

1.1 moves to amend H.F. No. 3039 as follows:

1.2 Page 24, delete section 4, and insert:

1.3 "Sec. 4. Minnesota Statutes 2008, section 260C.163, subdivision 2, is amended to read:

1.4 Subd. 2. **Right to participate in proceedings.** A child who is the subject of
1.5 a petition, and the parents, guardian, or legal custodian of the child have the right to
1.6 participate in all proceedings on a petition. Official tribal representatives have the right
1.7 to participate in any proceeding that is subject to the Indian Child Welfare Act of 1978,
1.8 United States Code, title 25, sections 1901 to 1963.

1.9 A parent with a legally recognized parent and child relationship must be provided the
1.10 right to be heard in any review or hearing to be held with respect to the child, which shall
1.11 include the right to be heard on the disposition order under section 260C.201, subdivision
1.12 1, parental visitation under section 260C.178, and the out-of-home placement plan under
1.13 section 260C.212, subdivision 1. The right to be heard does not automatically confer party
1.14 status. Party status is governed by the Minnesota Rules of Juvenile Protection Procedure.

1.15 Any grandparent of the child has a right to participate in the proceedings to the
1.16 same extent as a parent, if the child has lived with the grandparent within the two years
1.17 preceding the filing of the petition. At the first hearing following the filing of a petition,
1.18 the court shall ask whether the child has lived with a grandparent within the last two years,
1.19 except that the court need not make this inquiry if the petition states that the child did not
1.20 live with a grandparent during this time period. Failure to notify a grandparent of the
1.21 proceedings is not a jurisdictional defect.

1.22 If, in a proceeding involving a child in need of protection or services, the responsible
1.23 social services agency recommends transfer of permanent legal and physical custody to
1.24 a relative, the relative has a right to participate as a party, and thereafter shall receive
1.25 notice of any hearing in the proceedings."