



Child Protection Services Pro Se Help Kit
Video Series

#4 – Court Findings for Federal Title IV Funding

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.

- You must create your own court filings while acting in a Pro Se capacity. I do not have examples of everything, but ask other group members, because they may be able to help you. **BUT REMEMBER**, you are not allowed to stand in court and say that someone helped you, or told you to do it a certain way. You are doing this for yourself. You must read, review and submit court filings for yourself.

**Court findings for Federal Title IV Funding
Reimbursement**

**Court-ordered Placement, Permanency, and
Continued Foster Care**

First Orders or Hearings for:

- Involuntary removal of child (law enforcement hold or order for immediate custody)
- Voluntary placement under Chapter 260C (not Chapter 260D)
- Children over age 18 re-entering Foster Care

EX PARTE ORDER REMOVING CHILD



Very first court order removing the child:

Continuation of the child in the custody of the parent is contrary to the child's welfare (placement is in the best interests of the child);

Minn. Stat. § 260C.151, subd. 6

EMERGENCY PROTECTIVE CARE HEARING



Very first court order removing the child; repeated/reviewed at EPC if removal occurred ex parte

Continuation of the child in the custody of the parent is contrary to the child's welfare (placement is in the best interests of the child);

Minn. Stat. § 260C.178, subd. 1(f)

AND

EMERGENCY PROTECTIVE CARE HEARING



One of the following “reasonable efforts” findings is required under Minn. Stat. § 260C.178, subd. 1 (e):

Reasonable efforts were made to prevent the placement which means either;

(1) the agency has made reasonable efforts to prevent the placement of the child in foster care; or

(2) given the particular circumstances of the child and family at the time of the child's removal, there are no services or efforts available which could allow the child to safely remain in the home.

Minn. Stat. § 260.012 (d)

OR

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EMERGENCY PROTECTIVE CARE HEARING



Reasonable efforts to prevent the placement were not required.

Note: This finding is appropriate in CHIPS by-pass cases, also called expedited permanency cases, where the court finds the petition states a prima facie case under *Minn. Stat. § 260.012*. When a case is a by-pass case and a permanency petition is filed, an admit/deny hearing must be held within 10 days of the filing of the petition; *Minn. Stat. § 260C.507(b)*

EMERGENCY PROTECTIVE CARE HEARING



By-pass case types from Minn. Stat. § 260.012 (a):

- (1) the parent has subjected a child to egregious harm as defined in section 260C.007, subdivision 14;*
- (2) the parental rights of the parent to another child have been terminated involuntarily;*
- (3) the child is an abandoned infant under section 260C.301, subdivision 2, paragraph (a), clause (2);*
- (4) the parent's custodial rights to another child have been involuntarily transferred to a relative under Minnesota Statutes 2010, section 260C.201, subdivision 11, paragraph (d), clause (1),*

EMERGENCY PROTECTIVE CARE HEARING



section 260C.515, subdivision 4, or a similar law of another jurisdiction;

(5) the parent has committed sexual abuse as defined in section 626.556, subdivision 2, against the child or another child of the parent;

(6) the parent has committed an offense that requires registration as a predatory offender under section 243.166, subdivision 1b, paragraph (a) or (b); or

(7) the provision of services or further services for the purpose of reunification is futile and therefore unreasonable under the circumstances.

CHIPS petition by 90 days; hearing 20 days after service of petition

Placement is in the child's best interests.

Other, related finding required under state law:

- **Reasonable efforts to reunify the child and the parent or guardian are being made; and *Minn. Stat. § 260C.141, subd. 2***

Motion to re-open court jurisdiction by 30 days; hearing within 60 days

Placement is in the child's best interests.

Minn. Stat. § 260C.229 (c)

Orders or Hearings for Permanency, including Termination of Parental Rights

ADMIT/DENY ON TPR OR PERMANENCY PETITION



Not later than 12 months of court –ordered removal

Petition states a prima facie case that the agency has provided reasonable efforts, or active efforts in the case of an Indian child, to reunify the child and the parent or legal custodian.

Minn. Stat. § 260C.507 (c)

ADMIT/DENY ON TPR OR PERMANENCY PETITION



For CHIPS by-pass cases, if finding was not made at EPC

Reasonable efforts for reunification are not required as provided in *Minn. Stat. § 260.012*.

TRIAL ON TPR OR HEARING ON ANY PERMANENCY PETITION



By month 14 for most trials

Reasonable efforts were made to reunify the child and the parent. *Minn. Stat. § 260C.301, subd. 8*

or for ICWA cases:

Active efforts were made to prevent the breakup of the Indian family. *25 U.S.C. §1912(d)*

OR

For CHIPS by-pass cases, within 60 days of filing of petition

Reasonable efforts for reunification are not required as provided in *Minn. Stat. § 260.012*.

Minn. Stat. § 260C.301, subd. 8

By Month 12

(1) Approve the agency's compelling reason for the child to continue in foster care; and

(2) No other permanency disposition is in the child's best interests including that the responsible social services agency has made reasonable efforts to locate and place the child with an adoptive family or relative who would agree to adopt the child or to a transfer of permanent legal and physical custody of the child, but these efforts have not proven successful.

Minn. Stat. § 260C.515, subd. 5

Orders from Periodic Reviews after Child Comes under State Guardianship, is in the Permanent Custody of the Agency, or is in Foster Care after Age 18

Review hearings are required every 90 days

The agency is making reasonable efforts to finalize the adoption of the child.

Minn. Stat. § 260C.607, subd. 4 (a) (1)

At least annually

The agency is making reasonable efforts to finalize the permanent plan for the child which means:

(1) the agency has made reasonable efforts to identify a more legally permanent home for the child than is provided by an order for permanent custody to the agency for placement in foster care; and

(2) the agency's engagement of the child in planning for independent living is reasonable and appropriate.

Minn. Stat. §§ 260C.229, 260C.203, and 260C.521, subd. 1,

REVIEWS OF CHILDREN IN FOSTER CARE AFTER 18



At least annually; foster care may be supervised independent living once the child is 18

The agency is making reasonable efforts to finalize the permanency plan by supporting the youth's continued success in placement, planning for independent living as demonstrated by the youth's progress in achieving independent living goals, and preparing the child for independence.

Minn. Stat. § 260C.451, subd. 6 Children's Bureau Program Instruction, PI-10-11

See also, definition of child at *Minn. Stat. § 260C.007, subd. 4*