257D.08 ORDER.

Subdivision 1. **Issuance.** The court must issue an order awarding a guardianship for the purposes identified in section 257D.02 if the court finds that:

(1) the proposed guardian is capable and reputable;

(2) the guardianship is in the best interests of the at-risk juvenile;

(3) both the petitioner and the proposed guardian agree to the establishment of a guardianship under this chapter;

(4) reunification of the at-risk juvenile with one or both parents is not viable because of abandonment, abuse, neglect, or a similar basis that has an effect on the at-risk juvenile comparable to abandonment, abuse, or neglect under Minnesota law; and

(5) it is not in the best interests of the at-risk juvenile to be returned to the previous country of nationality or last habitual residence of the juvenile or the juvenile's parent or parents.

Subd. 2. **Contents of the order.** (a) The order must, where the identity is known, specifically identify the parent or parents whom the court finds have abused, abandoned, or neglected the at-risk juvenile.

(b) The order must contain the following three judicial determinations, each supported by relevant state statutory citations and written findings of fact:

(1) the at-risk juvenile is dependent on the juvenile court, and has been placed under the custody of an individual appointed by the juvenile court, through the appointment of a guardian, for the purposes of this chapter;

(2) reunification of the at-risk juvenile with one or both parents is not viable because of abandonment, abuse, or neglect or a similar basis that has an effect on the at-risk juvenile comparable to abandonment, abuse, or neglect under Minnesota law; and

(3) it is not in the best interests of the at-risk juvenile to be returned to the at-risk juvenile's or at-risk juvenile's parent's country of nationality or last habitual residence.

History: *2022 c 45 s 8*