

CHAPTER 257

CHILDREN; CUSTODY OF, ILLEGITIMATE

| | |
|--|---|
| <p>Sec.</p> <p>CUSTODY</p> <p>257.01 Placing out, records</p> <p>257.02 Surrender of parental rights</p> <p>257.025 Custody disputes</p> <p>257.03 Notice to commissioner of public welfare</p> <p>257.04 Investigation</p> <p>257.05 Importation</p> <p>257.06 Exportation</p> <p>257.07 Written agreement</p> <p>257.081 Definitions</p> <p>257.082 Maternity homes</p> <p>257.091 Private agencies to care for and place children; licenses</p> <p>257.101 Foster care and day care licenses</p> <p>257.102 Inspection</p> <p>257.111 Revocation of license; denial</p> <p>257.123 Violations, penalties</p> <p>257.124 Confidentiality of records</p> <p>257.175 Duties of commissioner of public welfare</p> <p>ILLEGITIMATE</p> <p>257.251 Obligations of father</p> <p>257.252 Enforcement</p> <p>257.253 Initiation of proceeding</p> <p>257.254 County attorney; duties</p> <p>257.255 Limitation on recovery from father</p> <p>257.256 Limitations on recovery from father's estate</p> <p>257.257 Remedies</p> | <p>Sec.</p> <p>257.258 Time of trial</p> <p>257.259 Closed trial</p> <p>257.261 Judgment</p> <p>257.262 Contempt</p> <p>257.263 Security</p> <p>257.264 Venue</p> <p>257.27 Compromise</p> <p>257.28 Settlement</p> <p>257.29 Clerk to report name of adjudged father</p> <p>257.30 Physician may testify</p> <p>257.31 Records private</p> <p>257.32 Commissioner of public welfare, legal guardian</p> <p>257.33 Duties of commissioner of public welfare</p> <p>INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN</p> <p>257.40 Interstate compact on the placement of children</p> <p>257.41 Financial responsibility</p> <p>257.42 Appropriate public authority defined</p> <p>257.43 Appropriate authority in receiving state defined</p> <p>257.44 Agreements</p> <p>257.45 Requirements for visitation; supervision</p> <p>257.46 Certain laws not applicable</p> <p>257.47 Court jurisdiction retained</p> <p>257.48 Executive head defined</p> |
|--|---|

CUSTODY

257.01 PLACING OUT, RECORDS. Each person permitted by law to receive children, secure homes for children, or care for children, shall keep a record containing the name, age, and former residence of each child received; the name, former residence, occupation, and character, of each parent; the date of reception, placing out, and adoption of each child, and the name, occupation, and residence of the person with whom a child is placed; the date of the removal of any child to another home and the cause thereof; the date of termination of the guardianship; the history of each child until he reaches the age of 18 years, is legally adopted, or is discharged according to law; and such other information as is required by the commissioner of public welfare.

[Ex1919 c 51 s 1; 1951 c 644 s 1; 1973 c 725 s 47] (4560)

257.02 SURRENDER OF PARENTAL RIGHTS. No person other than the parents or relatives may assume the permanent care and custody of a child under 14 years of age unless authorized so to do by an order or decree of court. Except in proceedings for adoption, no parent may assign or otherwise transfer to another his rights or duties with respect to the permanent care and custody of his child under 14 years of age. Any such transfer shall be void.

[Ex1919 c 51 s 2] (4561)

257.025 CUSTODY DISPUTES. In any proceeding where two or more parties seek custody of a child the court shall determine the best interests of the child by considering and evaluating the following factors:

- (a) The love, affection and other emotional ties existing between the competing parties and the child;
- (b) The capacity and disposition of competing parties to give the child love, affection and guidance and continuation of the educating and raising of the child in its religion, creed, if any, or culture;
- (c) The capacity and disposition of competing parties to provide the child with food, clothing, medical care or other remedial care recognized and permitted under the laws of this state in lieu of medical care, and other material needs;
- (d) The length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity;
- (e) The permanence, as a family unit, of the existing or proposed custodial home;

MINNESOTA STATUTES 1974

3159

CHILDREN; CUSTODY OF, ILLEGITIMATE 257.05

- (f) The mental and physical health of the competing parties;
- (g) The home, school and community record of the child;
- (h) The cultural background of the child;
- (i) The reasonable preference of the child, if the court deems the child to be of sufficient age to express preference;
- (j) Any other factor considered by the court to be relevant to a particular child custody dispute.

[1974 c 330 s 1]

257.03 NOTICE TO COMMISSIONER OF PUBLIC WELFARE. Any person receiving a child in his home with intent to adopt him or keep him permanently, except a person receiving a child from an authorized agency, must notify the commissioner of public welfare in writing within 30 days after the child is received. Notice shall state the true name of the child; his last previous address; the name and address of his parents or legal guardian and of persons with whom he last resided; and the names and addresses of persons who placed him in the home, arranged for, or assisted with arrangements for his placement there; and such other facts about the child or the home as the commissioner may require. It is the duty of the commissioner or his designated agent to investigate the circumstances surrounding the child's entry into the home and to take appropriate action to assure for the child, the natural parents, and the foster parents the full protection of all laws of Minnesota relating to custody and foster care of children. Except as provided by section 317.65, no person shall solicit, receive, or accept any payment, promise of payment, or compensation, for placing a child in foster care or for assisting to place a child in foster care. Nor shall any person pay or promise to pay or in any way compensate any person, for placing or for assisting to place a child in foster care.

