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#25-68-23

Date
September 29, 2025

Of interest to
County Directors
Social Services Supervisors and
Staff
Tribal Social Services Staff
Private Agency Social Services
Staff
County Attorneys
District Court Judges

Action/due date
Please read information and
prepare for implementation

Expiration date
September 25, 2027

Family Reunification Act requirement update

Topic

Family Reunification Act (reestablishment of the legal parent and child relationship)

Purpose

To provide policy and SSIS guidance on the Family Reunification Act, including legislative changes made during the 2024 and 2025 legislative sessions and the phase-in implementation of the Minnesota African American Family Preservation and Child Welfare Disproportionality Act (MAAFPCWDA).

Contact

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Signed



REBECCA ST. GEORGE
Assistant Commissioner
Child Safety and Permanency Administration

Terminology notice

The terminology used to describe people we serve has changed over time. The Department of Children, Youth, and Families (DCYF) supports the use of "People First" language.

I. Background

The Family Reunification Act, which was signed into law in 2013, modified in 2019, 2024, and 2025, provides a legal mechanism for previously terminated parental rights to be reestablished under specific circumstances. The goal of the Family Reunification Act is to provide another permanency option for children and youth under guardianship of the commissioner who would otherwise remain in, or age out of, foster care without being adopted.

Reestablishment of parental rights means the physical reunification of a child under the guardianship of the commissioner of the Department of Children, Youth, and Families (DCYF) with their previously terminated parent, and restoration of all rights, powers, privileges, immunities, duties, and obligations that were severed and terminated by a court under Minnesota Statutes, section 260C.317.

This bulletin provides an overview of the legal process to reestablish parental rights, including eligibility criteria, agency roles and responsibilities, and how to document a change in status in the Social Service Information System (SSIS).

II. Effective dates

Legislative changes discussed in this bulletin include the following effective and implementation dates:

- The 2024 legislative changes enacted with the Minnesota African American Family Preservation and Child Welfare Disproportionality Act (MAAFPCWDA) went into effect January 1, 2025, for **Hennepin and Ramsey Counties** as part of the phase-in program. Full implementation of the law statewide is effective on January 1, 2027, **and**
- Changes made in the 2025 legislative session that went into effect statewide on July 1, 2025.

Note: Only a county agency participating in the phase-in program of the MAAFPCWDA will be able to implement the 2024 legislative changes effective January 1, 2025. Additional counties may be included in the phase-in program at the request of the county agency and with the approval of the commissioner.

III. Eligibility criteria for reestablishing parental rights

Before initiating the legal process to reestablish parental rights, certain conditions must be met. A parent for whom parental rights are to be reestablished must:

- Meet one of the following criteria:
 - Have had parental rights to their child terminated under a previous court order under Minnesota Statutes, section 260C.317, **or**
 - Have had a voluntary consent to adopt accepted by the court, and **either**:
 - The identified prospective adoptive parent/s did not finalize the adoption, **or**

- The adoption was finalized but has since dissolved, and the child has returned to foster care under the guardianship of the commissioner.
- Have corrected the condition(s) that led to the order terminating parental rights or the court-accepted consent to adopt.
- Be willing and capable of providing day-to-day care for their child, maintaining their health, safety and welfare.

(Minnesota Statutes, section 260C.329, subdivision 3.)

A parent whose parental rights were voluntarily terminated as part of a private adoption matter cannot have parental rights reestablished under this law.

Parental rights cannot be reestablished if a parent's rights were terminated due to sexual abuse or conduct that resulted in their child's death, or if a parent has been convicted of a crime involving egregious harm under Minnesota Statutes, section 260C.329, subdivision 4; Minnesota Statutes, section 260C.007, subdivision 14.

There are also conditions a child must meet to reestablish a legal parent-child relationship, one of which is the length of time a child has been in foster care following a termination of parental rights court order. This condition is dependent on a county agency's participation in the MAAFPCWDA phase-in program; as of the date of this bulletin, only Hennepin and Ramsey Counties participate in the MAAFPCWDA phase-in program.

