

CHAPTER 65—S.F.No. 250

An act relating to family law; adoption; modifying certain child placement proceedings; amending Minnesota Statutes 2012, section 260.771, subdivision 3.

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

Section 1. Minnesota Statutes 2012, section 260.771, subdivision 3, is amended to read:

Subd. 3. **Transfer of proceedings.** (a) In a proceeding for: (1) the termination of parental rights; or (2) the involuntary foster care placement of an Indian child not within the jurisdiction of subdivision 1, the court, in the absence of good cause to the contrary, shall transfer the proceeding to the jurisdiction of the tribe absent objection by either parent, upon the petition of either parent or the Indian custodian or the Indian child's tribe. The transfer ~~shall be~~ is subject to declination by the tribal court of ~~such~~ the tribe.

(b) In a proceeding for the preadoptive or adoptive placement of an Indian child not within the jurisdiction of subdivision 1, the court, in the absence of good cause to the contrary, shall transfer the proceeding to the jurisdiction of the tribe. The transfer is subject to declination by the tribal court of the tribe. For the purposes of this subdivision, "preadoptive placement" and "adoptive placement" have the meanings give in section 260.755, subdivision 3.

Presented to the governor May 13, 2013

Signed by the governor May 16, 2013, 5:34 p.m.