[Ex1919 c 51 s 3; 1949 c 227 s 1; 1951 c 644 s 2; 1955 c 587 s 1] (4562)

257.04 INVESTIGATION. Upon receipt of the notice provided for in section 257.03 the commissioner of public welfare or his designated agent shall visit the child and the home and shall continue to visit and supervise the home and the child or take other appropriate action to assure that the welfare of the child, his natural parents and his foster parents are fully protected.

[Ex1919 c 51 s 4; 1935 c 112 s 2; 1949 c 227 s 2; 1955 c 587 s 2] (4563)

257.05 IMPORTATION. Subdivision 1. No person, except as provided by subdivision 2, shall bring or send into the state any child for the purpose of placing him out or procuring his adoption without first obtaining the consent of the commissioner of public welfare, and such person shall conform to all rules of the commissioner of public welfare and laws of the state of Minnesota relating to protection of children in foster care. He shall file with the commissioner of public welfare a bond to the state, approved by the commissioner of public welfare, in the penal sum of \$1,000, conditioned that he will not send or bring into the state any child who is incorrigible or unsound of mind or body; that he will remove any such child who becomes a public charge or who, in the opinion of the commissioner of public welfare, becomes a menace to the community prior to his adoption or becoming of legal age; provided however, that the commissioner of public welfare may in his discretion waive the filing of a bond and accept in lieu thereof a written guarantee of responsibility in such form as he shall prescribe. Before any child shall be brought or sent into the state for the purpose of placing him in foster care, the person bringing or sending the child into the state shall first notify the commissioner of public welfare of his intention, and shall obtain from the commissioner of public welfare a certificate stating that the home in which the child is to be placed is, in the opinion of the commissioner of public welfare, a suitable adoptive home for the child if legal adoption is contemplated or that the home meets the commissioner's requirements for licensing of foster homes if legal adoption is not contemplated. The commissioner is responsible for protecting the child's interests so long as he remains within the state and until he reaches the age of 18 or is legally adopted. Notice to the commissioner shall state the name, age, and personal description of the child, and the name and address of the person with whom the child is to be placed, and such other information about the child and the foster home as may be required by the commissioner.

[Ex1919 c 51 s 5; 1949 c 21 s 1; 1955 c 587 s 3; 1965 c 115 s 1; 1973 c 725 s 48]

(4564)

Subd 2 left out

MINNESOTA STATUTES 1974

257.06 EXPORTATION. No person except a parent or guardian may take or send a child out of the state for purposes of placing him in foster care without first obtaining the approval of the commissioner of public welfare.

[*Ex*1919 c 51 s 6; 1955 c 587 s 4] (4565)

257.07 WRITTEN AGREEMENT. Every person placing a child in a foster home shall enter into a written agreement with the person taking the child, which agreement shall provide that the person placing the child shall have access at all reasonable times, to such child and to the home in which he is living, and for the return of the child by the person taking him when, in the opinion of the person placing such child or in the opinion of the commissioner of public welfare, the best interests of the child shall require it. The provisions of this section shall not apply to children who have been legally adopted.

[*Ex*1919 c 51 s 7] (4566)

257.08 [Repealed, 1953 c 613 s 4]

257.081 DEFINITIONS. Subdivision 1. For the purposes of sections 257.081 to 257.123 the terms defined shall have the meanings ascribed to them.

Subd. 2. "Agency" means any individual, organization, association, or corporation giving needed service or assistance to children in their own homes or receiving children unable to remain in their own homes and placing them in foster care. It includes any social service department of a child-caring institution which carries these responsibilities, or gives the services here described.

Subd. 3. "Person" includes association, corporation, partnership, any political subdivision of the state, and any agency, board, or department of such a political subdivision.

Subd. 4. "Facility for foster care" means any facility which for gain or otherwise regularly provides one or more children, when unaccompanied by their parents, with a substitute for the care, food, lodging, training, education, supervision or treatment they need but which for any reason cannot be furnished by their parents in their homes. This includes but is not limited to the following: an institution, detention home, boarding home, free home, work home, children's home, or school for handicapped children.

Subd. 5. "Placing children in foster care" means placing children in any of the following foster care facilities: boarding home; work home; free home; group home; or institution. It also means placement in a private home for the purpose of legal adoption.

Subd. 6. "Children" means one or more persons under the age of 18 years.

Subd. 7. "Maternity home" means any family home, boarding home, institution, or establishment which gives or holds itself out to give care, shelter, or social services to women who are pregnant, or who have been delivered of a child or children within a period of 30 days prior to admission to such facility, whether or not children of these mothers are also received for care during the period of time the mother is in residence. It does not include facilities which give obstetrical care and treatment and are therefore subject to license by the department of health as defined in section 144.50 and in regulations issued by the board of health.

