

9560.0527 LOCAL AGENCY PLACING CHILD UNDER VOLUNTARY AGREEMENT.

When a local agency places a child in foster care under a voluntary placement agreement, the local agency must:

A. before placement, obtain the written consent of both parents, or the legal guardian, unless placement is in the child's best interest and the other parent's signature is unobtainable;

B. if only one parent signs the agreement, the agency must document why the other parent did not sign the agreement;

C. in addition, in the case of an Indian child, advise the parent or custodian that the child is to be returned upon demand in a written and dated statement complying with the requirements of Minnesota Statutes, section 260.755, subdivision 5, and notify the Indian child's tribe within seven working days of placement;

D. obtain the agreement of the non-Indian child's parent or guardian to notify the local agency in a written and dated statement if the parent or guardian wishes the child returned from placement before the date specified in the voluntary placement agreement; and

E. return the child to the child's parent or guardian as soon as possible and no later than 24 hours after receiving a written and dated demand for return of the child unless a longer response time is specified in the demand for any child, or in the voluntary placement agreement for a non-Indian child; for Indian children, the demand must be a written and dated statement complying with the requirements of Minnesota Statutes, section 260.755, subdivision 5.

Statutory Authority: *MS s 257.071; 257.072; 260C.212; 260C.215*

History: *20 SR 2778; L 1999 c 139 art 4 s 2*

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