

Child Protection Services Pro Se Help Kit

Video Series

#3 – Minnesota CPS 101 Timeline

Family Preservation Foundation, Inc.

- Hello, I'm Dwight Mitchell the founder of Family Preservation Foundation. Welcome to our Child Protection Services Pro Se Help Kit video series.
- I hope you enjoy the content and it allows you to better understand your rights and options while involved with CPS.

- After a 22-month battle, I successfully defeated Dakota County Social Services in Minnesota State court and had my children returned. Although filled with anguish, it was an education to say the least, and I will be passing on the benefit of my knowledge, and “Lessons Learned”, while cross referencing Minnesota State Statutes, and case law which is readily available on Google Scholar.

- I would like to advise you that I am not an attorney, licensed to practice law, nor am I providing legal services. I recommend you obtain your own attorney if possible and review my video in this series titled “Working with your Attorney”. This is a very important unit in our series, and will assist you in not being misguide like I was, by my attorney’s legal strategy, incompetence and/or greed.

- This video series is for education purposes only. I will go over the beginning, middle and the end of the CPS process and what you can do in your defense and fight against CPS! This will be hard work for you, and a lot of reading, but nothing worthwhile in life is free. The Minnesota templates I provide are examples only and must not be used as is.

- Purpose and overview of the 12-month timeline
- Calculating the 12 months
- Key events along the timeline
- Legally permissible options for extending timeline beyond 12 months

PURPOSE OF THE 12-MONTH TIMELINE



- 1997 Adoption and Safe Families Act (ASFA)
 - Set 12-month permanency timeline to ensure courts did not allow children to linger in foster care one day more than necessary
- Trauma and ongoing instability can lead to unhealthy development, often times leading to delinquent and criminal acts

CALCULATING THE 12 MONTHS



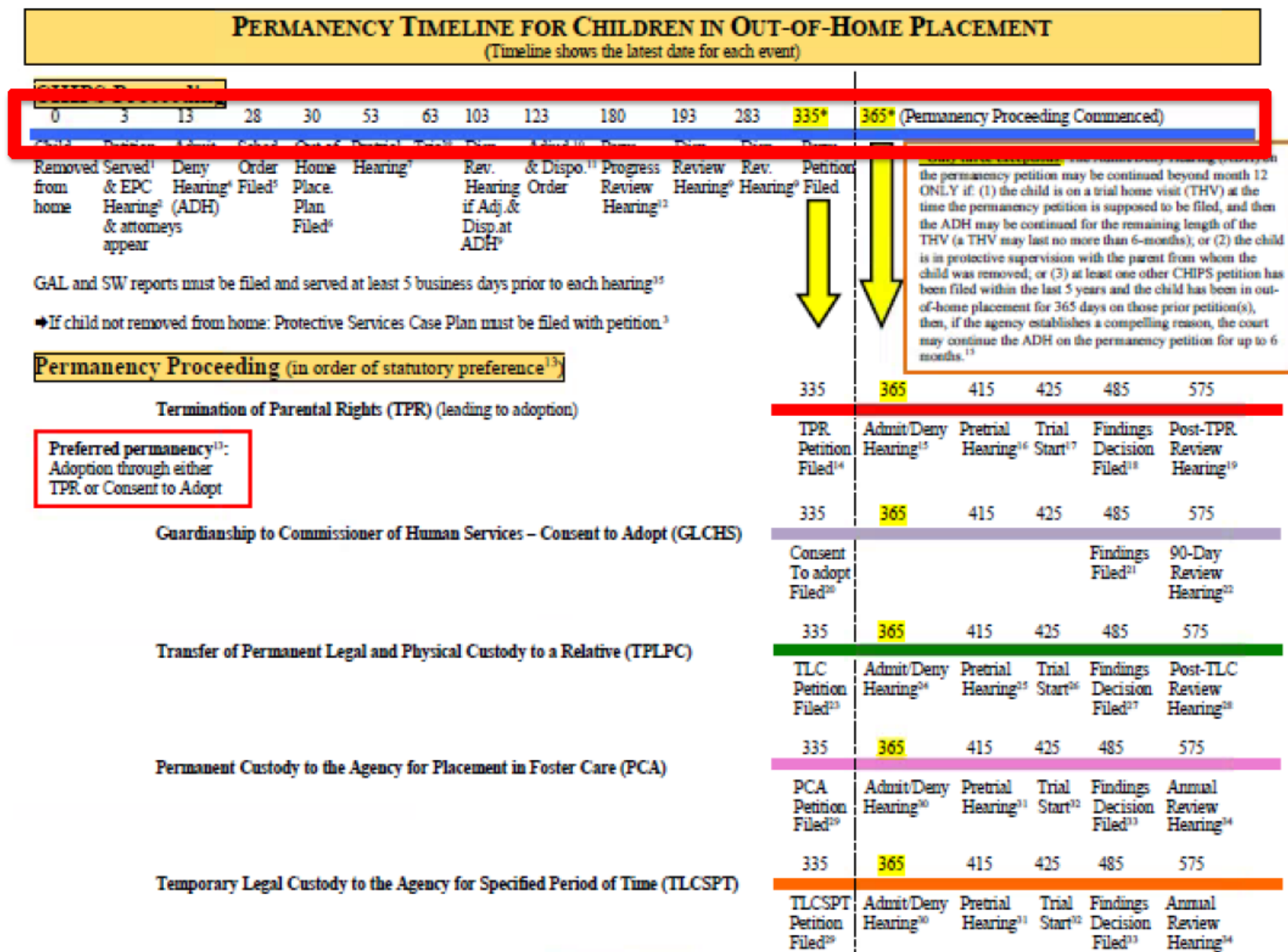
12-month timeline starts on date of child's placement, which is earlier of:

