

CHAPTER 259

CHANGE OF NAME, ADOPTION

259.255 Protection of heritage or background.
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259.255 PROTECTION OF HERITAGE OR BACKGROUND.

The policy of the state of Minnesota is to ensure that the best interests of the child are met by requiring due consideration of the child's minority race or minority ethnic heritage in adoption placements. For purposes of intercountry adoptions, due consideration is deemed to have occurred if the appropriate authority in the child's country of birth has approved the placement of the child.

The authorized child placing agency shall give preference, in the absence of good cause to the contrary, to placing the child with (a) a relative or relatives of the child, or, if that would be detrimental to the child or a relative is not available, (b) a family with the same racial or ethnic heritage as the child, or, if that is not feasible, (c) a family of different racial or ethnic heritage from the child which is knowledgeable and appreciative of the child's racial or ethnic heritage.

If the child's genetic parent or parents explicitly request that the preference described in clause (a) or clauses (a) and (b) not be followed, the authorized child placing agency shall honor that request consistent with the best interests of the child.

If the child's genetic parent or parents express a preference for placing the child in an adoptive home of the same or a similar religious background to that of the genetic parent or parents, in following the preferences in clause (a) or (b), the agency shall place the child with a family that also meets the genetic parent's religious preference. Only if no family is available that is described in clause (a) or (b) may the agency give preference to a family described in clause (c) that meets the parent's religious preference.

History: 1983 c 278 s 7

259.27 PETITION; INVESTIGATIONS; REPORTS.

Subdivision 1. **Commissioner's duties.** Upon the filing of a petition for adoption of a child the clerk of court shall immediately transmit a copy of the petition to the commissioner of public welfare. The commissioner shall verify the allegations of the petition, investigate the conditions and antecedents of the child for the purpose of ascertaining whether he is a proper subject for adoption, and make appropriate inquiry to ascertain whether the proposed foster home and the child are suited to each other and whether the proposed foster home meets the preferences described in section 259.28, subdivision 2. The report of the county welfare board submitted to the commissioner of public welfare bearing on the suitability of the proposed foster home and the child to each other shall be confidential, and the records of the county welfare board or the contents thereof shall not be disclosed either directly or indirectly to any person other than the commissioner of public welfare or a judge of the court having jurisdiction of the matter. Within 90 days after the receipt of said copy of the petition the commissioner shall submit to the court a full report in writing with his recommendations as to the granting of the petition. If such report is not returned within the 90 days, without fault of petitioner, the court may hear the petition upon giving

the commissioner five days notice by mail of the time and place of the hearing. If such report disapproves of the adoption of the child, the commissioner may recommend that the court dismiss the petition.

Subd. 2. Adoption agencies. Notwithstanding the provisions of subdivision 1, if the child to be adopted has been committed to the guardianship of an agency pursuant to section 260.241, or if the child has been surrendered to an agency pursuant to section 259.25 the court, in its discretion, may refer the adoption petition to such agency, or, if the adopting parent has a step-parent relationship to the child, to the county welfare department of the county in which the adoption is pending. The agency or county welfare department, within 90 days of receipt of a copy of the adoption petition, shall file with the court a report of its investigation of the environment and antecedents of the child to be adopted and of the home of the petitioners and its determination whether the home of the petitioners meets the preferences described in section 259.28, subdivision 2. If such report disapproves of the adoption of the child, the agency or county welfare department may recommend that the court dismiss the petition.

[For text of subs 3 to 5, see M.S.1982]

History: 1983 c 278 s 8,9

259.28 HEARING, DECREE.

Subdivision 1. Findings; orders. Upon the hearing,

(a) if the court finds that it is in the best interests of the child that the petition be granted, a decree of adoption shall be made and recorded in the office of the clerk of court, ordering that henceforth the child shall be the child of the petitioner. In the decree the court may change the name of the child if desired. After the decree is granted the clerk of court shall immediately mail a copy of the recorded decree to the commissioner of public welfare;

(b) 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 shall order the child returned to the custody of the person or agency legally vested with permanent custody or certify the case for appropriate action and disposition to the court having jurisdiction to determine the custody and guardianship of the child.

Subd. 2. Protection of heritage or background. The policy of the state of Minnesota is to ensure that the best interests of children are met by requiring due consideration of the child's minority race or minority ethnic heritage in adoption placements. For purposes of intercountry adoptions, due consideration is deemed to have occurred if the appropriate authority in the child's country of birth has approved the placement of the child.

In the adoption of a child of minority racial or minority ethnic heritage, in reviewing adoptive placement, the court shall consider preference, and in determining appropriate adoption, the court shall give preference, in the absence of good cause to the contrary, to (a) a relative or relatives of the child, or, if that would be detrimental to the child or a relative is not available, to (b) a family with the same racial or ethnic heritage as the child, or if that is not feasible, to (c) a family of different racial or ethnic heritage from the child that is knowledgeable and appreciative of the child's racial or ethnic heritage.

If the child's genetic parent or parents explicitly request that the preference described in clause (a) or in clauses (a) and (b) not be followed, the court shall honor that request consistent with the best interests of the child.

If the child's genetic parent or parents express a preference for placing the child in an adoptive home of the same or a similar religious background to that of the genetic parent or parents, in following the preferences in clause (a) or (b), the court shall place the child with a family that also meets the genetic parent's religious preference. Only if no family is available as described in clause (a) or (b) may the court give preference to a family described in clause (c) that meets the parent's religious preference.

History: 1983 c 278 s 10

259.32 APPEALS.

Any order, judgment, or decree of a court pursuant to the provisions of sections 259.21 to 259.32 may be appealed by any person against whom the order, judgment, or decree is made or who is affected by it as in other civil cases.

History: 1983 c 247 s 110

259.455 FAMILY RECRUITMENT.

Each authorized child placing agency shall make special efforts to recruit an adoptive family from among the child's relatives, except as authorized in section 259.28, subdivision 2, and among families of the same minority racial or minority ethnic heritage. Special efforts include contacting and working with community organizations and religious organizations, utilizing local media and other local resources, and conducting outreach activities. The agency may accept any gifts, grants, offers of services, and other contributions to use in making special recruitment efforts.

History: 1983 c 278 s 11