

(3) the expenses associated with the municipal activities for which fees were collected.

EFFECTIVE DATE. This section is effective the day after final enactment.

Presented to the governor April 1, 2003

Signed by the governor April 3, 2003, 12:15 p.m.

CHAPTER 7—S.F.No. 356

An act relating to family law; changing certain provisions of the de facto custodian law; amending Minnesota Statutes 2002, sections 257C.01, subdivision 2; 257C.07.

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

Section 1. Minnesota Statutes 2002, section 257C.01, subdivision 2, is amended to read:

Subd. 2. **DE FACTO CUSTODIAN.** (a) “De facto custodian” means an individual who has been the primary caretaker for a child who has, within the 24 months immediately preceding the filing of the petition, resided with the individual without a parent present and with a lack of demonstrated consistent participation by a parent for a period of:

(1) six months or more, which need not be consecutive, if the child is under three years of age; or

(2) one year or more, which need not be consecutive, if the child is three years of age or older.

(b) For purposes of the definition in this subdivision, any period of time after a legal proceeding has been commenced and filed must not be included in determining whether the child has resided with the individual for the required minimum period.

(c) For purposes of the definition in this subdivision, “lack of demonstrated consistent participation” by a parent means refusal or neglect to comply with the duties imposed upon the parent by the parent-child relationship, including, but not limited to, providing the child necessary food, clothing, shelter, health care, education, creating a nurturing and consistent relationship, and other care and control necessary for the child’s physical, mental, or emotional health and development.

(d) “De facto custodian” does not include an individual who has a child placed in the individual’s care:

(1) through a custody consent decree under section 257C.07;

(2) through a court order or voluntary placement agreement under chapter 260C;

or

New language is indicated by underline, deletions by ~~strikeout~~.

(3) for adoption under chapter 259.

(e) A standby custody designation under chapter 257B is not a designation of de facto custody unless that intent is indicated within the standby custody designation.

Sec. 2. Minnesota Statutes 2002, section 257C.07, is amended to read:

257C.07 CUSTODY CONSENT DECREE.

In a proceeding under this chapter, a parent may transfer legal and physical custody of a child to a relative by a consent decree entered under this section. The court may approve a proposed consent decree if the custody arrangement is in the best interests of the child and all parties to the decree agree to it after being fully informed of its contents. A consent decree under this section must:

(1) transfer legal and physical custody of the child to a ~~named relative third party~~ and state that this includes the ability to determine the child's residence; make decisions regarding the child's education, religious training, and health care; and obtain information and public services on behalf of the child in the same manner as a parent;

(2) indicate whether the transfer of custody is temporary or permanent; and

(3) include an order for child support in the guidelines amount and an allocation of child care costs as provided by section 518.551, subject to income withholding under section 518.6111 and including an order for medical support under section 518.171.

~~Either a parent or a relative who is A~~ party to a consent decree under this section may file a motion to modify or terminate the consent decree at any time. Section 518.18, paragraphs (d) and (e), apply to all modifications. A party who has custody of a child under this section must seek modification of the consent decree before transferring physical or legal custody of the child to anyone.

~~For purposes of this section, "relative" means an adult who is a stepparent, grandparent, brother, sister, uncle, aunt, or other extended family member of a minor by blood, marriage, or adoption.~~

Presented to the governor April 1, 2003

Signed by the governor April 4, 2003, 3:35 p.m.

CHAPTER 8—S.F.No. 512

An act relating to the metropolitan council; removing the city of Rockford from the jurisdiction of the metropolitan council; amending Minnesota Statutes 2002, sections 473.121, subdivision 2; 473.123, subdivision 3c.

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

New language is indicated by underline, deletions by ~~strikeout~~.