

assessment shall be added interest on the entire assessment from a date specified in the resolution levying the assessment, not earlier than the date of the resolution, until December 31 of the year in which the first installment is payable, and to each subsequent installment shall be added interest for one year on all unpaid installments; or alternatively, any assessment may be made payable in equal annual installments including principal and interest, each in the amount annually required to pay the principal over such period with interest at such rate as the resolution determines, not exceeding the maximum period and rate specified above. In the latter event no prepayment shall be accepted under subdivision 3 without payment of all installments due to and including December 31 of the year of prepayment, together with the original principal amount reduced only by the amounts of principal included in such installments, computed on an annual amortization basis. When payment of an assessment is deferred, as authorized in this subdivision, interest thereon for the period of deferment may be made payable annually at the same times as the principal installments of the assessment would have been payable if not deferred; or interest for this period may be added to the principal amount of the assessment when it becomes payable; or, if so provided in the resolution levying the assessment, interest thereon to December 31 of the year before the first installment is payable may be forgiven.

Sec. 6. Minnesota Statutes 1978, Section 462.358, is amended by adding a subdivision to read:

Subd. 9. UNPLATTED PARCELS. Subdivision regulations adopted by municipalities may apply to parcels which are taken from existing parcels of record by metes and bounds descriptions, and the governing body or building authority may deny the issuance of building permits to any parcels so divided, pending compliance with subdivision regulations.

Sec. 7. **PRIOR SPECIAL ASSESSMENTS DEFERRED; NOTICE.** In the case of special assessments deferred prior to the effective date of this act, the governmental unit shall file with the county recorder prior to January 1, 1982 a certified list of the affected properties and the amount of the unpaid deferment on each property.

Approved April 14, 1980

CHAPTER 561—H.F.No. 1727

An act relating to family; providing that natural parents may obtain a copy of an adopted child's original birth certificate; authorizing a multi-purpose declaration of parentage; providing counsel for certain minor parents; allowing parents ten days to revoke consent to adoption; providing a pre-adoption residency of three months; changing certain procedures and criteria for termination of parental rights; amending Minnesota Statutes 1978, Sections 144.218, Subdivision 1; 144.225, Subdivision 2; 259.24, Subdivisions 2 and 5, and by adding a subdivision; 259.25, Subdivision 1, and

Changes or additions indicated by underline deletions by ~~strikeout~~

by adding a subdivision; 259.27, Subdivision 4; 260.221; 260.241, Subdivisions 1 and 2; and Chapters 257 and 260, by adding sections; repealing Minnesota Statutes, 1979 Supplement, Sections 259.24, Subdivision 6; and 259.25, Subdivision 2.

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

Section 1. Minnesota Statutes 1978, Section 144.218, Subdivision 1, is amended to read:

144.218 NEW CERTIFICATES OF BIRTH. Subdivision 1. Upon receipt of a certified copy of an order, decree, or certificate of adoption, the state registrar shall register a supplementary certificate in the new name of the adopted person. The original certificate of birth and the certified copy are confidential pursuant to section 15.162, subdivision 2a, and shall not be disclosed except pursuant to court order or section 144.1761. A certified copy of the original birth certificate from which the registration number has been deleted and which has been marked "Not for Official Use," or the information contained on the original birth certificate, except for the registration number, shall be provided on request to a parent who is named on the original birth certificate. Upon the receipt of a certified copy of a court order of annulment of adoption the state registrar shall restore the original certificate to its original place in the file.

Sec. 2. Minnesota Statutes 1978, Section 144.225, Subdivision 2, is amended to read:

Subd. 2. Disclosure of information pertaining to births out of wedlock or information from which it can be ascertained, shall be made only to the guardian of the person, the person to whom the record pertains when the person is 18 years of age or older, a parent of the person born out of wedlock as provided by section 1, or upon order of a court of competent jurisdiction. The birth and death records of the commissioner of health shall be open to inspection by the commissioner of public welfare and it shall not be necessary for him to obtain an order of the court in order to inspect records or to secure certified copies thereof.

