

PERMANENCY TIMELINE FOR CHILDREN IN OUT-OF-HOME PLACEMENT

(Timeline shows maximum days 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 & EPC Hearing ² (ADH)	Admit Deny Hearing ⁴ Filed ⁵ Plan Filed ⁶	Schedule Order Home Place.	Out of Home	Pretrial Hearing	Pretrial Hearing ⁷	Disp. Rev. Hearing if Adj.& Disp.at ADH ⁹	Adjud. Dispo. ¹⁰	Permanency Review Hearing ¹¹	Disp. Review Hearing ⁹	Perm. Petition Filed	335*	365*

***Only two exceptions:** The Admit/Deny Hearing on the perm. petition may be continued beyond month 12 ONLY if: (1) the child is on a trial home visit with the parent from whom the child was removed, then the ADH may be continued for the remaining length of the trial home visit (a THV may last no more than 6-months); or (2) 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 as part of the 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.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 permanency¹³:
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 (TLC)

Permanent Custody to the Agency for Placement in Foster Care (PCA)

Temporary Legal Custody to the Agency for Specified Period of Time (TLCSP)

335	415	425	485	575
TPR Petition Filed ¹⁴	Admit/Deny Hearing ¹⁵	Pretrial Hearing ¹⁶ Start ¹⁷	Trial Findings Decision Filed ¹⁸	Post-TPR Review Hearing ¹⁹
335	415	425	485	575
Consent To adopt Filed ²⁰			Findings Filed ²¹	90-Day Review Hearing ²²
335	415	425	485	575
TLC Petition Filed ²³	Admit/Deny Hearing ²⁴	Pretrial Hearing ²⁵ Start ²⁶	Trial Findings Decision Filed ²⁷	Post-TLC Review Hearing ²⁸
335	415	425	485	575
PCA Petition Filed ²⁹	Admit/Deny Hearing ³⁰	Pretrial Hearing ³¹ Start ³²	Trial Findings Decision Filed ³³	Annual Review Hearing ³⁴
335	415	425	485	575
TLCSP Petition Filed ²⁹	Admit/Deny Hearing ³⁰	Pretrial Hearing ³¹ Start ³²	Trial Findings Decision Filed ³³	Annual Review Hearing ³⁴

CHIPS Proceeding

- 1 **Summons and Petition:** Must be filed by EPC hearing (RJPP 33.05) and served at or before EPC hearing or at least 3 days prior to Admit/Deny Hearing, whichever is earlier. (RJPP 32.02, subd. 5(a)).
- 2 **EPC:** Within 72 hours of child's removal from home, excluding Saturdays, Sundays, and legal holidays (RJPP 30.01, subd. 1; Minn. Stat. § 260C.178, subd. 1(a)). Court appointed attorneys must appear at EPC or Admit/Deny hearing, whichever is earlier. (Minn. Stat. § 260C.176, subd. 2).
- 3 **Protective Services Cased Plan** (plan that is filed when child has not been removed from home): Filed by social services at same time as CHIPS petition (RJPP 37.04(a); Minn. Stat. § 260C.178, subd. 7; Minn. Stat. § 62A.556, subd. 10m).
- 4 **Admit/Deny Hearing (ADH):** If all parties agree, ADH may be combined with EPC. If child removed from home, ADH within 10 days of EPC hearing (RJPP 34.02, subd. 1(a)); if child not removed from home, ADH no sooner than 5 days and no later than 20 days after service of Summons and Petition on parties (RJPP 34.02, subd. 2); if Indian child, ADH at least 10 days after ICWA notice received by tribe and tribe may request additional 20 days (best practice is to schedule for day 30) (RJPP 34.02, subd. 1(d)).
- 5 **Scheduling Order:** Issued within 15 days of the Admit/Deny Hearing and must include dates for filing of permanency petition and Admit/Deny Hearing on Permanency Petition. (RJPP 6.02)
- 6 **Out of Home Placement Plan:** Filed by social services agency within 30 days of child's court-ordered placement or voluntary placement agree. (RJPP 37.02, subd. 2; Minn. Stat. § 260C.178, subd. 7; Minn. Stat. § 260C.212, subd 1(a))
- 7 **Pretrial:** At least 10 days prior to trial (RJPP 36.01)
- 8 **Trial:** Commenced within 60 days of EPC or Admit/Deny, whichever is earlier; must be held on consecutive days; must be completed within 30 days of commencement (RJPP 39.02, subd. 1(a))
- 9 **Disposition Review Hearing:** When disposition is custody to agency, review hearing at least every 90 days following disposition (RJPP 41.06, subd. 1); when disposition is protective supervision, review hearing at least every 6 months following disposition (RJPP 41.06, subd. 1); when disposition is trial home visit, review hearing at least every 90 days (RJPP 41.06, subd. 2(b)(3)).
- 10 **Findings/Adjudication Order:** Within 15 days of conclusion of testimony, including time for filing briefs (may extend 15 days for good cause) (RJPP 39.05, subd. 1, 2; RJPP 40.01)
- 11 **Disposition Order:** Preferably issued on same day as adjudication finding, but no later than 10 days from adjudication order (RJPP 41.02)
- 12 **Permanency Progress Review Hearing:** For any child who remains in placement, commenced not later than 180 days after court-ordered placement (Minn. Stat. § 260C.204(a))
- 13 **Preferred Permanency Option for child who cannot return home:** TPR and adoption, or guardianship to the commissioner of human services through a consent to adopt (Minn. Stat. 260C.513).

