

Chapter 14

2019 Regular Session

Subject Reestablishment of parental rights

Analyst Sarah Sunderman

Date June 18, 2019

Overview

This act modifies the procedures for reestablishing the parent-child relationship after a parent's rights have been terminated.

Summary

Section	Description
1	<p>Petition</p> <p>Amends § 260C.329, subd. 3. Allows a parent or a county attorney to file a petition for reestablishment of the parent-child relationship. Specifies filing fee requirements. Modifies petition requirements in the following ways:</p> <ul style="list-style-type: none">▪ Specifies that the county attorney and social services agency must agree that reestablishment of the parent-child relationship is in the child's best interests, only in cases where the county attorney is the petitioning party▪ Increases amount of time a child must have been in foster care after the termination of parental rights from 36 months to 48 months▪ Removes minimum age requirement
2	<p>Content of parent's petition.</p> <p>Adds subd. 3a to § 260C.329.</p> <p>Paragraph (a) specifies that a parent's petition to reestablish the parent-child relationship must be signed under oath and state:</p> <ol style="list-style-type: none">1) petitioner's name, date of birth, and address;2) child or children's name and date of birth;3) petitioner's relationship to child or children;4) why reunification is sought and why it is in the child's best interest;5) details about the termination of parental rights;6) steps taken toward personal rehabilitation;7) how the petitioner has corrected the conditions that lead to the termination of parental rights;8) reasons the petitioner is willing and able to care for the child; and9) all prior reunification requests by the petitioner.

Section	Description
	Paragraph (b) requires a parent to notify the responsible social services agency of their intent to petition for reestablishment.
3	<p>Service of petition on the parties. Amends § 260C.329, subd. 7. Adds the county attorney and social services agency to the list of persons who must be served.</p>
4	<p>Hearing. Amends § 260C.329, subd. 8. Modifies evidence required for a court to grant a petition for reestablishment of the parent-child relationship by removing the minimum age requirement and increasing the amount of time a child must have been in foster care after the termination of parental rights from 36 months to 48 months.</p>
5	<p>Denial; subsequent petition. Adds subd. 12 to § 260C.329. Requires a court to make a written order barring the filing of subsequent petitions by the parent if the court denies a petition after a hearing. Specifies the required contents of the written order.</p>
6	<p>Repealer. Repeals § 260C.329, subd. 5, which prohibited appeals of the county attorney's decision not to file a petition for reestablishment of the parent-child relationship.</p>



Minnesota House Research Department provides nonpartisan legislative, legal, and information services to the Minnesota House of Representatives. This document can be made available in alternative formats.

www.house.mn/hrd | 651-296-6753 | 600 State Office Building | St. Paul, MN 55155