

CHAPTER 257

CHILDREN; CUSTODY; LEGITIMACY

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257.021 DUTY OF STEPPARENT TO SUPPORT STEPCHILD.

Subdivision 1. **In general.** Notwithstanding section 257.02, a stepparent shall be legally obligated to support a stepchild living in the same household to the same extent that a natural or adoptive parent is required to support a child, unless, in a particular case, a court of competent jurisdiction determines that undue hardship would result because the stepparent is bound by court order to support children of a previous union. The natural or adoptive parent shall retain the primary support obligation.

Subd. 2. **Marriage termination.** Termination of marriage between the stepparent and the stepchild's natural or adoptive parent shall terminate the support obligation described in subdivision 1.

Subd. 3. **Support enforcement.** A stepparent may recover support for a stepchild from the natural or adoptive parent under the same conditions as any other obligee.

Subd. 4. **Definitions.** "Stepparent" means a person ceremonially married to a child's natural or adoptive parent who is not the child's natural or adoptive parent, or a person who is living with a natural or adoptive parent as a common law spouse, whose common law marriage was entered into in a state which recognizes the validity of common law marriages.

"Stepchild" means a child with a stepparent.

Subd. 5. **Limitations.** This section shall not be construed to affect custody determinations or any parental duty other than the duty to support the stepchild.

History: 1981 c 360 art 2 s 40

NOTE: This section is repealed by Laws 1981, Chapter 360, Article 2, Section 54, as amended by First Special Session Laws 1981, Chapter 4, Article 4, Section 22 effective June 30, 1983.

257.071 CHILDREN IN FOSTER HOMES; PLACEMENT; REVIEW.

[For text of subd 1, see M.S.1980]

Subd. 2. **Six month review of voluntary placements.** If the child has been placed in a residential facility pursuant to a voluntary release by his parent or parents, the case plan shall be subject to an administrative review 180 days after the initial placement of the child in a residential facility if the child is not returned to the home of his parent or parents within that time. As an alternative to the administrative review, the social service agency responsible for the placement may bring a petition as provided in section 260.131, subdivision 1a, to the court for review of the foster care to determine if placement is in the best interests of the child. This petition must be brought to the court within six months and is not in lieu of the requirements contained in subdivision 3 or 4.

Subd. 3. **Review of voluntary placements.** Subject to the provisions of subdivision 4, if the child has been placed in a residential facility pursuant to a voluntary release by his parent or parents, and is not returned to his home within

18 months after his initial placement in the residential facility, the social service agency responsible for the placement shall:

- (a) Return the child to the home of his parent or parents; or
- (b) File an appropriate petition pursuant to section 260.131, subdivision 1, or 260.231, and if the petition is dismissed, petition the court within two years, pursuant to section 260.131, subdivision 1a, to determine if the placement is in the best interests of the child.

Subd. 4. Review of developmentally disabled child placements. If a developmentally disabled child, as that term is defined in Title 42, United States Code, Section 6001 (7), as amended through December 31, 1979, has been placed in a residential facility pursuant to a voluntary release by the child's parent or parents because of the child's handicapping conditions, the social service agency responsible for the placement shall bring a petition for review of the child's foster care status, pursuant to section 260.131, subdivision 1a, rather than a petition as required by section 257.071, subdivision 3, clause (b), after the child has been in foster care for 18 months. Whenever a petition for review is brought pursuant to this subdivision, a guardian ad litem shall be appointed for the child.

History: 1981 c 290 s 1-3

257.33 DUTIES OF COMMISSIONER OF PUBLIC WELFARE.

It shall be the duty of the commissioner of public welfare to offer appropriate social services to any pregnant woman who is in need of social services under criteria prescribed by rule of the commissioner. The commissioner shall also offer appropriate social services to the woman and her child after the birth of the child. Every birth to a minor shall be reported by the hospital where the birth occurs, within three working days after the birth. The hospital shall make the report to the commissioner on a form provided by the department of public welfare and shall notify the minor that the report has been made.

History: 1981 c 257 s 1

257.34 DECLARATION OF PARENTAGE.

Subdivision 1. The mother and father of an out of wedlock child may, in a writing signed by both of them before a notary public, declare and acknowledge under oath that they are the biological parents of the child. The declaration may provide that any out of wedlock child born to the mother at any time before or up to ten months after the date of execution of the declaration is the biological child of the signatories. Execution of the declaration shall:

- (a) Have the same consequences as an acknowledgement by the signatories of parentage of the child for the purposes of sections 62A.041 and 62C.14, subdivision 5a;
- (b) Be conclusive evidence that the signatories are parents of the child for the purposes of sections 176.111 and 197.09 to 197.11;
- (c) Have the same consequences as an acknowledgement by the father of paternity of the child for the purposes of sections 257.57 and 257.66;
- (d) When timely filed with the division of vital statistics of the Minnesota department of health as provided in section 259.261, qualify as an affidavit stating the intention of the signatories to retain parental rights as provided in section 259.261 if it contains the information required by section 259.261 or rules promulgated thereunder;
- (e) Have the same consequences as a writing declaring paternity of the child for the purposes of section 525.172; and

(f) Be conclusive evidence that the signatories are parents of the child for the purposes of chapter 573.

[For text of subds 2 and 3, see M.S.1980]

History: 1981 c 349 s 1

257.64 PRE-TRIAL RECOMMENDATIONS.

Subdivision 1. On the basis of the information produced at the pretrial hearing, the court may, and if requested by a party, shall evaluate the probability of determining the existence or nonexistence of the father and child relationship in a trial and whether a judicial declaration would be in the best interest of the child. On the basis of the evaluation, an appropriate recommendation for settlement shall be made to the parties, which may include any of the following:

- (a) That the action be dismissed with or without prejudice;
- (b) That the alleged father voluntarily acknowledge his paternity of the child;
- (c) That the matter be compromised by an agreement among the alleged father, the mother, and the child, in which the father and child relationship is not determined but in which a defined economic obligation is undertaken by the alleged father in favor of the child and, if appropriate, in favor of the mother, subject to approval by the court. In reviewing the obligation undertaken by the alleged father in a compromise agreement, the court shall consider the best interest of the child, in the light of the applicable factors enumerated in section 518.17, subdivision 3, discounted by the improbability, as it appears to the court, of establishing the alleged father's paternity or nonpaternity of the child in a trial of the action. In the best interest of the child, the court may order that the alleged father's identity be kept confidential. In that case, the court may designate a person or agency to receive from the alleged father and disburse on behalf of the child all amounts paid by the alleged father in fulfillment of obligations imposed on him. When the child reaches 21 years of age or older he may petition the court to disclose the alleged father's identity. The court shall grant the petition if after considering the interests of all known persons involved, the court determines that disclosure of the information would be of greater benefit than nondisclosure.

[For text of subds 2 to 5, see M.S.1980]

History: 1Sp1981 c 4 art 2 s 26