- First court-ordered placement with nonresident parent or in foster care
 - Includes order for immediate custody (ex parte emergency protective care)
- 60 days after date child placed in voluntary foster care

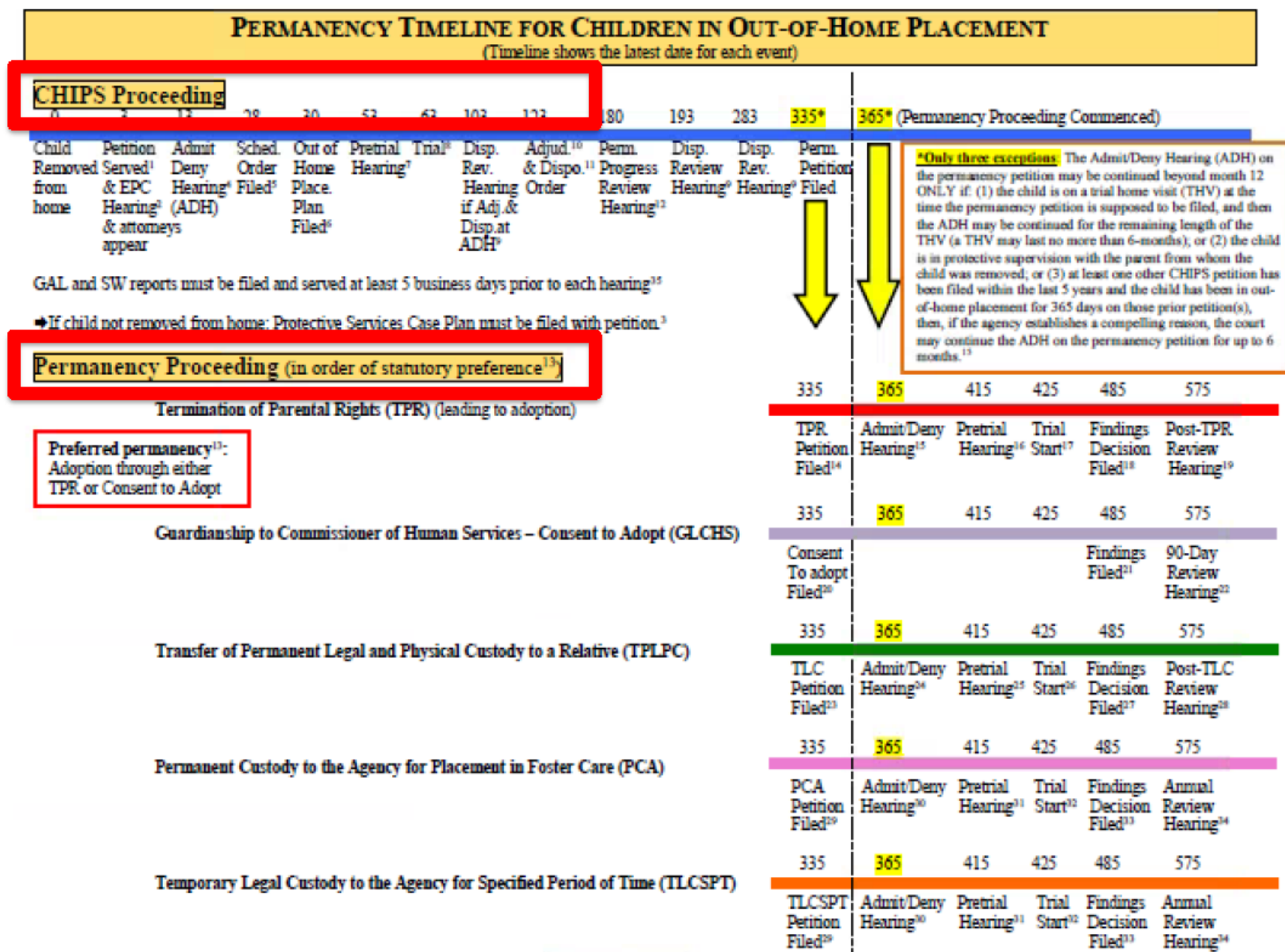
CALCULATING THE 12 MONTHS

- What counts toward the 12 months:
 - All days in protective supervision with nonresident parent
 - All days in home of non-resident parent or foster care
 - All days in trial home visit
 - All days in court-ordered foster care or home of non-resident parent in last 5 years if prior petition(s) – cumulative start counting where last days ended

