, powers, privileges,  
4.8 immunities, duties, and obligations that were severed and terminated by the court under  
4.9 section 260C.317 are restored;

4.10 (3) the order placing the child under the guardianship of the commissioner of human  
4.11 services is dismissed; and

4.12 (4) permanent legal and physical custody of the child is awarded to the parent.

4.13 (b) An order reestablishing the legal parent and child relationship as to one parent of  
4.14 the child has no effect on:

4.15 (1) the legal rights of any other parent whose rights to the child have been terminated  
4.16 by the court; or

4.17 (2) the legal sibling relationship between the child and any other children of the  
4.18 parent.