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State of Minnesota HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 1967

01/26/2012 Authored by Abeler, Hilstrom and Hosch

The bill was read for the first time and referred to the Committee on Health and Human Services Reform

1.1 A bill for an act
1.2 relating to human services; modifying provisions related to children and
1.3 family services; reforming adoptions under guardianship of the commissioner;
1.4 modifying statutory provisions related to child support; amending Minnesota
1.5 Statutes 2010, sections 13.46, subdivision 2; 13.461, subdivision 17; 13.465,
1.6 by adding a subdivision; 145.902, subdivision 1; 256.998, subdivisions 1, 5;
1.7 256J.24, subdivision 5; 259.22, subdivision 2; 259.23, subdivision 1; 259.24,
1.8 subdivisions 1, 3, 5, 6a, 7; 259.29, subdivision 2; 260C.193, subdivision 3;
1.9 260C.201, subdivision 11a; 260C.212, subdivisions 1, 2, 5, 7; 260C.217;
1.10 260C.317, subdivisions 3, 4; 260C.325, subdivisions 1, 3, 4; 260C.328; 541.04;
1.11 548.09, subdivision 1; 626.556, subdivisions 2, 10f, 10i, 11; proposing coding
1.12 for new law in Minnesota Statutes, chapter 260C; repealing Minnesota Statutes
1.13 2010, section 256.022.

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

1.15 Section 1. Minnesota Statutes 2010, section 13.46, subdivision 2, is amended to read:

1.16 Subd. 2. **General.** (a) Unless the data is summary data or a statute specifically
1.17 provides a different classification, data on individuals collected, maintained, used, or
1.18 disseminated by the welfare system is private data on individuals, and shall not be
1.19 disclosed except:

1.20 (1) according to section 13.05;

1.21 (2) according to court order;

1.22 (3) according to a statute specifically authorizing access to the private data;

1.23 (4) to an agent of the welfare system, including a law enforcement person, attorney,
1.24 or investigator acting for it in the investigation or prosecution of a criminal or civil
1.25 proceeding relating to the administration of a program;

1.26 (5) to personnel of the welfare system who require the data to verify an individual's
1.27 identity; determine eligibility, amount of assistance, and the need to provide services to

an individual or family across programs; evaluate the effectiveness of programs; assess parental contribution amounts; and investigate suspected fraud;

(6) to administer federal funds or programs;

(7) between personnel of the welfare system working in the same program;

(8) to the Department of Revenue to assess parental contribution amounts for purposes of section 252.27, subdivision 2a, administer and evaluate tax refund or tax credit programs and to identify individuals who may benefit from these programs. The following information may be disclosed under this paragraph: an individual's and their dependent's names, dates of birth, Social Security numbers, income, addresses, and other data as required, upon request by the Department of Revenue. Disclosures by the commissioner of revenue to the commissioner of human services for the purposes described in this clause are governed by section 270B.14, subdivision 1. Tax refund or tax credit programs include, but are not limited to, the dependent care credit under section 290.067, the Minnesota working family credit under section 290.0671, the property tax refund and rental credit under section 290A.04, and the Minnesota education credit under section 290.0674;

(9) between the Department of Human Services, the Department of Employment and Economic Development, and when applicable, the Department of Education, for the following purposes:

(i) to monitor the eligibility of the data subject for unemployment benefits, for any employment or training program administered, supervised, or certified by that agency;

(ii) to administer any rehabilitation program or child care assistance program, whether alone or in conjunction with the welfare system;

(iii) to monitor and evaluate the Minnesota family investment program or the child care assistance program by exchanging data on recipients and former recipients of food support, cash assistance under chapter 256, 256D, 256J, or 256K, child care assistance under chapter 119B, or medical programs under chapter 256B, 256D, or 256L; and

(iv) to analyze public assistance employment services and program utilization, cost, effectiveness, and outcomes as implemented under the authority established in Title II, Sections 201-204 of the Ticket to Work and Work Incentives Improvement Act of 1999. Health records governed by sections 144.291 to 144.298 and "protected health information" as defined in Code of Federal Regulations, title 45, section 160.103, and governed by Code of Federal Regulations, title 45, parts 160-164, including health care claims utilization information, must not be exchanged under this clause;

(10) to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the individual or other individuals or persons;

(11) data maintained by residential programs as defined in section 245A.02 may be disclosed to the protection and advocacy system established in this state according to Part C of Public Law 98-527 to protect the legal and human rights of persons with developmental disabilities or other related conditions who live in residential facilities for these persons if the protection and advocacy system receives a complaint by or on behalf of that person and the person does not have a legal guardian or the state or a designee of the state is the legal guardian of the person;

(12) to the county medical examiner or the county coroner for identifying or locating relatives or friends of a deceased person;

(13) data on a child support obligor who makes payments to the public agency may be disclosed to the Minnesota Office of Higher Education to the extent necessary to determine eligibility under section 136A.121, subdivision 2, clause (5);

(14) participant Social Security numbers and names collected by the telephone assistance program may be disclosed to the Department of Revenue to conduct an electronic data match with the property tax refund database to determine eligibility under section 237.70, subdivision 4a;

(15) the current address of a Minnesota family investment program participant may be disclosed to law enforcement officers who provide the name of the participant and notify the agency that:

(i) the participant:

(A) is a fugitive felon fleeing to avoid prosecution, or custody or confinement after conviction, for a crime or attempt to commit a crime that is a felony under the laws of the jurisdiction from which the individual is fleeing; or

(B) is violating a condition of probation or parole imposed under state or federal law;

(ii) the location or apprehension of the felon is within the law enforcement officer's official duties; and

(iii) the request is made in writing and in the proper exercise of those duties;

(16) the current address of a recipient of general assistance or general assistance medical care may be disclosed to probation officers and corrections agents who are supervising the recipient and to law enforcement officers who are investigating the recipient in connection with a felony level offense;

(17) information obtained from food support applicant or recipient households may be disclosed to local, state, or federal law enforcement officials, upon their written request, for the purpose of investigating an alleged violation of the Food Stamp Act, according to Code of Federal Regulations, title 7, section 272.1 (c);

(18) the address, Social Security number, and, if available, photograph of any member of a household receiving food support shall be made available, on request, to a local, state, or federal law enforcement officer if the officer furnishes the agency with the name of the member and notifies the agency that:

(i) the member:

(A) is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime or attempt to commit a crime that is a felony in the jurisdiction the member is fleeing;

(B) is violating a condition of probation or parole imposed under state or federal law; or

(C) has information that is necessary for the officer to conduct an official duty related to conduct described in subitem (A) or (B);

(ii) locating or apprehending the member is within the officer's official duties; and

(iii) the request is made in writing and in the proper exercise of the officer's official duty;

(19) the current address of a recipient of Minnesota family investment program, general assistance, general assistance medical care, or food support may be disclosed to law enforcement officers who, in writing, provide the name of the recipient and notify the agency that the recipient is a person required to register under section 243.166, but is not residing at the address at which the recipient is registered under section 243.166;

(20) certain information regarding child support obligors who are in arrears may be made public according to section 518A.74;

(21) data on child support payments made by a child support obligor and data on the distribution of those payments excluding identifying information on obligees may be disclosed to all obligees to whom the obligor owes support, and data on the enforcement actions undertaken by the public authority, the status of those actions, and data on the income of the obligor or obligee may be disclosed to the other party;

(22) data in the work reporting system may be disclosed under section 256.998, subdivision 7;

(23) to the Department of Education for the purpose of matching Department of Education student data with public assistance data to determine students eligible for free and reduced-price meals, meal supplements, and free milk according to United States Code, title 42, sections 1758, 1761, 1766, 1766a, 1772, and 1773; to allocate federal and state funds that are distributed based on income of the student's family; and to verify receipt of energy assistance for the telephone assistance plan;

(24) the current address and telephone number of program recipients and emergency contacts may be released to the commissioner of health or a local board of health as

defined in section 145A.02, subdivision 2, when the commissioner or local board of health has reason to believe that a program recipient is a disease case, carrier, suspect case, or at risk of illness, and the data are necessary to locate the person;

(25) to other state agencies, statewide systems, and political subdivisions of this state, including the attorney general, and agencies of other states, interstate information networks, federal agencies, and other entities as required by federal regulation or law for the administration of the child support enforcement program;

(26) to personnel of public assistance programs as defined in section 256.741, for access to the child support system database for the purpose of administration, including monitoring and evaluation of those public assistance programs;

(27) to monitor and evaluate the Minnesota family investment program by exchanging data between the Departments of Human Services and Education, on recipients and former recipients of food support, cash assistance under chapter 256, 256D, 256J, or 256K, child care assistance under chapter 119B, or medical programs under chapter 256B, 256D, or 256L;

(28) to evaluate child support program performance and to identify and prevent fraud in the child support program by exchanging data between the Department of Human Services, Department of Revenue under section 270B.14, subdivision 1, paragraphs (a) and (b), without regard to the limitation of use in paragraph (c), Department of Health, Department of Employment and Economic Development, and other state agencies as is reasonably necessary to perform these functions;

(29) counties operating child care assistance programs under chapter 119B may disseminate data on program participants, applicants, and providers to the commissioner of education; or

(30) child support data ~~on the parents and the child~~ may be disclosed to agencies administering programs under titles IV-B and IV-E of the Social Security Act, as provided by federal law. ~~Data may be disclosed only to the extent necessary for the purpose of establishing parentage or for determining who has or may have parental rights with respect to a child, which could be related to permanency planning.~~

(b) Information on persons who have been treated for drug or alcohol abuse may only be disclosed according to the requirements of Code of Federal Regulations, title 42, sections 2.1 to 2.67.

(c) Data provided to law enforcement agencies under paragraph (a), clause (15), (16), (17), or (18), or paragraph (b), are investigative data and are confidential or protected nonpublic while the investigation is active. The data are private after the investigation becomes inactive under section 13.82, subdivision 5, paragraph (a) or (b).

(d) Mental health data shall be treated as provided in subdivisions 7, 8, and 9, but is not subject to the access provisions of subdivision 10, paragraph (b).

For the purposes of this subdivision, a request will be deemed to be made in writing if made through a computer interface system.

Sec. 2. Minnesota Statutes 2010, section 13.461, subdivision 17, is amended to read:

Subd. 17. **Maltreatment review panels.** Data of the vulnerable adult maltreatment review panel ~~or the child maltreatment review panel~~ are classified under section 256.021 ~~or 256.022~~.

Sec. 3. Minnesota Statutes 2010, section 13.465, is amended by adding a subdivision to read:

Subd. 5a. **Adoptive parent.** Certain data that may be disclosed to a prospective adoptive parent is governed by section 260C.613, subdivision 2.

Sec. 4. Minnesota Statutes 2010, section 145.902, subdivision 1, is amended to read:

Subdivision 1. **General.** (a) For purposes of this section, a "safe place" means a hospital licensed under sections 144.50 to 144.56, a medical clinic, a police department, or a fire department.

~~(b) A hospital licensed under sections 144.50 to 144.56~~ safe place shall receive a newborn left with a hospital employee on the hospital premises, provided that:

(1) the newborn was born within ~~72 hours~~ seven days of being left at the ~~hospital~~ safe place, as determined within a reasonable degree of medical certainty; and

(2) the newborn is left in an unharmed condition.

~~(b)~~ (c) During its hours of operation, the hospital safe place must not inquire as to the identity of the mother or the person leaving the newborn or call the police, provided the newborn is unharmed when presented to the hospital. During its hours of operation, the hospital safe place may ask the mother or the person leaving the newborn about the medical history of the mother or newborn but the mother or the person leaving the newborn is not required to provide any information. During its hours of operation, the hospital safe place may provide the mother or the person leaving the newborn with information about how to contact relevant social service agencies.

Sec. 5. Minnesota Statutes 2010, section 256.998, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

(b) "Date of hiring" means the earlier of: (1) the first day for which an employee is owed compensation by an employer; or (2) the first day that an employee reports to work or performs labor or services for an employer.

(c) "Earnings" means payment owed by an employer for labor or services rendered by an employee.

(d) "Employee" means a person who resides or works in Minnesota, performs services for compensation, in whatever form, for an employer and satisfies the criteria of an employee under chapter 24 of the Internal Revenue Code. Employee does not include:

(1) persons hired for domestic service in the private home of the employer, as defined in the Federal Tax Code; or

(2) an employee of the federal or state agency performing intelligence or counterintelligence functions, if the head of such agency has determined that reporting according to this law would endanger the safety of the employee or compromise an ongoing investigation or intelligence mission.

(e) "Employer" means a person or entity located or doing business in this state that employs one or more employees for payment, and satisfies the criteria of an employer under chapter 24 of the Internal Revenue Code. Employer includes a labor organization as defined in paragraph (g). Employer also includes the state, political or other governmental subdivisions of the state, and the federal government.

(f) "Hiring" means engaging a person to perform services for compensation and includes the reemploying or return to work of any previous employee who was laid off, furloughed, separated, granted a leave without pay, or terminated from employment when a period of ~~90~~ 60 days elapses from the date of layoff, furlough, separation, leave, or termination to the date of the person's return to work.

(g) "Labor organization" means entities located or doing business in this state that meet the criteria of labor organization under section 2(5) of the National Labor Relations Act. This includes any entity, that may also be known as a hiring hall, used to carry out requirements described in chapter 7 of the National Labor Relations Act.

(h) "Payor" means a person or entity located or doing business in Minnesota who pays money to an independent contractor according to an agreement for the performance of services.

Sec. 6. Minnesota Statutes 2010, section 256.998, subdivision 5, is amended to read:

Subd. 5. **Report contents.** Reports required under this section must contain: all the information required by federal law.

~~(1) the employee's name, address, Social Security number, and date of birth when available, which can be handwritten or otherwise added to the W-4 form, W-9 form, or other document submitted; and~~

~~(2) the employer's name, address, and federal identification number.~~

Sec. 7. Minnesota Statutes 2010, section 256J.24, subdivision 5, is amended to read:

Subd. 5. **MFIP transitional standard.** The MFIP transitional standard is based on the number of persons in the assistance unit eligible for both food and cash assistance unless the restrictions in subdivision 6 on the birth of a child apply. ~~The following table represents the transitional standards including a breakdown of the cash and food portions effective October 1, 2009.~~

Number of Eligible People	Transitional Standard	Cash Portion	Food Portion
1	\$428	\$250	\$178
2	\$764	\$437	\$327
3	\$1,005	\$532	\$473
4	\$1,222	\$621	\$601
5	\$1,399	\$697	\$702
6	\$1,608	\$773	\$835
7	\$1,754	\$850	\$904
8	\$1,940	\$916	\$1,024
9	\$2,125	\$980	\$1,145
10	\$2,304	\$1,035	\$1,269
over 10	add \$178	\$53	\$125

~~per additional member.~~

The amount of the transitional standard is published annually by the Department of Human Services.

Sec. 8. Minnesota Statutes 2010, section 259.22, subdivision 2, is amended to read:

Subd. 2. **Persons who may be adopted.** No petition for adoption shall be filed unless the person sought to be adopted has been placed by ~~the commissioner of human services, the commissioner's agent, or~~ a licensed child-placing agency. The provisions of this subdivision shall not apply if:

- (1) the person to be adopted is over 14 years of age;
- (2) the child is sought to be adopted by an individual who is related to the child, as defined by section 245A.02, subdivision 13;
- (3) the child has been lawfully placed under the laws of another state while the child and petitioner resided in that other state;

(4) the court waives the requirement of this subdivision in the best interests of the child or petitioners, provided that the adoption does not involve a placement as defined in section 259.21, subdivision 8; or

(5) the child has been lawfully placed under section 259.47.

Sec. 9. Minnesota Statutes 2010, section 259.23, subdivision 1, is amended to read:

Subdivision 1. **Venue.** (a) ~~Except as provided in section 260C.101, subdivision 2,~~ The juvenile court shall have original jurisdiction in all adoption proceedings. The proper venue for an adoption proceeding shall be the county of the petitioner's residence, except as provided in ~~paragraph (b)~~ section 260C.621, subdivision 2, for the adoption of children under the guardianship of the commissioner.