KEY EVENTS ALONG THE TIMELINE



KEY EVENTS ALONG THE TIMELINE



KEY EVENTS ALONG THE TIMELINE

PERMANENCY TIMELINE FOR CHILDREN IN OUT-OF-HOME PLACEMENT													
(Timeline shows the latest date for each event)													
CHIPS Proceeding													
0	3	13	28	30	53	63	103	123	180	193	283	335*	365* (Permanency Proceeding Commenced)
Child Remove from home	Petition Served ¹ & EPC Hearing ² & attorneys appear	Admit Deny Hearing ⁴ (ADH)	Sched. Order Filed ⁵	Out of Home Place. Plan Filed ⁶	Pretrial Hearing ⁷		Disp. Rev. Hearing if Adj.& Disp.at ADH ⁸	Adjud. ¹⁰ & Dispo. ¹¹ Order Review Hearing ¹²	Perm. Review Hearing ⁹	Disp. Rev. Hearing ⁹	Perm. Petition Filed		<div><div>*Only three exceptions</div><div>The Admit/Deny Hearing (ADH) on the permanency petition may be continued beyond month 12 ONLY if: (1) the child is on a trial home visit (THV) at the time the permanency petition is supposed to be filed, and then the ADH may be continued for the remaining length of the THV (a THV may last no more than 6-months), or (2) the child is in protective supervision with the parent from whom the child was removed, or (3) at least one other CHIPS petition has been filed within the last 5 years and the child has been in out-of-home placement for 365 days on those prior petition(s), then, if the agency establishes a compelling reason, the court may continue the ADH on the permanency petition for up to 6 months.¹³</div></div>
GAL and SW reports must be filed and served at least 5 business days prior to each hearing ¹⁵													
➔If child not removed from home: Protective Services Case Plan must be filed with petition. ³													
Permanency Proceeding (in order of statutory preference ¹³)													
Termination of Parental Rights (TPR) (leading to adoption)													
Preferred permanency ¹³ : Adoption through either TPR or Consent to Adopt	335	365	415	425	485	575							
	TPR Petition Filed ¹⁴	Admit/Deny Hearing ¹⁵	Pretrial Hearing ¹⁶	Trial Start ¹⁷	Findings Decision Filed ¹⁸	Post-TPR Review Hearing ¹⁹							
Guardianship to Commissioner of Human Services – Consent to Adopt (GLCHS)													
	335	365	415	425	485	575							
	Consent To adopt Filed ²⁰				Findings Filed ²¹	90-Day Review Hearing ²²							
Transfer of Permanent Legal and Physical Custody to a Relative (TPLPC)													
	335	365	415	425	485	575							
	TLC Petition Filed ²³	Admit/Deny Hearing ²⁴	Pretrial Hearing ²⁵	Trial Start ²⁶	Findings Decision Filed ²⁷	Post-TLC Review Hearing ²⁸							
Permanent Custody to the Agency for Placement in Foster Care (PCA)													
	335	365	415	425	485	575							
	PCA Petition Filed ²⁹	Admit/Deny Hearing ³⁰	Pretrial Hearing ³¹	Trial Start ³²	Findings Decision Filed ³³	Annual Review Hearing ³⁴							
Temporary Legal Custody to the Agency for Specified Period of Time (TLCSTP)													
	335	365	415	425	485	575							
	TLCSTP Petition Filed ²⁹	Admit/Deny Hearing ³⁰	Pretrial Hearing ³¹	Trial Start ³²	Findings Decision Filed ³³	Annual Review Hearing ³⁴							

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- Child can be removed by:
 - Law enforcement – 72 hour police hold
 - County ex parte motion for immediate custody (emergency protective care)
- 12-month clock starts with court ordered placement or 60 days after voluntary placement

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EMERGENCY PROTECTIVE CARE (EPC) HEARING



- Must commence within 72 hours of removal
- Summons and petition served on parties, participants and attorneys
- Purpose is to determine whether child can be safely returned home or must be continued in protective care
- Parent attorneys should be present at EPC hearing
- Findings and decisions
 - Prima facie determination
 - Endangerment
 - ICWA

EMERGENCY PROTECTIVE CARE (EPC) HEARING



- Other decisions
 - Visitation
 - Identification of relatives
 - Assessments: medical, chemical health, mental health, parenting capacity

KEY EVENTS ALONG THE TIMELINE

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ADMIT/DENY HEARING



- Within 10 days of EPC hearing
- May be combined with EPC if all agree
- If child Indian child, can't commence ADH until tribe and parents receive notice
- Purpose is for parent who is legal custodian to admit or deny

KEY EVENTS ALONG THE TIMELINE

PERMANENCY TIMELINE FOR CHILDREN IN OUT-OF-HOME PLACEMENT												
(Timeline shows the latest date for each event)												
CHIPS Proceeding												
0	3	13	28	30	53	63	103	123	180	193	283	335*
Child Removed from home	Petition Served ¹ & EPC Hearing ² (ADH & attorneys appear)	Admit/Deny Hearing ³	Sched. Order Filed ⁴	Out of Home Placement ⁵	Pretrial Hearing ⁷		Disp. Rev. Hearing ⁸ if Adj. & Disp. at ADH ⁹	Adj. & Dispo. ¹⁰ Order	Perm. Progress Review Hearing ¹²	Disp. Review Hearing ⁶	Disp. Rev. Hearing ⁸	Perm. Petition Filed
GAL and SW reports must be filed and served at least 5 business days prior to each hearing ¹⁵												
*If child not removed from home: Protective Services Case Plan must be filed with petition. ³												
Permanency Proceeding (in order of statutory preference ^{13a})												
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Temporary Legal Custody to the Agency for Specified Period of Time (TLCSP)												
335	365	415	425	485	575							
TPR Petition Filed ¹⁴	Admit/Deny Hearing ¹⁵	Pretrial Hearing ¹⁶	Trial Start ¹⁷	Findings Decision Filed ¹⁸	Post-TPR Review Hearing ¹⁹							
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TLC Petition Filed ²³	Admit/Deny Hearing ²⁴	Pretrial Hearing ²⁵	Trial Start ²⁶	Findings Decision Filed ²⁷	Post-TLC Review Hearing ²⁸							
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335	365	415	425	485	575							
TLCSP Petition Filed ²⁹	Admit/Deny Hearing ³⁰	Pretrial Hearing ³¹	Trial Start ³²	Findings Decision Filed ³³	Annual Review Hearing ³⁴							

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SCHEDULING ORDER



- Purpose: To ensure dates for key events along 12-month continuum are specified as a reminder to parent, judge, county attorney and others
- Timing
 - Must be issued in every CHIPS case
 - Must be issued at or within 15 days of the admit/deny hearing on the CHIPS petition
 - Must be stated on record and put in writing

- Content: Must address pre-trial, trial, case plan, permanency progress review hearing, date for perm petition, and admit/deny on perm petition

KEY EVENTS ALONG THE TIMELINE

PERMANENCY TIMELINE FOR CHILDREN IN OUT-OF-HOME PLACEMENT (Timeline shows the latest date for each event)

CHIPS Proceeding

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GAL and SW reports must be filed and served at least 5 business days prior to each hearing¹²