Subd. 8. [Renumbered 257.082, subd 1]

Subd. 9. [Renumbered 257.082, subd 2]

Subd. 10. "Day care facility" means any facility operated to provide care for children for limited periods of a day. Day care facilities include but are not limited to family day care homes and group day care centers.

(1) "Family day care home" is a facility providing day care for no more than five children at any one home including the family day care home operator's own children under five years of age.

(2) "Group day care center" is a facility providing day care for six or more children at one time and includes but is not limited to facilities for children known as nursery schools, day nurseries, child care centers, play groups and day-time activity centers.

[1953 c 613 s 1; 1957 c 697 s 1; 1971 c 539 s 1; 1973 c 102 s 1]

257.082 MATERNITY HOMES. The commissioner of public welfare shall

MINNESOTA STATUTES 1974

3161

CHILDREN; CUSTODY OF, ILLEGITIMATE 257.101

pass annually on the adequacy and suitability of maternity homes. The commissioner shall, subject to the provisions of Minnesota Statutes 1969, Chapter 15, set rules governing the operation of such facilities. If he is satisfied that a maternity home conforms to his rules and regulations, or in his opinion is making satisfactory progress toward full conformity, and that the wellbeing of each woman or child received is properly safeguarded, he shall grant a license to the individual, organization, or society operating such maternity home. This license shall remain in force for one year unless sooner revoked and shall prescribe the number of persons who may be received for care at any one time and such other terms of license as the commissioner may prescribe. Each maternity home shall keep records prescribed by the commissioner and shall make available all facts regarding its operation and services and all facts regarding the true identity of each woman or child received for care and such other facts as the commissioner may require. Every maternity home is subject to visitation and supervision by the commissioner or his designated agent and shall receive from him consultation as needed to strengthen services for the identification and protection of mothers pregnant with children who will be born out of wedlock, and to strengthen social services for the protection and early identification of children born out of wedlock. No unlicensed maternity home shall operate or continue to operate.

[1955 c 624 s 1-3; 1971 c 539 s 2]

257.09 [Repealed, 1953 c 613 s 10]

257.091 PRIVATE AGENCIES TO CARE FOR AND PLACE CHILDREN; LICENSES. The commissioner of public welfare shall pass annually on the fitness of every person or agency engaging in the business, for gain or otherwise, of receiving and caring for children or placing them in foster care. The fitness of agencies shall be determined by the commissioner on the basis of conformity to rules established by the commissioner to govern their operation. Each agency shall make available all facts regarding its operations and services which the commissioner requires to determine its ability and competence to give service and care adequately for children received. When the commissioner is satisfied that an agency conforms to the rules governing its operation or is making satisfactory progress toward full conformity to such rules and is giving the services to children it purports to give, he shall issue a license to the agency. The license shall continue in force for one year unless sooner revoked by him. A list of licensed agencies shall be sent by the commissioner annually to all juvenile courts and to all the agencies so approved. The list shall contain a description of the scope of service to children for which each agency has been approved. No unlicensed person or agency shall receive a child for care or placing out, place a child in foster care, in any way assist with plans for his placement in foster care, or solicit money in behalf of such agency. All licensed agencies are subject to review and supervision by the commissioner and shall receive consultation as needed from the commissioner to strengthen services to children and to achieve the purpose of this section.

[1953 c 613 s 3; 1955 c 587 s 5]

257.10 [Repealed, 1953 c 613 s 2]

257.101 FOSTER CARE AND DAY CARE LICENSES. Subdivision 1. No person shall operate a day care or foster care facility or advertise or offer such facility without a valid license except:

(1) A home caring for a child placed there for legal adoption unless legal adoption is not completed within two years after placement.

(2) A home caring for children related to the operator thereof by blood or marriage.

(3) A facility under the management and control of the commissioner of public welfare or the Minnesota corrections authority.

(4) A facility supervised or licensed by any other state agency.

(5) A facility caring for children from no more than one family, except that a foster care facility so utilized for a period of greater than 30 days must be licensed.

(6) A day care facility caring for children for periods of short duration while the parents remain on the premises.

(7) A day care facility doing business for a period of less than 30 days in any one year.

MINNESOTA STATUTES 1974

257.102 CHILDREN; CUSTODY OF, ILLEGITIMATE

3162

Subd. 2. The commissioner of public welfare shall, subject to the provisions of chapter 15, establish by rule and regulation procedures and standards for the issuance and renewal of licenses and for the operation of foster care and day care facilities. Facilities which in the judgment of the commissioner of education operate for the primary purpose of educating children shall be exempt from these regulations except insofar as the regulations affect the health and safety of the children therein. Where an initial license is being issued to any facility it shall remain in force for one year. Where a license is being renewed it may be issued for a period of up to two years, in the discretion of the commissioner of public welfare. Every license shall prescribe the number and age groupings of children who may receive care at any one time. A reasonable licensing fee may be charged to defray the expense of issuing such licenses.

Subd. 3. The commissioner shall advise prospective licensees within 90 days of the receipt of a completed application as to his decision regarding their license.

