

# MINNESOTA STATUTES 1979 SUPPLEMENT

## 259.24 CHANGE OF NAME, ADOPTION

### CHAPTER 259. CHANGE OF NAME, ADOPTION

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#### 259.24 Consents.

[For text of subs 1 to 5, see M.S.1978]

Subd. 6. **Withdrawal of consent.** After a petition has been filed, the consent to the adoption may be withdrawn only upon order of the court after a written finding that the withdrawal is in the best interest of the child.

In the proceeding, the adoptive parents and the child shall be made parties. When determining the best interest of the child, section 257.025 shall control and there shall be no presumption that favors the biological parents over the adoptive parents. The proceedings shall be conducted so as to preserve the confidentiality of the adoption process.

[For text of subd 7, see M.S.1978]

Subd. 8. **Adoptive parents defined.** For the purposes of subdivision 6, and section 259.25, subdivision 2, the term "adoptive parents" shall mean parents who have received a child into their home with the intent to adopt the child.

[ 1979 c 138 s 1,3 ]

#### 259.25 Agreement conferring authority to place for adoption.

[For text of subd 1, see M.S.1978]

Subd. 2. **Revocation of agreement.** The placement agreement may be revoked only upon the order of a court of competent jurisdiction after written findings that the revocation is in the best interest of the child.

In the proceeding, the adoptive parents and the child shall be made parties. When determining the best interest of the child, section 257.025 shall control and there shall be no presumption that favors the biological parents over the adoptive parents. The proceedings shall be conducted so as to preserve the confidentiality of the adoption process.

[ 1979 c 138 s 2 ]

#### 259.29 Effect of adoption.

Subdivision 1. Upon adoption, the child shall become the legal child of the persons adopting him, and they shall become his legal parents with all the rights and duties between them of natural parents and legitimate child. By virtue of the adoption he shall inherit from his adoptive parents or their relatives the same as though he were the legitimate child of the parents, and in case of his death intestate the adoptive parents and their relatives shall inherit his estate as if they had been his natural parents and relatives. After a decree of adoption is entered the natural parents of an adopted child shall be relieved of all parental responsibilities for the child, and they shall not exercise or have any rights over the adopted child or his property. The child shall not owe his natural parents or their relatives any legal duty nor shall he inherit from his natural parents or kindred, except as provided in subdivision 1a.

Subd. 1a. Notwithstanding any other provisions to the contrary in this section, the adoption of a child by his step-parent shall not in any way change the status of the relationship between the child and his natural parent who is the spouse of the petitioning step-parent.

If a parent dies and a child is subsequently adopted by a step-parent who is the spouse of a surviving parent, any rights of inheritance of the child or the child's issue from or through the deceased parent of the child which exist at the time of the death of that parent shall not be affected by the adoption.

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## CHANGE OF NAME, ADOPTION 259.40

[For text of subd 2, see M.S.1978]

[ 1979 c 11 s 1 ]

### 259.40 Subsidized adoption program.

Subdivision 1. **Subsidy payments.** The commissioner of public welfare may make subsidy payments as he deems necessary to families who adopt a child under state guardianship or a Minnesota resident from a licensed child placing agency after the adoptive placement of the child. The subsidy payments shall be based on the needs of the child.

Subd. 2. **Subsidy agreement.** The placing agency shall certify a child as eligible for a subsidy according to rules promulgated by the commissioner. When parents are found and approved for placement of a child certified as eligible for a subsidy, and before the final decree of adoption is issued, there must be a written agreement between the parent or parents entering into the subsidized adoption and the placing agency, clearly setting forth the responsibilities of all parties and the duration and the terms of the subsidy agreement. The agreement shall be subject to the commissioner's approval.

The commissioner shall provide adoption subsidies to the adoptive parent or parents according to the terms of the subsidy agreement. The subsidy may include payment for medical, dental, and surgical expenses, psychiatric and psychological expenses, maintenance costs, and other costs necessary for the child's care and well-being. The anticipated duration of the subsidy shall be specified in the agreement. The amount of the subsidy may in no case exceed that which would be allowable for the child under foster family care.

Subd. 3. **Annual affidavit.** When subsidies are for more than one year, the adoptive parents or guardian or conservator shall annually present an affidavit stating whether the adopted child remains under their care and whether the need for subsidy continues to exist. The commissioner may verify the affidavit. The subsidy agreement shall continue in accordance with its terms as long as the need for subsidy continues and the child remains the legal dependent of the adoptive parent or parents or guardian or conservator. Termination or modification of the subsidy agreement may be requested by the adoptive parents or subsequent guardian or conservator at any time.

