

Rule 45. Findings of Fact, Conclusions of Law, Order for Judgment, and Adoption Decree**45.01 Dismissal and Denial of Adoption Petition**

If the court finds that the consent of the adult person to be adopted is not valid, the court shall deny the petition. The court may dismiss an adoption petition if appropriate legal grounds have not been proved. In the case of a child under the guardianship of the Commissioner of Human Services, the court shall dismiss the petition if the petitioner is not a party to a fully executed adoption placement agreement. If the court is not satisfied that the proposed adoption is in the best interests of the child, the court shall deny the petition and:

(a) order that the child be returned to the custody of the person or agency legally vested with permanent custody; or

(b) in the case of a child under the guardianship of the Commissioner of Human Services, order the responsible social services agency to take appropriate action for the protection and safety of the child and notify the court responsible for conducting review hearings under Minnesota Statutes, section 260C.607, which shall set a hearing within thirty (30) days of receiving notice of the denial of the petition; or

(c) order the case transferred for appropriate action and disposition by the court having jurisdiction to determine the custody and guardianship of the child.

(Amended effective July 1, 2014.)

45.02 Granting Adoption Petition

If the court finds that it is in the best interests of the child that the petition be granted, the court shall issue findings of fact, conclusions of law, an order for judgment, and an adoption decree that the person shall be the child of the adopting parent. If the person being adopted is an adult, the court shall grant an adoption decree if the court finds that the person's consent is valid. Once the court issues an adoption decree, the court shall also direct the court administrator to complete the appropriate forms so that a new birth record may be issued and notify the prevailing petitioner and his or her attorney of the determination, and provide them with an opportunity to obtain a certified copy of the adoption decree and new birth record prior to the closing of the file.

(Amended effective July 1, 2014.)

45.03 Findings of Fact, Conclusions of Law, Order for Judgment, and Adoption Decree

Subdivision 1. Separate Orders For Each Child. Although multiple children may be listed in an adoption petition, for each such child the court shall issue a separate findings of fact, conclusions of law, order for judgment, and adoption decree.

Subd. 2. Findings of Fact in a Contested Adoption Matter. In its decision in a contested adoption matter, the court shall make findings about:

(a) the petitioner's full name and date of birth;

(b) the petitioner's marital status;

(c) whether petitioner has resided in Minnesota for at least one (1) year prior to filing the adoption petition or whether the residency requirement has been waived pursuant to Rule 35.01;

(d) the date petitioner acquired physical custody of the child and from whom;

(e) the type of placement, including whether it is an agency placement, a direct preadoptive placement, a relative placement, or some other type of placement;

(f) whether three (3) months have passed since the date petitioner acquired physical custody of the child or whether the residency requirement has been waived pursuant to Rule 35.02;

(g) the child's date of birth and the child's city, county, state, and country of birth;

(h) whether a certified copy of the birth record of the child or of the adult to be adopted has been filed with the court;

(i) whether the post-placement assessment report required under Rule 38 and the adoption study report required under Rule 37 have been filed with the court;

(j) whether the child owns property and, if so, a list of such property;

(k) whether all consents required under Rule 33 have been properly executed and filed with the court or whether orders for termination of parental rights have been entered;

(l) whether all notices required under Rule 31 have been properly served and proof of service has been filed with the court;

(m) whether, if applicable, a communication or contact agreement pursuant to Rule 34 has been properly executed and filed with the court and whether the court finds that the communication or contact agreement is in the best interests of the child;

(n) whether a statement of expenses paid by the petitioner has been filed with the court pursuant to Rule 35.08 and whether the expenses are approved;

(o) whether a search of the Minnesota Fathers' Adoption Registry has been conducted and the results have been filed with the court pursuant to Rule 32; and

(p) whether the social and medical history form has been completed by the biological mother and biological father and has been filed with the court.

Subd. 3. Findings of Fact in an Uncontested Adoption Matter. In its decision in an uncontested adoption matter, the court:

(a) shall include findings about the issues identified in subdivision 2(a), (b), (c), (d), (g), (j), and (m); and

(b) may include findings about the issues identified in subdivision 2(e), (f), (h), (i), (k), (l), (n), (o), and (p).

Subd. 4. Conclusions of Law. In its decision, the court shall make conclusions of law about whether all of the allegations contained in the adoption petition have been proved in accordance with the applicable standard of proof and whether the adoption is in the child's best interests.

Subd. 5. Order for Judgment. If the court decides to grant the adoption petition, in its decision the court shall include an order stating:

(a) the child's new name;

(b) that the child is the child of the petitioner; and

(c) that an adoption decree shall be issued.

Subd. 6. Adoption Decree. If the court decides to grant the adoption petition, in its decision the court shall order that the child is the child of the petitioner and of any parent retaining parental rights.

(Amended effective January 1, 2007.)

45.04 Filing and Service

The findings of fact, conclusions of law, order for judgment, and adoption decree shall be filed and served pursuant to Rule 10.03, subdivision 2. If the adoptee is an Indian child, the court administrator shall provide the Secretary of the Interior with a copy of the adoption decree, along with such other information as may be necessary to show the following:

- (a) the child's name and tribal affiliation;
- (b) the names and addresses of the child's biological parents;
- (c) the names and addresses of the child's adoptive parents; and
- (d) the identity of any agency having files or information relating to such adoptive placement.