➔ If child not removed from home: Protective Services Case Plan must be filed with petition.³

Permanency Proceeding (in order of statutory preference¹³)

Termination of Parental Rights (TPR) (leading to adoption)

Preferred permanency¹³:
Adoption through either
TPR or Consent to Adopt

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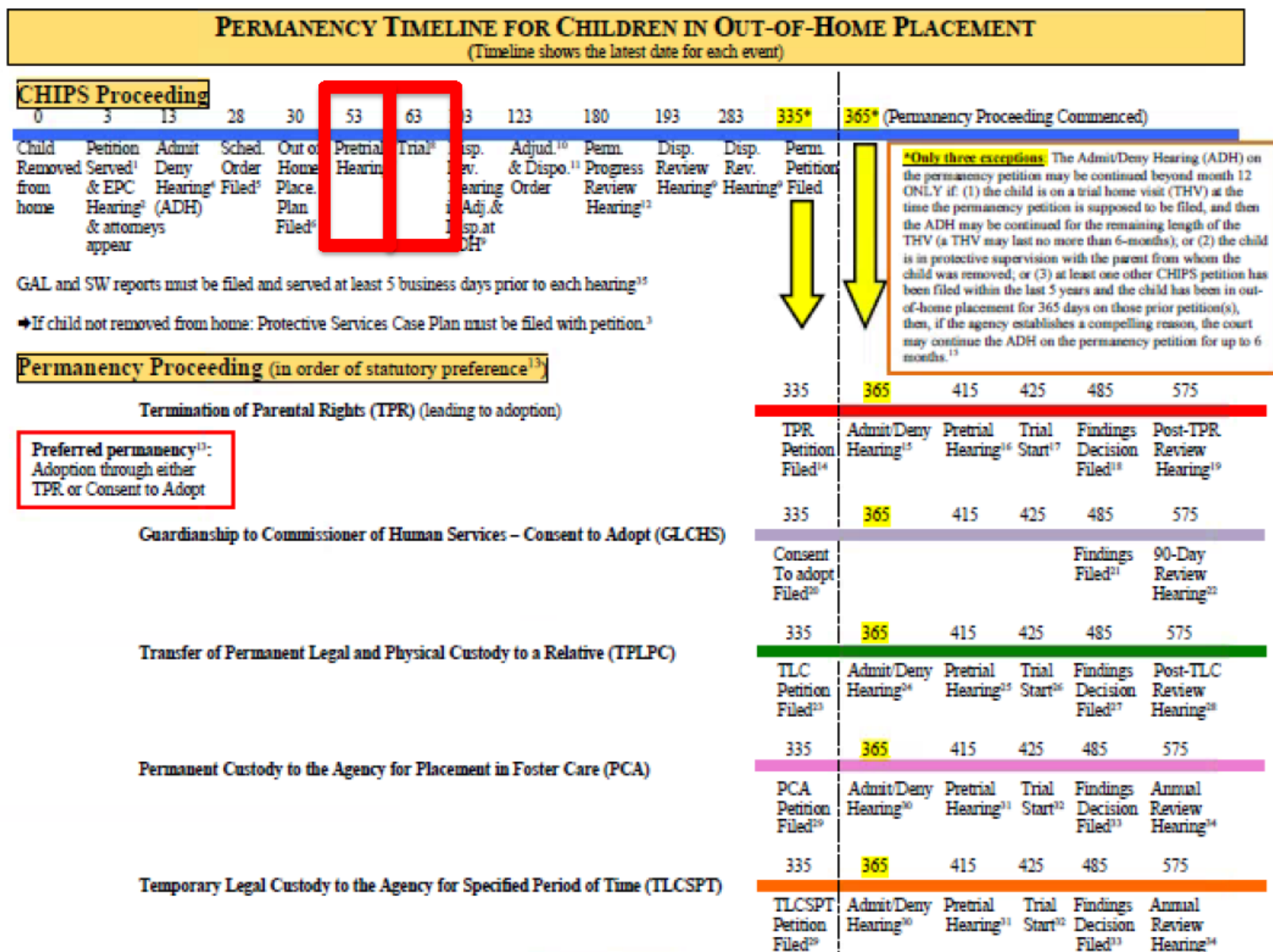
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OUT OF HOME PLACEMENT PLAN



- Must be filed within 30 days of child's removal
- If child not removed, protective services case plan must be filed along with petition
- Road map for case
 - What parent must do to correct conditions
 - Services agency must provide to assist parent

KEY EVENTS ALONG THE TIMELINE



PRE-TRIAL HEARING AND TRIAL



- If parent enters a denial, pretrial must be at least 10 days prior to trial
 - Opportunity to settle or narrow issues
 - Identify witnesses and exhibits
- Trial must commence within 60 days of denial
- Trial must be over consecutive days and completed within 30 days of commencement
- Judge will either grant CHIPS petition or dismiss petition

KEY EVENTS ALONG THE TIMELINE



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- If parent admits, or if trial and county meets burden of proof, court will adjudicate child to be in need of protection or services
- If county does not meet burden of proof, court will dismiss petition and child returned home

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335	365	415	425	485	575							
TLCSPST Petition Filed ²⁹	Admit/Deny Hearing ³⁰	Pretrial Hearing ³¹	Trial Start ³²	Findings Decision Filed ³³	Annual Review Hearing ³⁴							