~~(b) Venue for the adoption of a child committed to the guardianship of the commissioner of human services shall be the county with jurisdiction in the matter according to section 260C.317, subdivision 3.~~

~~(c) Upon request of the petitioner, the court having jurisdiction over the matter under section 260C.317, subdivision 3, may transfer venue of an adoption proceeding involving a child under the guardianship of the commissioner to the county of the petitioner's residence upon determining that:~~

~~(1) the commissioner has given consent to the petitioner's adoption of the child or that consent is unreasonably withheld;~~

~~(2) there is no other adoption petition for the child that has been filed or is reasonably anticipated by the commissioner or the commissioner's delegate to be filed; and~~

~~(3) transfer of venue is in the best interests of the child.~~

Transfer of venue under this paragraph shall be according to the rules of adoption court procedure.

~~(d)~~ (b) In all ~~other~~ adoptions under this chapter, if the petitioner has acquired a new residence in another county and requests a transfer of the adoption proceeding, the court in which an adoption is initiated may transfer the proceeding to the appropriate court in the new county of residence if the transfer is in the best interests of the person to be adopted. The court transfers the proceeding by ordering a continuance and by forwarding to the court administrator of the appropriate court a certified copy of all papers filed, together with an order of transfer. The transferring court also shall forward copies of the order of transfer to the commissioner of human services and any agency participating in the proceedings. The judge of the receiving court shall accept the order of the transfer and any other documents transmitted and hear the case; provided, however, the receiving court may in its discretion require the filing of a new petition prior to the hearing.

Sec. 10. Minnesota Statutes 2010, section 259.24, subdivision 1, is amended to read:

Subdivision 1. **Exceptions.** (a) No child shall be adopted without the consent of the child's parents and the child's guardian, if there be one, except in the following instances consent is not required of a parent:

~~(a) Consent shall not be required of a parent (1) who is not entitled to notice of the proceedings;~~

~~(b) Consent shall not be required of a parent (2) who has abandoned the child, or of a parent who has lost custody of the child through a divorce decree or a decree of dissolution, and upon whom notice has been served as required by section 259.49; or~~

~~(c) Consent shall not be required of a parent (3) 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) If there be no parent or guardian qualified to consent to the adoption, the consent shall be given by the commissioner. After the court accepts a parent's consent to the adoption under section 260C.201, subdivision 11, consent by the commissioner or commissioner's delegate is also necessary. Agreement to the identified prospective adoptive parent by the responsible social services agency under section 260C.201, subdivision 11, does not constitute the required consent.~~

~~(e) (b) If there is no parent or guardian qualified to consent to the adoption, 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 the child. The commissioner or agency shall make every effort to place siblings together for adoption. Notwithstanding any rule to the contrary, the commissioner may delegate the right to consent to the adoption or separation of siblings, if it is in the child's best interest, to a local social services agency.~~

Sec. 11. Minnesota Statutes 2010, section 259.24, subdivision 3, is amended to read:

Subd. 3. **Child.** When the child to be adopted is over 14 years of age, the child's written consent to adoption by a particular person is also necessary. ~~A child of any age who is under the guardianship of the commissioner and is legally available for adoption may not refuse or waive the commissioner's agent's exhaustive efforts to recruit, identify, and place the child in an adoptive home required under section 260C.317, subdivision 3, paragraph (b), or sign a document relieving county social services agencies of all recruitment efforts on the child's behalf.~~

Sec. 12. Minnesota Statutes 2010, section 259.24, subdivision 5, is amended to read:

Subd. 5. **Execution.** All consents to an adoption shall be in writing, executed before two competent witnesses, and acknowledged by the consenting party. ~~In addition, all consents to an adoption, except those by the commissioner, the commissioner's agent, a licensed child-placing agency, an adult adoptee, or the child's parent in a petition for adoption by a stepparent, shall be executed before a representative of the commissioner, the commissioner's agent, or a licensed child-placing agency.~~ All consents by a parent to adoption under this chapter:

(1) shall contain notice to the parent of the substance of subdivision 6a, providing for the right to withdraw consent unless the parent will not have the right to withdraw consent ~~because consent was executed under section 260C.201, subdivision 11, following proper notice that consent given under that provision is irrevocable upon acceptance by the court as provided in subdivision 6a; and~~

(2) shall contain the following written notice in all capital letters at least one-eighth inch high:

~~"This~~ The agency responsible for supervising the adoptive placement of the child will submit your consent to adoption to the court. The consent itself does not terminate your parental rights. Parental rights to a child may be terminated only by an adoption decree or by a court order terminating parental rights. Unless the child is adopted or your parental rights are terminated, you may be asked to support the child."

Consents shall be filed in the adoption proceedings at any time before the matter is heard provided, however, that a consent executed and acknowledged outside of this state, either in accordance with the law of this state or in accordance with the law of the place where executed, is valid.

Sec. 13. Minnesota Statutes 2010, section 259.24, subdivision 6a, is amended to read:

Subd. 6a. **Withdrawal of consent.** ~~Except for consents executed under section 260C.201, subdivision 11,~~ A parent's consent to adoption under this chapter may be withdrawn for any reason within ten working days after the consent is executed and acknowledged. No later than the tenth working day after the consent is executed and acknowledged, written notification of withdrawal of consent must be received by the agency to which the child was surrendered ~~no later than the tenth working day after the consent is executed and acknowledged.~~ On the day following the tenth working day after execution and acknowledgment, the consent shall become irrevocable, except upon order of a court of competent jurisdiction after written findings that consent was obtained by fraud. ~~A consent to adopt executed under section 260C.201, subdivision 11, is irrevocable upon proper notice to both parents of the effect of a consent to adopt and acceptance by~~

12.1 ~~the court, except upon order of the same court after written findings that the consent was~~
12.2 ~~obtained by fraud. In proceedings to determine the existence of fraud, the adoptive parents~~
12.3 ~~and the child shall be made parties.~~ The proceedings shall be conducted to preserve the
12.4 confidentiality of the adoption process. There shall be no presumption in the proceedings
12.5 favoring the birth parents over the adoptive parents.

12.6 Sec. 14. Minnesota Statutes 2010, section 259.24, subdivision 7, is amended to read:

12.7 Subd. 7. **Withholding consent; reason.** Consent to an adoption shall not be
12.8 unreasonably withheld by a guardian, who is not a parent of the child, ~~by the commissioner~~
12.9 or by an agency.

12.10 Sec. 15. Minnesota Statutes 2010, section 259.29, subdivision 2, is amended to read:

12.11 Subd. 2. **Placement with relative or friend.** The authorized child-placing agency
12.12 shall consider placement, consistent with the child's best interests and in the following
12.13 order, with (1) a relative or relatives of the child, or (2) an important friend with whom the
12.14 child has resided or had significant contact. In implementing this section, an authorized
12.15 child-placing agency may disclose private or confidential data, as defined in section 13.02,
12.16 to relatives of the child for the purpose of locating a suitable adoptive home. The agency
12.17 shall disclose only data that is necessary to facilitate implementing the preference.

12.18 If the child's birth parent or parents explicitly request that placement with ~~relatives a~~
12.19 specific relative or important ~~friends friend~~ not be considered, the authorized child-placing
12.20 agency shall honor that request if it is consistent with the best interests of the child and
12.21 consistent with the requirements of section 260C.221.

12.22 If the child's birth parent or parents express a preference for placing the child in an
12.23 adoptive home of the same or a similar religious background to that of the birth parent
12.24 or parents, the agency shall place the child with a family that meets the birth parent's
12.25 religious preference.

12.26 This subdivision does not affect the Indian Child Welfare Act, United States
12.27 Code, title 25, sections 1901 to 1923, and the Minnesota Indian Family Preservation
12.28 Act, sections 260.751 to 260.835.

12.29 Sec. 16. Minnesota Statutes 2010, section 260C.193, subdivision 3, is amended to read:

12.30 Subd. 3. **Best interest of the child in foster care or residential care.** (a) The
12.31 policy of the state is to ensure that the best interests of children in foster ~~or residential~~ care
12.32 are met by requiring individualized determinations under section ~~260C.212, subdivision~~

13.1 ~~2, paragraph (b) 260C.221~~, of the needs of the child and of how the selected placement
13.2 will serve the needs of the child in foster care placements.

13.3 (b) The court shall review whether the responsible social services agency made
13.4 efforts as required under section ~~260C.212, subdivision 5~~ 260C.221, and made an
13.5 individualized determination as required under section 260C.212, subdivision 2. If
13.6 the court finds the agency has not made efforts as required under section ~~260C.212,~~
13.7 ~~subdivision 5~~ 260C.221, and there is a relative who qualifies to be licensed to provide
13.8 family foster care under chapter 245A, the court may order the child placed with the
13.9 relative consistent with the child's best interests.

13.10 (c) If the child's birth parent or parents explicitly request that a relative or important
13.11 friend not be considered, the court shall honor that request if it is consistent with the
13.12 best interests of the child and consistent with the requirements of section 260C.221. If
13.13 the child's birth parent or parents express a preference for placing the child in a foster or
13.14 adoptive home of the same or a similar religious background to that of the birth parent
13.15 or parents, the court shall order placement of the child with an individual who meets the
13.16 birth parent's religious preference.

13.17 (d) Placement of a child cannot be delayed or denied based on race, color, or national
13.18 origin of the foster parent or the child.

13.19 (e) Whenever possible, siblings should be placed together unless it is determined
13.20 not to be in the best interests of a sibling. If siblings are not placed together according to
13.21 section 260C.212, subdivision 2, paragraph (d), the responsible social services agency
13.22 shall report to the court the efforts made to place the siblings together and why the
13.23 efforts were not successful. If the court is not satisfied with the agency's efforts to place
13.24 siblings together, the court may order the agency to make further efforts. If siblings are
13.25 not placed together the court shall review the responsible social services agency's plan
13.26 for visitation among siblings required as part of the out-of-home placement plan under
13.27 section 260C.212.

13.28 (f) This subdivision does not affect the Indian Child Welfare Act, United States
13.29 Code, title 25, sections 1901 to 1923, and the Minnesota Indian Family Preservation
13.30 Act, sections 260.751 to 260.835.

13.31 Sec. 17. Minnesota Statutes 2010, section 260C.201, subdivision 11a, is amended to
13.32 read:

13.33 Subd. 11a. **Permanency progress review for children under eight in foster care**
13.34 **for six months.** (a) ~~If the child was under eight years of age at the time the petition~~
13.35 ~~was filed alleging the child was in need of protection or services, and the~~ When a child

14.1 continues in placement out of the home of the parent or guardian from whom the child
14.2 was removed, no later than six months after the child's placement the court shall conduct a
14.3 permanency progress hearing to review:

14.4 (1) the progress of the case, the parent's progress on the case plan or out-of-home
14.5 placement plan, ~~and~~ whichever is applicable;

14.6 (2) the agency's reasonable, or in the case of an Indian child, active efforts for
14.7 reunification and its provision of services; and

14.8 (3) the agency's reasonable efforts to finalize the permanent plan for the child
14.9 under section 260.012, paragraph (e), and to make a placement as required under section
14.10 260C.212, subdivision 2, in a home that will commit to being the legally permanent
14.11 family for the child in the event the child cannot return home according to the timelines
14.12 in this section.

14.13 ~~(b) Based on its assessment of the parent's or guardian's progress on the out-of-home~~
14.14 ~~placement plan, the responsible social services agency must ask the county attorney to file~~
14.15 ~~a petition for termination of parental rights, a petition for transfer of permanent legal and~~
14.16 ~~physical custody to a relative, or the report required under juvenile court rules.~~

14.17 (b) The court shall ensure that notice of the hearing is sent to any relative who:

14.18 (1) responded to the agency's notice provided under section 260C.212, subdivision
14.19 5, paragraph (a); or

14.20 (2) asked to be notified of court proceedings regarding the child as is permitted in
14.21 section 260C.152, subdivision 5.

14.22 (c)(1) If the parent or guardian has maintained contact with the child and is
14.23 complying with the court-ordered out-of-home placement plan, and if the child would
14.24 benefit from reunification with the parent, the court may either:

14.25 (i) return the child home, if the conditions which led to the out-of-home placement
14.26 have been sufficiently mitigated that it is safe and in the child's best interests to return
14.27 home; or

14.28 (ii) continue the matter up to a total of six additional months. If the child has not
14.29 returned home by the end of the additional six months, the court must conduct a hearing
14.30 according to subdivision 11.

14.31 (2) If the court determines that the parent or guardian is not complying with the
14.32 out-of-home placement plan or is not maintaining regular contact with the child as outlined
14.33 in the visitation plan required as part of the out-of-home placement plan under section
14.34 260C.212, the court may order the responsible social services agency:

14.35 (i) to develop a plan for legally permanent placement of the child away from the
14.36 parent ~~and~~;

(ii) to consider, identify, recruit, and support one or more permanency resources from the child's relatives and foster parent to be the legally permanent home in the event the child cannot be returned to the parent. Any relative or the child's foster parent may ask the court to order the agency to consider them for permanent placement of the child in the event the child cannot be returned to the parent. A relative or foster parent who wants to be considered under this item shall cooperate with the background study required under section 245C.08, if the individual has not already done so, and with the home study process required under chapter 245A for providing child foster care and for adoption under section 259.41; the home study referred to in this item shall be a single-home study in the form required by the commissioner of human services; and

(iii) to file a petition to support an order for the legally permanent placement plan.

(d) Following the review under ~~paragraphs (b) and (c)~~ this subdivision:

(1) if the court has either returned the child home or continued the matter up to a total of six additional months, the agency shall continue to provide services to support the child's return home or to make reasonable efforts to achieve reunification of the child and the parent as ordered by the court under an approved case plan;

(2) if the court orders the agency to develop a plan for the transfer of permanent legal and physical custody of the child to a relative, a petition supporting the plan shall be filed in juvenile court within 30 days of the hearing required under this subdivision and a trial on the petition held within ~~30~~ 60 days of the filing of the pleadings; or

(3) if the court orders the agency to file a termination of parental rights, unless the county attorney can show cause why a termination of parental rights petition should not be filed, a petition for termination of parental rights shall be filed in juvenile court within 30 days of the hearing required under this subdivision and a trial on the petition held within ~~90~~ 60 days of the filing of the petition.

Sec. 18. Minnesota Statutes 2010, section 260C.212, subdivision 1, is amended to read:

Subdivision 1. **Out-of-home placement; plan.** (a) An out-of-home placement plan shall be prepared within 30 days after any child is placed in foster care by court order or a voluntary placement agreement between the responsible social services agency and the child's parent pursuant to subdivision 8 or chapter 260D.

(b) An out-of-home placement plan means a written document which is prepared by the responsible social services agency jointly with the parent or parents or guardian of the child and in consultation with the child's guardian ad litem, the child's tribe, if the child is an Indian child, the child's foster parent or representative of the ~~residential~~ foster care facility, and, where appropriate, the child. For a child in voluntary foster care for treatment

16.1 under chapter 260D, preparation of the out-of-home placement plan shall additionally
16.2 include the child's mental health treatment provider. As appropriate, the plan shall be:

16.3 (1) submitted to the court for approval under section 260C.178, subdivision 7;

16.4 (2) ordered by the court, either as presented or modified after hearing, under section
16.5 260C.178, subdivision 7, or 260C.201, subdivision 6; and

16.6 (3) signed by the parent or parents or guardian of the child, the child's guardian ad
16.7 litem, a representative of the child's tribe, the responsible social services agency, and, if
16.8 possible, the child.