Subd. 4. The commissioner may issue a nonrenewable provisional license for a period not to exceed one year to a proposed licensee who has substantially complied with established licensing standards, pending issuance of a license pursuant to subdivision 1.

Subd. 5. The commissioner may issue a license to a day care facility otherwise exempted in subdivision 1 if requested to do so by the operator of the facility.

Subd. 6. Notwithstanding any law to the contrary, no municipality or other political subdivision may enact zoning ordinances which prohibit the use of a single family dwelling in a residential area as a foster family home or as a facility for family day care of five or less children, including the provider's children, so long as the facility meets requirements for licensure pursuant to this and all applicable local and state health and safety regulations.

Subd. 7. Notwithstanding any law to the contrary, the commissioner of public welfare shall, at least 30 days before issuing a license under this section to any facility, notify the affected municipality or political subdivision of the facility's application.

[1953 c 613 s 5; 1957 c 697 s 2; 1969 c 493 s 3; 1971 c 539 s 3; 1973 c 195 s 1; 1973 c 654 s 15; 1974 c 274 s 1, 2]

257.102 INSPECTION. Subdivision 1. The commissioner may inspect the premises of a prospective licensee to determine whether the standards for licensure have been met. He may also make such inspections as may be necessary to ascertain whether licensed facilities continue to meet established standards.

Subd. 2. The commissioner may inspect the premises of unlicensed facilities providing services for which a license pursuant to section 257.101 is required.

[1971 c 539 s 4]

257.111 [Repealed, 1953 c 613 s 6]

257.111 REVOCATION OF LICENSE; DENIAL. After due notice and hearing, subject to the provisions of chapter 15, the commissioner of public welfare may revoke the license of any agency, facility for foster care, facility for day care or maternity home:

(a) If the licensee fails to comply with the rules and regulations established by the commissioner.

(b) If the licensee fails to comply with the terms of a license issued by the commissioner.

Any applicant who is denied a license or whose license is not renewed may appeal in accordance with the provisions of chapter 15.

Subd. 2. [Repealed, 1971 c 539 s 8]

Subd. 3. [Repealed, 1971 c 539 s 8]

Subd. 4. [Repealed, 1971 c 539 s 8]

Subd. 5. [Repealed, 1971 c 539 s 8]

Subd. 6. [Repealed, 1971 c 539 s 8]

[1953 c 613 s 7; 1955 c 624 s 4-6; 1971 c 539 s 5]

257.12 [Repealed, 1953 c 613 s 6]

257.121 [Repealed, 1971 c 539 s 8]

257.123 VIOLATIONS, PENALTIES. Subdivision 1. Every person who oper-

MINNESOTA STATUTES 1974

3163

CHILDREN; CUSTODY OF, ILLEGITIMATE 257.252

ates a facility required to be licensed pursuant to Laws 1971, Chapter 539 or to Minnesota Statutes, Sections 257.081 to 257.111 without a license, or who violates any provision of those sections shall be guilty of a misdemeanor.

Subd. 2. Any person who offers or advertises a facility required to be licensed pursuant to Laws 1971, Chapter 539 or pursuant to Minnesota Statutes, Sections 257.081 to 257.111 prior to obtaining such a license, or who offers or advertises any facility in violation of any provision of Laws 1971, Chapter 539 or of Minnesota Statutes, Sections 257.081 to 257.111 shall be guilty of a misdemeanor.

[1953 c 613 s 9; 1955 c 587 s 7; 1971 c 539 s 6]

257.124 CONFIDENTIALITY OF RECORDS. The records kept by the commissioner of public welfare pursuant to Laws 1971, Chapter 539 or to Minnesota Statutes, Sections 257.081 to 257.111 shall be kept confidential and shall not be open to inspection nor shall the contents of such records be disclosed except by court order, provided however, that the confidential exchange of information between agencies of the state, other social welfare agencies or law enforcement agencies regarding individuals in the care of one of such agencies is specifically authorized.

[1971 c 539 s 7]

257.13 [Repealed, 1971 c 539 s 8]

257.14 [Repealed, 1971 c 539 s 8]

257.15 [Repealed, 1971 c 539 s 8]

257.16 [Repealed, 1953 c 613 s 10]

257.17 [Repealed, 1953 c 613 s 10]

257.175 DUTIES OF COMMISSIONER OF PUBLIC WELFARE. It shall be the duty of the commissioner of public welfare to promote the enforcement of all laws for the protection of defective, illegitimate, dependent, neglected, and delinquent children, to cooperate to this end with juvenile courts and all reputable child-helping and child-placing agencies of a public or private character, and to take the initiative in all matters involving the interests of such children where adequate provision therefor has not already been made. The commissioner may appoint a chief executive officer and such assistants as shall be necessary to carry out the purposes of sections 257.175, 257.32, and 257.33.