Sec. 3. Minnesota Statutes 1978, Chapter 257, is amended by adding a section to read:

[257.34] DECLARATON OF PARENTAGE. Subdivision 1. The mother and father of an illegitimate child may, in a writing signed by both of them before a notary public, declare and acknowledge under oath that they are the biological parents of the child. The declaration may provide that any illegitimate child born to the mother on or before ten months after the date of execution of the declaration is the biological child of the signatories. Execution of the declaration shall:

(a) Have the same consequences as an acknowledgement by the signatories of parentage of the child for the purposes of sections 62A.041 and 62C.14, subdivision 5a;

(b) Be conclusive evidence that the signatories are parents of the child for the purposes of sections 176.111 and 197.09 to 197.11;

Changes or additions indicated by underline deletions by ~~strikeout~~

(c) Have the same consequences as an acknowledgement by the father of paternity of the child for the purposes of sections 257.251 and 257.252;

(d) When timely filed with the division of vital statistics of the Minnesota department of health as provided in section 259.261, qualify as an affidavit stating the intention of the signatories to retain parental rights as provided in section 259.261 if it contains the information required by section 259.261 or rules promulgated thereunder;

(e) Have the same consequences as a writing declaring paternity of the child for the purposes of section 525.172; and

(f) Be conclusive evidence that the signatories are parents of the child for the purposes of chapter 573.

Subd. 2. The declaration authorized by subdivision 1 shall be conclusive evidence of all the matters stated therein and shall have the same effect as an adjudication of paternity for the purposes of the statutory provisions described in subdivision 1.

Subd. 3. The declaration authorized by subdivision 1 shall not affect the rights or duties arising out of a parent-child relationship of any person not a signatory to the declaration claiming to be the parent of the child nor shall the declaration impair any rights of the child arising out of a parent-child relationship against any person not a signatory to the declaration.

Sec. 4. Minnesota Statutes 1978, Section 259.24, Subdivision 2, is amended to read:

Subd. 2. **PARENTS, GUARDIAN.** If a parent who consents to the adoption of an illegitimate child is under 18 years of age, the consent of his parents or guardian, if any, also shall be required; if either or both the parents are disqualified for any of the reasons enumerated in subdivision 1, the consent of such parent shall be waived, and the consent of the guardian only shall be sufficient; and, if there be neither parent nor guardian qualified to give such consent, the consent may be given by the commissioner. The agency overseeing the adoption proceedings shall ensure that the minor parent is offered the opportunity to consult with an attorney, a clergyman or a physician before consenting to adoption of the child. The advice or opinion of the attorney, clergyman or physician shall not be binding on the minor parent. If the minor parent cannot afford the cost of consulting with an attorney, clergyman or physician, the county shall bear that cost.

Sec. 5. Minnesota Statutes 1978, Section 259.24, Subdivision 5, is amended to read:

Subd. 5. **EXECUTION.** All consents to an adoption, except those by the commissioner, his agent, a licensed child-placing agency, or the child's parent when that parent is either a co-petitioner in the adoption proceeding or does not have custody of the child, shall be executed before a representative of the commissioner, his agent or a licensed child-placing agency. In addition all

consents to an adoption shall be in writing ~~and shall contain notice to the parent of the substance of section 6, providing for the right to withdraw consent.~~ Consents shall be executed before two competent witnesses and acknowledged by the consenting party. 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. 6. Minnesota Statutes 1978, Section 259.24, is amended by adding a subdivision to read:

Subd. 6a. WITHDRAWAL OF CONSENT. A parent's consent to adoption may be withdrawn for any reason within ten working days 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 acknowledgement, the consent shall become irrevocable, except upon order of a court of competent jurisdiction after written findings that consent was obtained by fraud. In proceedings to determine the existence of fraud, the adoptive parents and the child shall be made parties. The proceedings shall be conducted to preserve the confidentiality of the adoption process. There shall be no presumption in the proceedings favoring the natural parents over the adoptive parents.

Sec. 7. Minnesota Statutes 1978, Section 259.25, Subdivision 1, is amended to read:

259.25 AGREEMENT CONFERRING AUTHORITY TO PLACE FOR ADOPTION. Subdivision 1. **CONSENTS REQUIRED.** The parents and guardian, if there be one, of a legitimate child may enter into a written agreement with the commissioner of public welfare or an agency, giving the commissioner or such agency authority to place the child for adoption. The parents of an illegitimate child also may enter into such written agreement, but, if he is under the age of 18 years the written consent of his parents and guardian, if any, also shall be required; if either or both of the parents are disqualified from giving such consent for any of the reasons enumerated in section 259.24, subdivision 1, then the written consent of the guardian shall be required. Such agreement and consent shall be in the form prescribed by the commissioner and shall contain notice to the parent of the substance of section 8 providing for the right to revoke the agreement. The agreement shall be executed by the commissioner or agency, or one of their authorized agents, and all other necessary parties, and shall be filed, together with the consent, in the proceedings for the adoption of the child.