16.9 (c) The out-of-home placement plan shall be explained to all persons involved in its
16.10 implementation, including the child who has signed the plan, and shall set forth:

16.11 (1) a description of the ~~residential facility~~ foster care home or facility selected
16.12 including how the out-of-home placement plan is designed to achieve a safe placement
16.13 for the child in the least restrictive, most family-like, setting available which is in close
16.14 proximity to the home of the parent or parents or guardian of the child when the case plan
16.15 goal is reunification, and how the placement is consistent with the best interests and
16.16 special needs of the child according to the factors under subdivision 2, paragraph (b);

16.17 (2) the specific reasons for the placement of the child in a ~~residential facility~~ foster
16.18 care, and when reunification is the plan, a description of the problems or conditions in the
16.19 home of the parent or parents which necessitated removal of the child from home and the
16.20 changes the parent or parents must make in order for the child to safely return home;

16.21 (3) a description of the services offered and provided to prevent removal of the child
16.22 from the home and to reunify the family including:

16.23 (i) the specific actions to be taken by the parent or parents of the child to eliminate
16.24 or correct the problems or conditions identified in clause (2), and the time period during
16.25 which the actions are to be taken; and

16.26 (ii) the reasonable efforts, or in the case of an Indian child, active efforts to be made
16.27 to achieve a safe and stable home for the child including social and other supportive
16.28 services to be provided or offered to the parent or parents or guardian of the child, the
16.29 child, and the residential facility during the period the child is in the residential facility;

16.30 (4) a description of any services or resources that were requested by the child or the
16.31 child's parent, guardian, foster parent, or custodian since the date of the child's placement
16.32 in the residential facility, and whether those services or resources were provided and if
16.33 not, the basis for the denial of the services or resources;

16.34 (5) the visitation plan for the parent or parents or guardian, other relatives as defined
16.35 in section 260C.007, subdivision 27, and siblings of the child if the siblings are not placed

17.1 together in foster care, and whether visitation is consistent with the best interest of the
17.2 child, during the period the child is in foster care;

17.3 (6) documentation of steps to finalize the adoption or legal guardianship of the child
17.4 if the court has issued an order terminating the rights of both parents of the child or of the
17.5 only known, living parent of the child. At a minimum, the documentation must include
17.6 child-specific recruitment efforts such as relative search and the use of state, regional, and
17.7 national adoption exchanges to facilitate orderly and timely placements in and outside
17.8 of the state. A copy of this documentation shall be provided to the court in the review
17.9 required under section 260C.317, subdivision 3, paragraph (b);

17.10 (7) efforts to ensure the child's educational stability while in foster care, including:

17.11 (i) efforts to ensure that the child ~~in placement~~ remains in the same school in which
17.12 the child was enrolled prior to placement or upon the child's move from one placement
17.13 to another, including efforts to work with the local education authorities to ensure the
17.14 child's educational stability; or

17.15 (ii) if it is not in the child's best interest to remain in the same school that the child
17.16 was enrolled in prior to placement or move from one placement to another, efforts to
17.17 ensure immediate and appropriate enrollment for the child in a new school;

17.18 (8) the educational records of the child including the most recent information
17.19 available regarding:

17.20 (i) the names and addresses of the child's educational providers;

17.21 (ii) the child's grade level performance;

17.22 (iii) the child's school record;

17.23 (iv) a statement about how the child's placement in foster care takes into account
17.24 proximity to the school in which the child is enrolled at the time of placement; and

17.25 (v) any other relevant educational information;

17.26 (9) the efforts by the local agency to ensure the oversight and continuity of health
17.27 care services for the foster child, including:

17.28 (i) the plan to schedule the child's initial health screens;

17.29 (ii) how the child's known medical problems and identified needs from the screens,
17.30 including any known communicable diseases, as defined in section 144.4172, subdivision
17.31 2, will be monitored and treated while the child is in foster care;

17.32 (iii) how the child's medical information will be updated and shared, including
17.33 the child's immunizations;

17.34 (iv) who is responsible to coordinate and respond to the child's health care needs,
17.35 including the role of the parent, the agency, and the foster parent;

17.36 (v) who is responsible for oversight of the child's prescription medications;

18.1 (vi) how physicians or other appropriate medical and nonmedical professionals
18.2 will be consulted and involved in assessing the health and well-being of the child and
18.3 determine the appropriate medical treatment for the child; and

18.4 (vii) the responsibility to ensure that the child has access to medical care through
18.5 either medical insurance or medical assistance;

18.6 (10) the health records of the child including information available regarding:

18.7 (i) the names and addresses of the child's health care and dental care providers;

18.8 (ii) a record of the child's immunizations;

18.9 (iii) the child's known medical problems, including any known communicable
18.10 diseases as defined in section 144.4172, subdivision 2;

18.11 (iv) the child's medications; and

18.12 (v) any other relevant health care information such as the child's eligibility for
18.13 medical insurance or medical assistance;

18.14 (11) an independent living plan for a child age 16 or older who is in ~~placement as a~~
18.15 ~~result of a permanency disposition~~ foster care for one year or longer after the child's 15th
18.16 birthday. The plan should include, but not be limited to, the following objectives:

18.17 (i) educational, vocational, or employment planning;

18.18 (ii) health care planning and medical coverage;

18.19 (iii) transportation including, where appropriate, assisting the child in obtaining a
18.20 driver's license;

18.21 (iv) money management, including the responsibility of the agency to ensure that
18.22 the youth annually receives, at no cost to the youth, a consumer report as defined under
18.23 section 13C.001 and assistance in interpreting and resolving any inaccuracies in the report;

18.24 (v) planning for housing;

18.25 (vi) social and recreational skills; and

18.26 (vii) establishing and maintaining connections with the child's family and
18.27 community; and

18.28 (12) for a child in voluntary foster care for treatment under chapter 260D, diagnostic
18.29 and assessment information, specific services relating to meeting the mental health care
18.30 needs of the child, and treatment outcomes.

18.31 (d) The parent or parents or guardian and the child each shall have the right to legal
18.32 counsel in the preparation of the case plan and shall be informed of the right at the time
18.33 of placement of the child. The child shall also have the right to a guardian ad litem.

18.34 If unable to employ counsel from their own resources, the court shall appoint counsel
18.35 upon the request of the parent or parents or the child or the child's legal guardian. The

19.1 parent or parents may also receive assistance from any person or social services agency
19.2 in preparation of the case plan.

19.3 After the plan has been agreed upon by the parties involved or approved or ordered
19.4 by the court, the foster parents shall be fully informed of the provisions of the case plan
19.5 and shall be provided a copy of the plan.

19.6 Upon discharge from foster care, the parent, adoptive parent, or permanent legal and
19.7 physical custodian, as appropriate, and the child, if appropriate, must be provided with
19.8 a current copy of the child's health and education record.

19.9 Sec. 19. Minnesota Statutes 2010, section 260C.212, subdivision 2, is amended to read:

19.10 Subd. 2. **Placement decisions based on best interest of the child.** (a) The policy
19.11 of the state of Minnesota is to ensure that the child's best interests are met by requiring an
19.12 individualized determination of the needs of the child and of how the selected placement
19.13 will serve the needs of the child being placed. The authorized child-placing agency shall
19.14 place a child, released by court order or by voluntary release by the parent or parents, in
19.15 a family foster home selected by considering placement with relatives and important
19.16 friends in the following order:

19.17 (1) with an individual who is related to the child by blood, marriage, or adoption; or
19.18 (2) with an individual who is an important friend with whom the child has resided or
19.19 had significant contact.

19.20 (b) Among the factors the agency shall consider in determining the needs of the
19.21 child are the following:

19.22 (1) the child's current functioning and behaviors;
19.23 (2) the medical; needs of the child;
19.24 (3) the educational; and needs of the child;
19.25 (4) the developmental needs of the child;
19.26 ~~(3)~~ (5) the child's history and past experience;
19.27 ~~(4)~~ (6) the child's religious and cultural needs;
19.28 ~~(5)~~ (7) the child's connection with a community, school, and faith community;
19.29 ~~(6)~~ (8) the child's interests and talents;
19.30 ~~(7)~~ (9) the child's relationship to current caretakers, parents, siblings, and relatives;
19.31 and
19.32 ~~(8)~~ (10) the reasonable preference of the child, if the court, or the child-placing
19.33 agency in the case of a voluntary placement, deems the child to be of sufficient age to
19.34 express preferences.

20.1 (c) Placement of a child cannot be delayed or denied based on race, color, or national
20.2 origin of the foster parent or the child.

20.3 (d) Siblings should be placed together for foster care and adoption at the earliest
20.4 possible time unless it is documented that a joint placement would be contrary to the
20.5 safety or well-being of any of the siblings or unless it is not possible after reasonable
20.6 efforts by the responsible social services agency. In cases where siblings cannot be placed
20.7 together, the agency is required to provide frequent visitation or other ongoing interaction
20.8 between siblings unless the agency documents that the interaction would be contrary to
20.9 the safety or well-being of any of the siblings.

20.10 (e) Except for emergency placement as provided for in section 245A.035, a
20.11 completed background study is required under section 245C.08 before the approval of a
20.12 foster placement in a related or unrelated home.

20.13 Sec. 20. Minnesota Statutes 2010, section 260C.212, subdivision 5, is amended to read:

20.14 Subd. 5. **Relative search.** (a) The responsible social services agency shall exercise
20.15 due diligence to identify and notify adult relatives prior to placement or within 30 days
20.16 after the child's removal from the parent. The county agency shall consider placement
20.17 with a relative under subdivision 2 without delay. The relative search required by this
20.18 section shall be reasonable and comprehensive in scope and may last up to six months or
20.19 until a fit and willing relative is identified. The relative search required by this section
20.20 shall include both maternal relatives of the child and paternal relatives of the child, if
20.21 paternity is adjudicated. The relatives must be notified:

20.22 (1) of the need for a foster home for the child, the option to become a placement
20.23 resource for the child, and the possibility of the need for a permanent placement for the
20.24 child;

20.25 (2) of their responsibility to keep the responsible social services agency and the court
20.26 informed of their current address in order to receive notice in the event that a permanent
20.27 placement is sought for the child and to receive notice of the permanency progress review
20.28 hearing under section 260C.201, subdivision 11a. A relative who fails to provide a current
20.29 address to the responsible social services agency and the court forfeits the right to receive
20.30 notice of the possibility of permanent placement and of the permanency progress review
20.31 hearing under section 260C.201, subdivision 11a. A decision by a relative not to be a
20.32 placement resource at the beginning of the case shall not affect whether the relative is
20.33 considered for placement of the child with that relative later;

21.1 (3) that the relative may participate in the care and planning for the child, including
21.2 that the opportunity for such participation may be lost by failing to respond to the notice
21.3 sent under this subdivision; and

21.4 (4) of the family foster care licensing requirements, including how to complete an
21.5 application and how to request a variance from licensing standards that do not present a
21.6 safety or health risk to the child in the home under section 245A.04 and supports that are
21.7 available for relatives and children who reside in a family foster home.

21.8 (b) A responsible social services agency may disclose private or confidential data,
21.9 as defined in section 13.02, to relatives of the child for the purpose of locating a suitable
21.10 placement. The agency shall disclose only data that is necessary to facilitate possible
21.11 placement with relatives. If the child's parent refuses to give the responsible social
21.12 services agency information sufficient to identify the maternal and paternal relatives of the
21.13 child, the agency shall ask the juvenile court to order the parent to provide the necessary
21.14 information. If a parent makes an explicit request that ~~relatives or~~ a specific relative not
21.15 be contacted or considered for placement due to safety reasons involving past family or
21.16 domestic violence, the agency shall bring the parent's request to the attention of the court
21.17 to determine whether the parent's request is consistent with the best interests of the child
21.18 and the agency shall not contact ~~relatives or a~~ the specific relative ~~unless authorized to do~~
21.19 ~~so by~~ when the juvenile court finds that contacting the specific relative would endanger
21.20 the parent, guardian, child, sibling, or any family member.

21.21 (c) When the placing agency determines that a permanent placement hearing is
21.22 necessary because there is a likelihood that the child will not return to a parent's care, the
21.23 agency may send the notice provided in paragraph (d), may ask the court to modify the
21.24 requirements of the agency under this paragraph, or may ask the court to completely
21.25 relieve the agency of the requirements of this paragraph. The relative notification
21.26 requirements of this paragraph do not apply when the child is placed with an appropriate
21.27 relative or a foster home that has committed to being the permanent legal placement for
21.28 the child and the agency approves of that foster home for permanent placement of the
21.29 child. The actions ordered by the court under this section must be consistent with the best
21.30 interests, safety, and welfare of the child.

21.31 (d) Unless required under the Indian Child Welfare Act or relieved of this duty by the
21.32 court under paragraph (c), when the agency determines that it is necessary to prepare for
21.33 the permanent placement determination hearing, or in anticipation of filing a termination
21.34 of parental rights petition, the agency shall send notice to the relatives, any adult with
21.35 whom the child is currently residing, any adult with whom the child has resided for one
21.36 year or longer in the past, and any adults who have maintained a relationship or exercised

visitation with the child as identified in the agency case plan. The notice must state that a permanent home is sought for the child and that the individuals receiving the notice may indicate to the agency their interest in providing a permanent home. The notice must state that within 30 days of receipt of the notice an individual receiving the notice must indicate to the agency the individual's interest in providing a permanent home for the child or that the individual may lose the opportunity to be considered for a permanent placement.

(e) The Department of Human Services shall develop a best practices guide and specialized staff training to assist the responsible social services agency in performing and complying with the relative search requirements under this subdivision.

Sec. 21. Minnesota Statutes 2010, section 260C.212, subdivision 7, is amended to read:

Subd. 7. **Administrative or court review of placements.** (a) There shall be an administrative review of the out-of-home placement plan of each child placed in foster care no later than 180 days after the initial placement of the child in foster care and at least every six months thereafter if the child is not returned to the home of the parent or parents within that time. The out-of-home placement plan must be monitored and updated at each administrative review. The administrative review shall be conducted by the responsible social services agency using a panel of appropriate persons at least one of whom is not responsible for the case management of, or the delivery of services to, either the child or the parents who are the subject of the review. The administrative review shall be open to participation by the parent or guardian of the child and the child, as appropriate.

(b) As an alternative to the administrative review required in paragraph (a), the court may, as part of any hearing required under the Minnesota Rules of Juvenile Protection Procedure, conduct a hearing to monitor and update the out-of-home placement plan pursuant to the procedure and standard in section 260C.201, subdivision 6, paragraph (d). The party requesting review of the out-of-home placement plan shall give parties to the proceeding notice of the request to review and update the out-of-home placement plan. A court review conducted pursuant to section 260C.193; 260C.201, subdivision 1 or 11; 260C.141, subdivision 2; 260C.317; or 260D.06 shall satisfy the requirement for the review so long as the other requirements of this section are met.

(c) As appropriate to the stage of the proceedings and relevant court orders, the responsible social services agency or the court shall review:

- (1) the safety, permanency needs, and well-being of the child;
- (2) the continuing necessity for and appropriateness of the placement;
- (3) the extent of compliance with the out-of-home placement plan;

(4) the extent of progress which has been made toward alleviating or mitigating the causes necessitating placement in foster care;

(5) the projected date by which the child may be returned to and safely maintained in the home or placed permanently away from the care of the parent or parents or guardian; and

(6) the appropriateness of the services provided to the child.

(d) When a child is age 16 or older, in addition to any administrative review conducted by the agency, at the in-court review required under section 260C.201, subdivision 11, or 260C.317, subdivision 3, clause (3), the court shall review the independent living plan required under subdivision 1, paragraph (c), clause (11), and the provision of services to the child related to the well-being of the child as the child prepares to leave foster care. The review shall include the actual plans related to each item in the plan necessary to the child's future safety and well-being when the child is no longer in foster care.

(1) At the court review, the responsible social services agency shall establish that it has given the notice required under section 260C.456 or Minnesota Rules, part 9560.0660, regarding the right to continued access to services for certain children in foster care past age 18 and of the right to appeal a denial of social services under section 256.045. If the agency is unable to establish that the notice, including the right to appeal a denial of social services, has been given, the court shall require the agency to give it.

