

Rule 26. Commencement of Adoption Matter**26.01 Commencement of an Adoption Matter**

An adoption matter is commenced by filing:

(a) a motion for a direct placement preadoptive custody order pursuant to Rule 29;

(b) an adoption petition; or

(c) a motion for waiver of agency placement pursuant to Minnesota Statutes, section 259.22, subdivision 2, clause (4), when the child is not under the guardianship of the Commissioner of Human Services.

(Amended effective January 1, 2007; amended effective July 1, 2014; amended effective September 1, 2019.)

2014 Advisory Committee Comment

A motion for waiver of agency placement is not available for a child under the guardianship of the Commissioner of Human Services. Under Minnesota Statutes, section 260C.613, subdivision 1, the responsible social services agency has exclusive authority to make an adoptive placement for a child under the guardianship of the commissioner. A challenge to the agency's adoptive placement of a child under the guardianship of the commissioner is brought in a hearing under Minnesota Statutes, section 260C.607, subdivision 6.

26.02 Post-Permanency Review Hearings Continue

The filing of an adoption petition does not terminate the in-court review hearings required at least every 90 days under Rule 51.03 of the Minnesota Rules of Juvenile Protection Procedure.

(Added effective January 1, 2007; amended effective September 1, 2019.)