

**Hear it From the Judge**

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**Our Christmas gift is a New Child!  
Adoptions in Minnesota Court**

I recently presided over an adoption proceeding in which a five year old child was to be adopted into the home of his uncle. He had been living with his uncle, his uncle's wife and their four children. By the time this hearing was held, this boy already considered this his home and he considered his cousins as his siblings. This boy had been voluntarily placed in his uncle's home by his parents who were unable to provide care for him. Therefore, this hearing had a very happy ending and this family will celebrate a very special Christmas this year.

This case is an example of the types of adoption proceedings we have in Minnesota. In this situation, it was a private placement adoption which means that the Commissioner of Human Services or a licensed child placing agency was not involved in the Petition for Adoption. However, most adoption petitions in Minnesota come to the Court through either the commissioner of human services or a placing agency unless certain exceptions exist. One of these exceptions is if the child is being asked to be adopted by a relative, as was the situation in my example.

Though private adoptions (those in which neither human services nor a licensed child placing agency are involved) are possible in Minnesota, there is controversy involving these. This is due to this state's policy that the adoptive placement serve the best interests of the child. A child placement agency or human services department must prioritize possible placement with a relative or relatives of the child and, next, with an important friend or contact with whom the child has had significant contact. However, if the child's parent explicitly requests the child not be placed with a specific relative or important friend, the agency must honor this request.

The general rule is that parents must consent to an adoption of their child. Among the most common exceptions to this rule is if the parental rights of the parent has been terminated or if a parent has abandoned the child. Also, if the parent is under age 18, the consent of the minor's parents to the adoption is required.

After a petition for adoption is filed with the Court, it is forwarded on to the Commissioner of Human Services for the completion of a home study. The purpose of this study is to, among other facts; determine whether the proposed home and prospective adoptive parents are suited to each other. Among the many factors reviewed include the child's religion, medical conditions,

relationship to current caretakers and siblings in the home, and educational needs of the child. Whenever possible, it is also a priority to place siblings together in an adoptive home.

Stepparent adoptions are among the most common adoptions in Minnesota. Such adoptions also require a pre-adoption home study. However, if the child has been residing in the home for a long period of time and the child's other biological parent is supporting the adoption; it is common that the Judge may waive such a home study.

Though a good topic for a future column, it is useful here to note the prevalence of the adoption of children born in foreign countries. In particular, South Korea has had a long period as one of the leading countries from which children have been adopted in the United States. Among other reasons, the devastation following the period of the Korean War in 1950-1953 lead to this growth of adoptions. Also, South Korea is among the more developed countries from which children are adopted.

Relatively new in Minnesota is a procedure by which we recognize adoptions which have already been approved under the laws of a foreign country. A family may petition the court within the county in which they reside for the confirmation of such a foreign adoption by including a signed and sworn petition, a copy of the child's original birth certificate, a copy of the order approving such adoption from the foreign country, and copy of the child's passport including the United States visa indicating IR-3 immigration status including a certified English translation of all documents provided.

Adoption hearings are among the most enjoyable and rewarding type of proceeding for me as the judge. As I often tell the parents, it is one of the rare hearings in court in which the parties to the proceeding are all smiling both before and after the hearing! I also ask for copies of any pictures that are taken with the family and me for my personal album.

A special Merry Christmas to all adoptive children, their families and to you all!