

Sec. 2. **EFFECTIVE DATE.**

Section 1 is effective the day following final enactment.

Presented to the governor April 24, 1997

Signed by the governor April 28, 1997, 10:48 a.m.

CHAPTER 65—S.F.No. 432

An act relating to children; modifying execution and consent requirements for designated caregiver agreements; amending Minnesota Statutes 1996, sections 171.07, subdivision 11; 257A.01, subdivision 2, and by adding a subdivision; and 257A.03, subdivision 2.

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

Section 1. Minnesota Statutes 1996, section 171.07, subdivision 11, is amended to read:

Subd. 11. **DESIGNATED PARENT CAREGIVER.** (a) Upon the written request of the applicant on a form developed by the department, which contains the information specified in paragraph (b), and upon payment of an additional fee of \$3.50, the department shall issue a driver's license or Minnesota identification card bearing a symbol or other appropriate identifier indicating that the license holder has appointed an individual to serve as a designated parent caregiver under chapter 257A.

(b) The form shall provide as follows:

“...(Name of parent(s))... appoints ...(name of designated parent caregiver)... to provide care for ...(name of child or children)... when requested by the parent(s) or when the parent(s) is unable to care for the child (children) and unable to request the designated parent's caregiver's assistance.

The designated parent caregiver will care for the child (children) named in this form for (choose one of the following):

(indicate a specified period of time that is less than one year); or

(indicate that care is to be provided for one year).

The designated parent caregiver has the powers and duties to make decisions and meet the child's (children's) needs in the areas checked or specified below:

education

health care

religion

day care

recreation

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other

.....

.....

.....

The designated parent caregiver (choose one of the following):

is ...

is not ...

authorized to make decisions about financial issues and control financial resources provided for the child (children) by the parent.

This designated parent caregiver agreement is effective for four years following the date it is signed by the parent(s), designated parent caregiver, any child age 14 or older, and any alternate designated parent caregiver. However, the agreement may be canceled by a parent, a designated parent caregiver, or an alternate designated parent caregiver at any time before that date, upon notice to the other parties to the agreement. All parents who have court-ordered visitation rights to the child must consent to the agreement.

(Parent(s) Signature(s) of parent(s) with legal custody and Minnesota driver's license(s) or Minnesota identification card number(s))

(Designated parent caregiver signature, Minnesota driver's license or Minnesota identification card number, address, and telephone number)

(Alternate designated parent caregiver signature, Minnesota driver's license or Minnesota identification card number, address, and telephone number)

(Child age 14 or older signature

(Date

(Notarization)”

(c) The department shall maintain a computerized records system of all persons listed as designated parents caregivers by driver's license and identification card applicants. This data shall be released to appropriate law enforcement agencies under section 13.69. Upon a parent's request and payment of a fee of \$3.50, the department shall revise its list of designated parents caregivers and alternates to reflect a change in the appointment of a designated parent caregiver.

(d) At the request of the license or card holder, the department shall cancel the designated parent caregiver indication without additional charge. However, this paragraph does not prohibit a fee that may be applicable for a duplicate or replacement license or card, renewal of a license, or other service applicable to a driver's license or identification card.

(e) Notwithstanding sections 13.08, subdivision 1, and 13.69, the department and department employees are conclusively presumed to be acting in good faith when employees rely on statements made, in person or by telephone, by persons purporting to be law enforcement and subsequently release information described in paragraph (b). When

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acting in good faith, the department and department personnel are immune from civil liability and not subject to suit for damages resulting from the release of this information.

(f) The department and its employees:

(1) have no duty to inquire or otherwise determine whether a form submitted under this subdivision contains the signatures of all parents who have legal custody of a child or whether all parents who have court-ordered visitation rights to the child have consented to the agreement; and

(2) are immune from all civil liability and not subject to suit for damages resulting from a claim that any parent with legal custody of a child has not signed the form or that a parent who has court-ordered visitation rights to the child did not consent to the agreement.

(g) Of the fees received by the department under this subdivision:

(1) Up to \$111,000 received in fiscal year 1997 and up to \$61,000 received in subsequent fiscal years must be deposited in the general fund.

(2) All other fees must be deposited in the trunk highway fund.