Permanency Proceedings Termination of parental rights or consent to adopt leading to adoption are the preferred permanency options when child cannot return home¹³ (Minn. Stat. § 260C.513(a))

- 14 **TPR Petition:** Petition must be filed by month 11 for any child who remains in foster care or in care of nonresident parent at month 11 (see exception*) (Minn. Stat. § 260C.505(a))
- 15 **Admit/Deny Hearing (ADH):** For any child (regardless of age) who remains in foster care or in care of nonresident parent, ADH must be commenced not later than 12 months after court-ordered placement. (Minn. Stat. § 260C.507(a)) *Exceptions to ADH timing: child in ongoing trial home visit and previous CHIPS petitions with 12+ months of OHP. (Minn. Stat. 260C.503, subd. 3 (b)(2) and (c))
- 16 **Pretrial Hearing:** At least 10 days prior to trial (RJPP 36.01)
- 17 **Trial:** Commenced within 60 days of the first scheduled ADH; must be held on consecutive days; must be completed within 30 days of commencement (RJPP 39.02, subd. 1(c); Minn. Stat. § 260C.509)
- 18 **Findings and Decision:** Issued within 15 days of conclusion of testimony (may extend 15 days if found to be in child's best interests) (RJPP 39.05, subd. 1; Minn. Stat. § 260C.517(b))
- 19 **Post-TPR Review Hearing:** At least every 90 days following TPR decision until adoption finalized. (RJPP 42.08, subd. 5; Minn. Stat. § 260C.519 and Minn. Stat. § 260C.607) If adoption not finalized within two years, can modify disposition to state ward (RJPP 42.11, subd 3(a)(1))

Guardianship and Legal Custody to Commissioner of Human Services

- 20 **Consent to Adopt by an identified adoptive home:** A permanency petition is not filed but, instead, the parent signs a consent to adopt by an adoptive parent that has been agreed to by the agency. (Minn. Stat. § 260C.515, subd. 3) The consent is irrevocable upon acceptance by the court, unless the child is an Indian child in which case the consent may be withdrawn for any reason at any time prior to entry of the final adoption decree. (Minn. Stat. § 260C.629, subd. 1). Acceptance of the consent does not automatically terminate parental rights, but it does vest with the commissioner of human services all legal authority regarding the child, including guardianship and legal custody of the child as if the child were a state ward after termination of parental rights. If an adoption is not finalized within 12 months of the execution of the consent to adopt, the commissioner or agency shall pursue adoptive placement in another home unless the commissioner certifies that the failure to finalize is not due to either an action or a failure to act by the prospective adoptive parent.
- 21 **Findings and Decision:** Within 15 days of the consent (may extend 15 days for good cause), court must issue findings and order transferring guardianship and legal custody. (RJPP 42.10)
- 22 **Post-Consent Review Hearing:** At least every 90 days following consent until adoption finalized. (RJPP 42.09, subd. 3)

Transfer of Permanent Legal and Physical Custody to a Relative (TPLPC) Proceeding