[1917 c 194 s 3; 1965 c 45 s 37] (4456)

257.176 [Repealed, 1959 c 480 s 6]

257.177 [Repealed, 1959 c 480 s 6]

ILLEGITIMATE

257.18 [Repealed, 1971 c 143 s 16]

257.19 [Repealed, 1971 c 143 s 16]

257.20 [Repealed, 1971 c 143 s 16]

257.21 [Repealed, 1971 c 143 s 16]

257.22 [Repealed, 1971 c 143 s 16]

257.23 [Repealed, 1971 c 143 s 16]

257.24 [Repealed, 1971 c 143 s 16]

257.25 [Repealed, 1971 c 143 s 16]

257.251 OBLIGATIONS OF FATHER. The father of a child born out of wedlock is liable, whether or not the child is born alive, for the reasonable expense of the mother's pregnancy and confinement, including her suitable maintenance for not more than eight weeks next prior and not more than eight weeks thereafter, and for the education, necessary support and funeral expenses of the child. A child born out of wedlock includes a child born to a married woman by a man other than her husband.

[1971 c 143 s 1]

257.252 ENFORCEMENT. Paternity may be determined upon the civil complaint of the mother, child, or the public authority chargeable by law with the support of the child. If paternity has been determined or has been acknowledged according to the laws of this state, the liabilities of the father may be enforced

MINNESOTA STATUTES 1974

257.253 CHILDREN; CUSTODY OF, ILLEGITIMATE

3164

in the same or other proceedings (1) by the mother, child, or the public authority which has furnished or may furnish the reasonable expenses of pregnancy, confinement, education, necessary support, or funeral expenses, or (2) by other persons to the extent that they have furnished the reasonable expenses of pregnancy, confinement, education, necessary support, or funeral expenses.

[1971 c 143 s 2]

257.253 INITIATION OF PROCEEDING. A proceeding for the determination of paternity is initiated by filing a verified complaint of the mother, child, or the public authority chargeable by law with the support of the child, in the district court of this state, and by personal service upon the defendant of a civil summons together with a copy of the verified complaint. An order, returnable not sooner than five days following expiration of the period to answer, to show cause why he should not be adjudicated to be the father of the child may also be served with the summons and complaint.

[1971 c 143 s 3; 1974 c 461 s 1]

257.254 COUNTY ATTORNEY; DUTIES. When requested to do so by a district court judge, public welfare or other social service agency, and in all other cases when the petitioner is unable to employ an attorney through inability to immediately pay for such services, the county attorney may appear on behalf of and represent the complainant in all proceedings under sections 257.251 to 257.259, 257.261 to 257.264 and 257.27 to 257.33 and shall obtain and present such evidence as may be necessary. In those cases initiated in which the county attorney, acting in his official capacity, represents the complainant, no filing fee shall be required by the clerk of court.

[1971 c 143 s 4]

257.255 LIMITATION ON RECOVERY FROM FATHER. The father's liabilities under this chapter for past education and necessary support of the illegitimate child are limited to a period of four years next preceding the commencement of an action.

[1971 c 143 s 5]

257.256 LIMITATIONS ON RECOVERY FROM FATHER'S ESTATE. The obligation of the estate of the father for liabilities under sections 257.251 to 257.259, 257.261 to 257.264 and 257.27 to 257.33 is limited to amounts accrued prior to his death and such sums as may be payable for dependence under other laws.

[1971 c 143 s 6]

257.257 REMEDIES. The district court has jurisdiction of a civil action under sections 257.251 to 257.259, 257.261 to 257.264 and 257.27 to 257.33 and all remedies for the enforcement of judgments for expenses of pregnancy and confinement for a wife or for education, necessary support, or funeral expenses for legitimate children apply. The court has continuing jurisdiction to modify or revoke a judgment for future education and necessary support. All remedies under the Uniform Reciprocal Enforcement of Support Act are available for enforcement of duties of support under sections 257.251 to 257.259, 257.261 to 257.264 and 257.27 to 257.33.

[1971 c 143 s 7]

257.258 TIME OF TRIAL. If the issue of paternity is raised in an action commenced during the pregnancy of the mother, the trial shall not, without the consent of the alleged father, be held until after the birth or miscarriage but during such delay testimony may be perpetuated according to the laws of this state.

[1971 c 143 s 8]

257.259 CLOSED TRIAL. Upon the trial in district court the judge may at his discretion exclude the general public from attendance at such trial and shall do so at the request of either party.

[1971 c 143 s 9]

257.26 [Repealed, 1971 c 143 s 16]

257.261 JUDGMENT. Subdivision 1. Judgments under sections 257.251 to 257.259, 257.261 to 257.264 and 257.27 to 257.33 may be for periodic payments which may vary in amount. The court may order payments to be made to the mother or

MINNESOTA STATUTES 1974

3165

CHILDREN; CUSTODY OF, ILLEGITIMATE 257.30

to some person, corporation, or agency designated to administer them under the supervision of the court. Upon due notice to the county welfare board or the commissioner of public welfare and the duly appointed guardian, if any, the judge of the district court before whom the proceedings are pending shall make and enter an order, directing and requiring the father of such child to pay to the county welfare board, or the commissioner of public welfare such sum of money or its equivalent, as may be proper and adequate for the care, maintenance, and education of such child; or such order may provide for the payment, in the manner heretofore provided, of a specific sum each month, or at other stated intervals for the purposes hereinbefore specified.

