

**SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION**

S.F. No. 348

(SENATE AUTHORS: CHAMPION and Hayden)

DATE
01/22/2019

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OFFICIAL STATUS
Introduction and first reading
Referred to Judiciary and Public Safety Finance and Policy

1.1 A bill for an act
1.2 relating to children; permitting legal 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; repealing Minnesota Statutes 2018, section
1.5 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~~ A legal parent may file a petition for the
1.9 reestablishment of the legal parent and child relationship. A petition for the reestablishment
1.10 of the legal parent and child relationship may be filed when:

1.11 (1) ~~both the responsible social services agency and the county attorney agree that~~
1.12 reestablishment of the legal parent and child relationship is in the child's best interests;

1.13 (2) the parent has corrected the conditions that led to an order terminating parental rights;

1.14 (3) the parent is willing and has the capability to provide day-to-day care and maintain
1.15 the health, safety, and welfare of the child;

1.16 (4) the child has been in foster care for at least ~~36~~ 24 months after the court issued the
1.17 order terminating parental rights;

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

1.20 ~~(6)~~ (5) the child has not been adopted; and

2.1 ~~(7)~~ (6) the child is not the subject of a written adoption placement agreement between
 2.2 the responsible social services agency and the prospective adoptive parent, as required under
 2.3 Minnesota Rules, part 9560.0060, subpart 2.

2.4 Sec. 2. Minnesota Statutes 2018, section 260C.329, subdivision 7, is amended to read:

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

2.7 (1) the child;

2.8 ~~(2) the parent whose rights have been terminated and with whom the legal parent and
 2.9 child relationship is proposed to be reestablished;~~

2.10 (2) the county attorney;

2.11 (3) the responsible social services agency;

2.12 ~~(3)~~ (4) the child's guardian ad litem; and

2.13 ~~(4)~~ (5) the child's tribe if the child is subject to the Indian Child Welfare Act.

2.14 Sec. 3. Minnesota Statutes 2018, section 260C.329, subdivision 8, is amended to read:

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

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

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

2.19 ~~(3)~~ (2) the child has not been adopted;

2.20 ~~(4)~~ (3) the child is not the subject of a written adoption placement agreement between
 2.21 the responsible social services agency and the prospective adoptive parent, as required under
 2.22 Minnesota Rules, part 9560.0060, subpart 2;

2.23 ~~(5)~~ (4) at least ~~36~~ 24 months have elapsed following a final order terminating parental
 2.24 rights and the child remains in foster care;

2.25 ~~(6)~~ (5) the child desires to reside with the parent;

2.26 ~~(7)~~ (6) the parent has corrected the conditions that led to an order terminating parental
 2.27 rights; and

2.28 ~~(8)~~ (7) the parent is willing and has the capability to provide day-to-day care and maintain
 2.29 the health, safety, and welfare of the child.

3.1 Sec. 4. **REPEALER.**

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

APPENDIX
Repealed Minnesota Statutes: 19-1721

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.