Sec. 2. Minnesota Statutes 1996, section 257A.01, subdivision 2, is amended to read:

Subd. 2. **CONSENTS AND NOTICE REQUIRED.** (a) The agreement must be executed by all parents with physical legal custody of the child and must have the consent of every parent who has court-ordered visitation rights to the child. The agreement becomes operative when none of the parents with physical custody is able to care for the child. As soon as practicable after executing an agreement, a copy of the agreement must be given to any noncustodial parent of the child and to every child age 14 or older to whom the agreement applies.

(b) Consent of a parent required under paragraph (a) may be given in writing or may be established by mailing a notice regarding the designated caregiver agreement to the parent's last known address. The notice must include the name of the proposed designated caregiver and inform the parent whose consent is required that the parent's consent to the agreement will be implied if the parent does not object within 30 days. If the parent does not object to the agreement orally or in writing within 30 days, the consent of the parent is implied.

Sec. 3. Minnesota Statutes 1996, section 257A.01, is amended by adding a subdivision to read:

Subd. 3. **WHEN OPERATIVE.** The agreement becomes operative when none of the parents with physical custody is able to care for the child because of an emergency or temporary period of incapacitation. If the parents have joint physical custody and the parent who is caring for the child is unable to do so, a designated caregiver may provide temporary care until the other parent is able to assume care.

Sec. 4. Minnesota Statutes 1996, section 257A.03, subdivision 2, is amended to read:

Subd. 2. **NOTICE TO NONCUSTODIAL PARENT; VISITATION RIGHTS.** (a) As soon as practicable after assuming care of a child, the designated parent shall notify any noncustodial parent that the designated parent has assumed care of the child.

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(b) Court-ordered visitation rights of a noncustodial parent continue while the child is in the care of the designated parent, unless otherwise modified by the court. A designated parent agreement does not affect the right of a parent without physical custody to bring a custody motion under chapter 518. If a parent with legal custody is not the designated caregiver, the parent may bring a motion for temporary physical custody, which may continue until the parent with physical custody is able to resume care of the child. The court shall award that parent temporary physical custody unless it finds it would not be in the best interests of the child.

Sec. 5. INSTRUCTION TO REVISOR.

The revisor of statutes shall change the term "designated parent" or variations of the term to "designated caregiver" wherever they appear in Minnesota Statutes.

Presented to the governor April 24, 1997

Signed by the governor April 28, 1997, 10:54 a.m.

CHAPTER 66—S.F.No. 145

An act relating to reemployment insurance; making technical and administrative changes; providing civil and criminal penalties; providing for a waiver from certain waiting periods for certain individuals; amending Minnesota Statutes 1996, sections 268.0111, by adding a subdivision; 268.022, subdivision 1; 268.04, subdivisions 5, 15, 17, 25, and by adding subdivisions; 268.06, subdivisions 1, 3a, 6, 8, 8a, 18, 19, 20, 21, 22, 24, 25, 26, 27, 28, 29, and 31; 268.07, subdivisions 2, 3, 3a, and 3b; 268.071, subdivisions 3, 6, and 9; 268.08, subdivisions 1, 2, 3, 3a, 3b, 10, and by adding a subdivision; 268.09, subdivision 3, and by adding subdivisions; 268.101, subdivisions 2, 3, 4, and by adding a subdivision; 268.105; 268.11, subdivision 3; 268.12, subdivisions 8 and 9a; 268.121; 268.14, subdivision 1; 268.16, subdivision 2; 268.161, subdivisions 4, 6, and 7; 268.167; 268.18, subdivisions 1, 2, 3, 4, 6, and by adding a subdivision; and 268.21; proposing coding for new law in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 1996, sections 268.026; 268.04, subdivisions 8, 13, 14, 20, 21, 32, and 35; 268.06, subdivisions 2, 4, 5, 30, and 33; 268.073, subdivision 7; 268.09, subdivisions 1, 2, 4, 5, 6, 7, and 8; 268.12, subdivisions 2, 4, 5, 7, and 11; 268.14, subdivisions 3 and 4; 268.16, subdivision 8; 268.161, subdivision 3; 268.165; and 268.18, subdivision 5.

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

Section 1. Minnesota Statutes 1996, section 268.0111, is amended by adding a subdivision to read:

Subd. 3a. DEPARTMENT. "Department" means the department of economic security.

Sec. 2. Minnesota Statutes 1996, section 268.022, subdivision 1, is amended to read:

Subdivision 1. **DETERMINATION AND COLLECTION OF SPECIAL ASSESSMENT.** (a) In addition to all other contributions, assessments, and payment obligations under chapter 268, each employer, except an employer making payments in lieu of

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