Sec. 8. Minnesota Statutes 1978, Section 259.25, is amended by adding a subdivision to read:

Subd. 2a. REVOCATION. A parent's agreement to authorize placing a child for adoption may be revoked for any reason within ten working days after the agreement is executed. Written notification of revocation must be received by the agency which was given authority to place the child no later than the tenth

working day after the agreement is executed. On the day following the tenth working day after execution the agreement shall become irrevocable, except upon order of a court of competent jurisdiction after written findings that the agreement was obtained by fraud. Proceedings to determine the existence of fraud shall be conducted as provided in section 6 for proceedings to determine fraud in obtaining consent.

Sec. 9. Minnesota Statutes 1978, Section 259.27, Subdivision 4, is amended to read:

Subd. 4. **PREADOPTON RESIDENCE.** No petition shall be granted until the child shall have lived ~~six~~ three months in the proposed home, subject to a right of visitation by the commissioner or an agency or their authorized representatives.

Sec. 10. Minnesota Statutes 1978, Section 260.221, is amended to read:

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

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

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

(1) That the ~~parents have~~ parent has abandoned the child; or

(2) That the ~~parents have~~ parent has substantially and continuously, or repeatedly refused or neglected to give the child necessary parental care and protection comply with the duties imposed upon that parent by the parent and child relationship, including but not limited to providing the child with necessary food, clothing, shelter, education, and other care and control necessary for the child's physical, mental or emotional health and development, if the parent is physically and financially able; or

(3) That, ~~although the parents are financially able, they have substantially and continuously neglected to provide the child with necessary subsistence, education, or other care necessary for his physical or mental health or morals or have neglected to pay for such subsistence, education or other care when legal custody is lodged with others a parent has been ordered to contribute to the support of the child or financially aid in the child's birth and has continuously failed to do so without good cause. This clause shall not be construed to state a grounds for termination of parental rights of a noncustodial parent if that parent has not been ordered to or cannot financially contribute to the support of the child or aid in the child's birth;~~ or

(4) That the parents are unfit by reason of debauchery, intoxication or habitual use of narcotic drugs, or repeated lewd and lascivious behavior, or other conduct found by the court to be likely to be detrimental to the physical or mental health or morals of the child a parent is palpably unfit to be a party to the parent and child relationship because of a consistent pattern of specific conduct

Changes or additions indicated by underline deletions by ~~strikeout~~

before the child or of specific conditions directly relating to the parent and child relationship either of which are determined by the court to be permanently detrimental to the physical or mental health of the child; or

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

(6) That in the case of an illegitimate child the person is not entitled to notice of an adoption hearing under section 259.26 and either the person has not filed a notice of his intention to retain parental rights under section 259.261 or that such notice has been successfully challenged; or

(7) That the child is neglected and in foster care.

Sec. 11. Minnesota Statutes 1978, Section 260.241, Subdivision 1, is amended to read:

260.241 TERMINATION OF PARENTAL RIGHTS; EFFECT. Subdivision 1. If, after a hearing, the court finds by clear and convincing evidence that one or more of the conditions set out in section 260.221 exist, it may terminate parental rights. If the court terminates parental rights of both parents, or of the mother if the child is illegitimate, or of the only living parent, the court shall order guardianship and legal custody of the child transferred to:

(a) The commissioner of public welfare; or

(b) A licensed child placing agency; or

(c) A reputable individual of good moral character. Upon the termination of parental rights all rights, powers, privileges, immunities, duties, and obligations, including any rights to custody, control, visitation, or support existing between the child and parent shall be severed and terminated and the parent shall have no standing to appear at any further legal proceeding concerning the child. Provided, however, that a parent whose parental rights are terminated shall remain liable for the unpaid balance of any support obligation owed under a court order upon the effective date of the order terminating parental rights.

Sec. 12. Minnesota Statutes 1978, Section 260.241, Subdivision 2, is amended to read:

Subd. 2. (a) A guardian appointed under the provisions of subdivision 1 has legal custody of his ward unless the court which appoints him gives legal custody to some other person. If the court awards such custody to a person other than such guardian, the guardian nonetheless has the right and responsibility of reasonable visitation, except as limited by court order.