(2) Consistent with the requirements of the independent living plan, the court shall review progress toward or accomplishment of the following goals:

(i) the child has obtained a high school diploma or its equivalent;

(ii) the child has completed a driver's education course or has demonstrated the ability to use public transportation in the child's community;

(iii) the child is employed or enrolled in postsecondary education;

(iv) the child has applied for and obtained postsecondary education financial aid for which the child is eligible;

(v) the child has health care coverage and health care providers to meet the child's physical and mental health needs;

(vi) the child has applied for and obtained disability income assistance for which the child is eligible;

(vii) the child has obtained affordable housing with necessary supports, which does not include a homeless shelter;

(viii) the child has saved sufficient funds to pay for the first month's rent and a damage deposit;

(ix) the child has an alternative affordable housing plan, which does not include a homeless shelter, if the original housing plan is unworkable;

(x) the child, if male, has registered for the Selective Service; and

(xi) the child has a permanent connection to a caring adult.

(3) The court shall ensure that the responsible agency in conjunction with the placement provider assists the child in obtaining the following documents prior to the child's leaving foster care: a Social Security card; the child's birth certificate; a state identification card or driver's license, green card, or school visa; the child's school, medical, and dental records; a contact list of the child's medical, dental, and mental health providers; and contact information for the child's siblings, if the siblings are in foster care.

(e) When a child is age 17 or older, during the 90-day period immediately prior to the date the child is expected to be discharged from foster care, the responsible social services agency is required to provide the child with assistance and support in developing a transition plan that is personalized at the direction of the child. The transition plan must be as detailed as the child may elect and include specific options on housing, health insurance, education, local opportunities for mentors and continuing support services, and work force supports and employment services. The agency shall ensure that the youth receives, at no cost to the youth, a copy of the youth's consumer credit report as defined in section 13C.001 and assistance in interpreting and resolving any inaccuracies in the report. The ~~county~~ agency shall also provide the ~~individual~~ youth with appropriate contact information if the ~~individual~~ youth needs more information or needs help dealing with a crisis situation through age 21.

Sec. 22. Minnesota Statutes 2010, section 260C.217, is amended to read:

260C.217 SAFE PLACE FOR NEWBORNS.

Subdivision 1. **Duty to attempt reunification, duty to search for relatives, and preferences not applicable.** A ~~local~~ responsible social service agency ~~taking custody of with legal responsibility for a child after discharge from a hospital that received a child under section 145.902~~ under subdivision 4 is not required to attempt to reunify the child with the child's parents. Additionally, the agency is not required to search for relatives of the child as a placement or permanency option under section 260C.212, subdivision 5, or to implement other placement requirements that give a preference to relatives if the agency does not have information as to the identity of the child, the child's mother, or the child's father.

Subd. 1a. **Safe place.** For purposes of this section, "safe place" means a hospital, medical clinic, and a police or fire department.

Subd. 2. **Status of child.** For purposes of proceedings under this chapter ~~and~~, including adoption proceedings, a newborn left at a ~~hospital~~ safe place or with a 911 responder under ~~section 145.902~~ subdivision 3 is considered an abandoned child under section 626.556, subdivision 2, paragraph (c), clause (3). The child is abandoned under sections 260C.007, subdivision 6, clause (1), and 260C.301, subdivision 1, paragraph (b), clause (1).

Subd. 3. **Relinquish newborn.** A mother or any person, with the mother's permission, may bring a newborn infant to a safe place during its hours of operation and leave the infant in the care of an employee of the safe place. The mother or person with the mother's permission may also call 911 and request to have an emergency responder dispatched to an agreed upon location to relinquish a newborn infant into the custody of the 911 responder.

Subd. 4. **Placement of newborn.** A safe place or 911 responder with whom a newborn is left shall, within 24 hours, report receiving the newborn to the responsible social services agency. The agency shall have legal responsibility for the placement of the newborn infant in foster care for 72 hours during which time the agency shall file a petition under section 260C.141 and ask the court to order continued placement of the child in foster care. The agency shall immediately begin planning for adoptive placement of the newborn.

Subd. 5. **Care and treatment.** A safe place or 911 responder with whom a newborn is left may examine the newborn and provide necessary care and treatment, if any is required, pending assumption of legal responsibility by the responsible social services agency under subdivision 4. A safe place or 911 responder with whom a newborn is left may transport a newborn to a hospital for care, if appropriate under the circumstances.

Subd. 6. **Immunity.** A safe place or 911 responder with responsibility for performing duties under this section, and any employee, doctor, or other medical, fire, or law enforcement professional receiving, handling, treating, caring for, and reporting the child as required in subdivision 4, are immune from any criminal liability that otherwise might result from their actions, if they are acting in good faith in receiving a newborn, and are immune from any civil liability that otherwise might result from merely receiving a newborn.

Sec. 23. Minnesota Statutes 2010, section 260C.317, subdivision 3, is amended to read:

Subd. 3. **Order; retention of jurisdiction.** (a) A certified copy of the findings and the order terminating parental rights, and a summary of the court's information concerning

26.1 the child shall be furnished by the court to the commissioner or the agency to which
26.2 guardianship is transferred.

26.3 (b) The orders shall be on a document separate from the findings. The court shall
26.4 furnish the ~~individual to whom guardianship is transferred~~ guardian a copy of the order
26.5 terminating parental rights.

26.6 ~~(b)~~ (c) When the court orders guardianship pursuant to this section, the court
26.7 shall retain jurisdiction in a case where adoption is the intended permanent placement
26.8 disposition until the child's adoption is finalized, the child is 18 years of age, or, for
26.9 children in foster care beyond age 18 pursuant to section 260C.451, until the individual
26.10 becomes 21 years of age according to the provisions set forth in sections 260C.193,
26.11 subdivision 6, and 260C.451. The guardian ad litem and counsel for the child shall
26.12 continue on the case until an adoption decree is entered. ~~An in-court appearance hearing~~
26.13 ~~must be held every 90 days following termination of parental rights for the court to review~~
26.14 ~~progress toward an adoptive placement and the specific recruitment efforts the agency~~
26.15 ~~has taken to find an adoptive family or other placement living arrangement for the child~~
26.16 ~~and to finalize the adoption or other permanency plan.~~ Review of the progress toward
26.17 adoption of a child under guardianship of the commissioner of human services shall be
26.18 conducted according to section 260C.607.

26.19 ~~(c)~~ The responsible social services agency may make a determination of compelling
26.20 reasons for a child to be in long-term foster care when the agency has made exhaustive
26.21 efforts to recruit, identify, and place the child in an adoptive home, and the child continues
26.22 in foster care for at least 24 months after the court has issued the order terminating
26.23 parental rights. A child of any age who is under the guardianship of the commissioner of
26.24 the Department of Human Services and is legally available for adoption may not refuse
26.25 or waive the commissioner's agent's exhaustive efforts to recruit, identify, and place the
26.26 child in an adoptive home required under paragraph (b) or sign a document relieving
26.27 county social services agencies of all recruitment efforts on the child's behalf. Upon
26.28 approving the agency's determination of compelling reasons, the court may order the child
26.29 placed in long-term foster care. At least every 12 months thereafter as long as the child
26.30 continues in out-of-home placement, the court shall conduct an in-court permanency
26.31 review hearing to determine the future status of the child using the review requirements of
26.32 section 260C.201, subdivision 11, paragraph (g).

26.33 (d) Upon terminating parental rights or upon a parent's consent to adoption
26.34 under section 260C.201, subdivision 11, resulting in an order for guardianship to the
26.35 commissioner of human services, the court shall retain jurisdiction:

26.36 (1) until the child is adopted;

(2) through the child's minority ~~in a case where long-term~~; or
(3) as long as the child continues in or reenters foster care ~~is the permanent disposition whether under paragraph (c) or section 260C.201, subdivision 11, or, for children in foster care age 18 or older under section 260C.451~~, until the individual becomes 21 years of age according to ~~the provisions in~~ sections 260C.193, subdivision 6, and 260C.451.

Sec. 24. Minnesota Statutes 2010, section 260C.317, subdivision 4, is amended to read:

Subd. 4. **Rights of terminated parent.** (a) Upon entry of an order terminating the parental rights of any person who is identified as a parent on the original birth record of the child as to whom the parental rights are terminated, the court shall cause written notice to be made to that person setting forth:

(1) the right of the person to file at any time with the state registrar of vital statistics a consent to disclosure, as defined in section 144.212, subdivision 11;

(2) the right of the person to file at any time with the state registrar of vital statistics an affidavit stating that the information on the original birth record shall not be disclosed as provided in section 144.2252; and

(3) the effect of a failure to file either a consent to disclosure, as defined in section 144.212, subdivision 11, or an affidavit stating that the information on the original birth record shall not be disclosed.

(b) A parent whose rights are terminated under this section shall retain the ability to enter into a contact or communication agreement under section 260C.619 if an agreement is determined by the court to be in the best interests of the child. The agreement shall be filed with the court at or prior to the time the child is adopted. An order for termination of parental rights shall not be conditioned on an agreement under section 260C.619.

Sec. 25. Minnesota Statutes 2010, section 260C.325, subdivision 1, is amended to read:

Subdivision 1. ~~Transfer of custody~~ **Guardianship.** (a) ~~If~~ When the court terminates parental rights of both parents or of the only known living legal parent, the court shall order the guardianship ~~and the legal custody~~ of the child ~~transferred to~~:

(1) the commissioner of human services;

(2) a licensed child-placing agency; or

(3) an individual who is willing and capable of assuming the appropriate duties and responsibilities to the child.

(b) The court shall order ~~transfer of guardianship and legal custody~~ of a child to the commissioner of human services ~~only~~ when the responsible county social services

28.1 agency had legal responsibility for planning for the permanent placement of the child and
 28.2 the child was in foster care under the legal responsibility of the responsible county social
 28.3 services agency at the time the court orders guardianship ~~and legal custody transferred to~~
 28.4 the commissioner. The court shall not order guardianship to the commissioner under any
 28.5 other circumstances, except as provided in subdivision 3.

28.6 Sec. 26. Minnesota Statutes 2010, section 260C.325, subdivision 3, is amended to read:

28.7 Subd. 3. **Both parents deceased.** (a) If upon petition ~~to the juvenile court for~~
 28.8 guardianship by a reputable person, including but not limited to ~~an~~ the responsible social
 28.9 services agency as agent of the commissioner of human services, and upon hearing in
 28.10 the manner provided in section 260C.163, the court finds that both parents or the only
 28.11 known legal parent are or is deceased and no appointment has been made or petition for
 28.12 appointment filed pursuant to sections 524.5-201 to 524.5-317, the court shall order the
 28.13 guardianship ~~and legal custody~~ of the child transferred to:

28.14 (1) the commissioner of human services; or
 28.15 ~~(2) a licensed child-placing agency; or~~
 28.16 ~~(3)~~ (2) an individual who is willing and capable of assuming the appropriate duties
 28.17 and responsibilities to the child.

28.18 (b) The court shall order ~~transfer of guardianship and legal custody~~ of a child to the
 28.19 commissioner of human services only if there is no individual who is willing and capable
 28.20 of assuming the appropriate duties and responsibilities to the child.

28.21 Sec. 27. Minnesota Statutes 2010, section 260C.325, subdivision 4, is amended to read:

28.22 Subd. 4. **Guardian's responsibilities.** (a) A guardian appointed under ~~the~~
 28.23 ~~provisions of this section has legal custody of a ward unless the court which appoints~~
 28.24 ~~the guardian gives legal custody to some other person. If the court awards custody to a~~
 28.25 ~~person other than the guardian, the guardian nonetheless has the right and responsibility of~~
 28.26 ~~reasonable visitation, except as limited by court order. the child and the right to visit the~~
 28.27 child in foster care, the adoptive placement, or any other suitable setting at any time prior
 28.28 to finalization of the adoption of the child. When the child is under the guardianship of the
 28.29 commissioner, the responsible social services agency, as agent of the commissioner, has
 28.30 the right to visit the child.

28.31 (b) When the guardian is a licensed child-placing agency, the guardian may shall
 28.32 make all major decisions affecting the person of the ward child, including, but not limited
 28.33 to, giving consent, (when consent is legally required), to the marriage, enlistment in
 28.34 the armed forces, medical, surgical, or psychiatric treatment, or adoption of the ward

~~child. When, pursuant to this section, the commissioner of human services is appointed guardian, the commissioner may delegate to the responsible social services agency of the county in which, after the appointment, the ward resides, the authority to act for the commissioner in decisions affecting the person of the ward, including but not limited to giving consent to the marriage, enlistment in the armed forces, medical, surgical, or psychiatric treatment of the ward.~~

(c) When the commissioner is appointed guardian, the duties of the commissioner of human services are established under sections 260C.601 to 260C.635.

~~(d) A guardianship created under the provisions of this section shall not of itself include the guardianship of the estate of the ward child.~~

(e) The commissioner of human services, through the commissioner's agent, the responsible social services agency, or a licensed child-placing agency who is a guardian or who has authority and responsibility for planning for the adoption of the child under section 259.25 or 259.49, has the duty to make reasonable efforts to finalize the adoption of the child.

Sec. 28. Minnesota Statutes 2010, section 260C.328, is amended to read:

260C.328 CHANGE OF GUARDIAN; TERMINATION OF GUARDIANSHIP.

(a) Upon its own motion or upon petition of an interested party, the juvenile court having jurisdiction of the child may, after notice to the parties and a hearing, remove the guardian appointed by the juvenile court and appoint a new guardian in accordance with the provisions of section 260C.325, subdivision 1, clause (a), (b), or (c). Upon a showing that the child is emancipated, the court may discharge the guardianship. Any child 14 years of age or older who is not adopted but who is placed in a satisfactory foster home, may, with the consent of the foster parents, join with the guardian appointed by the juvenile court in a petition to the court having jurisdiction of the child to discharge the existing guardian and appoint the foster parents as guardians of the child.

(b) The authority of a guardian appointed by the juvenile court terminates when the individual under guardianship is no longer a minor or when guardianship is otherwise discharged. becomes age 18. However, an individual who has been under the guardianship of the commissioner and who has not been adopted may continue in foster care or reenter foster care pursuant to section 260C.451 and the responsible social services agency has continuing legal responsibility for the placement of the individual.

Sec. 29. [260C.601] ADOPTION OF CHILDREN UNDER GUARDIANSHIP OF COMMISSIONER.

Subdivision 1. **Review and finalization requirements; adoption procedures.** (a)
Sections 260C.601 to 260C.635 establish:

(1) the requirements for court review of children under the guardianship of the commissioner; and

(2) procedures for timely finalizing adoptions in the best interests of children under the guardianship of the commissioner.

(b) Adoption proceedings for children not under the guardianship of the commissioner are governed by chapter 259.

Subd. 2. **Duty of responsible agency.** The responsible social services agency has the duty to act as the commissioner's agent in making reasonable efforts to finalize the adoption of all children under the guardianship of the commissioner pursuant to section 260C.325. In implementing these duties, the agency shall ensure that:

(1) the best interests of the child are met in the planning and granting of adoptions;

(2) a child under the guardianship of the commissioner is appropriately involved in planning for adoption;

(3) the diversity of Minnesota's population and diverse needs including culture, religion, and language of persons affected by adoption are recognized and respected; and

(4) the court has the timely information it needs to make a decision that is in the best interests of the child in reviewing the agency's planning for adoption and when ordering the adoption of the child.

Subd. 3. **Background study.** Consistent with section 245C.33 and United States Code, title 42, section 671, a completed background study is required before the adoptive placement of the child in a related or an unrelated home.

Sec. 30. **[260C.603] DEFINITIONS.**

Subdivision 1. **Scope.** For the purposes of sections 260C.601 to 260C.635, the terms defined in this section have the meanings given them.

Subd. 2. **Adopting parent.** "Adopting parent" means an adult who has signed an adoption placement agreement regarding the child.

Subd. 3. **Adoption placement agreement.** "Adoption placement agreement" means the written agreement between the responsible social services agency, the commissioner, and the adopting parent which reflects the intent of all the signatories to the agreement that the adopting parent establish a parent and child relationship by adoption with the child who is under the guardianship of the commissioner. The adoptive placement agreement must be in the commissioner's designated format.