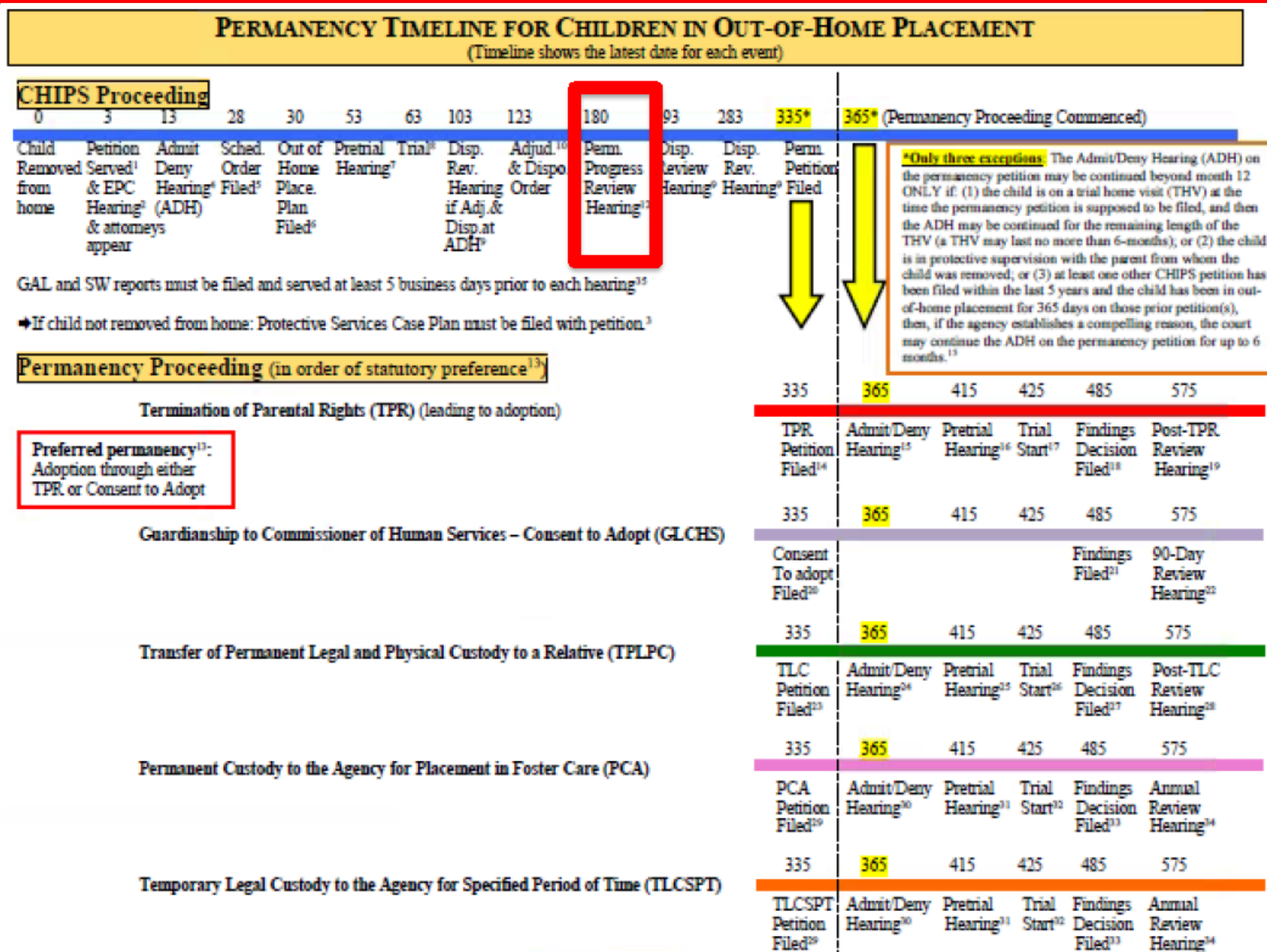
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INTERIM DISPOSITION REVIEW HEARING (IDH)



- Once adjudication, review hearing at least every 90 days
- More frequent if chemical or mental health issues
- Purpose
 - Review parent progress on case plan
 - Review services provided by agency – what more is needed for parent to be successful
 - Review child's wellbeing – medical, dental, eyes, education
 - Relatives identified
- GAL and SW reports filed 5 business days prior to hearing so parents have time to review and discuss with attorney

KEY EVENTS ALONG THE TIMELINE



- No later than 6 months (180 days) after child's court ordered placement in foster care or home of nonresident parent
- Required for all children in foster care or home of nonresident parent, regardless of child's age
 - No longer just for children under age 8

PERMANENCY PROGRESS REVIEW HEARING



- Court must review and make findings on whether:
 - Parent making adequate progress OHP
 - Parent maintaining regular contact
 - Child will benefit from ongoing relationship
 - Agency providing necessary services and reasonable or active efforts

- Determination
 - Proceed immediately to permanency
 - Continue for up to 6 additional months