Subd. 2. Before the issuance of any order pursuant to subdivision 1 or court approval of a settlement agreement authorized by section 257.28, the county welfare board or the commissioner of public welfare shall recommend to the court the sum of money, or its equivalent, that is proper and adequate for the care, maintenance, and education of the illegitimate child.

Subd. 3. In any proceeding brought pursuant to sections 257.251 to 257.259 and 257.261 to 257.264, the mother of an illegitimate child may recover the costs of the action paid or incurred by her, including a reasonable amount for attorney's fees.

[1971 c 143 s 10]

257.262 CONTEMPT. A defendant who fails to comply with any order of the court is guilty of civil contempt of court, and shall also be subject to all the penalties for failure to care for and support such illegitimate child, which are or shall be imposed by law upon the father of a legitimate child of like age and capacity.

[1971 c 143 s 11]

257.263 SECURITY. The court may require the alleged father to give bond or other security for the payment of the judgment.

[1971 c 143 s 12]

257.264 VENUE. An action under sections 257.251 to 257.259, 257.261 to 257.264 and 257.27 to 257.33 may be brought in the county where the alleged father is present or has property or in the county where the mother resides, or in the county where the child may be found, if it is likely to become a public charge therein.

[1971 c 143 s 13]

257.27 COMPROMISE. The county board, either before or after judgment, may make such compromise and settlement with the putative father of any illegitimate child as it deems equitable and just for expenses incurred by the county for which judgment may be or shall have been entered pursuant to section 257.261.

[R L s 1577; 1917 c 210; 1971 c 143 s 14] (3271)

257.28 SETTLEMENT. The commissioner of public welfare shall accept from the alleged, acknowledged, or adjudicated father of the child such sum as shall be approved by the court having jurisdiction of proceedings to establish the paternity of the child in full settlement of all obligations for the care, maintenance, and education of such child and hold or dispose of the same as ordered by the court. Such settlement shall discharge the alleged, acknowledged, or adjudicated father of all further liability, civil and criminal, on account of such child, provided that such settlement shall not affect his liability for the expenses of pregnancy, confinement, and mother's maintenance under section 257.251.

[R L s 1578; 1917 c 210; 1921 c 489 s 1; 1941 c 152 s 2; 1971 c 143 s 15] (3272 (a))

257.29 CLERK TO REPORT NAME OF ADJUDGED FATHER. Upon the entry of a judgment determining the paternity of an illegitimate child the clerk of the district court shall notify in writing the state registrar of vital statistics of the name of the person against whom such judgment has been entered, together with such other facts disclosed by his records as may assist in identifying the record of the birth of the child as the same may appear in the office of the registrar. If the judgment shall thereafter be vacated, that fact shall be reported by the clerk in like manner.

[R. L. s. 1578; 1917 c. 210; 1921 c. 489 s. 1] (3272 (b))

257.30 PHYSICIAN MAY TESTIFY. In any proceeding under this chapter a licensed physician or surgeon may testify concerning the fact and probable date

of inception of the pregnancy of his patient without her consent and shall so testify when duly called as a witness.

[*R. L. s. 1578; 1917 c. 210; 1921 c. 489 s. 1*] (3272 (c))

257.31 RECORDS PRIVATE. All records of court proceedings in cases of alleged illegitimacy after the final determination thereof shall be withheld from inspection by any person other than by written request of the state department of public welfare or of a county welfare board, except upon order of the court.

[*R. L. s. 1578; 1917 c. 210; 1921 c. 489 s. 1; 1945 c. 357 s. 1*] (3272(e))

257.32 COMMISSIONER OF PUBLIC WELFARE, LEGAL GUARDIAN. Subdivision 1. The commissioner of public welfare shall have powers of legal guardianship over the persons of all children who may be committed by courts of competent jurisdiction to his care or to institutions under his management. After commitment to his guardianship, he may make such provision for, and disposition of, the child as necessity and the best interests of the child may from time to time require. No child shall be placed in an institution maintained for the care of delinquents who has not been duly adjudged to be delinquent. The commissioner shall not be authorized to consent to the adoption of a child who is committed to his guardianship on account of delinquency.

Subd. 2. If existing buildings, grounds or other facilities provided by law, or which may be available, for the shelter and care of dependent and neglected children, who are under the guardianship of the commissioner of public welfare, become inadequate, the commissioner, with the approval of the commissioner of administration, may arrange according to law, by gift or by lease, not exceeding two years in duration, for the use of any available buildings, dwellings and grounds appurtenant thereto or suitable for such purpose.

[*1917 c. 194 s. 1; 1941 c. 159 s. 1; 1945 c. 565 s. 3*] (4454)

257.33 DUTIES OF COMMISSIONER OF PUBLIC WELFARE. It shall be the duty of the commissioner of public welfare when notified of a woman who is delivered of an illegitimate child, or pregnant with child likely to be illegitimate when born, to take care that the interests of the child are safeguarded, that appropriate steps are taken to establish his paternity, and that there is secured for him the nearest possible approximation to the care, support, and education that he would be entitled to if born of lawful marriage. For the better accomplishment of these purposes the commissioner of public welfare may initiate such legal or other action as is deemed necessary; may make such provision for the care, maintenance, and education of the child as the best interests of the child may from time to time require, and may offer his aid and protection in such ways as are found wise and expedient to the unmarried woman approaching motherhood.