31.1 Subd. 4. **Adoptive parent.** "Adoptive parent" has the meaning given in section
31.2 259A.01, subdivision 3.

31.3 Subd. 5. **Adoptive placement.** "Adoptive placement" means a placement made by
31.4 the responsible social services agency upon a fully executed adoption placement agreement
31.5 including the signatures of the adopting parent, the responsible social services agency, and
31.6 the commissioner of human services according to section 260C.613, subdivision 1.

31.7 Subd. 6. **Commissioner.** "Commissioner" means the commissioner of human
31.8 services or any employee of the Department of Human Services to whom the commissioner
31.9 has delegated authority regarding children under the commissioner's guardianship.

31.10 Subd. 7. **Guardianship.** "Guardianship" has the meaning given in section 259A.01,
31.11 subdivision 17; 260C.325; or 260C.515, subdivision 3.

31.12 Subd. 8. **Prospective adoptive parent.** "Prospective adoptive parent" means an
31.13 individual who may become an adopting parent regardless of whether the individual
31.14 has an adoption study approving the individual for adoption, but who has not signed an
31.15 adoption placement agreement.

31.16 Sec. 31. **[260C.605] REASONABLE EFFORTS TO FINALIZE AN ADOPTION.**

31.17 Subdivision 1. **Requirements.** (a) Reasonable efforts to finalize the adoption of a
31.18 child under the guardianship of the commissioner shall be made by the responsible social
31.19 services agency responsible for permanency planning for the child.

31.20 (b) Reasonable efforts to make a placement in a home according to the placement
31.21 considerations under section 260C.212, subdivision 2, with a relative or foster parent
31.22 who will commit to being the permanent resource for the child in the event the child
31.23 cannot be reunified with a parent are required under section 260.012 and may be made
31.24 concurrently with reasonable, or if the child is an Indian child, active efforts to reunify
31.25 the child with the parent.

31.26 (c) Reasonable efforts under paragraph (b) must begin as soon as possible when the
31.27 child is in foster care under this chapter, but not later than the hearing required under
31.28 section 260C.201, subdivision 11a.

31.29 (d) Reasonable efforts to finalize the adoption of the child include:

31.30 (1) using age-appropriate engagement strategies to plan for adoption with the child;

31.31 (2) identifying an appropriate prospective adoptive parent for the child by updating
31.32 the child's identified needs using the factors in section 260C.212, subdivision 2;

31.33 (3) making an adoptive placement that meets the child's needs by:

31.34 (i) completing or updating the relative search required under section 260C.221 and
31.35 giving notice of the need for an adoptive home for the child to:

32.1 (A) relatives who have kept the agency or the court apprised of their whereabouts
32.2 and who have indicated an interest in adopting the child; or
32.3 (B) relatives of the child who are located in an updated search;
32.4 (ii) an updated search is required whenever:
32.5 (A) there is no identified prospective adoptive placement for the child
32.6 notwithstanding a finding by the court that the agency made diligent efforts under section
32.7 260C.201, subdivision 2, in a hearing required under section 260C.202;
32.8 (B) the child is removed from the home of an adopting parent; or
32.9 (C) the court determines a relative search by the agency is in the best interests of
32.10 the child;
32.11 (iii) engaging child's foster parent and the child's relatives identified as an adoptive
32.12 resource during the search conducted under section 260C.221, to commit to being the
32.13 prospective adoptive parent of the child; or
32.14 (iv) when there is no identified prospective adoptive parent:
32.15 (A) registering the child on the state adoption exchange as required in section 259.75
32.16 unless the agency documents to the court an exception to placing the child on the state
32.17 adoption exchange reported to the commissioner;
32.18 (B) reviewing all families with approved adoption home studies associated with the
32.19 responsible social services agency;
32.20 (C) presenting the child to adoption agencies and adoption personnel who may assist
32.21 with finding an adoptive home for the child;
32.22 (D) using newspapers and other media to promote the particular child;
32.23 (E) using a private agency under grant contract with the commissioner to provide
32.24 adoption services for intensive child-specific recruitment efforts; and
32.25 (F) making any other efforts or using any other resources reasonably calculated to
32.26 identify a prospective adoption parent for the child;
32.27 (4) updating and completing the social and medical history required under sections
32.28 259.43 and 260C.609;
32.29 (5) making, and keeping updated, appropriate referrals required by section 260.851,
32.30 the Interstate Compact on the Placement of Children;
32.31 (6) giving notice regarding the responsibilities of an adoptive parent to any
32.32 prospective adoptive parent as required under section 259.35;
32.33 (7) offering the adopting parent the opportunity to apply for or decline adoption
32.34 assistance under chapter 259A;

33.1 (8) certifying the child for adoption assistance, assessing the amount of adoption
33.2 assistance, and ascertaining the status of the commissioner's decision on the level of
33.3 payment if the adopting parent has applied for adoption assistance;

33.4 (9) placing the child with siblings. If the child is not placed with siblings, the agency
33.5 must document reasonable efforts to place the siblings together, as well as the reason for
33.6 separation. The agency may not cease reasonable efforts to place siblings together for final
33.7 adoption until the court finds further reasonable efforts would be futile or that placement
33.8 together for purposes of adoption is not in the best interests of one of the siblings; and

33.9 (10) working with the adopting parent to file a petition to adopt the child and with
33.10 the court administrator to obtain a timely hearing to finalize the adoption.

33.11 Subd. 2. **No waiver.** (a) The responsible social services agency shall make
33.12 reasonable efforts to recruit, assess, and match an adoptive home for any child under
33.13 the guardianship of the commissioner and reasonable efforts shall continue until an
33.14 adoptive placement is made and adoption finalized or until the child is no longer under the
33.15 guardianship of the commissioner.

33.16 (b) A child of any age who is under the guardianship of the commissioner and is
33.17 legally available for adoption may not refuse or waive the responsible social services
33.18 agency's reasonable efforts to recruit, identify, and place the child in an adoptive home
33.19 required under this section. The agency has an ongoing responsibility to work with the
33.20 child to explore the child's opportunities for adoption, and what adoption means for the
33.21 child, and may not accept a child's refusal to consider adoption as an option.

33.22 (c) The court may not relieve or otherwise order the responsible social services
33.23 agency to cease fulfilling the responsible social services agency's duty regarding
33.24 reasonable efforts to recruit, identify, and place the child in an adoptive home.

33.25 **Sec. 32. [260C.607] REVIEW OF PROGRESS TOWARD ADOPTION.**

33.26 Subdivision 1. **Review hearings.** (a) The court shall conduct a review of the
33.27 responsible social services agency's reasonable efforts to finalize adoption for any child
33.28 under the guardianship of the commissioner and of the progress of the case toward
33.29 adoption at least every 90 days after the court issues an order that the commissioner is
33.30 the guardian of the child.

33.31 (b) The review of progress toward adoption shall continue notwithstanding that an
33.32 appeal is made of the order for guardianship.

33.33 (c) The agency's reasonable efforts to finalize the adoption must continue during the
33.34 pendency of the appeal and all progress toward adoption shall continue except that the
33.35 court may not finalize an adoption while the appeal is pending.

- 34.1 Subd. 2. **Notice.** Notice of review hearings shall be given by the court to:
- 34.2 (1) the responsible social services agency;
- 34.3 (2) the child, if the child is age ten and older;
- 34.4 (3) the child's guardian ad litem;
- 34.5 (4) relatives of the child who have kept the court informed of their whereabouts
- 34.6 as required in section 260C.221 and who have responded to the agency's notice under
- 34.7 section 260C.221, indicating a willingness to provide an adoptive home for the child
- 34.8 unless the relative has been previously ruled out by the court as a suitable foster parent or
- 34.9 permanency resource for the child;
- 34.10 (5) the current foster or adopting parent of the child;
- 34.11 (6) any foster or adopting parents of siblings of the child; and
- 34.12 (7) the Indian child's tribe.
- 34.13 Subd. 3. **Right to participate.** Any individual or entity listed in subdivision 2 may
- 34.14 participate in the continuing reviews conducted under this section. No other individual
- 34.15 or entity is required to be given notice or to participate in the reviews unless the court
- 34.16 specifically orders that notice be given or participation in the reviews be required.
- 34.17 Subd. 4. **Content of review.** (a) The court shall review:
- 34.18 (1) the agency's reasonable efforts under section 260C.605 to finalize an adoption
- 34.19 for the child as appropriate to the stage of the case; and
- 34.20 (2) the child's current out-of-home placement plan required under section 260C.212,
- 34.21 subdivision 1, to ensure the child is receiving all services and supports required to meet
- 34.22 the child's needs as they relate to the child's:
- 34.23 (i) placement;
- 34.24 (ii) visitation and contact with siblings;
- 34.25 (iii) visitation and contact with relatives;
- 34.26 (iv) medical, mental, and dental health; and
- 34.27 (v) education.
- 34.28 (b) When the child is age 16 and older, and as long as the child continues in foster
- 34.29 care, the court shall also review the agency's planning for the child's independent living
- 34.30 after leaving foster care including how the agency is meeting the requirements of section
- 34.31 260C.212, subdivision 1, paragraph (c), clause (11). The court shall use the review
- 34.32 requirements of section 260C.203, in any review conducted under this paragraph.
- 34.33 Subd. 5. **Required placement by responsible social services agency.** (a) No
- 34.34 petition for adoption shall be filed for a child under the guardianship of the commissioner
- 34.35 unless the child sought to be adopted has been placed for adoption with the adopting

parent by the responsible social services agency. The court may order the agency to make an adoptive placement using standards and procedures under subdivision 6.

(b) Any relative or the child's foster parent who believes the responsible agency has not reasonably considered their request to be considered for adoptive placement as required under section 260C.212, subdivision 2, and who wants to be considered for adoptive placement of the child shall bring their request for consideration to the attention of the court during a review required under this section. The child's guardian ad litem and the child may also bring a request for a relative or the child's foster parent to be considered for adoptive placement. After hearing from the agency, the court may order the agency to take appropriate action regarding the relative's or foster parent's request for consideration under section 260C.212, subdivision 2, paragraph (b).

Subd. 6. **Motion and hearing to order adoptive placement.** (a) A relative or the child's foster parent may file a motion for an order for adoptive placement of a child who is under the guardianship of the commissioner if the relative or the child's foster parent:

(1) has an adoption home study under section 259.41 approving the relative or foster parent for adoption and has been a resident of Minnesota for at least six months before filing the motion; or

(2) is not a resident of Minnesota, but has an approved adoption home study by an agency licensed or approved to complete an adoption home study in the state of the individual's residence and the study is filed with the motion for adoptive placement.

(b) The motion shall be filed with the court conducting reviews of the child's progress toward adoption under this section. The motion and supporting documents must make a prima facie showing that the agency has been unreasonable in failing to make the requested adoptive placement. The motion must be served according to the requirements for motions under the Minnesota Rules of Juvenile Protection Procedure and shall be made on all individuals and entities listed in subdivision 2.

(c) If the motion and supporting documents do not make a prima facie showing for the court to determine whether the agency has been unreasonable in failing to make the requested adoptive placement, the court shall dismiss the motion. If the court determines a prima facie basis is made, the court shall set the matter for evidentiary hearing.

(d) At the evidentiary hearing the responsible social services agency shall proceed first with evidence about the reason for not making the adoptive placement proposed by the moving party. The moving party then has the burden of proving by a preponderance of the evidence that the agency has been unreasonable in failing to make the adoptive placement.

(e) At the conclusion of the evidentiary hearing, if the court finds that the agency has been unreasonable in failing to make the adoptive placement and that the relative or

the child's foster parent is the most suitable adoptive home to meet the child's needs using the factors in section 260C.212, subdivision 2, paragraph (b), the court may order the responsible social services agency to make an adoptive placement in the home of the relative or the child's foster parent.

(f) When the court orders the agent of the commissioner to make an adoptive placement under this subdivision, the agent shall make reasonable efforts to obtain a fully executed adoption placement agreement so that an adoptive placement may occur and an adoption petition may be filed regarding the child in a timely manner.

(g) Denial or granting of a motion for an order for adoptive placement after an evidentiary hearing is an appealable order. An appeal shall be conducted according to the requirements of the Rules of Juvenile Protection Procedure.

Subd. 7. Changing adoptive plan when parent has consented to adoption.
When the child's parent has consented to adoption under section 260C.515, subdivision 3, only the person identified by the parent and agreed to by the agency as the prospective adoptive parent qualifies for adoptive placement of the child until the responsible social services agency has reported to the court and the court has found in a hearing under this section that it is not possible to finalize an adoption by the identified prospective adoptive parent within 12 months of the execution of the consent to adopt under section 260C.515, subdivision 3, unless the responsible social services agency certifies that the failure to finalize is not due to either an action or a failure to act by the prospective adoptive parent.

Subd. 8. Timing modified. (a) The court may review the responsible social services agency's reasonable efforts to finalize an adoption more frequently than every 90 days whenever a more frequent review would assist in finalizing the adoption.

(b) In appropriate cases, the court may review the responsible social services agency's reasonable efforts to finalize an adoption less frequently than every 90 days. The court shall not find it appropriate to review progress toward adoption less frequently than every 90 days except when:

(1) the court has approved the agency's reasonable efforts to recruit, identify, and place the child in an adoptive home on a continuing basis for at least 24 months after the court has issued the order for guardianship;

(2) the child is at least 16 years old; and

(3) the child's guardian ad litem agrees that review less frequently than every 90 days is in the child's best interests.

(c) In no event shall the court's review be less frequent than every six months.

Sec. 33. [260C.609] SOCIAL AND MEDICAL HISTORY.

(a) The responsible social services agency shall work with the birth family of the child, foster family, medical and treatment providers, and the child's school to ensure there is a detailed, thorough, and currently up-to-date social and medical history of the child as required under section 259.43 on the forms required by the commissioner.

(b) When the child continues in foster care, the agency's reasonable efforts to complete the history shall begin no later than the permanency progress review hearing required under section 260C.204 or six months after the child's placement in foster care.

(c) The agency shall thoroughly discuss the child's history with the adopting parent of the child and shall give a copy of the report of the child's social and medical history to the adopting parent. A copy of the child's social and medical history may also be given to the child as appropriate.

(d) The report shall not include information that identifies birth relatives. Redacted copies of all the child's relevant evaluations, assessments, and records must be attached to the social and medical history.

Sec. 34. **[260C.611] ADOPTION STUDY REQUIRED.**

An adoption study under section 259.41 approving placement of the child in the home of the prospective adoptive parent shall be completed before placing any child under the guardianship of the commissioner in a home for adoption. If a prospective adoptive parent has previously held a foster care license or adoptive home study, any update necessary to the foster care license, or updated or new adoptive home study, if not completed by the licensing authority responsible for the previous license or home study, shall include collateral information from the previous licensing or approving agency, if available.

Sec. 35. **[260C.613] SOCIAL SERVICES AGENCY AS COMMISSIONER'S AGENT.**

Subdivision 1. **Adoptive placement decisions.** (a) The responsible social services agency has exclusive authority to make an adoptive placement of a child under the guardianship of the commissioner. The child shall be considered placed for adoption when the adopting parent, the agency, and the commissioner have fully executed an adoption placement agreement.

(b) The responsible social services agency shall use an individualized determination of the child's current needs pursuant to section 260C.212, subdivision 2, paragraph (b), to determine the most suitable adopting parent for the child in the child's best interests.

(c) The responsible social services agency shall notify the court and parties entitled to notice under section 260C.607, subdivision 2, when there is a fully executed adoption placement agreement for the child.

(d) In the event an adoption placement agreement terminates, the responsible social services agency shall notify the court, the parties entitled to notice under section 260C.607, subdivision 2, and the commissioner that the agreement and the adoptive placement have terminated.

Subd. 2. Disclosure of data permitted to identify adoptive parent. The responsible social services agency may disclose private data, as defined in section 13.02, to prospective adoptive parents for the purpose of identifying an adoptive parent willing and able to meet the child's needs as outlined in section 260C.212, subdivision 2, paragraph (b).