KEY EVENTS ALONG THE TIMELINE

PERMANENCY TIMELINE FOR CHILDREN IN OUT-OF-HOME PLACEMENT												
(Timeline shows the latest date for each event)												
CHIPS Proceeding												
0	3	13	28	30	53	63	103	123	180	193	283	365*
Child Removed from home	Petition Served ¹ & EPC Hearing ² (ADH) & attorneys appear	Admit/Deny Hearing ⁴ (ADH)	Sched. Order Filed ⁵	Out of Home Place. Plan Filed ⁶	Pretrial Hearing ⁷	Trial ⁸	Disp. Rev. Hearing if Adj. & Disp. at ADH ⁹	Adjud. & Dispo. ¹⁰	Perm. Review Hearing ¹¹	Disp. Review Hearing ¹²	Disp. Review Hearing ¹³	Perm. Review Hearing ¹⁴
GAL and SW reports must be filed and served at least 5 business days prior to each hearing ¹⁵												
➔ If child not removed from home: Protective Services Case Plan must be filed with petition. ³												
Permanency Proceeding (in order of statutory preference ¹³)												
Termination of Parental Rights (TPR) (leading to adoption)												
Preferred permanency ¹³ : Adoption through either TPR or Consent to Adopt												
Guardianship to Commissioner of Human Services – Consent to Adopt (GLCHS)												
Transfer of Permanent Legal and Physical Custody to a Relative (TPLPC)												
Permanent Custody to the Agency for Placement in Foster Care (PCA)												
Temporary Legal Custody to the Agency for Specified Period of Time (TLCSTP)												
<div> <div>335</div> <div>365</div> <div>415</div> <div>425</div> <div>485</div> <div>575</div> </div> <div> <div>TPR Petition Filed¹⁴</div> <div>Admit/Deny Hearing¹⁵</div> <div>Pretrial Hearing¹⁶</div> <div>Trial Start¹⁷</div> <div>Findings Decision Filed¹⁸</div> <div>Post-TPR Review Hearing¹⁹</div> </div>												
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<div> <div>335</div> <div>365</div> <div>415</div> <div>425</div> <div>485</div> <div>575</div> </div> <div> <div>TLC Petition Filed²³</div> <div>Admit/Deny Hearing²⁴</div> <div>Pretrial Hearing²⁵</div> <div>Trial Start²⁶</div> <div>Findings Decision Filed²⁷</div> <div>Post-TLC Review Hearing²⁸</div> </div>												
<div> <div>335</div> <div>365</div> <div>415</div> <div>425</div> <div>485</div> <div>575</div> </div> <div> <div>PCA Petition Filed²⁹</div> <div>Admit/Deny Hearing³⁰</div> <div>Pretrial Hearing³¹</div> <div>Trial Start³²</div> <div>Findings Decision Filed³³</div> <div>Annual Review Hearing³⁴</div> </div>												
<div> <div>335</div> <div>365</div> <div>415</div> <div>425</div> <div>485</div> <div>575</div> </div> <div> <div>TLCSTP Petition Filed²⁹</div> <div>Admit/Deny Hearing³⁰</div> <div>Pretrial Hearing³¹</div> <div>Trial Start³²</div> <div>Findings Decision Filed³³</div> <div>Annual Review Hearing³⁴</div> </div>												

***Only three exceptions:** The Admit/Deny Hearing (ADH) on the permanency petition may be continued beyond month 12 ONLY if: (1) the child is on a trial home visit (THV) at the time the permanency petition is supposed to be filed, and then the ADH may be continued for the remaining length of the THV (a THV may last no more than 6-months); or (2) the child is in protective supervision with the parent from whom the child was removed; or (3) at least one other CHIPS petition has been filed within the last 5 years and the child has been in out-of-home placement for 365 days on those prior petition(s), then, if the agency establishes a compelling reason, the court may continue the ADH on the permanency petition for up to 6 months.¹³

(Timeline shows the latest date for each event)

0	3	13	28	30	53	63	103	123	180	193	283	335*	65* (Permanency Proceeding Commenced)
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Temporary Legal Custody to the Agency for Specified Period of Time (TLCSP)

Perm. Petition Filed ⁹	<p>*Only three exceptions The Admit/Deny Hearing (ADH) on the permanency petition may be continued beyond month 12 ONLY if: (1) the child is on a trial home visit (THV) at the time the permanency petition is supposed to be filed, and then the ADH may be continued for the remaining length of the THV (a THV may last no more than 6-months), or (2) the child is in protective supervision with the parent from whom the child was removed; or (3) at least one other CHIPS petition has been filed within the last 5 years and the child has been in out-of-home placement for 365 days on those prior petition(s), then, if the agency establishes a compelling reason, the court may continue the ADH on the permanency petition for up to 6 months.¹³</p>					
335	365	415	425	485	575	
TPR Petition Filed ¹⁴	Admit/Deny Hearing ¹⁵	Pretrial Hearing ¹⁶	Trial Start ¹⁷	Findings Decision Filed ¹⁸	Post-TPR Review Hearing ¹⁹	
335	365	415	425	485	575	
Consent To adopt Filed ²⁰				Findings Filed ²¹	90-Day Review Hearing ²²	
335	365	415	425	485	575	
TLC Petition Filed ²³	Admit/Deny Hearing ²⁴	Pretrial Hearing ²⁵	Trial Start ²⁶	Findings Decision Filed ²⁷	Post-TLC Review Hearing ²⁸	
335	365	415	425	485	575	
PCA Petition Filed ²⁹	Admit/Deny Hearing ³⁰	Pretrial Hearing ³¹	Trial Start ³²	Findings Decision Filed ³³	Annual Review Hearing ³⁴	
335	365	415	425	485	575	
TLCSP Petition Filed ²⁹	Admit/Deny Hearing ³⁰	Pretrial Hearing ³¹	Trial Start ³²	Findings Decision Filed ³³	Annual Review Hearing ³⁴	

- Termination of Parental Rights
 - Involuntary TPR
 - Parent presumed to be palpably unfit to parent so new child will be immediately removed (Dept. of Health matching system)
 - Called “CHIPS bypass” or “expedited permanency”
 - Burden of proof switches and parent must rebut presumption of palpable unfitness and prove change of circumstances and capacity to parent

- Voluntary TPR
 - No expedited permanency for new born child – may proceed to CHIPS
- Transfer of permanent legal and physical custody to a relative (TPLPC)
- Northstar – child eligible for financial benefits
 - Relative must be licensed for 6 months
 - Child must live in home for 6 months
 - Order for TPLPC must be deferred pending finalization of Northstar eligibility requirements

PERMANENCY PETITION FILED



- Permanency custody to agency
 - Formerly long term foster care
 - Only for children age 16+ (and sibling groups)
 - May be requested only by social worker
- Temporary custody to agency for specified period of time
 - Based on child's behavior

