259.53 PETITION; INVESTIGATIONS; REPORTS.

Subdivision 1. **Notice to commissioner; referral for postplacement assessment.** (a) Upon the filing of a petition for adoption of a child who is:

(1) under the guardianship of the commissioner or a licensed child-placing agency according to section 260C.317 or 260C.515, subdivision 3;

(2) placed by the commissioner, commissioner's agent, or licensed child-placing agency after a consent to adopt according to section 259.24 or under an agreement conferring authority to place for adoption according to section 259.25; or

(3) placed by preadoptive custody order for a direct adoptive placement ordered by the district court under section 259.47,

the court administrator shall immediately transmit a copy of the petition to the commissioner of children, youth, and families.

(b) The court shall immediately refer the petition to the agency specified below for completion of a postplacement assessment and report as required by subdivision 2.

(1) If the child to be adopted has been committed to the guardianship of the commissioner or an agency under section 260C.317 or an agency has been given authority to place the child under section 259.25, the court shall refer the petition to that agency, unless another agency is supervising the placement, in which case the court shall refer the petition to the supervising agency.

(2) If the child to be adopted has been placed in the petitioner's home by a direct adoptive placement, the court shall refer the petition to the agency supervising the placement under section 259.47, subdivision 3, paragraph (a), clause (6).

(3) If the child is to be adopted by an individual who is related to the child as defined by section 142B.01, subdivision 15, and in all other instances not described in clause (1) or (2), the court shall refer the petition to the local social services agency of the county in which the prospective adoptive parent lives.

Subd. 2. **Adoption agencies; postplacement assessment and report.** (a) The agency to which the petition has been referred under subdivision 1 shall conduct a postplacement assessment and file a report with the court within 90 days of receipt of a copy of the adoption petition. The agency shall send a copy of the report to the commissioner at the time it files the report with the court. The assessment and report must evaluate the environment and antecedents of the child to be adopted, the home of the petitioners, whether placement with the petitioners meets the needs of the child as described in section 259.57, subdivision 2. The report must include a recommendation to the court as to whether the petition should or should not be granted.

In making evaluations and recommendations, the postplacement assessment and report must, at a minimum, address the following:

(1) the level of adaptation by the prospective adoptive parents to parenting the child;

(2) the health and well-being of the child in the prospective adoptive parents' home;

(3) the level of incorporation by the child into the prospective adoptive parents' home, extended family, and community; and

(4) the level of inclusion of the child's previous history into the prospective adoptive home, such as cultural or ethnic practices, or contact with former foster parents or biological relatives.

(b) A postplacement adoption report is valid for 12 months following its date of completion.

(c) If the report recommends that the court not grant the petition to adopt the child, the provisions of this paragraph apply. Unless the assessment and report were completed by the local social services agency, the agency completing the report, at the time it files the report with the court under paragraph (a), must provide a copy of the report to the local social services agency in the county where the prospective adoptive parent lives. The agency or local social services agency may recommend that the court dismiss the petition. If the local social services agency determines that continued placement in the home endangers the child's physical or emotional health, the agency shall seek a court order to remove the child from the home.

(d) If, through no fault of the petitioner, the agency to whom the petition was referred under subdivision 1, paragraph (b), fails to complete the assessment and file the report within 90 days of the date it received a copy of the adoption petition, the court may hear the petition upon giving the agency and the local social services agency, if different, five days' notice by mail of the time and place of the hearing.

Subd. 3. **Reports and records.** (a) The contents of all reports and records of the commissioner of children, youth, and families, local social services agency, or child-placing agency bearing on the suitability of the proposed adoptive home and the child to each other shall not be disclosed either directly or indirectly to any person other than the commissioner of children, youth, and families, the child's guardian ad litem appointed under: (1) section 260C.163 when the guardian's appointment continues under section 260C.317, subdivision 3, paragraph (b); or (2) section 259.65, or a judge of the court having jurisdiction of the matter, except as provided in paragraph (b).

