

House Research Act Summary

CHAPTER: 269

SESSION: 2010 Regular Session

TOPIC: Foster children; parentage

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Section

Article 1: Foster Children; Driver's License

Overview

This article allows foster parents and directors of transitional living facilities to approve a child's application for an instruction permit and a driver's license while the child is a resident in the foster home or transitional living facility.

- 1 Persons not eligible.** Amends § 171.04, subd. 1. Permits the foster parent or director of a transitional living program in which the child resides to approve the child's application for a driver's license.
- 2 Person less than 18 years of age.** Amends § 171.05, subd. 2. Permits the foster parent or director of a transitional living program in which the child resides to approve the child's application for an instruction permit.
- 3 Requirements for provisional license.** Amends § 171.055, subd. 1. Permits the foster parent or director of a transitional living program in which the child resides to approve the child's application for a provisional license.

Article 2: Miscellaneous

Overview

This article clarifies that a youth can return to foster care between the ages of 18 and 21 under certain circumstances, and permits a child to retain a portion of their income in order to attain independent living goals. It permits the release of background study information to the county or private agency working on an adoption placement for a child.

- 1 **Information commissioner reviews.** Amends § 245C.33, subd. 4. Requires the commissioner to provide the county or private agency that initiated a background study notice whether the subject of the study has a disqualifying conviction under federal law; the date of all adoption related background studies completed after June 30, 2007; and the name of the county or private agency that initiated the adoption related background study.
- 2 **Care, examination, or treatment.** Amends § 260C.331, subd. 1. Allows a child over the age of 18 who continues to receive foster care services to retain the portion of income necessary to attain court ordered independent living goals listed in §260C.212, subdivision 7, paragraph (d), clause (2).
- 3 **Foster care benefits until age 21.** Amends § 260C.456. Clarifies that a youth who was under state guardianship and left foster care can return to care any time between the ages of 18 and 21.

Article 3: Foster Care

Overview

This article adds requirements for in-court appearances and reviews in dependency cases. It authorizes the juvenile court to retain jurisdiction of a child's case until the child turns 21 if it is in the best interests of the child.

- 1 **Child.** Amends § 260C.007, subd. 4, by expanding the definition of "child" to include youth under age 21 who are in foster care.
- 2 **General.** Amends § 260C.163, subd. 1. Requires the court to consult with the child during a permanency hearing.
- 3 **Right to participate in proceedings.** Amends § 260C.163, subd. 2. Adds that the child who is the subject of a CHIPS petition and the child's parents, guardian, or legal custodian have the right to personally attend all hearings. Current law requires they have the right to participate, but does not specify they have the right to attend all hearings.
- 4 **Jurisdiction to review foster care to age 21, termination of jurisdiction, jurisdiction to age 18.** Amends § 260C.193, subd. 6, including the headnote. Paragraph (a) permits the court to retain jurisdiction of a foster child up to age 21 for the purpose of conducting required reviews. Prohibits termination of jurisdiction without notice to the child and an opportunity to be heard. Permits the court to terminate jurisdiction if the child leaves foster

care before age 21.

Paragraph (b) permits the court to terminate jurisdiction unless a court order is necessary for a child to be in foster care or continued reviews are required by statute and jurisdiction is no longer needed to protect the child's best interests.

Paragraph (c) makes a technical change.

- 5 Court review of foster care.** Amends § 260C.201, subd. 10. Adds the requirement for annual judicial reviews if a child remains in foster care to age 21 and the court has retained jurisdiction.
- 6 Review of court-ordered placements; permanent placement determination.** Amends § 260C.201, subd. 11. Requires court reviews of long-term foster care to be at least yearly at an in-court appearance hearing.
- 7 Administrative or court review of placements.** Amends § 260C.212, subd. 7. Makes a technical change to a cross-reference.
- 8 Order; retention of jurisdiction.** Amends § 260C.317, subd. 3. Allows the court to retain jurisdiction in an adoption case after a child turns 18 if the adoption has not been finalized.
- 9 Foster care benefits to age 21.** Amends § 260C.451, including the headnote.

Subd. 1. Notification of benefits. Adds a requirement for the local agency to notify any child in foster care, the child's parents or legal guardians, and the child's foster parent of the child's right to receive foster care benefits to age 21. The notification must be made within six months prior to the child's 18th birthday.

Subd. 2. Independent living plan. Requires the local agency, upon the request of the child, to update the child's independent living plan immediately before the child's 18th birthday. Requires the agency to continue to provide services so that the child can meet the goals in the independent living plan.

Subd. 3. Eligibility. Sets requirements for a foster child who wishes to remain in foster care past age 18. The child must be:

- attending high school or a program leading to a similar credential;
- attending a postsecondary or vocational education program;
- participating in a job readiness program;
- employed at least 80 hours a month; or
- incapable of any of the above due to a documented medical condition.

Subd. 4. Foster care benefits. Defines foster care benefits for youth between the ages of 18 and 21. Includes supervised independent living settings.

Subd. 5. Permanent decision. Provides that the foster care setting and level of supervision will be determined based on the best interest of the child.

Subd. 6. Individual plan to age 21. Permits a youth who had been under the guardianship of the commissioner within six months of the youth's 18th birthday, but

who left care, to request assistance in developing an independent living plan. Requires the agency to provide foster care and assistance in meeting the goals in the plan. Requires the agency to negotiate a voluntary foster care agreement with the youth.

Subd. 7. Jurisdiction. States that although the court retains jurisdiction for purposes of foster care, for all other purposes the youth is an adult.

Article 4: Fathers; Noncustodial Parents

Overview

This article expands the definition of “parents” for child protection proceedings, their rights to notice, and their rights to participate in these proceedings.

1 Parent. Amends § 260C.007, subd. 25. Defines the legal parent and child relationship for purposes of chapter 260C, the child protection chapter, by reference to:

- the Parentage Act, §§ 257.51 to 257.74;
- the definition of parent in the §260.755, subdivision 14, of the Minnesota Indian Preservation Act; and
- the filing of a recognition of parentage under § 257.75.

In addition, identifies a legal parent and child relationship between a child and biological mother and between a child and adoptive parent by proof of adoption.

2 Identifying parents of child; diligent efforts; data. Amends § 260C.150, subd. 3. Permits the responsible social service agency to consider a putative father who registered with the putative father’s registry later than 30 days after the child’s birth as a possible placement for the child if the putative father cooperates with genetic testing and there is a positive test result. Clarifies that this section does not affect the notice requirements under the termination of parental rights and adoption statutes.

3 Right to participate in proceedings. Amends §260C.163, subd. 2. Requires parents with a legally recognized parent and child relationship to be provided with an opportunity to be heard to child protection proceedings.

4 Parental visitation. Amends §260C.178, subd. 3. Allows either parent of a child in protective custody to request a court hearing on a visitation plan if the parent disagrees with the plan developed by the social service agency. Permits the court to modify the plan if the court determines it is in the best interest of the child.

Permits the court to order the social service agency to develop a visitation plan with a noncustodial parent who has had limited contact with the child while the agency assesses the noncustodial parent’s ability to provide day-to-day care for the child.