

House Research Act Summary

CHAPTER: 219

SESSION: 1999 Regular Session

TOPIC: Relative's Custody of a Child

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Overview

This act provides a presumption that it is in the best interests of a child to be temporarily placed with a relative if a sibling of that child is already in the custody of the relative and certain conditions exist.

- 1 **Granting of temporary child custody to a relative.** Provides that when a child is permanently placed with a relative, it is presumed that a sibling will also be placed with the relative if:
 - the sibling is already living with the relative and the parent has no regular contact with the child or consistent participation in the child's well-being;
 - the sibling is already living with the relative and the parent has refused or neglected to provide necessary food, clothing, shelter, health care, education, or other necessary care;
 - or
 - the application for custody alleges an immediate and present danger to the physical safety of the child in the home of the parent.
- 2 **Emergency custody hearing.** Makes technical corrections so that subdivision 2 is consistent with the changes made in subdivision 1. Also amends this subdivision so it covers an application by a relative to remove a child from parental custody. Prior law covered only action by a parent to regain custody of a child from a relative. States that an ex parte custody order based on physical danger must have a hearing within 72 hours after the order issues.