Subd. 3. Siblings placed together. The responsible social services agency shall place siblings together for adoption according to section 260.012, paragraph (e), clause (4), unless:

(1) the court makes findings required under section 260C.617; and

(2) the court orders that the adoption or progress toward adoption of the child under the court's jurisdiction may proceed notwithstanding that the adoption will result in siblings being separated.

Subd. 4. Other considerations. Placement of a child cannot be delayed or denied based on the race, color, or national origin of the prospective parent or the child.

Subd. 5. Required record keeping. The responsible social services agency shall document, in the records required to be kept under section 259.79, the reasons for the adoptive placement decision regarding the child, including the individualized determination of the child's needs based on the factors in section 260C.212, subdivision 2, paragraph (b), and the assessment of how the selected adoptive placement meets the identified needs of the child. The responsible social services agency shall retain in the records required to be kept under section 259.79, copies of all out-of-home placement plans made since the child was ordered under guardianship of the commissioner and all court orders from reviews conducted pursuant to section 260C.607.

Subd. 6. Death notification. (a) The responsible social services agency shall inform parents who adopt a child that they must notify the agency if the child dies. The agency also shall inform the adoptive parents that the adoptive parents of an adopted child under age 19 or an adopted person age 19 or older may maintain a current address on file with the agency and indicate a desire to be notified if the agency receives information of the death of a birth parent. The agency shall inform birth parents who are entitled to notice under section 259.27, that the agency will notify them of the child's death and the cause

of death, if known, provided that the birth parents desire notice and maintain current addresses on file with the agency. The agency shall inform birth parents entitled to notice under section 259.27, that they may designate individuals to notify the agency if a birth parent dies and that the agency receiving information of the birth parent's death will share the information with adoptive parents, if the adopted person is under age 19, or an adopted person age 19 or older who has indicated a desire to be notified of the death of a birth parent and who maintains a current address on file with the agency.

(b) Notice to a birth parent that a child has died or to the adoptive parents or an adopted person age 19 or older that a birth parent has died shall be provided by an employee of the agency through personal and confidential contact, but not by mail.

Subd. 7. **Terminal illness notification.** If a birth parent or the child is terminally ill, the responsible social services agency shall inform the adoptive parents and birth parents of a child who is adopted that the birth parents, the adoptive parents of an adopted person under age 19, or an adopted person age 19 or older may request to be notified of the terminal illness. The agency shall notify the other parties if a request is received under this subdivision and upon a party's request the agency shall share information regarding a terminal illness with the adoptive or birth parents or an adopted person age 19 or older.

Sec. 36. **[260C.615] DUTIES OF COMMISSIONER.**

Subdivision 1. **Duties.** (a) For any child who is under the guardianship of the commissioner, the commissioner has the exclusive rights to consent to:

(1) a physician's order not to resuscitate or intubate the child or for end-of-life care; and

(2) the child donating a part of the child's body to another person while the child is living.

(b) In addition to the exclusive rights under paragraph (a), the commissioner has a duty to:

(1) process any complete and accurate request for home study through the Interstate Compact on the Placement of Children under section 260.851;

(2) process any complete and accurate application for adoption assistance forwarded by the responsible social services agency;

(3) complete the execution of an adoption placement agreement forwarded to the commissioner by the responsible social services agency and return it to the agency in a timely fashion; and

(4) maintain records as required in chapter 259.

40.1 Subd. 2. **Duties not reserved.** All duties, obligations, and consents not specifically
40.2 reserved to the commissioner in this section are delegated to the responsible social
40.3 services agency.

40.4 Sec. 37. **[260C.617] SIBLING PLACEMENT.**

40.5 (a) The responsible social services agency shall make every effort to place siblings
40.6 together for adoption.

40.7 (b) The court shall review any proposal by the responsible social services agency to
40.8 separate siblings for purposes of adoption.

40.9 (c) If there is venue in more than one county for matters regarding siblings who are
40.10 under the guardianship of the commissioner, the judges conducting reviews regarding
40.11 the siblings shall communicate with each other about the siblings' needs and, where
40.12 appropriate, shall conduct review hearings in a manner that ensures coordinated planning
40.13 by agencies involved in decision making for the siblings.

40.14 (d) After notice to the individuals and entities listed in section 260C.627, the foster
40.15 or prospective adoptive parent of the child, and any foster, adopting, or adoptive parents
40.16 of the child's siblings, or relatives with permanent legal and physical custody of the
40.17 child's sibling, and upon hearing, the court may determine that a child under the court's
40.18 jurisdiction may be separated from the child's sibling for adoption when:

40.19 (1) the responsible social services agency has made reasonable efforts to place the
40.20 siblings together, and after finding reasonable efforts have been made, the court finds
40.21 further efforts would significantly delay the adoption of one or more of the siblings and
40.22 are therefore not in the best interests of one or more of the siblings; or

40.23 (2) the court determines it is not in the best interests of one or more of the siblings to
40.24 be placed together after reasonable efforts by the responsible social services agency to
40.25 place the siblings together.

40.26 Sec. 38. **[260C.619] COMMUNICATION AND CONTACT AGREEMENTS.**

40.27 (a) An adopting parent and a relative or foster parent of the child may enter into an
40.28 agreement regarding communication with or contact between the adopted child, adopting
40.29 parent, and the relative or foster parent. An agreement may be entered between:

40.30 (1) an adopting parent and a birth parent;

40.31 (2) an adopting parent and any relative or foster parent with whom the child resided
40.32 before being adopted; and

40.33 (3) an adopting parent and the parent or legal custodian of a sibling of the child, if
40.34 the sibling is a minor, or any adult sibling of the child.

41.1 (b) An agreement regarding communication with or contact between the child,
41.2 adoptive parents, and a relative or foster parent, is enforceable when the terms of the
41.3 agreement are contained in a written court order. The order must be issued before or at the
41.4 time of the granting of the decree of adoption. The order granting the communication,
41.5 contact, or visitation shall be filed in the adoption file.

41.6 (c) The court shall mail a certified copy of the order to the parties to the agreement or
41.7 their representatives at the addresses provided by the parties to the agreement. Service shall
41.8 be completed in a manner that maintains the confidentiality of confidential information.

41.9 (d) The court shall not enter a proposed order unless the terms of the order have been
41.10 approved in writing by the prospective adoptive parents, the birth relative or the foster
41.11 parent who desires to be a party to the agreement, and the responsible social services
41.12 agency.

41.13 (e) An agreement under this section need not disclose the identity of the parties to be
41.14 legally enforceable and when the identity of the parties to the agreement is not disclosed,
41.15 data about the identities in the adoption file shall remain confidential.

41.16 (f) The court shall not enter a proposed order unless the court finds that the
41.17 communication or contact between the minor adoptee, the adoptive parents, and the
41.18 relative, foster parents, or siblings as agreed upon and contained in the proposed order,
41.19 would be in the child's best interests.

41.20 (g) Failure to comply with the terms of an order regarding communication or contact
41.21 that has been entered by the court under this section is not grounds for:

41.22 (1) setting aside an adoption decree; or

41.23 (2) revocation of a written consent to an adoption after that consent has become
41.24 irrevocable.

41.25 (h) An order regarding communication or contact entered under this section may be
41.26 enforced by filing a motion in the existing adoption file with the court that entered the
41.27 contact agreement. Any party to the communication or contact order or the child who is
41.28 the subject of the order has standing to file the motion to enforce the order. The prevailing
41.29 party may be awarded reasonable attorney fees and costs.

41.30 (i) The court shall not modify an order under this section unless it finds that the
41.31 modification is necessary to serve the best interests of the child, and:

41.32 (1) the modification is agreed to by the parties to the agreement; or

41.33 (2) exceptional circumstances have arisen since the order was entered that justified
41.34 modification of the order.

41.35 **Sec. 39. [260C.621] JURISDICTION AND VENUE.**

Subdivision 1. **Jurisdiction.** (a) The juvenile court has original jurisdiction for all adoption proceedings involving the adoption of a child under the guardianship of the commissioner, including when the commissioner approves the placement of the child through the Interstate Compact on the Placement of Children under section 260.851 for adoption outside the state of Minnesota and an adoption petition is filed in Minnesota.

(b) The receiving state also has jurisdiction to conduct an adoption proceeding for a child under the guardianship of the commissioner when the adopting home was approved by the receiving state through the interstate compact.

Subd. 2. **Venue.** (a) Venue for the adoption of a child committed to the guardianship of the commissioner of human services shall be the court conducting reviews in the matter according to section 260C.607.

(b) Upon request of the responsible social services agency, the court conducting reviews under section 260C.607 may order that filing an adoption petition involving a child under the guardianship of the commissioner be permitted in the county where the adopting parent resides upon determining that:

(1) there is no motion for an order for adoptive placement of the child that has been filed or is reasonably anticipated by the responsible social services agency to be filed; and

(2) filing the petition in the adopting parent's county of residence will expedite the proceedings and serve the best interests of the child.

(c) When the court issues an order under paragraph (b), a copy of the court order shall be filed together with the adoption petition in the court of the adopting parent's county of residence.

(d) The court in the adopting parent's county of residence shall notify the court continuing to conduct reviews under section 260C.607 when the adoption is finalized so that the court conducting reviews under section 260C.607 may close its jurisdiction and the court record, including the court's electronic case record, in the county conducting the review, shall reflect that adoption of the child was finalized.

Sec. 40. **[260C.623] ADOPTION PETITION.**

Subdivision 1. **Who may petition.** (a) The responsible social services agency may petition for the adopting parent to adopt a child who is under the guardianship of the commissioner. The petition shall contain or have attached a statement certified by the adopting parent that the adopting parent desires that the relationship of parent and child be established between the adopting parent and the child and that adoption is in the best interests of the child.

(b) The adopting parent may petition the court for adoption of the child.

43.1 (c) An adopting parent must be at least 21 years of age at the time the adoption
43.2 petition is filed unless the adopting parent is an individual related to the child, as defined
43.3 by section 245A.02, subdivision 13.

43.4 (d) The petition may be filed in Minnesota by an adopting parent who resides within
43.5 or outside the state.

43.6 Subd. 2. **Time for filing petition.** (a) An adoption petition shall be filed not later
43.7 than nine months after the date of the fully executed adoption placement agreement unless
43.8 the court finds that:

43.9 (1) the time for filing a petition be extended because of the child's special needs
43.10 as defined under title IV-E of the federal Social Security Act, United States Code, title
43.11 42, section 672; or

43.12 (2) based on a written plan for completing filing of the petition, including a specific
43.13 timeline, to which the adopting parent has agreed, the time for filing a petition be extended
43.14 long enough to complete the plan because an extension is in the best interests of the child
43.15 and additional time is needed for the child to adjust to the adoptive home.

43.16 (b) If an adoption petition is not filed within nine months of the execution of the
43.17 adoption placement agreement as required under section 260C.613, subdivision 1, and
43.18 after giving the adopting parent written notice of its request together with the date and
43.19 time of the hearing set to consider its report, the responsible social services agency shall
43.20 file a report requesting an order for one of the following:

43.21 (1) that the time for filing a petition be extended because of the child's special needs
43.22 as defined under title IV-E of the federal Social Security Act, United States Code, title
43.23 42, section 673;

43.24 (2) that, based on a written plan for completing filing of the petition, including a
43.25 specific timeline, to which the adopting parent has agreed, the time for filing a petition can
43.26 be extended long enough to complete the plan because an extension is in the best interests
43.27 of the child and additional time is needed for the child to adjust to the adoptive home; or

43.28 (3) that the child can be removed from the adopting home.

43.29 (c) At the conclusion of the review, the court shall issue findings, appropriate orders
43.30 for the parties to take action or steps required to advance the case toward a finalized
43.31 adoption, and set the date and time for the next review hearing.

43.32 Subd. 3. **Requirements of petition.** (a) The petition shall be captioned in the legal
43.33 name of the child as that name is reflected on the child's birth record prior to adoption and
43.34 shall be entitled "Petition to Adopt Child under the Guardianship of the Commissioner
43.35 of Human Services." The actual name of the child shall be supplied to the court by the

44.1 responsible social services agency if unknown to the individual with whom the agency
44.2 has made the adoptive placement.

44.3 (b) The adoption petition shall be verified as required in section 260C.141,
44.4 subdivision 4, and, if filed by the responsible social services agency, signed and approved
44.5 by the county attorney.

44.6 (c) The petition shall state:

44.7 (1) the full name, age, and place of residence of the adopting parent;

44.8 (2) if the adopting parents are married, the date and place of marriage;

44.9 (3) the date the adopting parent acquired physical custody of the child;

44.10 (4) the date of the adopting placement by the responsible social services agency;

44.11 (5) the date of the birth of the child, if known, and the county, state, and country
44.12 where born;

44.13 (6) the name to be given the child, if a change of name is desired;

44.14 (7) the description and value of any real or personal property owned by the child;

44.15 (8) the relationship of the adopting parent to the child prior to adoption, if any;

44.16 (9) whether the Indian Child Welfare Act does or does not apply; and

44.17 (10) the name and address of:

44.18 (i) the child's guardian ad litem;

44.19 (ii) the adoptee, if age ten or older;

44.20 (iii) the child's Indian tribe, if the child is an Indian child; and

44.21 (iv) the responsible social services agency.

44.22 (d) A petition may ask for the adoption of two or more children.

44.23 (e) If a petition is for adoption by a married person, both spouses must sign the
44.24 petition indicating willingness to adopt the child and the petition must ask for adoption by
44.25 both spouses unless the court approves adoption by only one spouse when spouses do not
44.26 reside together or for other good cause shown.

44.27 (f) If the petition is for adoption by a person residing outside the state, the adoptive
44.28 placement must have been approved by the state where the person is a resident through the
44.29 Interstate Compact on the Placement of Children, sections 260.851 to 260.92.

44.30 Subd. 4. **Attachments to the petition.** The following must be filed with the petition:

44.31 (1) the adoption study report required under section 259.41;

44.32 (2) the social and medical history required under sections 259.43 and 260C.609; and

44.33 (3) a document prepared by the petitioner that establishes who must be given notice
44.34 under section 260C.627, subdivision 1, that includes the names and mailing addresses of
44.35 those to be served by the court administrator.

45.1 Sec. 41. **[260C.625] DOCUMENTS FILED BY SOCIAL SERVICES AGENCY.**

45.2 (a) The following shall be filed by the responsible social services agency prior to
45.3 finalization of the adoption:

45.4 (1) a certified copy of the child's birth record;

45.5 (2) a certified copy of the findings and order terminating parental rights or order
45.6 accepting the parent's consent to adoption under section 260C.515, subdivision 3, and for
45.7 guardianship to the commissioner;

45.8 (3) a copy of any communication or contact agreement under section 260C.619;

45.9 (4) certification that the Minnesota Fathers' Adoption Registry has been searched
45.10 which requirement may be met according to the requirements of the Minnesota Rules of
45.11 Adoption Procedure, Rule 32.01, subdivision 2;

45.12 (5) the original of each consent to adoption required, if any, unless the original was
45.13 filed in the permanency proceeding conducted under section 260C.515, subdivision 3, and
45.14 the order filed under clause (2) has a copy of the consent attached; and

45.15 (6) the postplacement assessment report required under section 259.53, subdivision
45.16 2.

45.17 (b) The responsible social services agency shall provide any known aliases of the
45.18 child to the court.

45.19 Sec. 42. **[260C.627] NOTICE OF ADOPTION PROCEEDINGS.**

45.20 Subdivision 1. **To whom given.** (a) Notice of the adoption proceedings shall not
45.21 be given to any parent whose rights have been terminated or who has consented to the
45.22 adoption of the child under this chapter.

45.23 (b) Notice of the adoption proceedings shall be given by the court administrator to
45.24 the following:

45.25 (1) the child's tribe if the child is an Indian child;

45.26 (2) the responsible social services agency;

45.27 (3) the child's guardian ad litem;

45.28 (4) the child, if the child is age ten or over;

45.29 (5) the child's attorney;

45.30 (6) the adopting parent, if the adopting parent is not the petitioner; and

45.31 (7) the petitioner.

