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State of Minnesota
HOUSE OF REPRESENTATIVES
NINETIETH SESSION

H. F. No. 1045

02/09/2017 Authored by Moran
The bill was read for the first time and referred to the Committee on Civil Law and Data Practices Policy

1.1 A bill for an act
1.2 relating to juvenile placement; modifying the requirements for reestablishing the
1.3 legal parent and child relationship; amending Minnesota Statutes 2016, section
1.4 260C.329, subdivisions 3, 5, 8.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2016, section 260C.329, subdivision 3, is amended to read:

1.7 Subd. 3. **Petition.** ~~Only~~ The county attorney or the previously terminated legal parent
1.8 may file a petition for the reestablishment of the legal parent and child relationship. A
1.9 petition for the reestablishment of the legal parent and child relationship may be filed when:

1.10 (1) both the responsible social services agency and the county attorney agree that
1.11 reestablishment of the legal parent and child relationship is in the child's best interests. This
1.12 clause must be satisfied only when the county attorney is the petitioning party;

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~~ 18 months after the court issued the
1.17 order terminating parental rights;

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

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

2.1 (7) the child is not the subject of a written adoption placement agreement between the
2.2 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 2016, section 260C.329, subdivision 5, is amended to read:

2.5 Subd. 5. **Decision ~~not appealable~~ may be appealed.** The previously terminated legal
2.6 parent may appeal the decision by the county attorney not to file a petition for the
2.7 reestablishment of legal parent and child relationship ~~is not appealable~~.

2.8 Sec. 3. Minnesota Statutes 2016, section 260C.329, subdivision 8, is amended to read:

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

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

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

2.13 (3) the child has not been adopted;

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

2.17 (5) at least ~~36~~ 18 months have elapsed following a final order terminating parental rights
2.18 and the child remains in foster care;

2.19 (6) the child desires to reside with the parent;

2.20 (7) the parent has corrected the conditions that led to an order terminating parental rights;
2.21 and

2.22 (8) the parent is willing and has the capability to provide day-to-day care and maintain
2.23 the health, safety, and welfare of the child.