

## S.F. No. 2736 – Guardianship for at-risk juveniles established (as amended by SCS2736A-2)

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**Date:** March 14, 2022

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### Overview

**S.F. 2736** establishes a guardianship process for at-risk juveniles ages 18 to 21 who have been abandoned, abused, or neglected and provides the juvenile court with exclusive jurisdiction over these proceedings.

### Summary

**Section 1. [257D.01] Definitions.** Defines the following terms for purposes of this chapter: abandonment, abuse, at-risk juvenile, best interests, guardian, mental injury, neglect, and petitioner.

**Section 2. [257D.02] Guardianship; purpose.** Provides that the purpose of guardianship under this chapter is to provide an at-risk juvenile with guidance, assistance, financial and emotional support, and referrals to necessary resources.

**Section 3. [257D.03] Jurisdiction; petition.** Provides that the juvenile court has exclusive jurisdiction over all guardianship petitions brought under this chapter. A petition under this chapter must allege that:

- the appointment of the guardian is in the best interests of the at-risk juvenile;
- both the petitioner (at-risk juvenile) and the proposed guardian agree to the appointment;
- reunification with one or both parents of the at-risk juvenile is not viable due to abandonment, abuse, or neglect; and
- it is not in the best interests of the at-risk juvenile to be returned to a previous country of nationality or last habitual residence.

**Section 4. [257D.04] Right to counsel.** States that both the petitioner and proposed guardian have a right to counsel at their own expense.

**Section 5. [257D.05] Service.** Provides that a proposed guardian is entitled to service in the manner specified in the Minnesota Rules of Juvenile Protection Procedure.

**Section 6. [257D.06] Notice to parents.** Requires the petitioner to provide a copy of the petition to any living parents in any manner or format reasonably calculated to give the parents adequate notice at least 14 days prior to a hearing. Requires the petitioner to file proof of notice. Permits the court to waive notice under certain circumstances.

**Section 7. [257D.07] Proceeding.** Requires the court to hear and issue an order on the petition as soon as administratively feasible and before the at-risk juvenile is 21 years of age.

**Section 8. [257D.08] Order.** Requires the court to issue an order awarding guardianship if the court finds that:

- the proposed guardian is capable and reputable;
- the guardianship is in the best interests of the at-risk juvenile;
- both the petitioner and proposed guardian agree to the guardianship;
- reunification with one or both parents is not viable because of abandonment, abuse, or neglect; and
- it is not in the at-risk juvenile's best interests to be returned to a previous county of nationality or habitual residence.

Requires the order to identify the at-risk juvenile's parents, if known, and make specific judicial determinations supported by statutory citations and written findings of fact.

**Section 9. [257D.09] Appointment of a new guardian.** Authorizes an appointed guardian or the at-risk juvenile to petition the juvenile court for appointment of a new guardian.

**Section 10. [257D. 10] Automatic termination of guardianship.** Provides that a guardianship under this chapter terminates when the at-risk juvenile attains the age of 21.

**Section 11. [257D.11] Voluntary termination of guardianship.** Permits the at-risk juvenile to request termination of the guardianship at any time.

**Section 12 [257D.12] Relation to other guardianship law.** Provides that other laws on guardianship do not apply to petitions for guardianship brought under this chapter.

**Section 13. [260C.101, subd. 2] Other matters relating to children.** Makes a conforming change.