

Placement Disruptions



Disruption of Foster Care Placement

260C.201 DISPOSITIONS; CHILDREN IN NEED OF PROTECTION OR SERVICES OR NEGLECTED AND IN FOSTER CARE

Subd. 11. Review of court-ordered placements; permanent placement determination.

(f) Once a permanent placement determination has been made and permanent placement has been established, further court reviews are necessary if:

...

(4) there is a disruption of the permanent or long-term placement.

Ramsey County CHIPS and Guardianship Cases, Disruption Policy – See attached policy and forms. Contact CLC staff for guidance when necessary!

Hennepin County State Wards and Long-Term Foster Care, Disruption Procedure - The Hennepin County Attorney's Office typically requests and sets disruption hearings immediately after a disruption occurs. If the child's attorney needs to request the disruption hearing, typical practice is to either contact the assistant county attorney and request they set a hearing, or email the judge and all parties to request that a disruption hearing be set.

Ramsey County CJI Team

Disruptions In Permanency Placement/Disposition Policy

This policy is effective on November 3, 2008 and will be reviewed and discussed by the Ramsey County CJI team in May of 2009

I. Introduction:

Children benefit when there is proactive communication among the child protection workers, adoption/guardianship workers, guardians ad litem, children's attorney and tribal representatives about possible and anticipated disruptions of dispositions and placements following permanency.

II. Background

A subcommittee of the Ramsey County CJI, made up of the attorneys and the Bench was formed to discuss differences of opinion about when disruption hearings are required under the below provisions in statute and rule and to make a recommendation to the larger CJI group about implementation of the following provisions:

A. Minnesota Statute 260C.201, Subd. 11(f)(4), which states,

"Once a permanent placement determination has been made and permanent placement has been established, further court reviews are necessary if:...(4) there is a disruption of the permanent or long-term placement." And

B. Minnesota Statute 260C.212, Subd. 6, which states,

"If a child is removed from a permanent placement disposition authorized under section 260C.201, subdivision 11, within one year after the placement was made:....(2) the court shall hold a hearing within ten days after the child is removed from the permanent placement to determine where the child is to be placed. A guardian ad litem must be appointed for the child for this hearing." And

C. Minnesota Rules of Juvenile Protection Procedure, Rule 42.05, Subd. 2 (e)(3), which states,

"If the long-term foster care placement disrupts, the responsible social services agency shall return the matter to court within ten (10) days of the disruption for review of the permanent status of the child."

III. Recommendations of the subcommittee:

- A. We agreed that the governing statute and rule could be subject to different interpretations. We agreed that we would work to come up with a recommendation that we felt was consistent with the law, with the best interest of children and with the Court's and other agencies available resources.
- B. We agreed to recommend to the full CJI team implementing the below policy for a 6 month period of time beginning November 3, 2008 with an agreement to evaluate how the policy works after 6 months and make necessary adjustments at that time.
- C. Policy applies **only** to disruptions of:
1. a placement after **permanency** has been ordered by the court (i.e. LTFC, State Ward cases, including when a child who is a State Ward is awaiting adoption, or Transfer of custody cases), or
 2. a **permanent disposition** (i.e. LTFC, TPR, transfer of Custody or Reunification)
- D. Some possible causes of a disruption under this policy include among other things:
1. a child who runs away;
 2. a foster parent who is unwilling or unable to continue care;
 3. a child who needs a different type of care (i.e. hospitalization)
 4. a worker who believes a change in placement is needed for other reasons
 5. other
- E. Definitions for purposes of this policy:
1. **Emergency:** When a social worker reasonably determines that the child is found in surroundings or conditions which endanger the child's health or welfare or which a social worker reasonably believes will endanger the child's health or welfare. Examples of this include but are not limited to a foster family or placement requiring the immediate removal of the child.
 2. **Non-emergency:** All disrupted placements that do not constitute emergency disruptions.
- F. Timing of when notice should occur:

1. In an Emergency disruption notice shall be given within 3 business days of the disrupted placement not counting the day of the event.¹
2. In a Non-emergency disruption notice shall be given at least 10 days before the proposed disruption is to occur.²

G. Notice of a Disrupted Placement is given to:

1. All parties. If a party is represented, notice shall be served through the party's attorney.³
2. The child's Tribe, if ICWA
3. All children who are 10 years old or older.⁴
4. Notice shall be filed with the court

H. Hearings on disrupted placements

1. Shall occur when there is a disrupted permanency placement, which a party objects to or a change in disposition, as defined above
2. Notice of a request for a hearing, service and timing of the hearing shall be pursuant to Rule 15, Juvenile Protection Procedure.⁵
3. The hearing shall be set at least 5 days from the time that the Request for a Hearing is served, pursuant to Rule 15, but no more than 10 days from the date of the request for the hearing.⁶

¹ Notice of Disruption Notice to be used under this policy is attached as Addendum A

² Same Notice of Disruption is used in Emergency and Non-Emergency Disruptions. See Addendum A

³ Assumes that the GAL is a party. If not, then the GAL's office should be served. This also assumes that any child that the CLC represents has intervened as a party. If not, that represented child shall be served through the CLC.

⁴ There was much discussion in this area and the subgroup had differing opinions that were not resolved in the subgroup. Some believe that the child should be served with a specially designed notice developed for purposes of showing the child that the child has a right to talk to the judge about the removal if she/he disagrees with it and the right to seek an attorney. Some believed the potential for a child to fall through the cracks is great if the child is not represented by counsel or notice is not given. When notice is given to the child it should be meaningful and conveyed in a manner understood by the child. Anyone in the system, including a GAL or the child's social worker, who learns that the child disagrees with the proposed placement, should refer that child to the CLC to be appointed counsel. In addition, if it is clear that the child disagrees with the disruption in placement, it would be appropriate for the GAL or social worker to take the initiative and set the matter on for a hearing before the Court without waiting for the child to contact the CLC to get an attorney to do that, if the child is unrepresented.

⁵ The Team agreed that the attached Notice of Hearing, Addendum B shall constitute sufficient notice under this policy.

⁶ Because of this short time frame, it may mean that the judge who is blocked to this case may not be able to preside over the hearing. The possibility of designating a specific day and time each week for

IV. Policy Adopted by Full CJI: The subcommittee presented this policy to the full CJI team on September 17, 2008. After discussion and incorporating some minor changes that have been incorporated into this final document, the full CJI team agreed to implement this policy subject to further discussion after a 6 month trial period.

placement disruption hearings was discussed with the recognition that Court Administration would need to be consulted.

Effective November 3, 2008

