

CHAPTER 257A

CHILDREN; CUSTODY, DESIGNATED PARENT

257A.01	Designated parent agreement.	257A.07	Cancellation.
257A.02	Designated parent; alternate.	257A.08	Extending period of care.
257A.03	Powers and duties of designated parent.	257A.09	Notice to local social service agency; investigation.
257A.04	Duration.	257A.10	Local social service agency evaluation.
257A.05	Form.		
257A.06	Multiple agreements.		

257A.01 DESIGNATED PARENT AGREEMENT.

Subdivision 1. **Designation in agreement.** A parent who has legal custody of a child may execute a designated parent agreement that names an adult to serve as a designated parent to care for the parent's minor child for a period of time specified in the designated parent agreement, but not to exceed one year.

Subd. 2. **Consents and notice required.** The agreement must be executed by all parents with physical custody of the child. The agreement becomes operative when none of the parents with physical custody is able to care for the child. As soon as practicable after executing an agreement, a copy of the agreement must be given to any noncustodial parent of the child and to every child age 14 or older to whom the agreement applies.

History: 1996 c 455 art 6 s 4

257A.02 DESIGNATED PARENT; ALTERNATE.

An individual acting as a designated parent is exempt in that role from any statute or administrative rule requiring a foster care license, unless the child was placed in the home of the designated parent by a child-placing agency pursuant to a voluntary placement agreement or court order, but must provide the notice required by section 257A.09 if applicable. A parent who has named a guardian by will for the parent's children may name that guardian or another individual as a designated parent for the child. A parent who has legal custody of more than one child may appoint the same or a different designated parent for each child.

A parent may appoint an alternate designated parent who would serve if the designated parent is unwilling or unable to serve. All the provisions of this chapter dealing with a designated parent apply to an alternate designated parent.

History: 1996 c 455 art 6 s 5

257A.03 POWERS AND DUTIES OF DESIGNATED PARENT.

Subdivision 1. **General.** A designated parent has all the powers regarding the care, custody, and financial interests of a minor child specified in the designated parent agreement, except as otherwise provided in this section. A designated parent does not have the power to consent to marriage or adoption of the child.

Subd. 2. **Notice to noncustodial parent; visitation.** As soon as practicable after assuming care of a child, the designated parent shall notify any noncustodial parent that the designated parent has assumed care of the child. Court-ordered visitation rights of a noncustodial parent continue while the child is in the care of the designated parent, unless otherwise modified by the court. A designated parent agreement does not affect the right of a parent without physical custody to bring a custody motion under chapter 518.

Subd. 3. **Child support.** A preexisting child support order is not suspended or terminated during the time a child is cared for by a designated parent, unless otherwise provided by court order. A designated parent has a cause of action for child support against an absent parent under section 256.87, subdivision 5.

History: 1996 c 455 art 6 s 6

257A.04 DURATION.

Subdivision 1. **In general.** Unless canceled earlier under section 257A.07 by a parent or the designated parent, a designated parent agreement is effective for four years, after which

date a new agreement may be entered. The new agreement may name the same or a different designated parent. A designated parent agreement automatically terminates as to any child when that child reaches age 18 or is lawfully married.

Subd. 2. Death of a parent. If a parent dies while a designated parent agreement is in effect, and there is no living parent able to care for the child, the designated parent shall care for the child until a guardian appointed by will is able to take custody of the child or until a court order otherwise provides for the care of the child. However, the designated parent may cancel the agreement at any time under section 257A.07.

History: 1996 c 455 art 6 s 7

257A.05 FORM.

Subdivision 1. Writing. A designated parent agreement must be made in writing and all signatures must be notarized.

Subd. 2. Designated parent indication on driver's license. A parent who wishes to have a designated parent indication placed on the parent's driver's license or identification card under section 171.07, subdivision 11, must submit a copy of the notarized designated parent agreement to the department of public safety and pay any required fee.

History: 1996 c 455 art 6 s 8

257A.06 MULTIPLE AGREEMENTS.

If more than one otherwise valid designated parent agreement exists regarding the same child, the priority among agreements is determined as follows:

(1) an agreement that has been submitted to the department of public safety has priority over any other agreement;

(2) if one or more agreements have been submitted to the department of public safety under section 171.07, subdivision 11, the agreement with the most recent date that has been submitted to the department controls; and

(3) if multiple agreements exist, none of which has been submitted to the department of public safety, the agreement with the most recent date controls.

History: 1996 c 455 art 6 s 9

257A.07 CANCELLATION.

Subdivision 1. How and by whom. A parent may cancel a designated parent agreement at any time. The parent shall notify the designated parent of the cancellation. If the designated parent is caring for the child at the time of cancellation, the child must be returned to the parent immediately upon the parent's request.

A designated parent may decline to serve at any time, and the parent must cancel the agreement immediately upon request by the designated parent. If a designated parent is caring for a child when the designated parent cancels the agreement, the parent must take physical custody of the child immediately. If the parent is unable to resume physical custody at that time:

(1) the parent may name a new designated parent to care for the child who shall immediately take custody of the child; or

(2) if that is not possible, the designated parent shall contact the local social service agency, which shall assess the needs and circumstances of the child, including the likelihood of the noncustodial parent taking custody, and the need for placement and court action on behalf of the child, if necessary.

Subd. 2. Notice to department of public safety. A parent who has had a designated parent indication placed on the parent's driver's license or identification card under section 171.07, subdivision 11, has the responsibility to notify the department of public safety in writing whenever a designated parent agreement is canceled or a new designated parent or alternate is chosen.

History: 1996 c 455 art 6 s 10

257A.08 EXTENDING PERIOD OF CARE.

If a parent is unable to resume caring for a child upon expiration of the period of care indicated in the designated parent agreement, the period of care may be extended for a length

of time agreed by the parent and designated parent, but not to exceed one year. If a parent cannot be contacted or is unable to communicate a decision about the child's care when the agreed period of care expires, the designated parent may:

(1) petition the juvenile court to authorize continued care by the designated parent until the parent is able to resume the child's care, or for one year, whichever is sooner; or

(2) contact the local social service agency, which shall assess the needs and circumstances of the child, including the likelihood of the noncustodial parent taking custody of the child, and the need for placement and court action on behalf of the child, if necessary.

History: 1996 c 455 art 6 s 11

257A.09 NOTICE TO LOCAL SOCIAL SERVICE AGENCY; INVESTIGATION.

If a child has been in the home of a designated parent for 30 days, the designated parent shall promptly notify the local social service agency, any adult siblings of the child, and any living paternal or maternal grandparents, of the following:

(1) the child's name, home address, and the name and home address of the child's parents;

(2) that the child is in the home under a designated parent agreement; and

(3) the length of time the child is expected to remain in the designated parent's home.

The local social service agency may visit the child and the home and may continue to visit and supervise the home and the child or take other appropriate action to assure that the welfare of the child is fully protected.

History: 1996 c 455 art 6 s 12

257A.10 LOCAL SOCIAL SERVICE AGENCY EVALUATION.

When a local social service agency assumes responsibility for a child pursuant to a voluntary placement agreement or by order of the court, and the parent requests that placement be with a designated parent, the local social service agency must evaluate the appropriateness of the child's placement with the designated parent. If placement with the designated parent is deemed to be in the child's best interest, the designated parent must comply with licensure requirements under chapter 245A, in order to provide foster care for the child.

History: 1996 c 455 art 6 s 13