

STATE OF MINNESOTA

IN SUPREME COURT

C4-85-1848

OFFICE OF
APPELLATE COURSES

AUG 21 2006

FILED

ORDER AUTHORIZING DISCLOSURE OF
JUVENILE PROTECTION RECORDS
FOR LICENSING BACKGROUND STUDIES

The Minnesota Department of Human Services Licensing Division ("DHS") conducts background studies under MINN. STAT. §§ 245C.01-.32 for individuals affiliated with licensed and other care programs. Under MINN. STAT. § 245C.15, subds. 1 and 2 (2006), a person is disqualified if, among other things, there has been an involuntary termination of his or her parental rights ("TPR") under MINN. STAT. § 260C.301 at any time and if there has been a voluntary TPR under MINN. STAT. § 260C.301, subds. 1(b), 3, within the past 15 years. DHS receives some TPR information from county agencies that are part of the welfare system, but that information may not clearly indicate whether a TPR is voluntary or involuntary, and the local county agency is not a party to all TPR proceedings. DHS desires to obtain information from the district courts regarding the existence and nature of any TPR involving an individual who is the subject of a background study under MINN. STAT. §§ 245C.01-.32. TPR records filed in district court before the opening of child protection proceedings (June 28, 1998 for pilot counties, and July 1, 2002 for all other counties) are not accessible to the public under MINN. R. JUV. PROT. P. 8.02. This Court has the authority to authorize disclosure of the TPR records to DHS, and upon disclosure to DHS the TPR records would be handled by DHS as private data under MINN. STAT. § 13.46.

IT IS ORDERED that the district courts of this state may upon request of DHS disclose to DHS any TPR records that are necessary for DHS to determine the existence and nature of any TPR involving an individual who is the subject of a background study under MINN. STAT. §§ 245C.01-.32.

Dated: August 21, 2006

BY THE COURT:



Russell A. Anderson
Chief Justice