

CHIPS TO PERMANENCY TIMELINE

Required Timing for Permanency Proceedings under *Minnesota Statutes Chapter 260C* except CHIPS By-pass Cases and Voluntary Placements

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Last Revised: February 2015

Month	Day	Event	Other
1	1	Child enters foster care by: 1. Law enforcement hold; or 2. Order for immediate custody; or 3. Voluntary placement agreement	Voluntary placement may occur by agreement under: 1. Minn. Stat. Chapter 260D (for children who are emotionally disturbed or developmentally disabled to access treatment); 2. Minn. Stat. 260C.227 ; 3. Minn. Stat. 260C.229 (youth age 18 and older) Each type of voluntary has unique court review and permanency requirements.
	3	Emergency Protective Care Hearing	If child is removed involuntarily, CHIPS petition is filed within 72 hours. Minn. Stat. § 260C.176 ; MRJPP 33.05 requires petition to be filed at or prior to EPC hearing
	3-13	Admit/Deny Hearing Scheduling Order	If ICWA case, service must take place 10 days prior to hearing; tribe may request up to 20 more days. 25 U.S.C. § 1912 ; MRJPP 34.02, subd 1 (d) . Scheduling order must issue at or within 15 days of this hearing. MRJPP 6.02
	30	Out of Home Placement Plan filed	Court may approve plan based on contents of CHIPS petition, and implementation of approved plan may be basis for reasonable efforts determination. Minn. Stat. § 260C.178, subd. 7 ; MRJPP 37.02, subd. 4 Minnesota Assessment of Parenting for Children and Youth is completed by agency. Minn. Stat. § 256N.24
2 weeks to 14months	14-53	Pretrial Hearing	Must be held at least 10 days prior to trial. MRJPP 36.01
	63, but not later than day 93	CHIPS Trial	CHIPS matters come to trial by day 63; county attorney determines whether criminal or juvenile case proceeds first in cases of egregious harm. Minn. Stat. § 260C.503, subd. 2(d) ; MRJPP 39.02 subd. 1(d)
	78 or within 15 days of conclusion of testimony at trial	Findings and Adjudication Disposition	Court may extend total time for findings to 30 days under MRJPP 39.05, if extension is in the interests of justice and best interests of child. MRJPP 39.05 ; To extent practicable, disposition is entered same day as adjudication; MRJPP. 41.02 . If disposition cannot be entered the same day, R. 41.02 requires disposition to be ordered within 10 days of date petition is found proved. See also last paragraph of Minn. Stat. § 260C.201, subd. 1(b)
	At least every 90 days as long as child is in foster care until there is permanency order	Review Hearings	At any review hearing: 1. Child may be returned home if parent has made progress on case plan and mitigated unsafe conditions to the point home is safe for the child; or 2. If parent is not making significant progress on case plan, agency can move to permanency. Hearings review parent(s) progress on case plan, afford an opportunity to correct problems with services, and address barriers to reunification; also afford opportunity to ensure parent knows consequences to both parent and child of failure to comply with case plan. MRJPP 41.06, subd. 2
6	180	Permanency Progress Review Hearing	See table on next page.
11	335	Permanency Pleadings filed	Permanency petition filed by month 11. MRJPP 42.01, subd. 1(b) , and 42.04, subd 2 ; see also Minn. Stat. § 260C.505
12	365	Admit/Deny Hearing	Finding required regarding whether the permanency petition states a prima facie case that the agency has made reasonable efforts to reunify the child with the parent. MRJPP 34.03, subd. 3 and 4 ; Minn. Stat. § 260C.507(c)
14	Not later than 425	Permanency Trial	Trial, if any, must commence within 60 days of admit/deny hearing. MRJPP 39.02 ; Minn. Stat. § 260C.509
Month 14 or later	Within 15 days	Permanency Order issued by court	15 days runs from the conclusion of testimony. Court permitted to extend the time 15 days to a total of 30 days if the court finds an extension of time is required in the interests of justice and the best interests of the child. MRJPP 39.05, subd. 1
	Within 10 days	Post-trial motions, if any	10 days runs from service of notice of filing by court administrator; response is due within 5 days of service of post-trial motion; hearing on post-trial motion is within 10 days of date the post-trial motion is filed; decision on post-trial motion is required within 10 days of conclusion of hearing, if any. MRCPP 45.01
	Within 20 days	Notice of Appeal	20 days runs from service of notice of filing of the order: <ul style="list-style-type: none"> • finding petition proved and ordering permanency • finding petition not proved; or • disposing of the last post-trial motion. MRJPP 47.02, subd. 2

Permanency Progress Review Hearing at Six Months

When	Required at 6 months for all children removed from home who continue in foster care or in the care of a noncustodial parent. See Minn. Stat. § 260C.204 (a) Agency is required to submit a report to the court at least 5 days prior to the hearing which addresses elements of the court’s required findings in Minn. Stat. § 260C.204 ; see MRJPP 38.05		
Purpose	Check-in about progress on permanency planning for the child; make decisions about direction of case for next 6 months		
Notice	All parties and participants plus any relative who responded to the agency’s notice to relatives provided during initial relative search under Minn. Stat. § 260C.221 or asked to be notified of court proceedings regarding the child under Minn. Stat. § 260C.152, subd. 5		
Court review	<p>Agency</p> <ol style="list-style-type: none"> 1. Reasonable or active efforts for reunification (what has the agency done to support the implementation of the case plan or out-of-home placement plan? Have the efforts been relevant to the safety and protection of the child, adequate, culturally appropriate, available and accessible, consistent and timely, and realistic?) See Minn. Stat. § 260.012, subd. (h) 2. Reasonable efforts to finalize the permanency plan for the child (has the agency provided services and support for both parents, completed the relative search and placement considerations, identified a Plan B, and concurrent permanency planning) See Minn. Stat. § 260.012(e) 3. If ICWA, active efforts to prevent the breakup of the Indian family 	<p>Parent</p> <p>Progress on the case plan or out-of-home placement plan</p> <ol style="list-style-type: none"> 1. Was parent involved in development of case plan? 2. Does parent understand and agree with goals and what services are being provided? 3. Are there barriers to receiving services? 4. Is the parent seeing the child regularly and is visitation meaningful (does it help learn appropriate parenting?) 	<p>Child</p> <p>Well-being</p> <ol style="list-style-type: none"> 1. Is child in Plan B home? 2. Has child received necessary developmental, health, mental health, trauma, and educational assessments? 3. Is the child receiving appropriate follow-up services? 4. How is the child doing in placement and in school? 5. If ICWA, is child placed according to the ICWA placement preferences? 6. Is the child placed with a relative? 7. Is the child visiting parents, siblings, and other relatives?
Possible Outcomes	<p>If parent is complying with case plan and visiting child, the court may:</p> <ol style="list-style-type: none"> 1. return the child home, if the conditions which led to the out-of-home placement have been sufficiently mitigated that it is safe and in the child’s best interests to return home; or 2. continue the matter up to a total of six additional months. 	<p>If parent is not complying with case plan or is not visiting the child, the court may order the agency to:</p> <ol style="list-style-type: none"> 1. develop a plan for legally permanent placement of the child away from the parent; 2. develop and implement Plan B, including placement with relatives 3. file a permanency petition within 30 days 	<p>Timing</p> <p>If the court orders a permanency petition to be filed: Petition is required to be filed within 30 days; Trial is required within 60 days of the filing of the petition See Minn. Stat. § 260C.204(d)</p>