KEY EVENTS ALONG THE TIMELINE

PERMANENCY TIMELINE FOR CHILDREN IN OUT-OF-HOME PLACEMENT												
(Timeline shows the latest date for each event)												
CHIPS Proceeding												
0	3	13	28	30	53	63	103	123	180	193	283	335*
Child Removed from home	Petition Served ¹ & EPC Hearing ² & attorneys appear	Admit/Deny Hearing ⁴ (ADH)	Sched. Order Filed ⁵	Out of Home Place. Plan Filed ⁶	Pretrial Hearing ⁷	Trial ⁸	Disp. Rev. Hearing if Adj. & Disp. at ADH ⁹	Adjud. & Dispo. ¹⁰ Order	Perm. Progress Review Hearing ¹²	Disp. Review Hearing ⁹	Disp. Rev. Hearing ⁹	Perm. Petition Filed ¹¹
GAL and SW reports must be filed and served at least 5 business days prior to each hearing ¹⁵												
➔ If child not removed from home: Protective Services Case Plan must be filed with petition. ³												
Permanency Proceeding (in order of statutory preference ¹³)												
Termination of Parental Rights (TPR) (leading to adoption)												
Preferred permanency ¹³ : Adoption through either TPR or Consent to Adopt												
Guardianship to Commissioner of Human Services – Consent to Adopt (GLCHS)												
Transfer of Permanent Legal and Physical Custody to a Relative (TPLPC)												
Permanent Custody to the Agency for Placement in Foster Care (PCA)												
Temporary Legal Custody to the Agency for Specified Period of Time (TLCSP)												
335	365	415	425	485	575							
TPR Petition Filed ¹⁴	Admit/Deny Hearing ¹⁵	Pretrial Hearing ¹⁶	Trial Start ¹⁷	Findings Decision Filed ¹⁸	Post-TPR Review Hearing ¹⁹							
335	365	415	425	485	575							
Consent To adopt Filed ²⁰				Findings Filed ²¹	90-Day Review Hearing ²²							
335	365	415	425	485	575							
TLC Petition Filed ²³	Admit/Deny Hearing ²⁴	Pretrial Hearing ²⁵	Trial Start ²⁶	Findings Decision Filed ²⁷	Post-TLC Review Hearing ²⁸							
335	365	415	425	485	575							
PCA Petition Filed ²⁹	Admit/Deny Hearing ³⁰	Pretrial Hearing ³¹	Trial Start ³²	Findings Decision Filed ³³	Annual Review Hearing ³⁴							
335	365	415	425	485	575							
TLCSP Petition Filed ²⁹	Admit/Deny Hearing ³⁰	Pretrial Hearing ³¹	Trial Start ³²	Findings Decision Filed ³³	Annual Review Hearing ³⁴							

***Only three exceptions:** The Admit/Deny Hearing (ADH) on the permanency petition may be continued beyond month 12 ONLY if: (1) the child is on a trial home visit (THV) at the time the permanency petition is supposed to be filed, and then the ADH may be continued for the remaining length of the THV (a THV may last no more than 6-months), or (2) the child is in protective supervision with the parent from whom the child was removed, or (3) at least one other CHIPS petition has been filed within the last 5 years and the child has been in out-of-home placement for 365 days on those prior petition(s), then, the agency establishes a compelling reason, the court may continue the ADH on the permanency petition for up to 6 months.¹³

ADMIT/DENY HEARING ON PERMANENCY PETITION



- If not safe for child to return home, court must commence admit/deny hearing on permanency petition no later than 12 months after child is ordered into foster care or in the care of a nonresident parent
- If denial, trial must start by day 425, must be over consecutive days, and must end within 30 days at day 455
- or sooner
- Trial must be over consecutive days
- Court has 15 days to issue order –may extend for up to 15 additional days

KEY EVENTS ALONG THE TIMELINE

PERMANENCY TIMELINE FOR CHILDREN IN OUT-OF-HOME PLACEMENT (Timeline shows the latest date for each event)													
CHIPS Proceeding													
0	3	13	28	30	53	63	103	123	180	193	283	335*	365
Child Removed from home	Petition Served ¹ & EPC Hearing ² & attorneys appear	Admit Deny Hearing ⁴ (ADH)	Sched. Order Filed ⁵	Out of Home Place. Plan Filed ⁶	Pretrial Hearing ⁷	Trial ⁸	Disp. Rev. Hearing if Adj. & Disp. at ADH ⁹	Adjud. & Dispo. ¹⁰	Perm. Progress Review Hearing ¹¹	Disp. Review Hearing ⁹	Disp. Rev. Hearing ⁹	Perm. Petition Filed	Permanency Proceeding Commenced)
<p>GAL and SW reports must be filed and served at least 5 business days prior to each hearing¹⁵</p> <p>➔ If child not removed from home: Protective Services Case Plan must be filed with petition.³</p>													
Permanency Proceeding (in order of statutory preference ¹³)													
Termination of Parental Rights (TPR) (leading to adoption)													
<div>Preferred permanency¹³: Adoption through either TPR or Consent to Adopt</div>													
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Permanent Custody to the Agency for Placement in Foster Care (PCA)													
Temporary Legal Custody to the Agency for Specified Period of Time (TLCSTP)													
335	365	415	425	485	575								
TPR Petition Filed ¹⁴	Admit/Deny Hearing ¹⁵	Pretrial Hearing ¹⁶	Trial Start ¹⁷	Findings Decision Filed ¹⁸	Post-TPR Review Hearing ¹⁹								
335	365	415	425	485	575								
Consent To adopt Filed ²⁰				Findings Filed ²¹	90-Day Review Hearing ²²								
335	365	415	425	485	575								
TLC Petition Filed ²³	Admit/Deny Hearing ²⁴	Pretrial Hearing ²⁵	Trial Start ²⁶	Findings Decision Filed ²⁷	Post-TLC Review Hearing ²⁸								
335	365	415	425	485	575								
PCA Petition Filed ²⁹	Admit/Deny Hearing ³⁰	Pretrial Hearing ³¹	Trial Start ³²	Findings Decision Filed ³³	Annual Review Hearing ³⁴								
335	365	415	425	485	575								
TLCSTP Petition Filed ²⁹	Admit/Deny Hearing ³⁰	Pretrial Hearing ³¹	Trial Start ³²	Findings Decision Filed ³³	Annual Review Hearing ³⁴								