(b) A judge of the court having jurisdiction of the matter shall upon request disclose to a party to the proceedings or the party's counsel any portion of a report or record that relates only to the suitability of the proposed adoptive parents. In this disclosure, the judge may withhold the identity of individuals providing information in the report or record. When the judge is considering whether to disclose the identity of individuals providing information, the agency with custody of the report or record shall be permitted to present reasons for or against disclosure.

Subd. 3a. **Report to prospective adoptive parents.** Prospective adoptive parents may request and may receive a summary report on their suitability as adoptive parents from any authorized adoption agency at the conclusion of the adoptive study by that agency. The summary report shall not identify sources of information outside of the adoption agency or information about any child to be adopted. This summary report shall be used only for purposes mutually agreed upon by the adoption agency and the prospective adoptive parents. The purposes and the date of the summary report shall be clearly noted on the report.

Subd. 4. **Preadoption residence.** No petition shall be granted under this chapter until the child has lived for three months in the proposed adoptive home, subject to a right of visitation by the commissioner or an agency or their authorized representatives.

Subd. 5. **Residence and investigation waived; stepparent.** The investigation and period of residence required by this section may be waived by the court when the petition for adoption is submitted by a stepparent or when, upon good cause being shown, the court is satisfied that the proposed adoptive home and the child are suited to each other, but in either event at least ten working days' notice of the hearing shall be given to the local social services agency by certified mail. The reports of investigations shall be a part of the court files in the case, unless otherwise ordered by the court.

Subd. 6. **Fees and payments; filing with adoption petition.** Upon the filing of a petition for adoption, an agency shall file with the court a statement of expenses that have been paid or are required to be paid by the prospective adoptive parent in connection with the adoption. In a direct adoptive placement the statement of expenses shall be filed by the prospective adoptive parent.

Subd. 7. **Supportive parenting services for parents with disabilities.** (a) A court or agency shall not deny a prospective parent the ability to proceed with an adoption due to the prospective parent's disability. A person who raises a prospective parent's disability as a basis for denying an adoption has the burden to prove by clear and convincing evidence that specific behaviors of the prospective parent would endanger the health or safety of the child. If the person meets the burden, the prospective parent with a disability shall have the opportunity to demonstrate how implementing supportive services would alleviate any concerns.

(b) The court may require the agency that conducted the postplacement assessment and filed the report with the court under subdivision 2 to provide the opportunity to use supportive parenting services to a prospective parent, conduct a new postplacement assessment that is inclusive of the prospective parent's use of supportive parenting services, and file a revised report with the court under subdivision 2. This paragraph does not confer additional responsibility to the agency to provide supportive parenting services directly to the prospective parent. Within a reasonable period of time, the prospective parent has the right to a court hearing to review the need for continuing services.

(c) If a court denies or limits the ability of a prospective parent with a disability to adopt a child, the court shall make specific written findings stating the basis for the determination and why providing supportive parenting services is not a reasonable accommodation that could prevent the denial or limitation.

(d) For purposes of this subdivision, "disability" and "supportive parenting services" have the meanings given in section 260C.141, subdivision 1a.

History: *1951 c 508 s 7; 1953 c 268 s 1; 1959 c 685 s 48; 1971 c 207 s 1; 1980 c 561 s 9; 1983 c 278 s 8,9; 1984 c 654 art 5 s 58; 1986 c 444; 1Sp1986 c 3 art 1 s 82; 1987 c 3 s 3,4; 1994 c 631 s 23-26,31; 1997 c 177 s 14,15; 1999 c 139 art 4 s 2; 2007 c 147 art 1 s 3; art 3 s 27; 2008 c 361 art 6 s 9; 2012 c 216 art 6 s 13; 2021 c 30 art 10 s 16; 2024 c 80 art 2 s 74; art 8 s 70; 2024 c 115 art 18 s 25*