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Overview

This bill creates the Family Reunification Act of 2013, a legal process to restore the legal parent and child relationship between a child who is at least 15 years of age and the child's parent whose legal rights were terminated. The process requires that specific criteria must be met and that the court makes specific findings before the legal relationship can be reestablished.

Section

1 Other matters relating to children. Amends § 260C.101, subd. 2. Adds that the juvenile court has original and exclusive jurisdiction over proceeding to reestablish the legal parent and child relationship under § 260C.329.

2 Reestablishment of the legal parent and child relationship. Creates § 260C.329.

Subd. 1. Citation. Provides that this section may be known as the "Family Reunification Act of 2013."

Subd. 2. Definition. Defines "reestablishment of the legal parent and child relationship" as the physical reunification of a child and a previously terminated legal parent and restoration of all rights and duties that were severed and terminated by the court.

Subd. 3. Petition. Requires the county attorney to file a petition for reestablishment of the legal parent and child relationship. Lists the conditions that must exist before the county attorney can file a petition.

Subd. 4. Petition may not be brought in certain circumstances. Lists the

Section

conditions under which filing a petition for reestablishment of the legal parent and child relationship is prohibited.

Subd. 5. Decision not appealable. Provides that the county attorney's decision not to file a petition is not appealable.

Subd. 6. Venue. Requires the petition to be filed with the court that issued the order for guardianship and legal custody and conducts the permanency reviews.

Subd. 7. Service of petition on the parties. Requires the petition and notice of hearing to be served on the child, the child's guardian ad litem, the parent whose rights have been terminated and with whom a legal parent and child relationship is proposed to be reestablished, and the child's tribe if the child is subject to the Indian Child Welfare Act.

Subd. 8. Hearing. Requires the court to make specific findings using a clear and convincing evidence standard.

Subd. 9. Service of order. Instructs the court administrator to serve a copy of the final order on all parties entitled to service under subdivision 7 and to serve a certified copy of an order for reestablishment of the legal parent and child relationship on the Commissioner of Human Services.

Subd. 10. No right to appointed counsel. Provides that a parent does not have a right to appointed counsel in a proceeding to reestablish the legal parent and child relationship.

Subd. 11. Effect of order. Paragraph (a) provides that upon entry of the order reestablishing the legal parent and child relationship the child is the legal child of the parent, the order placing the child under the guardianship of the commissioner is dismissed, parental rights are restored, and permanent legal and physical custody is awarded to the parent.

Paragraph (b) provides that the order reestablishing the legal parent and child relationship has no effect on the legal rights of any other parent whose rights have been terminated and has no effect on the legal sibling relationship between the child and any other children of the parent.