For parental rights to be reestablished in **Hennepin or Ramsey Counties**, a child must:

- Have been in foster care for at least **24 months** after the court issued an order terminating parental rights
- Not be currently adopted
- Not be the subject of a written adoption placement agreement.

For parental rights to be reestablished in **all other counties**, a child must:

- Have been in foster care for at least **48 months** after the court issued an order terminating parental rights (effective January 1, 2027, this will change to 24 months)
- Not be currently adopted
- Not be the subject of a written adoption placement agreement.

While the statute specifies time spent in foster care after a final termination of parental rights order, the department recommends including cases where the court accepted a consent to adopt. Calculate the number of months from the court's acceptance of the consent to adopt to be consistent with the law changes that went into effect statewide on July 1, 2025.

(Minnesota Statutes, section 260C.329, subdivision 3; Laws 2024, chapter 117, sections 14-15.)

A. Children who were adopted

A biological or adoptive parent cannot petition to have their parental rights reestablished if the child is currently adopted.

If a child was adopted and that adoption later ended with the termination of the adoptive parent's rights, the department recommends including the following for the purpose of filing a petition to reestablish parental rights:

- Time spent in foster care after termination of biological parent's rights or the court's acceptance of a biological parent's consent to adoption, **and**
- Time spent in foster care after termination of the adoptive parent's rights.

If a parent wishes to reestablish their parental rights and is unsure if their child was adopted, they may contact the responsible social services agency with a request for current information. Agencies are required by law to respond to such requests; however, agencies must also respond in a manner consistent with state and federal laws, rules, and regulations regarding confidentiality and privacy of child welfare and adoption records. Agencies with questions regarding the type and amount of information they can provide should consult with their county attorney for guidance.

A child's adoptive parent's rights may also be reestablished under this section, provided adoptive parents and child meet the eligibility criteria outlined under Section II of this bulletin.

(Minnesota Statutes, section 260C.613, subdivision 8; and section 259.83, subdivisions 1 and 4.)

IV. Legal process to reestablish parental rights

A county attorney, or a parent who meets the criteria in Section II, can file a petition to reestablish parental rights.

MAAFPCWDA expanded who can file a petition for reestablishment of parental rights and is effective as of January 1, 2025, for the phase-in counties. The following can file a petition to reestablish parental rights in **Hennepin or Ramsey Counties**:

- A child who is 10 years of age or older
- The responsible social service agency, or
- The guardian ad litem.

The above will be effective for **all other counties** statewide on January 1, 2027.

(Minnesota Statutes, section 260C.329, subdivisions 3 and 10; Laws 2024, chapter 117, section 14.)

A. Petition requirements for parents

If a parent wishes to file a petition to reestablish their parental rights, they must first notify the child's responsible social services agency of their intent to file using the commissioner's designated form, DHS-7949. Notice must be given 45 days before filing a petition.

At the time of filing, parent/s must pay a filing fee, unless waived by the court. Petitions must be signed under oath by the petitioner. Information in a parent's petition must include:

- Petitioner's full name, date of birth, address, and all other legal names or aliases by which the petitioner was known at any time
- Name and date of birth of each child for whom reunification is sought
- Petitioner's relationship to each child for whom reunification is sought
- Why reunification is being sought, and why it is in the child's best interest
- Details of the termination of parental rights for which reunification is sought, including the date, jurisdiction, and court file number of the order, and date of any prior order terminating parental rights
- What steps the petitioner has taken toward personal rehabilitation since the time of the order terminating parental rights, including treatment, work, or other personal history that demonstrates rehabilitation
- How the petitioner corrected conditions that led to the order terminating parental rights for which reunification is sought
- Reasons why the petitioner is willing and capable to provide day-to-day care and maintain the health, safety, and welfare of their child
- All prior requests by the petitioner, whether for the current order or for any other orders terminating parental rights, whether granted or not.