[*1917 c. 194 s. 2*] (4455)

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

257.40 INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN. The interstate compact on the placement of children is hereby enacted into law and entered into with all other jurisdictions legally joining therein in form substantially as follows:

ARTICLE 1

Purpose and Policy

It is the purpose and policy of the party states to cooperate with each other in the interstate placement of children to the end that:

(a) Each child requiring placement shall receive the maximum opportunity to be placed in a suitable environment and with persons or institutions having appropriate qualifications and facilities to provide a necessary and desirable degree and type of care.

(b) The appropriate authorities in a state where a child is to be placed may have full opportunity to ascertain the circumstances of the proposed placement, thereby promoting full compliance with applicable requirements for the protection of the child.

(c) The proper authorities of the state from which the placement is made may

MINNESOTA STATUTES 1974

3167

CHILDREN; CUSTODY OF, ILLEGITIMATE 257.40

obtain the most complete information on the basis on which to evaluate a projected placement before it is made.

(d) Appropriate jurisdictional arrangements for the care of children will be promoted.

ARTICLE 2

Definitions

As used in this compact:

(a) "Child" means a person who, by reason of minority, is legally subject to parental, guardianship or similar control.

(b) "Sending agency" means a party state, officer or employee thereof; a subdivision of a party state, or officer or employee thereof; a court of a party state; a person, corporation, association, charitable agency or other entity which sends, brings, or causes to be sent or brought any child to another party state.

(c) "Receiving state" means the state to which a child is sent, brought, or caused to be sent or brought, whether by public authorities or private persons or agencies, and whether for placement with state or local public authorities or for placement with private agencies or persons.

(d) "Placement" means the arrangement for the care of a child in a family free or boarding home or in a child-caring agency or institution but does not include any institution caring for the mentally ill, mentally defective or epileptic or any institution primarily educational in character, and any hospital or other medical facility.

ARTICLE 3

Conditions for Placement

(a) No sending agency shall send, bring, or cause to be sent or brought into any other party state any child for placement in foster care or as a preliminary to a possible adoption unless the sending agency shall comply with each and every requirement set forth in this article and with the applicable laws of the receiving state governing the placement of children therein.

(b) Prior to sending, bringing or causing any child to be sent or brought into a receiving state for placement in foster care or as a preliminary to a possible adoption, the sending agency shall furnish the appropriate public authorities in the receiving state written notice of the intention to send, bring, or place the child in the receiving state. The notice shall contain:

(1) The name, date and place of birth of the child.

(2) The identity and address or addresses of the parents or legal guardian.

(3) The name and address of the person, agency or institution to or with which the sending agency proposes to send, bring, or place the child.

(4) A full statement of the reasons for such proposed action and evidence of the authority pursuant to which the placement is proposed to be made.

(c) Any public officer or agency in a receiving state which is in receipt of a notice pursuant to paragraph (b) of this article may request of the sending agency, or any other appropriate officer or agency of or in the sending agency's state, and shall be entitled to receive therefrom, such supporting or additional information as it may deem necessary under the circumstances to carry out the purpose and policy of this compact.

(d) The child shall not be sent, brought, or caused to be sent or brought into the receiving state until the appropriate public authorities in the receiving state shall notify the sending agency, in writing, to the effect that the proposed placement does not appear to be contrary to the interests of the child.

ARTICLE 4

Penalty for Illegal Placement

The sending, bringing, or causing to be sent or brought into any receiving state of a child in violation of the terms of this compact shall constitute a violation of the laws respecting the placement of children of both the state in which the sending agency is located or from which it sends or brings the child and of the receiving state. Such violation may be punished or subjected to penalty in either jurisdiction in accordance with its laws. In addition to liability for any such punishment or penalty, any such violation shall constitute full and sufficient grounds for the suspension or revocation of any license, permit, or other legal authorization held by the sending agency which empowers or allows it to place, or care for children.

ARTICLE 5

Retention of Jurisdiction

(a) The sending agency shall retain jurisdiction over the child sufficient to determine all matters in relation to the custody, supervision, care, treatment and disposition of the child which it would have had if the child had remained in the sending agency's state, until the child is adopted, reaches majority, becomes self-supporting or is discharged with the concurrence of the appropriate authority in the receiving state. Such jurisdiction shall also include the power to effect or cause the return of the child or its transfer to another location and custody pursuant to law. The sending agency shall continue to have financial responsibility for support and maintenance of the child during the period of the placement. Nothing contained herein shall defeat a claim of jurisdiction by a receiving state sufficient to deal with an act of delinquency or crime committed therein.

(b) When the sending agency is a public agency, it may enter into an agreement with an authorized public or private agency in the receiving state providing for the performance of one or more services in respect of such case by the latter as agent for the sending agency.

(c) Nothing in this compact shall be construed to prevent a private charitable agency authorized to place children in the receiving state from performing services or acting as agent in that state for a private charitable agency of the sending state; nor to prevent the agency in the receiving state from discharging financial responsibility for the support and maintenance of a child who has been placed on behalf of the sending agency without relieving the responsibility set forth in paragraph (a) hereof.

