

Rule 50. Adoptive Placements - Indian Child**50.01 Placement Preferences**

Subdivision 1. Generally. In any adoptive placement of an Indian child, a preference shall be given, in the absence of good cause to the contrary, to a placement with:

- (a) a member of the Indian child's extended family;
- (b) other members of the Indian child's tribe; or
- (c) other Indian families.

Subd. 2. Preadoptive Placements.

An Indian child accepted for preadoptive placement shall be placed in the least restrictive setting which most approximates a family and in which the child's special needs, if any, may be met. The child shall also be placed within reasonable proximity to his or her home, taking into account any special needs of the child. In any preadoptive placement, a preference shall be given, in the absence of good cause to the contrary, to a placement with:

- (a) a member of the Indian child's extended family;
- (b) a foster home licensed, approved, or specified by the Indian child's tribe;
- (c) an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
- (d) an institution for children approved by an Indian tribe or operated by an Indian organization which has a program suitable to meet the Indian child's needs.

(Added effective January 1, 2007.)

50.02 Tribal Resolution for Different Order of Preference; Personal Preference Considered; Anonymity in Application of Preferences

In the case of a placement under Rule 50.01, if the Indian child's tribe establishes a different order of preference by resolution, the agency or court effecting the placement shall follow such order so long as the placement is the least restrictive setting appropriate to the particular needs of the child, as provided in Rule 50.01, subdivision 2. Where appropriate, the preference of the Indian child or parent shall be considered, provided that where a consenting parent evidences a desire for anonymity, the court or agency shall give weight to such desire in applying the preferences.

(Added effective January 1, 2007.)

50.03 Social and Cultural Standards Applicable

The standards to be applied in meeting the preference requirements of Rule 50 shall be the prevailing social and cultural standards of the Indian community in which the parent or extended family resides or with which the parent or extended family members maintain social and cultural ties.

(Added effective January 1, 2007.)

50.04 Record of Placement

A record of each placement, under State law, of an Indian child shall be maintained by the State in which the placement was made, evidencing the efforts to comply with the order of preference

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specified in this section. Such record shall be made available at any time upon the request of the Secretary of the Interior or the Indian child's tribe.

(Added effective January 1, 2007.)