A copy of the notice of intent sent to the agency ([DHS-7949](#)) must be filed with a parent's petition.

(Minnesota Statutes, section 260C.329, subdivisions 3 and 3a.)

Upon filing a petition, it must be served on the:

- Child
- County attorney
- Responsible social services agency
- Child's guardian ad litem
- Child's Tribe, if the Indian Child Welfare Act (ICWA) applies

(Minnesota Statutes, section 260C.329, subdivision 7.)

B. Petition requirements for all other petitioners

The petition must be filed with the court that transferred guardianship to the department and is conducting reviews in the matter. The petition must then be served on the:

- Child
- Parent whose rights were terminated and with whom the legal parent-child relationship is proposed to be reestablished (if filed by the county attorney)
- County attorney
- Responsible social service agency
- Child's guardian ad litem
- Child's Tribe, if the child is subject to the Indian Child Welfare Act (ICWA).

(Minnesota Statutes, section 260C.329, subdivisions 3, 6, and 7.)

C. Court process

A court may grant a petition to reestablish parental rights if it finds, by clear and convincing evidence, that the criteria used to file a petition have been met, that a child wants to live with their parent, and that the reestablishment of the legal parent-child relationship is in a child's best interests.

(Minnesota Statutes, section 260C.329, subdivision 8.)

A court may deny a parent's petition after a hearing. If this occurs, the court must issue a written order that bars the parent from filing subsequent petitions for a specified time (to be determined by the court). As part of this order, the court must make written findings supporting its denial and must evaluate the best interests of the child.

(Minnesota Statutes, section 260C.329, subdivision 12.)

Court administrators must send copies of final court orders, whether a petition was granted or denied, to all persons entitled to notice, including the:

- Child
- Parent whose rights have been terminated and with whom the legal parent-child relationship is proposed to be reestablished
- County attorney
- Responsible social service agency
- Child's guardian ad litem
- Child's Tribe, if the child is subject to the Indian Child Welfare Act.

In addition, court administrators must send certified copies of these orders to the department.

(Minnesota Statutes, section 260C.329, subdivision 9.)

D. Effect of order

Effective on the date of the court order granting a petition, a child who is the subject of said petition becomes the legal child of the parent, and the parent whose rights were previously terminated or had previously consented to the adoption of the child becomes the child's legal parent. This means all rights, powers, privileges, immunities, duties, and obligations that the court had terminated are restored. Permanent legal and physical custody is also awarded to the new legal parent.

At the same time, the order that placed the child under the guardianship of the department is dismissed.

A court order reestablishing a legal parent-child relationship between a child and their parent has no effect on the legal rights of any other parent whose rights were previously terminated, nor on the legal sibling relationship between the child and any other children of the parent.

(Minnesota Statutes, section 260C.329, subdivision 11.)

V. Data entry in Social Service Information System (SSIS)

When a legal parent-child relationship is reestablished under the Family Reunification Act, the court also orders guardianship to be removed from the department. Court administrators must send copies of orders reestablishing parental rights and removing guardianship to the department.

Upon receipt and review of final court orders reestablishing parental rights, department staff will create new event details in the Social Service Information System (SSIS). These are:

- Guardianship event: DHS guardianship dismissed – Re-established Parent/Child
- Parent resolution event: TPR – Re-established Parent/Child.

Entering these event details triggers a change in the “Status at DHS” field in the “Child Ward” node in SSIS-Worker to “Re-established Parent/Child.” The “Relationship” record will automatically update to “Re-established,” with the “Re-established date” auto filled. The responsible agency staff do not enter data to indicate a relationship has been reestablished. The responsible social services agency staff are responsible for closing the continuous placement episode with the discharge reason of “Re-establishment of the legal parent and child relationship.”

Americans with Disabilities Act (ADA) Advisory

This information is available in accessible formats for people with disabilities by calling 651-539-7700 (voice). For other information on disability rights and protections, contact the agency’s ADA coordinator.