

(d) emergency employees who are employed for emergency work caused by natural disaster;

(e) part time employees whose service does not exceed the lesser of 14 hours per week or 35 percent of the normal work week in the employee's bargaining unit;

(f) employees who hold positions of a basically temporary or seasonal character for a period not in excess of 100 working days in any calendar year;

The exclusions of clauses (e) and (f) shall not apply to:

(1) an employee hired by a school district to replace an absent teacher who at the time of his absence is a "public employee" not within the other exclusions of this subdivision where the replacement employee is employed more than 30 working days as a replacement for that teacher; and

(2) an employee hired by a school district for a teaching position created by increased enrollment, curriculum expansion, courses which are a part of the curriculum whether offered annually or not, or other appropriate reasons.

Employees included as "public employees" pursuant to clauses (1) and (2) shall not be included under master contracts expiring June 30, 1981, for purposes of salary or fringe benefits;

(g) employees of charitable hospitals as defined by section 179.35, subdivision 3;

(h) full time undergraduate students employed by the school which they attend under a work study program or in connection with the receipt of any financial aid, irrespective of number of hours of service per week;

(i) an individual who renders part time teaching service for less than 300 hours in a fiscal year as an instructor in an adult vocational education program.

Sec. 3. EFFECTIVE DATE.

Section 1 is effective the day following final enactment, except that the portion of clause (2) (b) relating to the regular rate of pay received per hour of work by a sugar beet hand laborer shall only be effective until December 31, 1981. Section 2 is effective July 1, 1981.

Approved May 28, 1981

CHAPTER 290 — S.F.No. 436

An act relating to children; providing for review of foster care status of certain children; amending Minnesota Statutes 1980, Sections 245.783, Subdivision 3; 257.071, Subdivisions 2, 3 and 4; 260.015, Subdivision 7; 260.111, Subdivision 2; and 260.131, by adding a subdivision; proposing new law to be coded in Minnesota Statutes, Chapter 260.

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

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

Section 1. Minnesota Statutes 1980, Section 257.071, Subdivision 2, is amended to read:

Subd. 2. SIX MONTH REVIEW OF VOLUNTARY PLACEMENTS.

If the child has been placed in a residential facility pursuant to a voluntary release by his parent or parents, the case plan shall be reviewed by the persons involved in its preparation 180 days subject to an administrative review 180 days after the initial placement of the child in a residential facility if the child is not returned to the home of his parent or parents within that time. As an alternative to the administrative review, the social service agency responsible for the placement may bring a petition as provided in section 260.131, subdivision 1a, to the court for review of the foster care to determine if placement is in the best interests of the child. This petition must be brought to the court within six months and is not in lieu of the requirements contained in subdivision 3 or subdivision 4.

Sec. 2. Minnesota Statutes 1980, Section 257.071, Subdivision 3, is amended to read:

Subd. 3. REVIEW OF VOLUNTARY PLACEMENTS. Subject to the provisions of subdivision 4, if the child has been placed in a residential facility pursuant to a voluntary release by his parent or parents, and is not returned to his home within 18 months after his initial placement in the residential facility, the social service agency responsible for the placement shall:

(a) Return the child to the home of his parent or parents; or

(b) File an appropriate petition pursuant to section 260.131, subdivision 1, or 260.231, and if the petition is dismissed, petition the court within two years, pursuant to section 7, to determine if the placement is in the best interests of the child.

Sec. 3. Minnesota Statutes 1980, Section 257.071, Subdivision 4, is amended to read:

Subd. 4. REVIEW OF DEVELOPMENTALLY DISABLED CHILD PLACEMENTS. If a developmentally disabled child, as that term is defined in Title 42, United States Code, Section 6001 (7), as amended through December 31, 1979, has been placed in a ~~foster home~~ residential facility pursuant to a voluntary release by the child's parent or parents because of the child's handicapping conditions, the social service agency responsible for the placement shall bring a petition for review of the child's foster care status, pursuant to section 7, rather than a petition as required by section 257.071, subdivision 3, clause (b), after the child has been in foster care for 18 months. Whenever a petition for review is brought pursuant to this subdivision, a guardian ad litem shall be appointed for the child.

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Upon a petition for review of foster care, the court may:

(a) Find that the child's needs are being met and that the child is in foster care because of the handicapping condition; in which case the court shall order the case to be reviewed again in two years;

(b) Find that the child's needs are not being met; in which case the court shall order the social service agency or the parents to take whatever action is necessary and feasible to meet the child's needs, including, when appropriate, the provision by the social service agency of support to the parents which would enable the child to live at home; or

(c) Find that the child, although handicapped, has been abandoned by his parents financially or emotionally, or that the child is not handicapped so as to require out of home care; in which case the court shall order the social service agency to file an appropriate petition pursuant to section 260.131 or 260.231.