ARTICLE 6

Institutional Care of Delinquent Children

A child adjudicated delinquent may be placed in an institution in another party jurisdiction pursuant to this compact but no such placement shall be made unless the child is given a court hearing on notice to the parent or guardian with opportunity to be heard, prior to his being sent to such other party jurisdiction for institutional care and the court finds that:

1. Equivalent facilities for the child are not available in the sending agency's jurisdiction; and
2. Institutional care in the other jurisdiction is in the best interest of the child and will not produce undue hardship.

ARTICLE 7

Compact Administrator

The executive head of each jurisdiction party to this compact shall designate an officer who shall be general coordinator of activities under this compact in his jurisdiction and who, acting jointly with like officers of other party jurisdictions, shall have power to promulgate rules and regulations to carry out more effectively the terms and provisions of this compact.

ARTICLE 8

Limitations

This compact shall not apply to:

(a) The sending or bringing of a child into a receiving state by his parent, step-parent, grandparent, adult brother or sister, adult uncle or aunt, or his guardian and leaving the child with any such relative or non-agency guardian in the receiving state.

(b) Any placement, sending or bringing of a child into a receiving state pursuant to any other interstate compact to which both the state from which the child is sent or brought and the receiving state are party, or to any other agreement between said states which has the force of law.

ARTICLE 9

Enactment and Withdrawal

This compact shall be open to joinder by any state, territory or possession of

MINNESOTA STATUTES 1974

3169

CHILDREN; CUSTODY OF, ILLEGITIMATE 257.46

the United States, the District of Columbia, the Commonwealth of Puerto Rico, and, with the consent of Congress, the Government of Canada or any province thereof. It shall become effective with respect to any such jurisdiction when such jurisdiction has enacted the same into law. Withdrawal from this compact shall be by the enactment of a statute repealing the same, but shall not take effect until two years after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the Governor of each other party jurisdiction. Withdrawal of a party state shall not affect the rights, duties and obligations under this compact of any sending agency therein with respect to a placement made prior to the effective date of withdrawal.

ARTICLE 10

Construction and Severability

The provisions of this compact shall be liberally construed to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phase, clause, sentence or provisions of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

[1973 c 227 s 1]

257.41 FINANCIAL RESPONSIBILITY. Financial responsibility for any child placed pursuant to the provisions of the interstate compact on the placement of children shall be determined in accordance with the provisions of article 5 thereof in the first instance. However, in the event of partial or complete default of performance thereunder, the provisions of sections 518.41 to 518.53 also may be invoked.

[1973 c 227 s 2]

257.42 APPROPRIATE PUBLIC AUTHORITY DEFINED. The "appropriate public authorities" as used in article 3 of the interstate compact on the placement of children shall, with reference to this state, mean the Minnesota department of public welfare and said department of public welfare shall receive and act with reference to notices required by said article 3.

[1973 c 227 s 3]

257.43 APPROPRIATE AUTHORITY IN RECEIVING STATE DEFINED. As used in paragraph (a) of article 5 of the interstate compact on the placement of children, the phrase "appropriate authority in the receiving state" with reference to this state shall mean the commissioner of public welfare.

[1973 c 227 s 4]

257.44 AGREEMENTS. The officers and agencies of this state and its subdivisions having authority to place children are hereby empowered to enter into agreements with appropriate officers or agencies of or in other party states pursuant to paragraph (b) of article 5 of the interstate compact on the placement of children. Any such agreement which contains a financial commitment or imposes a financial obligation on this state or subdivision or agency thereof shall not be binding unless it has the approval in writing of the commissioner of public welfare in the case of the state and of the chief local fiscal officer in the case of a subdivision of the state.

[1973 c 227 s 5]

257.45 REQUIREMENTS FOR VISITATION; SUPERVISION. Any requirements for visitation, inspection or supervision of children, homes, institutions or other agencies in another party state which may apply under section 257.07 shall be deemed to be met if performed pursuant to an agreement entered into by appropriate officers or agencies of this state or a subdivision thereof as contemplated by paragraph (b) of article 5 of the interstate compact on the placement of children.

[1973 c 227 s 6]

257.46 CERTAIN LAWS NOT APPLICABLE. The provisions of section 257.06

MINNESOTA STATUTES 1974

257.47 CHILDREN; CUSTODY OF, ILLEGITIMATE

3170

shall not apply to placements made pursuant to the interstate compact on the placement of children.

[1973 c 227 s 7]

257.47 COURT JURISDICTION RETAINED. Any court having jurisdiction to place delinquent children may place such a child in an institution or in another state pursuant to article 6 of the interstate compact on the placement of children and shall retain jurisdiction as provided in article 5 thereof.

[1973 c 227 s 8]

257.48 EXECUTIVE HEAD DEFINED. As used in article 7 of the interstate compact on the placement of children, the term "executive head" means the governor. The governor is hereby authorized to appoint a compact administrator in accordance with the terms of said article 7.

[1973 c 227 s 9]