

Subject Reestablishment of parental rights; background studies

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Overview

This bill modifies human services background study provisions to clarify that individuals cannot be disqualified from direct contact services or access for crimes that have been expunged from their records. The bill also modifies the procedures for reestablishing the parent-child relationship after a parent's rights have been terminated.

Summary

Section	Description
1	<p>Background studies conducted by Department of Human Services.</p> <p>Amends § 245C.08, subdivision 1. Prohibits the commissioner from considering (1) an expunged criminal record or (2) any underlying factor element of an expunged criminal record, when the expungement is directed to the commissioner, when conducting background studies. Allows the commissioner to consider information from separate administrative decisions.</p>
2	<p>Petition.</p> <p>Amends § 260C.329, subd. 3. Allows a legal 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">▪ removes requirement that the county attorney and social services agency agree that reestablishment of the parent-child relationship is in the child's best interests, unless the county attorney files the petition;▪ reduces amount of time a child must have been in foster care after the termination of parental rights from 36 months to 24 months;▪ removes minimum age requirement.
3	<p>Content of parent's petition.</p> <p>Adds subd. 3a to § 260C.329. Specifies that a parent's petition to reestablish the parent-child relationship must be signed under oath and state:</p> <p>(1) petitioner's name, date of birth, and address;</p>

Section	Description
	<p>(2) child or children’s name and date of birth;</p> <p>(3) petitioner’s relationship to child or children;</p> <p>(4) why reunification is sought and why it is in the child’s best interest;</p> <p>(5) details about the termination of parental rights;</p> <p>(6) steps taken toward personal rehabilitation;</p> <p>(7) how the petitioner has corrected the conditions that lead to the termination of parental rights;</p> <p>(8) reasons the petitioner is willing and able to care for the child; and</p> <p>(9) all prior reunification requests by the petitioner.</p>
4	<p>Service of petition on the parties.</p> <p>Amends § 260C.329, subd. 7. Removes the parent whose rights were terminated from the list of persons who must be served with a petition for reestablishment of parental rights (since the parent is the person who files the petition, pursuant to the changes in this bill); adds the county attorney and social services agency to the list of persons who must be served.</p>
5	<p>Hearing.</p> <p>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 reducing the amount of time a child must have been in foster care after the termination of parental rights from 36 months to 24 months.</p>
6	<p>Repealer.</p> <p>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>



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