

HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 252

01/31/2013 Authored by Allen, Scott, Clark, Abeler, Persell and others
The bill was read for the first time and referred to the Committee on Civil Law
02/28/2013 Adoption of Report: Pass as Amended and re-referred to the Committee on Judiciary Finance and Policy
03/21/2013 Adoption of Report: Pass and Read Second Time

1.1 A bill for an act
1.2 relating to family law; adoption; modifying certain child placement proceedings;
1.3 amending Minnesota Statutes 2012, section 260.771, subdivision 3.

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

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

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

1.12 (b) In a proceeding for the preadoptive or adoptive placement of an Indian child not
1.13 within the jurisdiction of subdivision 1, the court, in the absence of good cause to the
1.14 contrary, shall transfer the proceeding to the jurisdiction of the tribe. The transfer shall be
1.15 subject to declination by the tribal court of such tribe. For the purposes of this subdivision,
1.16 "preadoptive placement" and "adoptive placement" have the meanings given in section
1.17 260.755, subdivision 3.