(b) Such guardian may make major decisions affecting the person of his ward, including but not limited to giving consent (when such consent is legally required) to the marriage, enlistment in the armed forces, medical, surgical, or psychiatric treatment, or adoption of the ward. When, pursuant to clause (a) of subdivision 1, the commissioner of public welfare is appointed such guardian, he

Changes or additions indicated by underline deletions by ~~strikeout~~

may delegate to the welfare board of the county in which, after such appointment, the ward resides, the authority to act for him in decisions affecting the person of his 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) A guardianship created under the provisions of subdivision 1 shall not in itself include the guardianship of any estate of the ward. An order terminating the parent and child relationship shall not disentitle a child to any benefit due the child from any third person, agency, state, or the United States, nor shall any action under this section be deemed to affect any rights and benefits that a child derives from the child's descent from a member of a federally recognized Indian tribe.

Sec. 13. Minnesota Statutes 1978, Chapter 260, is amended by adding a section to read:

[260.242] GUARDIAN. Subdivision 1. If the court terminates parental rights of both parents or of the only known living parent, the court shall order the guardianship and the legal custody of the child transferred to:

(a) The commissioner of public welfare; or

(b) A licensed child placing agency; or

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

Subd. 2. (a) A guardian appointed under the provisions of subdivision 1 has legal custody of his ward unless the court which appoints him gives legal custody to some other person. If the court awards custody to a person other than the guardian, the guardian nonetheless has the right and responsibility of reasonable visitation, except as limited by court order.

(b) The guardian may make major decisions affecting the person of his ward, including but not limited to giving consent (when consent is legally required) to the marriage, enlistment in the armed forces, medical, surgical, or psychiatric treatment, or adoption of the ward. When, pursuant to subdivision 1, clause (a), the commissioner of public welfare is appointed guardian, he may delegate to the welfare board of the county in which, after the appointment, the ward resides, the authority to act for him in decisions affecting the person of his 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) A guardianship created under the provisions of subdivision 1 shall not of itself include the guardianship of the estate of the ward.

Sec. 14. Minnesota Statutes, 1979 Supplement, Sections 259.24, Subdivision 6, and 259.25, Subdivision 2, are repealed.

Sec. 15. Sections 1 to 3 are effective the day following final enactment. Sections 4 to 9 are effective August 1, 1980 for consents to adoption, agreements

Changes or additions indicated by underline deletions by ~~strikeout~~.

to placement and pre-adoption residences commenced on or after that date. Sections 10 to 13 are effective August 1, 1980.

Approved April 14, 1980

CHAPTER 562—H.F.No. 1838

An act relating to taxation; real property; providing for the assessment of neighborhood real estate trusts; clarifying the treatment of cooperatives and charitable corporations; allowing lending institutions and original sellers to qualify as tenant-stockholders of cooperative apartment corporations; amending Minnesota Statutes 1978, Sections 273.13, by adding a subdivision; 273.133, Subdivision 1; and 290.09, Subdivision 17, and by adding a subdivision.

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

Section 1. Minnesota Statutes 1978, Section 273.13, is amended by adding a subdivision to read:

Subd. 17d. NEIGHBORHOOD REAL ESTATE TRUSTS. When a structure, consisting of one or more dwelling units, is owned by a neighborhood real estate trust and at least 60 percent of the dwelling units are leased to or occupied by a lower income family as defined by section 8 of the United States Housing Act of 1937, as amended, the structure shall be assessed at 20 percent of the market value. This subdivision shall not apply to any portion of the structure used for nonresidential purposes.

For purposes of this subdivision, neighborhood real estate trust means an entity which (a) is a nonprofit corporation organized under chapter 317; (b) has as its principal purpose providing housing for lower income families in a specific geographic community designated in its articles or bylaws; (c) limits membership with voting rights to residents of the designated community; and (d) has a board of directors consisting of at least seven directors, 60 percent of whom are voting members and 25 percent of whom are elected by resident members of buildings owned by the trust.

Sec. 2. Minnesota Statutes 1978, Section 273.133, Subdivision 1, is amended to read:

273.133 CLASSIFICATION OF COOPERATIVES, CHARITABLE AND NONPROFIT CORPORATIONS. Subdivision 1. **COOPERATIVES AND CHARITABLE CORPORATIONS.** When a building which contains one or more dwellings, or one or more buildings which each contain several dwelling units is , are owned by a corporation or association organized under sections 308.05 to 308.18, and each person who owns a share or shares in the corporation or association is entitled to occupy a dwelling, or dwelling unit in the building, the corporation or association may claim homestead treatment for each dwelling, or for each unit in

Changes or additions indicated by underline deletions by ~~strikeout~~