

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>Disqualification.</p> <p>Amends § 245C.14, subdivisions 1 and 2. Specifies that the commissioner of human services shall not disqualify individuals from direct contact or other access to a person receiving licensed services, for crimes and any underlying elements of crimes that have been expunged from an individual's record. Specifies that this does not apply to certain administrative determinations, unless also expunged by court order directed specifically to the commissioner.</p>
2	<p>Expunged criminal records.</p> <p>Amends § 245C.15 by adding subd. 6. Specifies that the commissioner of human services shall not disqualify an individual subject to a background study for crimes and any underlying elements of crimes that have been expunged from an individual's record. Specifies that this does not apply to certain administrative determinations, unless also expunged by court order directed specifically to the commissioner.</p>
3	<p>Determining risk of harm.</p> <p>No changes.</p>
4	<p>Expunged records.</p> <p>Amends § 245C.22 by adding subd. 8. Specifies that the section governing reconsideration requests does not apply to an individual with crimes and any underlying elements of crimes that have been expunged from an individual's record. Specifies that this does not apply to certain administrative determinations, unless also expunged by court order directed specifically to the commissioner.</p>

Section	Description
5	<p>Expunged criminal records.</p> <p>Amends § 245C.24 by adding subd. 5. Specifies that the commissioner of human services shall not disqualify an individual subject to a background study for crimes and any underlying elements of crimes that have been expunged from an individual's record. Specifies that this does not apply to certain administrative determinations, unless also expunged by court order directed specifically to the commissioner.</p>
6	<p>Petition.</p> <p>Amends § 260C.329, subd. 3. Allows a legal parent to file a petition for reestablishment of the parent child relationship, rather than only the county attorney. 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;▪ 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.
7	<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>
8	<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>
9	<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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