

SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION

S.F. No. 342

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DATE	D-PG	OFFICIAL STATUS
01/22/2019	132	Introduction and first reading Referred to Human Services Reform Finance and Policy
02/11/2019	312a	Comm report: To pass as amended and re-refer to Judiciary and Public Safety Finance and Policy
04/01/2019	1490a	Comm report: To pass as amended
	1517	Second reading
04/04/2019	2159	Author added Limmer
04/10/2019	2260	Rule 45; subst. General Orders HF554

- 1.1 A bill for an act
- 1.2 relating to human services; permitting parent to petition for reestablishment of the
- 1.3 legal parent and child relationship; amending Minnesota Statutes 2018, section
- 1.4 260C.329, subdivisions 3, 7, 8, by adding subdivisions; repealing Minnesota
- 1.5 Statutes 2018, section 260C.329, subdivision 5.
- 1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.7 Section 1. Minnesota Statutes 2018, section 260C.329, subdivision 3, is amended to read:
- 1.8 Subd. 3. **Petition.** ~~Only the county attorney~~ The county attorney or a parent whose
- 1.9 parental rights were terminated under a previous order of the court may file a petition for
- 1.10 the reestablishment of the legal parent and child relationship. A parent filing a petition under
- 1.11 this section shall pay a filing fee in the amount required under section 357.021, subdivision
- 1.12 2, clause (1). The filing fee may be waived pursuant to chapter 563. A petition for the
- 1.13 reestablishment of the legal parent and child relationship may be filed when:
- 1.14 (1) in cases where the county attorney is the petitioning party, both the responsible social
- 1.15 services agency and the county attorney agree that reestablishment of the legal parent and
- 1.16 child relationship is in the child's best interests;
- 1.17 (2) the parent has corrected the conditions that led to an order terminating parental rights;
- 1.18 (3) the parent is willing and has the capability to provide day-to-day care and maintain
- 1.19 the health, safety, and welfare of the child;
- 1.20 (4) the child has been in foster care for at least ~~36~~ 48 months after the court issued the
- 1.21 order terminating parental rights;

2.1 ~~(5) the child is 15 years of age or older at the time the petition for reestablishment of~~
 2.2 ~~the legal parent and child relationship is filed;~~

2.3 ~~(6)~~ (5) the child has not been adopted; and

2.4 ~~(7)~~ (6) the child is not the subject of a written adoption placement agreement between
 2.5 the responsible social services agency and the prospective adoptive parent, as required under
 2.6 Minnesota Rules, part 9560.0060, subpart 2.

2.7 Sec. 2. Minnesota Statutes 2018, section 260C.329, is amended by adding a subdivision
 2.8 to read:

2.9 Subd. 3a. **Contents of parent's petition.** (a) A parent's petition for reestablishment of
 2.10 the legal parent and child relationship shall be signed under oath by the petitioner and shall
 2.11 state the following:

2.12 (1) the petitioner's full name, date of birth, address, and all other legal names or aliases
 2.13 by which the petitioner has been known at any time;

2.14 (2) the name and date of birth of each child for whom reunification is sought;

2.15 (3) the petitioner's relationship to each child for whom reunification is sought;

2.16 (4) why reunification is sought and why reunification is in the child's best interest;

2.17 (5) the details of the termination of parental rights for which reunification is sought,
 2.18 including the date and jurisdiction of the order, and the court file number and date of any
 2.19 prior order terminating parental rights;

2.20 (6) what steps the petitioner has taken toward personal rehabilitation since the time of
 2.21 the order terminating parental rights, including treatment, work, or other personal history
 2.22 that demonstrates rehabilitation;

2.23 (7) how the petitioner has corrected the conditions that led to the order terminating
 2.24 parental rights for which reunification is sought;

2.25 (8) reasons why the petitioner is willing and capable to provide day-to-day care and
 2.26 maintain the health, safety, and welfare of the child; and

2.27 (9) all prior requests by the petitioner, whether for the present order terminating parental
 2.28 rights or for any other orders terminating parental rights, whether granted or not.

2.29 (b) Prior to filing a petition for reestablishment under this section, a parent must notify
 2.30 the responsible social services agency of their intent to petition for reestablishment. Notice
 2.31 must be provided 45 days prior to filing using a form created by the commissioner that

3.1 includes the information listed in paragraph (a). The parent must file a copy of the notice
 3.2 with the petition for reestablishment.

3.3 Sec. 3. Minnesota Statutes 2018, section 260C.329, subdivision 7, is amended to read:

3.4 Subd. 7. **Service of petition on the parties.** The petition for the reestablishment of the
 3.5 legal parent and child relationship and notice of hearing on the petition must be served on:

3.6 (1) the child;

3.7 (2) in cases where the county attorney is the petitioning party the parent whose rights
 3.8 have been terminated and with whom the legal parent and child relationship is proposed to
 3.9 be reestablished;

3.10 (3) the county attorney;

3.11 (4) the responsible social services agency;

3.12 ~~(3)~~ (5) the child's guardian ad litem; and

3.13 ~~(4)~~ (6) the child's tribe if the child is subject to the Indian Child Welfare Act.

3.14 Sec. 4. Minnesota Statutes 2018, section 260C.329, subdivision 8, is amended to read:

3.15 Subd. 8. **Hearing.** The court may grant the petition ordering the reestablishment of the
 3.16 legal parent and child relationship only if it finds by clear and convincing evidence that:

3.17 (1) reestablishment of the legal parent and child relationship is in the child's best interests;

3.18 ~~(2) the child is 15 years of age or older;~~

3.19 ~~(3)~~ (2) the child has not been adopted;

3.20 ~~(4)~~ (3) the child is not the subject of a written adoption placement agreement between
 3.21 the responsible social services agency and the prospective adoptive parent, as required under
 3.22 Minnesota Rules, part 9560.0060, subpart 2;

3.23 ~~(5)~~ (4) at least ~~36~~ 48 months have elapsed following a final order terminating parental
 3.24 rights and the child remains in foster care;

3.25 ~~(6)~~ (5) the child desires to reside with the parent;

3.26 ~~(7)~~ (6) the parent has corrected the conditions that led to an order terminating parental
 3.27 rights; and

3.28 ~~(8)~~ (7) the parent is willing and has the capability to provide day-to-day care and maintain
 3.29 the health, safety, and welfare of the child.

4.1 Sec. 5. Minnesota Statutes 2018, section 260C.329, is amended by adding a subdivision
4.2 to read:

4.3 Subd. 12. **Denial; subsequent petitions.** If the court denies a parent's petition under
4.4 this section after a hearing, the court must make a written order barring the filing of
4.5 subsequent petitions by the parent. The court must provide the length of the time period the
4.6 parent is barred from filing a subsequent petition, make written findings in support of the
4.7 order, and evaluate the best interests of the child.

4.8 Sec. 6. **REPEALER.**

4.9 Minnesota Statutes 2018, section 260C.329, subdivision 5, is repealed.

APPENDIX
Repealed Minnesota Statutes: S0342-2

260C.329 REESTABLISHMENT OF THE LEGAL PARENT AND CHILD RELATIONSHIP.

Subd. 5. **Decision not appealable.** The decision by the county attorney not to file a petition for the reestablishment of legal parent and child relationship is not appealable.