Subd. 4. **Eligibility conditions.** The placing agency shall certify a child as eligible for a subsidy only if the following criteria are met:

(a) A placement agency has made reasonable efforts to place the child for adoption without subsidy, but has been unsuccessful; or

(b) The child's licensed foster parents desire to adopt the child and it is determined by the placing agency that:

(1) The adoption is in the best interest of the child; and,

(2) Due to the child's characteristics or circumstances it would be difficult to provide the child an adoptive home without subsidy; and

(c) The child has been a ward of the commissioner, or licensed child placing agency.

Subd. 5. **Determination of residency.** A child who is a resident of any county in this state when eligibility for subsidy is certified shall remain eligible and receive the subsidy in accordance with the terms of the subsidy agreement, regardless of the domicile or residence of the adopting parents at the time of application for adoptive placement, legal decree of adoption, or thereafter.

Subd. 6. **Right of appeal.** The adoptive parents have the right to appeal to the commissioner pursuant to section 256.045, when the commissioner denies, discontinues, or modifies the agreement.

Subd. 7. **Reimbursement of costs.** Subject to rules of the commissioner, a placing agency shall receive a reimbursement from the commissioner equal to 100 percent of the reasonable and appropriate cost of providing or purchasing adoption services for a child certified as eligible for a subsidy, including adoptive family recruitment, counseling, and special training when needed.

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Subd. 8. **Indian children.** The commissioner is encouraged to work with American Indian organizations to assist in the establishment of American Indian child adoption organizations able to be licensed as child placing agencies. Children certified as eligible for a subsidy under this section who are protected under the Federal Indian Child Welfare Act of 1978 should, whenever possible, be served by the tribal governing body, tribal courts, or a licensed Indian child placing agency.

Subd. 9. **Effect on other aid.** Subsidy payments received under this section shall not affect eligibility for any other financial payments to which a person may otherwise be entitled.

Subd. 10. **Rules.** The commissioner of public welfare shall promulgate temporary rules to implement this section no later than March 15, 1980.

[ 1979 c 256 s 1 ]

## CHAPTER 268. DEPARTMENT OF ECONOMIC SECURITY

Sec.		Sec.	
268.04	Definitions.	268.12	Creation.
268.06	Employers contributions.	268.13	Reciprocal benefit arrangements.
268.07	Benefits payable.	268.18	Return of benefits; offenses.
268.08	Persons eligible to receive benefits.	268.37	Coordination of residential weatherization program.
268.09	Unemployment compensation; disqualified from benefits.		
268.10	Determination of claims for benefits; appeals.		

### 268.04 Definitions.

[For text of subds 1 to 9, see M.S.1978]

Subd. 10. "Employer" means: (1) Any employing unit which, for some portion of a day, in each of 20 different weeks, whether or not such weeks are or were consecutive, and whether or not all of such weeks of employment are or were within the state within either the current or preceding calendar year, has or had in employment one or more individuals (irrespective of whether the same individual or individuals were employed in each such day) or in any calendar quarter in either the current or preceding calendar year paid \$1,500 or more for services in employment, except as provided in clause (18) of this subdivision;

(2) Any employing unit (whether or not an employing unit at the time of acquisition) which acquired the organization, trade, or business, or substantially all of the assets thereof, of another employing unit which at the time of such acquisition was an employer subject to this law; or which acquired a part of the organization, trade, or business of another employing unit which at the time of such acquisition was an employer subject to this law;

(3) For purposes of clause (1), employment shall include service which would constitute employment but for the fact that such service is deemed to be performed entirely within another state pursuant to an election under an arrangement entered into (in accordance with section 268.13, subdivision 1) by the commissioner and an agency charged with the administration of any other state or federal unemployment compensation law;

(4) For purposes of clause (1), if any week includes both December 31 and January 1, the days of that week up to January 1 shall be deemed one calendar week and the days beginning January 1 another such week;

(5) Any employing unit which acquired the organization, trade, or business, or substantially all of the assets thereof, of another employing unit, and which, if treated as a single unit with such other employing unit, would be an employer under clause (1);

(6) Any employing unit which, together with one or more other employing units, is owned or controlled (by legally enforceable means or otherwise) directly or indirectly by the same interests, or which owns or controls one or more other employing units (by legally enforceable means or otherwise) and which, if treated as a single unit with such other employing units or interests or both, would be an employer under clause (1), except as provided in clause (18) of this subdivision;