45.32 (c) Notice of a hearing regarding the adoption petition shall have a copy of the
45.33 petition attached unless service of the petition has already been accomplished.

46.1 Subd. 2. **Method of service.** Notice of adoption proceedings for a child under the
46.2 guardianship of the commissioner may be served by United States mail or any other
46.3 method approved by the Minnesota Rules of Adoption Procedure.

46.4 Sec. 43. **[260C.629] FINALIZATION HEARING.**

46.5 Subdivision 1. **Consent.** (a) A parent whose rights to the child have not been
46.6 terminated must consent to the adoption of the child. A parent may consent to the adoption
46.7 of the child under section 260C.515, subdivision 3, and that consent shall be irrevocable
46.8 upon acceptance by the court except as otherwise provided in section 260C.515,
46.9 subdivision 3, clause (2)(i). A parent of an Indian child may consent to the adoption of
46.10 the child according to United States Code, title 25, section 1913, and that consent may be
46.11 withdrawn for any reason at any time before the entry of a final decree of adoption.

46.12 (b) When the child to be adopted is age 14 years or older, the child's written consent
46.13 to adoption by the adopting person is required.

46.14 (c) Consent by the responsible social services agency or the commissioner is not
46.15 required because the adoptive placement has been made by the responsible social services
46.16 agency.

46.17 Subd. 2. **Required documents.** In order to issue a decree for adoption and enter
46.18 judgment accordingly, the court must have the following documents in the record:

46.19 (1) original birth record of the child;

46.20 (2) adoption study report including a background study required under section
46.21 259.41;

46.22 (3) a certified copy of the findings and order terminating parental rights or order
46.23 accepting the parent's consent to adoption under section 260C.515, subdivision 3, and for
46.24 guardianship to the commissioner;

46.25 (4) any consents required under subdivision 1;

46.26 (5) child's social and medical history under section 260C.609;

46.27 (6) postplacement assessment report required under section 259.53, subdivision 2,
46.28 unless waived by the court on the record at a hearing under section 260C.607; and

46.29 (7) report from the child's guardian ad litem.

46.30 Sec. 44. **[260C.631] JUDGMENT AND DECREE.**

46.31 (a) After taking testimony from the responsible social services agency, which may
46.32 be by telephone or affidavit if the court has transferred venue of the matter to a county
46.33 not conducting the posttermination of parental rights reviews under section 260C.607,
46.34 and the adopting parent, if the court finds that it is in the best interests of the child that

47.1 the petition be granted, a decree of adoption shall be issued ordering that the child to be
47.2 adopted shall be the child of the adopting parent. In the decree, the court may change the
47.3 name of the adopted child, if a name change is requested.

47.4 (b) After the decree is granted, the court administrator shall mail a copy of the decree
47.5 to the commissioner of human services.

47.6 Sec. 45. **[260C.633] ADOPTION DENIED.**

47.7 If the court is not satisfied that the proposed adoption is in the best interests of the
47.8 child to be adopted, the court shall deny the petition, and order the responsible social
47.9 services agency to take appropriate action for the protection and safety of the child. If
47.10 venue has been transferred under section 260C.621, subdivision 2, the court denying
47.11 the petition shall notify the court originally conducting the guardianship reviews under
47.12 section 260C.607.

47.13 Sec. 46. **[260C.635] EFFECT OF ADOPTION.**

47.14 Subdivision 1. **Legal effect.** (a) Upon adoption, the adopted child becomes the legal
47.15 child of the adopting parent and the adopting parent becomes the legal parent of the child
47.16 with all the rights and duties between them of a birth parent and child.

47.17 (b) The child shall inherit from the adoptive parent and the adoptive parent's
47.18 relatives the same as though the child were the birth child of the parent, and in case of the
47.19 child's death intestate, the adoptive parent and the adoptive parent's relatives shall inherit
47.20 the child's estate as if the child had been the adoptive parent's birth child.

47.21 (c) After a decree of adoption is entered, the birth parents or previous legal parents
47.22 of the child shall be relieved of all parental responsibilities for the child except child
47.23 support that has accrued to the date of the order for guardianship to the commissioner
47.24 which continues to be due and owing. The child's birth or previous legal parent shall not
47.25 exercise or have any rights over the adopted child or the adopted child's property, person,
47.26 privacy, or reputation.

47.27 (d) The adopted child shall not owe the birth parents or the birth parent's relatives
47.28 any legal duty nor shall the adopted child inherit from the birth parents or kindred unless
47.29 otherwise provided for in a will of the birth parent or kindred.

47.30 Subd. 2. **Enrollment in American Indian tribe.** Notwithstanding the provisions
47.31 of subdivision 1, the adoption of a child whose birth parent or parents are enrolled in an
47.32 American Indian tribe shall not change the child's enrollment in that tribe.

Subd. 3. **Communication or contact agreements.** This section does not prohibit birth parents, relatives, birth or legal siblings, and adoptive parents from entering a communication or contact agreement under section 260C.619.

Sec. 47. Minnesota Statutes 2010, section 541.04, is amended to read:

541.04 JUDGMENTS, TEN ~~OR 20~~ YEARS.

No action shall be maintained upon a judgment or decree of a court of the United States, or of any state or territory thereof, unless begun within ten years after the entry of such judgment ~~or, in the case of a judgment for child support, including a judgment by operation of law, unless begun within 20 years after entry of the judgment.~~

EFFECTIVE DATE. The amendments to this section are effective retroactively from April 15, 2010, the date the language stricken in this section was finally enacted.

Sec. 48. Minnesota Statutes 2010, section 548.09, subdivision 1, is amended to read:

Subdivision 1. **Entry and docketing; survival of judgment.** Except as provided in section 548.091, every judgment requiring the payment of money shall be entered by the court administrator when ordered by the court and will be docketed by the court administrator upon the filing of an affidavit as provided in subdivision 2. Upon a transcript of the docket being filed with the court administrator in any other county, the court administrator shall also docket it. From the time of docketing the judgment is a lien, in the amount unpaid, upon all real property in the county then or thereafter owned by the judgment debtor, but it is not a lien upon registered land unless it is also recorded pursuant to sections 508.63 and 508A.63. The judgment survives, and the lien continues, for ten years after its entry ~~or, in the case of a judgment for child support, including a judgment by operation of law, for 20 years after its entry.~~ Child support judgments may be renewed pursuant to section 548.091.

EFFECTIVE DATE. The amendments to this section are effective retroactively from April 15, 2010, the date the language stricken in this section was finally enacted.

Sec. 49. Minnesota Statutes 2010, section 626.556, subdivision 2, is amended to read:

Subd. 2. **Definitions.** As used in this section, the following terms have the meanings given them unless the specific content indicates otherwise:

(a) "Family assessment" means a comprehensive assessment of child safety, risk of subsequent child maltreatment, and family strengths and needs that is applied to a child maltreatment report that does not allege substantial child endangerment. Family

assessment does not include a determination as to whether child maltreatment occurred but does determine the need for services to address the safety of family members and the risk of subsequent maltreatment.

(b) "Investigation" means fact gathering related to the current safety of a child and the risk of subsequent maltreatment that determines whether child maltreatment occurred and whether child protective services are needed. An investigation must be used when reports involve substantial child endangerment, and for reports of maltreatment in facilities required to be licensed under chapter 245A or 245B; under sections 144.50 to 144.58 and 241.021; in a school as defined in sections 120A.05, subdivisions 9, 11, and 13, and 124D.10; or in a nonlicensed personal care provider association as defined in sections 256B.04, subdivision 16, and 256B.0625, subdivision 19a.

(c) "Substantial child endangerment" means a person responsible for a child's care, and in the case of sexual abuse includes a person who has a significant relationship to the child as defined in section 609.341, or a person in a position of authority as defined in section 609.341, who by act or omission commits or attempts to commit an act against a child under their care that constitutes any of the following:

- (1) egregious harm as defined in section 260C.007, subdivision 14;
- (2) sexual abuse as defined in paragraph (d);
- (3) abandonment under section 260C.301, subdivision 2;
- (4) neglect as defined in paragraph (f), clause (2), that substantially endangers the child's physical or mental health, including a growth delay, which may be referred to as failure to thrive, that has been diagnosed by a physician and is due to parental neglect;
- (5) murder in the first, second, or third degree under section 609.185, 609.19, or 609.195;
- (6) manslaughter in the first or second degree under section 609.20 or 609.205;
- (7) assault in the first, second, or third degree under section 609.221, 609.222, or 609.223;
- (8) solicitation, inducement, and promotion of prostitution under section 609.322;
- (9) criminal sexual conduct under sections 609.342 to 609.3451;
- (10) solicitation of children to engage in sexual conduct under section 609.352;
- (11) malicious punishment or neglect or endangerment of a child under section 609.377 or 609.378;
- (12) use of a minor in sexual performance under section 617.246; or
- (13) parental behavior, status, or condition which mandates that the county attorney file a termination of parental rights petition under section 260C.301, subdivision 3, paragraph (a).

(d) "Sexual abuse" means the subjection of a child by a person responsible for the child's care, by a person who has a significant relationship to the child, as defined in section 609.341, or by a person in a position of authority, as defined in section 609.341, subdivision 10, to any act which constitutes a violation of section 609.342 (criminal sexual conduct in the first degree), 609.343 (criminal sexual conduct in the second degree), 609.344 (criminal sexual conduct in the third degree), 609.345 (criminal sexual conduct in the fourth degree), or 609.3451 (criminal sexual conduct in the fifth degree). Sexual abuse also includes any act which involves a minor which constitutes a violation of prostitution offenses under sections 609.321 to 609.324 or 617.246. Sexual abuse includes threatened sexual abuse.

(e) "Person responsible for the child's care" means (1) an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or (2) an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, other school employees or agents, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching, and coaching.

(f) "Neglect" means the commission or omission of any of the acts specified under clauses (1) to (9), other than by accidental means:

(1) failure by a person responsible for a child's care to supply a child with necessary food, clothing, shelter, health, medical, or other care required for the child's physical or mental health when reasonably able to do so;

(2) failure to protect a child from conditions or actions that seriously endanger the child's physical or mental health when reasonably able to do so, including a growth delay, which may be referred to as a failure to thrive, that has been diagnosed by a physician and is due to parental neglect;

(3) failure to provide for necessary supervision or child care arrangements appropriate for a child after considering factors as the child's age, mental ability, physical condition, length of absence, or environment, when the child is unable to care for the child's own basic needs or safety, or the basic needs or safety of another child in their care;

(4) failure to ensure that the child is educated as defined in sections 120A.22 and 260C.163, subdivision 11, which does not include a parent's refusal to provide the parent's child with sympathomimetic medications, consistent with section 125A.091, subdivision 5;

(5) nothing in this section shall be construed to mean that a child is neglected solely because the child's parent, guardian, or other person responsible for the child's care in

51.1 good faith selects and depends upon spiritual means or prayer for treatment or care of
51.2 disease or remedial care of the child in lieu of medical care; except that a parent, guardian,
51.3 or caretaker, or a person mandated to report pursuant to subdivision 3, has a duty to report
51.4 if a lack of medical care may cause serious danger to the child's health. This section does
51.5 not impose upon persons, not otherwise legally responsible for providing a child with
51.6 necessary food, clothing, shelter, education, or medical care, a duty to provide that care;

51.7 (6) prenatal exposure to a controlled substance, as defined in section 253B.02,
51.8 subdivision 2, used by the mother for a nonmedical purpose, as evidenced by withdrawal
51.9 symptoms in the child at birth, results of a toxicology test performed on the mother at
51.10 delivery or the child at birth, or medical effects or developmental delays during the child's
51.11 first year of life that medically indicate prenatal exposure to a controlled substance;

51.12 (7) "medical neglect" as defined in section 260C.007, subdivision 6, clause (5);

51.13 (8) chronic and severe use of alcohol or a controlled substance by a parent or
51.14 person responsible for the care of the child that adversely affects the child's basic needs
51.15 and safety; or

51.16 (9) emotional harm from a pattern of behavior which contributes to impaired
51.17 emotional functioning of the child which may be demonstrated by a substantial and
51.18 observable effect in the child's behavior, emotional response, or cognition that is not
51.19 within the normal range for the child's age and stage of development, with due regard to
51.20 the child's culture.

51.21 (g) "Physical abuse" means any physical injury, mental injury, or threatened injury,
51.22 inflicted by a person responsible for the child's care on a child other than by accidental
51.23 means, or any physical or mental injury that cannot reasonably be explained by the child's
51.24 history of injuries, or any aversive or deprivation procedures, or regulated interventions,
51.25 that have not been authorized under section 121A.67 or 245.825.

51.26 Abuse does not include reasonable and moderate physical discipline of a child
51.27 administered by a parent or legal guardian which does not result in an injury. Abuse does
51.28 not include the use of reasonable force by a teacher, principal, or school employee as
51.29 allowed by section 121A.582. Actions which are not reasonable and moderate include,
51.30 but are not limited to, any of the following that are done in anger or without regard to the
51.31 safety of the child:

51.32 (1) throwing, kicking, burning, biting, or cutting a child;

51.33 (2) striking a child with a closed fist;

51.34 (3) shaking a child under age three;

51.35 (4) striking or other actions which result in any nonaccidental injury to a child
51.36 under 18 months of age;

- 52.1 (5) unreasonable interference with a child's breathing;
- 52.2 (6) threatening a child with a weapon, as defined in section 609.02, subdivision 6;
- 52.3 (7) striking a child under age one on the face or head;
- 52.4 (8) purposely giving a child poison, alcohol, or dangerous, harmful, or controlled
- 52.5 substances which were not prescribed for the child by a practitioner, in order to control or
- 52.6 punish the child; or other substances that substantially affect the child's behavior, motor
- 52.7 coordination, or judgment or that results in sickness or internal injury, or subjects the
- 52.8 child to medical procedures that would be unnecessary if the child were not exposed
- 52.9 to the substances;
- 52.10 (9) unreasonable physical confinement or restraint not permitted under section
- 52.11 609.379, including but not limited to tying, caging, or chaining; or
- 52.12 (10) in a school facility or school zone, an act by a person responsible for the child's
- 52.13 care that is a violation under section 121A.58.
- 52.14 (h) "Report" means any report received by the local welfare agency, police
- 52.15 department, county sheriff, or agency responsible for assessing or investigating
- 52.16 maltreatment pursuant to this section.
- 52.17 (i) "Facility" means:
- 52.18 (1) a licensed or unlicensed day care facility, residential facility, agency, hospital,
- 52.19 sanitarium, or other facility or institution required to be licensed under sections 144.50 to
- 52.20 144.58, 241.021, or 245A.01 to 245A.16, or chapter 245B;
- 52.21 (2) a school as defined in sections 120A.05, subdivisions 9, 11, and 13; and
- 52.22 124D.10; or
- 52.23 (3) a nonlicensed personal care provider organization as defined in sections 256B.04,
- 52.24 subdivision 16, and 256B.0625, subdivision 19a.
- 52.25 (j) "Operator" means an operator or agency as defined in section 245A.02.
- 52.26 (k) "Commissioner" means the commissioner of human services.
- 52.27 (l) "Practice of social services," for the purposes of subdivision 3, includes but is
- 52.28 not limited to employee assistance counseling and the provision of guardian ad litem and
- 52.29 parenting time expeditor services.
- 52.30 (m) "Mental injury" means an injury to the psychological capacity or emotional
- 52.31 stability of a child as evidenced by an observable or substantial impairment in the child's
- 52.32 ability to function within a normal range of performance and behavior with due regard to
- 52.33 the child's culture.
- 52.34 (n) "Threatened injury" means a statement, overt act, condition, or status that
- 52.35 represents a substantial risk of physical or sexual abuse or mental injury. Threatened

53.1 injury includes, but is not limited to, exposing a child to a person responsible for the
53.2 child's care, as defined in paragraph (e), clause (1), who has:

53.3 (1) subjected a child to, or failed to protect a child from, an overt act or condition
53.4 that constitutes egregious harm, as defined in section 260C.007, subdivision 14, or a
53.5 similar law of another jurisdiction;

53.6 (2) been found to be palpably unfit under section 260C.301, paragraph (b), clause
53.7 (4), or a similar law of another jurisdiction;

53.8 (3) committed an act that has resulted in an involuntary termination of parental rights
53.9 under section 260C.301, or a similar law of another jurisdiction; or

53.10 (4) committed an act that has resulted in the involuntary transfer of permanent legal
53.11 and physical custody of a child to a relative under section 260C.201, subdivision 11,
53.12 paragraph (d), clause (1), or a similar law of another jurisdiction.