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EXTENDING TIMELINE – STRATEGIES FOR PARENTS



- Trial home visit (THV)
 - Can only be with parent from whom removed
 - Can be for up to 6 months
 - Cannot be ordered prior to adjudication
 - May be ordered only when parent has made substantial progress on case plan, is demonstrating capacity to appropriately care for child, and child will be safe
 - Parent has physical custody, but agency has legal custody and can remove child without court order if necessary
 - 12-month clock doesn't stop, but extra time for parent to work on case plan

■ Protective Supervision

- Child returned to parent from whom child removed under protective supervision of agency
- Parent has legal and physical custody
- No time limit
- Permanency clock stops
- Court jurisdiction continues
- Regular monitoring to allow parent to increase and demonstrate capacity to safely parent child
- Agency must seek order to remove child

EXTENDING TIMELINE – STRATEGIES FOR PARENTS



- Prior CHIPS petitions where child in OHP 365+ days
 - Because child is already at 12 months, county required to immediately proceed to permanency
 - **But**, county could file motion to proceed to CHIPS if compelling reason
 - If court agrees, can proceed to CHIPS for up to 6 months
 - At end of 6 months, must either reunify only if safe or proceed to permanency

KEY EVENTS ALONG THE TIMELINE

PERMANENCY TIMELINE FOR CHILDREN IN OUT-OF-HOME PLACEMENT (Timeline shows the latest date for each event)												
CHIPS Proceeding												
0	3	13	28	30	53	63	103	123	180	193	283	335*
Child Removed from home	Petition Served ¹ & EPC Hearing ² (ADH) & attorneys appear	Admit Deny Hearing ⁴	Sched. Order Filed ⁵	Out of Home Place. Plan Filed ⁶	Pretrial Hearing ⁷	Trial ⁸	Disp. Rev. Hearing if Adj. & Disp. at ADH ⁹	Adjud. & Dispo. ¹⁰	Perm. Progress Review Hearing ¹²	Disp. Review Hearing ⁸	Disp. Rev. Hearing ⁹	Perm. Petition Filed
GAL and SW reports must be filed and served at least 5 business days prior to each hearing ¹⁵												
♦If child not removed from home: Protective Services Case Plan must be filed with petition ³												
Permanency Proceeding (in order of statutory preference ¹³)												
Termination of Parental Rights (TPR) (leading to adoption)												
Preferred permanency ¹⁷ : Adoption through either TPR or Consent to Adopt	335	365	415	425	485	575						
	TPR Petition Filed ¹⁴	Admit/Deny Hearing ¹⁵	Pretrial Hearing ¹⁶	Trial Start ¹⁷	Findings Decision Filed ¹⁸	Post-TPR Review Hearing ¹⁹						
Guardianship to Commissioner of Human Services – Consent to Adopt (GLCHS)	335	365	415	425	485	575						
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	TLC Petition Filed ²³	Admit/Deny Hearing ²⁴	Pretrial Hearing ²⁵	Trial Start ²⁶	Findings Decision Filed ²⁷	Post-TLC Review Hearing ²⁸						
Permanent Custody to the Agency for Placement in Foster Care (PCA)	335	365	415	425	485	575						
	PCA Petition Filed ²⁹	Admit/Deny Hearing ³⁰	Pretrial Hearing ³¹	Trial Start ³²	Findings Decision Filed ³³	Annual Review Hearing ³⁴						
Temporary Legal Custody to the Agency for Specified Period of Time (TLCSTP)	335	365	415	425	485	575						
	TLCSTP Petition Filed ³⁵	Admit/Deny Hearing ³⁰	Pretrial Hearing ³¹	Trial Start ³²	Findings Decision Filed ³³	Annual Review Hearing ³⁴						

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CHIPS Proceeding												
0	3	13	28	30	53	63	103	123	180	193	283	335*
Child Removed from home	Petition Served ¹ & EPC Hearing ² & attorneys appear	Admit Deny Hearing ³ (ADH)	Sched. Order Filed ⁴	Out of Home Place. Plan Filed ⁵	Pretrial Hearing ⁷	Trial ⁸	Disp. Rev. Hearing if Adj. & Disp. at ADH ⁹	Adjud. & Dispo. Order ¹⁰	Perm. Progress Review Hearing ¹¹	Disp. Review Hearing ⁹	Disp. Rev. Hearing ⁹	Perm. Petition Filed
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335	365	415	425	485	575							
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TLC Petition Filed ²³	Admit/Deny Hearing ²⁴	Pretrial Hearing ²⁵	Trial Start ²⁶	Findings Decision Filed ²⁷	Post-TLC Review Hearing ²⁸							
335	365	415	425	485	575							
PCA Petition Filed ²⁹	Admit/Deny Hearing ³⁰	Pretrial Hearing ³¹	Trial Start ³²	Findings Decision Filed ³³	Annual Review Hearing ³⁴							
335	365	415	425	485	575							
TLCSP Petition Filed ²⁹	Admit/Deny Hearing ³⁰	Pretrial Hearing ³¹	Trial Start ³²	Findings Decision Filed ³³	Annual Review Hearing ³⁴							

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- In closing I would like to leave you with one piece of MAJOR advise. Do not believe anything anyone tells you unless you have read the Minnesota State Statute and Caselaw yourself. Especially anything told to you by State and County officials, this includes Judges. Make them show you the relevant Statutes that they are referring to, just as I will throughout this entire series.