

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 2106

(SENATE AUTHORS: **BOLDON and Wiklund**)

DATE
02/27/2023

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Introduction and first reading
Referred to Health and Human Services

OFFICIAL STATUS

1.1 A bill for an act

1.2 relating to health; adding biological fathers' eligibility to request Minnesota Fathers'

1.3 Adoption Registry search; adding putative father and legal father to the

1.4 classification of data on the father's adoption registry; amending Minnesota Statutes

1.5 2022, section 259.52, subdivisions 2, 4.

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

1.7 Section 1. Minnesota Statutes 2022, section 259.52, subdivision 2, is amended to read:

1.8 Subd. 2. **Requirement to search registry before adoption petition can be granted;**

1.9 **proof of search.** No petition for adoption may be granted unless the agency supervising

1.10 the adoptive placement, the birth mother of the child, the putative father who registered, or,

1.11 in the case of a stepparent or relative adoption, the legal father, or the county agency

1.12 responsible for the report required under section 259.53, subdivision 1, requests that the

1.13 commissioner of health search the registry to determine whether a putative father is registered

1.14 in relation to a child who is or may be the subject of an adoption petition. The search required

1.15 by this subdivision must be conducted no sooner than 31 days following the birth of the

1.16 child. A search of the registry may be proven by the production of a certified copy of the

1.17 registration form or by a certified statement of the commissioner of health that after a search

1.18 no registration of a putative father in relation to a child who is or may be the subject of an

1.19 adoption petition could be located. The filing of a certified copy of an order from a juvenile

1.20 protection matter under chapter 260C containing a finding that certification of the requisite

1.21 search of the Minnesota Fathers' Adoption Registry was filed with the court in that matter

1.22 shall also constitute proof of search. Certification that the Minnesota Fathers' Adoption

1.23 Registry has been searched must be filed with the court prior to entry of any final order of

1.24 adoption. In addition to the search required by this subdivision, the agency supervising the

2.1 adoptive placement, the birth mother of the child, or, in the case of a stepparent or relative
2.2 adoption, the social services agency responsible for the report under section 259.53,
2.3 subdivision 1, or the responsible social services agency that is a petitioner in a juvenile
2.4 protection matter under chapter 260C may request that the commissioner of health search
2.5 the registry at any time. Search requirements of this section do not apply when the responsible
2.6 social services agency is proceeding under Safe Place for Newborns, section 260C.139.

2.7 Sec. 2. Minnesota Statutes 2022, section 259.52, subdivision 4, is amended to read:

2.8 Subd. 4. **Classification of registry data.** Data in the fathers' adoption registry, including
2.9 all data provided in requesting the search of the registry, are private data on individuals, as
2.10 defined in section 13.02, subdivision 2, and are nonpublic data with respect to data not on
2.11 individuals, as defined in section 13.02, subdivision 9. Data in the registry may be released
2.12 to:

2.13 (1) a person who is required to search the registry under subdivision 2, if the data relate
2.14 to the child who is or may be the subject of the adoption petition;

2.15 (2) the mother of the child listed on the putative father's registration form who the
2.16 commissioner of health is required to notify under subdivision 1, paragraph (c);

2.17 (3) the putative father who registered himself or the legal father;

2.18 ~~(3)~~ (4) a public authority as provided in subdivision 3; or

2.19 ~~(4)~~ (5) an attorney who has signed an affidavit from the commissioner of health attesting
2.20 that the attorney represents the birth mother, the putative or legal father, or the prospective
2.21 adoptive parents.

2.22 A person who receives data under this subdivision may use the data only for purposes
2.23 authorized under this section or other law.