- 23 **TPLPC Petition:** Petition must be filed by month 11 for any child who remains in foster care or in care of nonresident parent at month 11 (see exception*) (Minn. Stat. § 260C.505(a))
- 24 **Admit/Deny Hearing:** For any child (regardless of age) who remains in foster care or in care of nonresident parent, ADH must be commenced not later than 12 months after court-ordered placement. (Minn. Stat. § 260C.507(a)) *Exceptions to ADH timing: child in ongoing trial home visit and previous CHIPS petitions with 12+ months of OHP. (Minn. Stat. 260C.503, subd. 3 (b)(2) and (c))
- 25 **Pretrial Hearing:** At least 10 days prior to trial (RJPP 36.01)
- 26 **Trial:** Commenced within 60 days of the first scheduled ADH; must be held on consecutive days; must be completed within 30 days of commencement (RJPP 39.02, subd. 1(c); Minn. Stat. § 260C.509)
- 27 **Findings and Decision:** Issued within 15 days of conclusion of testimony (may extend 15 days if found to be in child's best interests) (RJPP 39.05, subd. 1; Minn. Stat. § 260C.517(b))
- 28 **Post-TPLPC Review Hearing:** Not required unless judge so orders; however, best practice is to order review hearings for 30-60 days to ensure smooth transition and needs of child are being met (Minn. Stat. § 260C.521, subd. 2)

Permanent Custody to Agency for Placement in Foster Care (PCA) and Temporary Custody to Agency for Specified Period of Time Proceedings (TCASPT)

- 29 **PCA or TCASPT Petition:** Petition must be filed by month 11 for any child who remains in foster care or in care of nonresident parent at month 11 (see exception*) (Minn. Stat. § 260C.505(a))
- 30 **Admit/Deny Hearing:** For any child (regardless of age) who remains in foster care or in care of nonresident parent, ADH must be commenced not later than 12 months after court-ordered placement. (Minn. Stat. § 260C.507(a)) *Exceptions to ADH timing: child in ongoing trial home visit and previous CHIPS petitions with 12+ months of OHP. (Minn. Stat. 260C.503, subd. 3 (b)(2) and (c))
- 31 **Pretrial Hearing:** At least 10 days prior to trial (RJPP 36.01)
- 32 **Trial:** Commenced within 60 days of the first scheduled ADH; must be held on consecutive days; must be completed within 30 days of commencement (RJPP 39.02, subd. 1(c); Minn. Stat. § 260C.509)
- 33 **Findings and Decision:** Issued within 15 days of conclusion of testimony (may extend 15 days if found to be in child's best interests) (RJPP 39.05, subd. 1; Minn. Stat. § 260C.517(b))
- 34 **Post-PCA Review Hearing:** At least annually until child discharged from foster care; best practice is more frequent hearings for older youth age 17+ who are about to be discharged from foster care to ensure a smooth transition and understand details of adult life from checking accounts to rent to groceries to basic necessities (Minn. Stat. § 260C.521, subd. 1)

***Exceptions to ADH timing:** child in ongoing trial home visit or previous CHIPS petitions with 12+ months of OHP and court finds compelling reasons to extend (Minn. Stat. 260C.503, subd. 3 (b)(2) and (c))

CHIPS TO PERMANENCY TIMELINE

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

Ann Ahlstrom

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 14 months	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 notice 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	Agency <ol style="list-style-type: none"> 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) 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) If ICWA, active efforts to prevent the breakup of the Indian family 	Parent Progress on the case plan or out-of-home placement plan <ol style="list-style-type: none"> Was parent involved in development of case plan? Does parent understand and agree with goals and what services are being provided? Are there barriers to receiving services? Is the parent seeing the child regularly and is visitation meaningful (does it help learn appropriate parenting?) 	Child Well-being <ol style="list-style-type: none"> Is child in Plan B home? Has child received necessary developmental, health, mental health, trauma, and educational assessments? Is the child receiving appropriate follow-up services? How is the child doing in placement and in school? If ICWA, is child placed according to the ICWA placement preferences? Is the child placed with a relative? Is the child visiting parents, siblings, and other relatives?
Possible Outcomes	If parent is complying with case plan and visiting child, the court may: <ol style="list-style-type: none"> 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 continue the matter up to a total of six additional months. 	If parent is not complying with case plan or is not visiting the child, the court may order the agency to: <ol style="list-style-type: none"> develop a plan for legally permanent placement of the child away from the parent; develop and implement Plan B, including placement with relatives file a permanency petition within 30 days 	Timing 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)