

# 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*	(Permanency Proceeding Commenced)
Child Removed from home	Petition Served <sup>1</sup> & EPC Hearing <sup>2</sup> (ADH)	Admit Deny Hearing <sup>4</sup>	Schedule Order Filed <sup>5</sup>	Out of Home Place. Plan Filed <sup>6</sup>	Pretrial Hearing <sup>7</sup>	Trial <sup>8</sup>	Disp. Rev. Hearing if Adj. & Disp.at ADH <sup>9</sup>	Adjud. Dispo. <sup>11</sup>	Permanency Progress Review Hearing <sup>12</sup>	Disp. Review Hearing <sup>9</sup>	Disp. Rev. Hearing <sup>9</sup>	Perm. Petition Filed		

**\*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.<sup>15</sup>

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

## Permanency Proceeding (in order of statutory preference<sup>13</sup>)

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

**Preferred permanency:**  
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	365	415	425	485	575
TPR Petition Filed <sup>14</sup>	Admit/Deny Hearing <sup>15</sup>	Pretrial Hearing <sup>16</sup>	Trial Start <sup>17</sup>	Findings Decision Filed <sup>18</sup>	Post-TPR Review Hearing <sup>19</sup>
335	365	415	425	485	575
Consent To adopt Filed <sup>20</sup>				Findings Filed <sup>21</sup>	90-Day Review Hearing <sup>22</sup>
335	365	415	425	485	575
TLC Petition Filed <sup>23</sup>	Admit/Deny Hearing <sup>24</sup>	Pretrial Hearing <sup>25</sup>	Trial Start <sup>26</sup>	Findings Decision Filed <sup>27</sup>	Post-TLC Review Hearing <sup>28</sup>
335	365	415	425	485	575
PCA Petition Filed <sup>29</sup>	Admit/Deny Hearing <sup>30</sup>	Pretrial Hearing <sup>31</sup>	Trial Start <sup>32</sup>	Findings Decision Filed <sup>33</sup>	Annual Review Hearing <sup>34</sup>
335	365	415	425	485	575
TLCSP Petition Filed <sup>29</sup>	Admit/Deny Hearing <sup>30</sup>	Pretrial Hearing <sup>31</sup>	Trial Start <sup>32</sup>	Findings Decision Filed <sup>33</sup>	Annual Review Hearing <sup>34</sup>

## **CHIPS Proceeding**

- 1 **Summons and Petition:** For a child in out-of-home placement, served at or before EPC hearing. For a child at home, served at least 3 days prior to Admit/Deny Hearing. ([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\(a\)](#))
- 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. § 626.556, 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.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\(a\)](#))

## **Permanency Proceedings** Termination of parental rights or consent to adopt leading to adoption are the preferred permanency options when child cannot return home<sup>13</sup> ([Minn. Stat. § 260C.513\(a\)](#))

### **Termination of Parental Rights (TPR) Proceeding**

- 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 \(c\)](#))