Sec. 4. Minnesota Statutes 1980, Section 260.015, Subdivision 7, is amended to read:

Subd. 7. "Facility for Foster care" means any facility for foster care defined in section 257.081, subdivision 4 the 24 hour a day care of a child in any facility which for gain or otherwise regularly provides one or more children, when unaccompanied by their parents, with a substitute for the care, food, lodging, training, education, supervision or treatment they need but which for any reason cannot be furnished by their parents or legal guardians in their homes.

Sec. 5. Minnesota Statutes 1980, Section 245.783, Subdivision 3, is amended to read:

Subd. 3. Before issuing a license or renewing a license, the commissioner shall conduct a study of the applicant and the agency or the day care or residential facility. The bureau of criminal apprehension, a county attorney, a county sheriff, and a chief of a local police department with the informed consent of the subject of the data shall assist in this study by providing to the commissioner, the director of any local agency responsible for licensing, or their representatives all criminal conviction data available from local, state, and national criminal history record repositories, including the criminal justice data communications network, pertaining to the following individuals connected with the application for or renewal of a license: applicants, operators, all persons living in the household, all staff of any day care or residential facility and all staff of agencies placing children for care. If the commissioner is satisfied that the provisions of Laws 1976, Chapter 243 and the applicable rules and regulations promulgated by him are substantially met, a license shall be issued. If the results of the study indicate that all of the applicable laws, rules and regulations cannot be met immediately, but can and will be met within one

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year or less, and the deviations do not threaten the health, rights, or safety of persons to be served, a provisional license ~~shall~~ may be issued for a period not to exceed one year from the date of issuance.

The commissioner may request advice from persons using the facility, agency, or service, operators of a similar facility, agency, or service, and relevant professionals as part of the evaluation of an applicant.

Sec. 6. Minnesota Statutes 1980, Section 260.111, Subdivision 2, is amended to read:

Subd. 2. **JURISDICTION OVER OTHER MATTERS RELATING TO CHILDREN.** Except as provided in clause (d), the juvenile court has *original and exclusive jurisdiction in proceedings concerning:*

(a) The termination of parental rights to a child in accordance with the provisions of sections 260.221 to 260.245.

(b) The appointment and removal of a juvenile court guardian of the person for a child, where parental rights have been terminated under the provisions of sections 260.221 to 260.245.

(c) Judicial consent to the marriage of a child when required by law.

(d) Adoptions. The juvenile court in those counties in which the judge of the probate-juvenile court has been admitted to the practice of law in this state shall proceed under the laws relating to adoption in all adoption matters. In those counties in which the judge of the probate-juvenile court has not been admitted to the practice of law in this state the district court shall proceed under the laws relating to adoptions in all adoption matters.

(e) The review of the foster care status of a child who has been placed in a residential facility, as defined in section 257.071, subdivision 1, pursuant to a voluntary release by his parent or parents.

Sec. 7. Minnesota Statutes 1980, Section 260.131, is amended by adding a subdivision to read:

Subd. 1a. **REVIEW OF FOSTER CARE STATUS.** The social service agency responsible for the placement of a child in a residential facility, as defined in section 257.071, subdivision 1, pursuant to a voluntary release by the child's parent or parents may bring a petition in juvenile court to review the foster care status of the child in the manner provided in this section.

Sec. 8. **[260.192] DISPOSITIONS; VOLUNTARY FOSTER CARE PLACEMENTS.**

Upon a petition for review of the foster care status of a child, the court may:

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(a) Find that the child's needs are being met and that the child's placement in foster care is in the best interests of the child, in which case the court shall approve the voluntary arrangement. The court shall order the social service agency responsible for the placement to bring a petition pursuant to either section 260.131, subdivision 1 or section 260.131, subdivision 1a, as appropriate, within two years if court review was pursuant to section 257.071, subdivision 3 or subdivision 4, or within one year if court review was pursuant to section 257.071, subdivision 2.

(b) Find that the child's needs are not being met, in which case the court shall order the social service agency or the parents to take whatever action is necessary and feasible to meet the child's needs, including, when appropriate, the provision by the social service agency of services to the parents which would enable the child to live at home, and shall order the case to be reviewed again within one year.

(c) Find that the child has been abandoned by his parents financially or emotionally, or that the developmentally disabled child does not require out-of-home care because of the handicapping condition, in which case the court shall order the social service agency to file an appropriate petition pursuant to sections 260.131, subdivision 1, or 260.231.

Approved May 28, 1981

CHAPTER 291 — S.F.No. 440

An act establishing the North Koochiching county waste water treatment board; prescribing its duties and powers; providing for the treatment and disposal of waste water in described areas.

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

Section 1. DEFINITIONS.

Subdivision 1. The terms defined in this section have the meaning given to them unless otherwise indicated by the context.

Subd. 2. "East Koochiching county sewer district" means the area for which the county of Koochiching has established a sewer district under that name in accordance with Minnesota Statutes, Chapter 116A.

Subd. 3. "Papermakers sewer district" means the area for which the county of Koochiching has established a sewer district under that name in accordance with Minnesota Statutes, Chapter 116A.

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