

CHAPTER 587—H. F. No. 1158

An act relating to child welfare; providing for notice to commissioner of public welfare in adoptive placements; visitation, importation, and exportation of children for adoption; and licensing and supervision of agencies placing children for adoption; amending Minnesota Statutes 1953, Sections 257.03, 257.04, 257.05, 257.06, 257.091, 257.121, and 257.123.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1953, Section 257.03, is amended to read:

257.03 Notice to commissioner of public welfare. *Any person receiving a child in his home with intent to adopt him or keep him permanently, except a person receiving a child from an authorized agency, must notify the commissioner of public welfare in writing within 30 days after the child is received. Notice shall state the true name of the child; his last previous address; the name and address of his parents or legal guardian and of persons with whom he last resided; and the names and addresses or [of] persons who placed him in the home, arranged for, or assisted with arrangements for his placement there; and such other facts about the child or the home as the commissioner may require. It is the duty of the commissioner or his designated agent to investigate the circumstances surrounding the child's entry into the home and to take appropriate action to assure for the child, the natural parents, and the foster parents the full protection of all laws of Minnesota relating to custody and foster care of children. Except as provided by section 317.65, no person shall solicit, receive, or accept any payment, promise of payment, or compensation, for placing a child in foster care or for assisting to place a child in foster care. Nor shall any person pay or promise to pay or in any way compensate any person, for placing or for assisting to place a child in foster care.*

Sec. 2. Minnesota Statutes 1953, Section 257.04 is amended to read:

257.04 Investigation of home. *Upon receipt of the notice provided for in section 257.03 the commissioner of public welfare or his designated agent shall visit the child and the home and shall continue to visit and supervise the home and the child or take other appropriate action to assure that the welfare of the child, his natural parents and his foster parents are fully protected.*

Sec. 3. Minnesota Statutes 1953, Section 257.05 is amended to read:

257.05 Importation. No person shall bring or send into the state any child for the purpose of placing him out or procuring his adoption without first obtaining the consent of the commissioner of public welfare, and such person shall conform to *all* rules of the commissioner of public welfare and laws of the State of Minnesota relating to protection of children in foster care. He shall file with the commissioner of public welfare a bond to the state, approved by the commissioner of public welfare, in the penal sum of \$1,000, conditioned that he will not send or bring into the state any child who is incorrigible or unsound of mind or body; that he will remove any such child who becomes a public charge or who, in the opinion of the commissioner of public welfare, becomes a menace to the community prior to his adoption or becoming of legal age; provided, however, that the commissioner of public welfare may in his discretion waive the filing of a bond and accept in lieu thereof a written guarantee of responsibility in such form as he shall prescribe. Before any child shall be brought or sent into the state for the purpose of placing him in foster care, the person bringing or sending the child into the state shall first notify the commissioner of public welfare of his intention, and shall obtain from the commissioner of public welfare a certificate stating that *the home in which the child is to be placed is, in the opinion of the commissioner of public welfare, a suitable adoptive home for the child if legal adoption is contemplated or that the home meets the commissioner's requirements for licensing of foster homes if legal adoption is not contemplated. The commissioner is responsible for protecting the child's interests so long as he remains within the state and until he reaches the age of 21 or is legally adopted. Notice to the commissioner shall state the name, age, and personal description of the child, and the name and address of the person with whom the child is to be placed, and such other information about the child and the foster home as may be required by the commissioner.*

Sec. 4. Minnesota Statutes 1953, Section 257.06 is amended to read:

257.06 Written agreement. *No person except a parent or guardian may take or send a child out of the state for purposes of placing him in foster care without first obtaining the approval of the commissioner of public welfare.*

Sec. 5. Minnesota Statutes 1953, Section 257.091 is amended to read:

257.091 Private agencies to care for and place children. The commissioner of public welfare shall pass annually on the fitness of every *person or agency* engaging in the business, for

gain or otherwise, of receiving and caring for children or placing them in *foster care*. The fitness of agencies shall be determined by the commissioner on the basis of conformity to rules established by the commissioner to govern their operation. Each agency shall make available all facts regarding its operations and services which the commissioner requires to determine its ability and competence to give service and care adequately for children received. When the commissioner is satisfied that an agency conforms to the rules governing its operation or is making satisfactory progress toward full conformity to such rules and is giving the services to children it purports to give, he shall issue a license to the agency. The license shall continue in force for one year unless sooner revoked by him. A list of licensed agencies shall be sent by the commissioner annually to all juvenile courts and to all the agencies so approved. The list shall contain a description of the scope of service to children for which each agency has been approved. No unlicensed *person or agency* shall receive a child for care or placing out, place a child in *foster care*, *in any way assist with plans for his placement in foster care*, or solicit money in behalf of such agency. All licensed agencies are subject to review and supervision by the commissioner and shall receive consultation as needed from the commissioner to strengthen services to children and to achieve the purpose of this section.

Sec. 6. Minnesota Statutes 1953, Section 257.121 is amended to read:

257.121 **Burden of proof.** In a prosecution under the provisions of sections 257.01 to 257.123, or any penal law related thereto, a defendant who relies for defense upon the relationship of any infant to himself shall have the burden of proof as to such relationship.

Sec. 7. Minnesota Statutes 1953, Section 257.123 is amended to read:

257.123 **Violations, penalties.** Every person who violates any of the provisions of sections 257.01 to 257.121 shall upon conviction of the first offense, be guilty of a misdemeanor. The second or subsequent offense shall be a gross misdemeanor.

Approved April 20, 1955.

CHAPTER 588—H. F. No. 1160

[Coded in Part]

An act relating to aid to permanently and totally disabled persons; amending Minnesota Statutes 1953, Section 245.22,