53.13 A child is the subject of a report of threatened injury when the responsible social
53.14 services agency receives birth match data under paragraph (o) from the Department of
53.15 Human Services.

53.16 (o) Upon receiving data under section 144.225, subdivision 2b, contained in a
53.17 birth record or recognition of parentage identifying a child who is subject to threatened
53.18 injury under paragraph (n), the Department of Human Services shall send the data to the
53.19 responsible social services agency. The data is known as "birth match" data. Unless the
53.20 responsible social services agency has already begun an investigation or assessment of the
53.21 report due to the birth of the child or execution of the recognition of parentage and the
53.22 parent's previous history with child protection, the agency shall accept the birth match
53.23 data as a report under this section. The agency may use either a family assessment or
53.24 investigation to determine whether the child is safe. All of the provisions of this section
53.25 apply. If the child is determined to be safe, the agency shall consult with the county
53.26 attorney to determine the appropriateness of filing a petition alleging the child is in need
53.27 of protection or services under section 260C.007, subdivision 6, clause (16), in order to
53.28 deliver needed services. If the child is determined not to be safe, the agency and the county
53.29 attorney shall take appropriate action as required under section 260C.301, subdivision 3.

53.30 ~~(p)~~ (p) Persons who conduct assessments or investigations under this section
53.31 shall take into account accepted child-rearing practices of the culture in which a child
53.32 participates and accepted teacher discipline practices, which are not injurious to the child's
53.33 health, welfare, and safety.

53.34 ~~(p)~~ (q) "Accidental" means a sudden, not reasonably foreseeable, and unexpected
53.35 occurrence or event which:

54.1 (1) is not likely to occur and could not have been prevented by exercise of due
 54.2 care; and

54.3 (2) if occurring while a child is receiving services from a facility, happens when the
 54.4 facility and the employee or person providing services in the facility are in compliance
 54.5 with the laws and rules relevant to the occurrence or event.

54.6 ~~(q)~~ (r) "Nonmaltreatment mistake" means:

54.7 (1) at the time of the incident, the individual was performing duties identified in the
 54.8 center's child care program plan required under Minnesota Rules, part 9503.0045;

54.9 (2) the individual has not been determined responsible for a similar incident that
 54.10 resulted in a finding of maltreatment for at least seven years;

54.11 (3) the individual has not been determined to have committed a similar
 54.12 nonmaltreatment mistake under this paragraph for at least four years;

54.13 (4) any injury to a child resulting from the incident, if treated, is treated only with
 54.14 remedies that are available over the counter, whether ordered by a medical professional or
 54.15 not; and

54.16 (5) except for the period when the incident occurred, the facility and the individual
 54.17 providing services were both in compliance with all licensing requirements relevant to the
 54.18 incident.

54.19 This definition only applies to child care centers licensed under Minnesota
 54.20 Rules, chapter 9503. If clauses (1) to (5) apply, rather than making a determination of
 54.21 substantiated maltreatment by the individual, the commissioner of human services shall
 54.22 determine that a nonmaltreatment mistake was made by the individual.

54.23 Sec. 50. Minnesota Statutes 2010, section 626.556, subdivision 10f, is amended to read:

54.24 Subd. 10f. **Notice of determinations.** Within ten working days of the conclusion
 54.25 of a family assessment, the local welfare agency shall notify the parent or guardian
 54.26 of the child of the need for services to address child safety concerns or significant risk
 54.27 of subsequent child maltreatment. The local welfare agency and the family may also
 54.28 jointly agree that family support and family preservation services are needed. Within ten
 54.29 working days of the conclusion of an investigation, the local welfare agency or agency
 54.30 responsible for assessing or investigating the report shall notify the parent or guardian
 54.31 of the child, the person determined to be maltreating the child, and if applicable, the
 54.32 director of the facility, of the determination and a summary of the specific reasons for
 54.33 the determination. When the investigation involves a child foster care setting that is
 54.34 monitored by a private licensing agency under section 245A.16, the local welfare agency
 54.35 responsible for assessing or investigating the report shall notify the private licensing

agency of the determination and shall provide a summary of the specific reasons for the determination. The notice to the private licensing agency must include identifying private data, but not the identity of the reporter of maltreatment. The notice must also include a certification that the information collection procedures under subdivision 10, paragraphs (h), (i), and (j), were followed and a notice of the right of a data subject to obtain access to other private data on the subject collected, created, or maintained under this section. In addition, the notice shall include the length of time that the records will be kept under subdivision 11c. The investigating agency shall notify the parent or guardian of the child who is the subject of the report, and any person or facility determined to have maltreated a child, of their appeal or review rights under this section ~~or section 256.022~~. The notice must also state that a finding of maltreatment may result in denial of a license application or background study disqualification under chapter 245C related to employment or services that are licensed by the Department of Human Services under chapter 245A, the Department of Health under chapter 144 or 144A, the Department of Corrections under section 241.021, and from providing services related to an unlicensed personal care provider organization under chapter 256B.

Sec. 51. Minnesota Statutes 2010, section 626.556, subdivision 10i, is amended to read:

Subd. 10i. **Administrative reconsideration; review panel.** (a) Administrative reconsideration is not applicable in family assessments since no determination concerning maltreatment is made. For investigations, except as provided under paragraph (e), an individual or facility that the commissioner of human services, a local social service agency, or the commissioner of education determines has maltreated a child, an interested person acting on behalf of the child, regardless of the determination, who contests the investigating agency's final determination regarding maltreatment, may request the investigating agency to reconsider its final determination regarding maltreatment. The request for reconsideration must be submitted in writing to the investigating agency within 15 calendar days after receipt of notice of the final determination regarding maltreatment or, if the request is made by an interested person who is not entitled to notice, within 15 days after receipt of the notice by the parent or guardian of the child. If mailed, the request for reconsideration must be postmarked and sent to the investigating agency within 15 calendar days of the individual's or facility's receipt of the final determination. If the request for reconsideration is made by personal service, it must be received by the investigating agency within 15 calendar days after the individual's or facility's receipt of the final determination. Effective January 1, 2002, an individual who was determined to have maltreated a child under this section and who was disqualified on the basis of serious or

56.1 recurring maltreatment under sections 245C.14 and 245C.15, may request reconsideration
56.2 of the maltreatment determination and the disqualification. The request for reconsideration
56.3 of the maltreatment determination and the disqualification must be submitted within 30
56.4 calendar days of the individual's receipt of the notice of disqualification under sections
56.5 245C.16 and 245C.17. If mailed, the request for reconsideration of the maltreatment
56.6 determination and the disqualification must be postmarked and sent to the investigating
56.7 agency within 30 calendar days of the individual's receipt of the maltreatment
56.8 determination and notice of disqualification. If the request for reconsideration is made by
56.9 personal service, it must be received by the investigating agency within 30 calendar days
56.10 after the individual's receipt of the notice of disqualification.

56.11 (b) Except as provided under paragraphs (e) and (f), if the investigating agency
56.12 denies the request or fails to act upon the request within 15 working days after receiving
56.13 the request for reconsideration, the person or facility entitled to a fair hearing under section
56.14 256.045 may submit to the commissioner of human services or the commissioner of
56.15 education a written request for a hearing under that section. Section 256.045 also governs
56.16 hearings requested to contest a final determination of the commissioner of education. ~~For~~
56.17 ~~reports involving maltreatment of a child in a facility, an interested person acting on behalf~~
56.18 ~~of the child may request a review by the Child Maltreatment Review Panel under section~~
56.19 ~~256.022 if the investigating agency denies the request or fails to act upon the request or~~
56.20 ~~if the interested person contests a reconsidered determination.~~ The investigating agency
56.21 shall notify persons who request reconsideration of their rights under this paragraph.
56.22 The request must be submitted in writing to the review panel and a copy sent to the
56.23 investigating agency within 30 calendar days of receipt of notice of a denial of a request
56.24 for reconsideration or of a reconsidered determination. The request must specifically
56.25 identify the aspects of the agency determination with which the person is dissatisfied.

56.26 (c) If, as a result of a reconsideration or review, the investigating agency changes
56.27 the final determination of maltreatment, that agency shall notify the parties specified in
56.28 subdivisions 10b, 10d, and 10f.

56.29 (d) Except as provided under paragraph (f), if an individual or facility contests the
56.30 investigating agency's final determination regarding maltreatment by requesting a fair
56.31 hearing under section 256.045, the commissioner of human services shall assure that the
56.32 hearing is conducted and a decision is reached within 90 days of receipt of the request for
56.33 a hearing. The time for action on the decision may be extended for as many days as the
56.34 hearing is postponed or the record is held open for the benefit of either party.

56.35 (e) If an individual was disqualified under sections 245C.14 and 245C.15, on
56.36 the basis of a determination of maltreatment, which was serious or recurring, and

the individual has requested reconsideration of the maltreatment determination under paragraph (a) and requested reconsideration of the disqualification under sections 245C.21 to 245C.27, reconsideration of the maltreatment determination and reconsideration of the disqualification shall be consolidated into a single reconsideration. If reconsideration of the maltreatment determination is denied and the individual remains disqualified following a reconsideration decision, the individual may request a fair hearing under section 256.045. If an individual requests a fair hearing on the maltreatment determination and the disqualification, the scope of the fair hearing shall include both the maltreatment determination and the disqualification.

(f) If a maltreatment determination or a disqualification based on serious or recurring maltreatment is the basis for a denial of a license under section 245A.05 or a licensing sanction under section 245A.07, the license holder has the right to a contested case hearing under chapter 14 and Minnesota Rules, parts 1400.8505 to 1400.8612. As provided for under section 245A.08, subdivision 2a, the scope of the contested case hearing shall include the maltreatment determination, disqualification, and licensing sanction or denial of a license. In such cases, a fair hearing regarding the maltreatment determination and disqualification shall not be conducted under section 256.045. Except for family child care and child foster care, reconsideration of a maltreatment determination as provided under this subdivision, and reconsideration of a disqualification as provided under section 245C.22, shall also not be conducted when:

(1) a denial of a license under section 245A.05 or a licensing sanction under section 245A.07, is based on a determination that the license holder is responsible for maltreatment or the disqualification of a license holder based on serious or recurring maltreatment;

(2) the denial of a license or licensing sanction is issued at the same time as the maltreatment determination or disqualification; and

(3) the license holder appeals the maltreatment determination or disqualification, and denial of a license or licensing sanction.

Notwithstanding clauses (1) to (3), if the license holder appeals the maltreatment determination or disqualification, but does not appeal the denial of a license or a licensing sanction, reconsideration of the maltreatment determination shall be conducted under sections 626.556, subdivision 10i, and 626.557, subdivision 9d, and reconsideration of the disqualification shall be conducted under section 245C.22. In such cases, a fair hearing shall also be conducted as provided under sections 245C.27, 626.556, subdivision 10i, and 626.557, subdivision 9d.

If the disqualified subject is an individual other than the license holder and upon whom a background study must be conducted under chapter 245C, the hearings of all

58.1 parties may be consolidated into a single contested case hearing upon consent of all parties
58.2 and the administrative law judge.

58.3 (g) For purposes of this subdivision, "interested person acting on behalf of the
58.4 child" means a parent or legal guardian; stepparent; grandparent; guardian ad litem; adult
58.5 stepbrother, stepsister, or sibling; or adult aunt or uncle; unless the person has been
58.6 determined to be the perpetrator of the maltreatment.

58.7 Sec. 52. Minnesota Statutes 2010, section 626.556, subdivision 11, is amended to read:

58.8 Subd. 11. **Records.** (a) Except as provided in paragraph (b) ~~or (d)~~ and subdivisions
58.9 10b, 10d, 10g, and 11b, all records concerning individuals maintained by a local welfare
58.10 agency or agency responsible for assessing or investigating the report under this
58.11 section, including any written reports filed under subdivision 7, shall be private data on
58.12 individuals, except insofar as copies of reports are required by subdivision 7 to be sent to
58.13 the local police department or the county sheriff. All records concerning determinations
58.14 of maltreatment by a facility are nonpublic data as maintained by the Department of
58.15 Education, except insofar as copies of reports are required by subdivision 7 to be sent
58.16 to the local police department or the county sheriff. Reports maintained by any police
58.17 department or the county sheriff shall be private data on individuals except the reports
58.18 shall be made available to the investigating, petitioning, or prosecuting authority, including
58.19 county medical examiners or county coroners. Section 13.82, subdivisions 8, 9, and 14,
58.20 apply to law enforcement data other than the reports. The local social services agency or
58.21 agency responsible for assessing or investigating the report shall make available to the
58.22 investigating, petitioning, or prosecuting authority, including county medical examiners or
58.23 county coroners or their professional delegates, any records which contain information
58.24 relating to a specific incident of neglect or abuse which is under investigation, petition, or
58.25 prosecution and information relating to any prior incidents of neglect or abuse involving
58.26 any of the same persons. The records shall be collected and maintained in accordance with
58.27 the provisions of chapter 13. In conducting investigations and assessments pursuant to
58.28 this section, the notice required by section 13.04, subdivision 2, need not be provided to a
58.29 minor under the age of ten who is the alleged victim of abuse or neglect. An individual
58.30 subject of a record shall have access to the record in accordance with those sections,
58.31 except that the name of the reporter shall be confidential while the report is under
58.32 assessment or investigation except as otherwise permitted by this subdivision. Any person
58.33 conducting an investigation or assessment under this section who intentionally discloses
58.34 the identity of a reporter prior to the completion of the investigation or assessment is
58.35 guilty of a misdemeanor. After the assessment or investigation is completed, the name of

the reporter shall be confidential. The subject of the report may compel disclosure of the name of the reporter only with the consent of the reporter or upon a written finding by the court that the report was false and that there is evidence that the report was made in bad faith. This subdivision does not alter disclosure responsibilities or obligations under the Rules of Criminal Procedure.

(b) Upon request of the legislative auditor, data on individuals maintained under this section must be released to the legislative auditor in order for the auditor to fulfill the auditor's duties under section 3.971. The auditor shall maintain the data in accordance with chapter 13.

(c) The commissioner of education must be provided with all requested data that are relevant to a report of maltreatment and are in possession of a school facility as defined in subdivision 2, paragraph (i), when the data is requested pursuant to an assessment or investigation of a maltreatment report of a student in a school. If the commissioner of education makes a determination of maltreatment involving an individual performing work within a school facility who is licensed by a board or other agency, the commissioner shall provide necessary and relevant information to the licensing entity to enable the entity to fulfill its statutory duties. Notwithstanding section 13.03, subdivision 4, data received by a licensing entity under this paragraph are governed by section 13.41 or other applicable law governing data of the receiving entity, except that this section applies to the classification of and access to data on the reporter of the maltreatment.

~~(d) The investigating agency shall exchange not public data with the Child Maltreatment Review Panel under section 256.022 if the data are pertinent and necessary for a review requested under section 256.022. Upon completion of the review, the not public data received by the review panel must be returned to the investigating agency.~~

Sec. 53. **REPEALER.**

Minnesota Statutes 2010, section 256.022, is repealed.

Sec. 54. **EFFECTIVE DATE.**

Sections 8 to 46 are effective on August 1, 2012, contingent upon the enactment of S.F. No. 1173.