

**CHAPTER 17**

**POST-PERMANENCY REVIEW HEARINGS**

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	PROCEDURE	AUTHORITY
	<b>POST-TPR REVIEW HEARINGS</b>	
17.01.	<p><b>TIMING</b></p> <p>If the court terminates parental rights, the court shall schedule a review hearing 90 days from the date the TPR order is filed with the court, and every 90 days thereafter</p>	<ul style="list-style-type: none"> <li>• RJPP 43.03, subd. 1</li> <li>• Minn. Stat. § 260C.201, subd. 11(f)(3)</li> </ul>
17.02.	<p><b>PURPOSE</b></p> <p>The purpose of the post-TPR review hearing is to review:</p> <ol style="list-style-type: none"> <li>1. The progress being made toward an adoptive placement;</li> <li>2. The specific recruitment efforts the agency has made to find an adoptive family or other permanent living arrangement for the child; and</li> <li>3. The efforts the agency has taken to finalize the adoption or other permanency plan.</li> </ol>	<ul style="list-style-type: none"> <li>• RJPP 43.03, subd. 1</li> <li>• Minn. Stat. § 260C.201, subd. 11(f)(3)</li> <li>• Minn. Stat. § 260C.317, subd. 3(b)</li> </ul>
17.03.	<p><b>REPORTS TO THE COURT AND ISSUES TO BE ADDRESSED AT HEARING</b></p> <p>The responsible social services agency shall file with the court and provide submit a report which addresses the following issues:</p> <ol style="list-style-type: none"> <li>1. Where the child currently resides, the length of time the child has resided in the current placement, the number of other placements the child has experienced, and whether the current foster care provider is willing to adopt the child;</li> <li>2. Whether the responsible social services agency has made adequate efforts to identify, locate, and place the child with a relative willing to adopt the child and, if the child is an <b>Indian</b> child, the agency's plan to meet the adoptive placement preferences of 25 U.S.C. § 1915;</li> <li>3. If the child has siblings in out-of-home placement or previously placed for adoption, whether the child is placed with the siblings. If the child is not placed with siblings, whether the agency: <ol style="list-style-type: none"> <li>a. Must make further efforts to place the child with siblings; or</li> <li>b. Obtain the consent of the Commissioner of Human Services to separate the child from siblings for adoption under Minn. Stat. § 259.24 and Minnesota Rule 9560.0450, subd. 2; and</li> <li>c. Has developed a visitation plan for the siblings or, if no visitation plan exists, the reason why;</li> </ol> </li> <li>4. The efforts the agency has made to identify non-relative adoptive resources for the child including utilizing the State of Minnesota Adoption Registry and other strategies for identifying potential adoptive homes for the child; and</li> </ol>	<p>RJPP 43.03, subd. 1</p>

	PROCEDURE	AUTHORITY
	<p><b>17.03 Reports to the court and issues to be addressed at hearing (continued)</b></p> <p>5. If an adoptive home has been identified whether:</p> <ol style="list-style-type: none"> <li>Placement has been made in the home;</li> <li>A preadoptive placement agreement has been signed;</li> <li>The child qualifies for adoption assistance payments, and if so, the status of the adoption assistance agreement;</li> <li>An adoption petition has been filed;</li> <li>An adoption finalization hearing has been scheduled; and</li> <li>There are barriers to adoption and how those barriers might be removed.</li> </ol>	RJPP 43.03, subd. 1
17.04.	<p><b>FINDINGS AND DECISION</b></p> <p>At least every 12 months for as long as the child continues in out-of-home placement, and for as long as adoption remains the permanent plan, the court shall enter a finding regarding whether the responsible social services agency has made reasonable efforts to finalize the adoption.</p>	<ul style="list-style-type: none"> <li>• RJPP 43.03, subd. 1</li> <li>• Minn. Stat. § 260C.317, subd. 3(c)</li> </ul>
17.05.	<p><b>HEARING IF ADOPTION NOT FINALIZED</b></p> <p>If the adoptive placement was made more than 12 months prior to the review hearing and no hearing to finalize the adoption has been scheduled, a hearing under Minn. Stat. § 259.22, subd. 4, must be scheduled.</p>	<ul style="list-style-type: none"> <li>• RJPP 43.03, subd. 1</li> <li>• Minn. Stat. § 260C.201, subd. 11(f)(3)</li> </ul>
17.06.	<p><b>ORDER</b></p> <p>The court shall file it's order within 10 days of the conclusion of the hearing.</p>	RJPP 10.01
17.07.	<p><b>NOTICE OF SUBSEQUENT HEARINGS</b></p> <p>The court administrator shall serve upon each party, participant, and attorney a notice of the date, time, and location of the next hearing. The notice shall be:</p> <ol style="list-style-type: none"> <li>1. Delivered at the close of the hearing (if written notice is delivered at the end of the hearing, later written notice is not required),</li> <li>2. Mailed at least five (5) days before the date of the next hearing, or</li> <li>3. Mailed ten (10) days before the date of the hearing if mailed to an address outside the state.</li> </ol> <p><b><i>Comment:</i></b> The Notice of Subsequent Hearing form located on CourtNet complies with the above content requirements:  <a href="http://courtnet.courts.state.mn.us/courtnetforms/Default.aspx?category=43#category7">http://courtnet.courts.state.mn.us/courtnetforms/Default.aspx?category=43#category7</a></p>	RJPP 32.04

	PROCEDURE	AUTHORITY
	<b>LONG TERM FOSTER CARE REVIEW HEARINGS</b>	
17.08.	<p><b>TIMING AND FREQUENCY</b></p> <p><b>A. TIMING.</b> If the Court orders the child placed in long term foster care, the court shall conduct a permanency review hearing at least every 12 months from the date permanency was ordered.</p> <p><b>B. FREQUENCY.</b> Such annual reviews shall continue for as long as the child remains in long term foster care. The Court shall retain jurisdiction through the child's minority, unless the court extends jurisdiction to age 19 as permitted under Minn. Stat. § 260C.193, subd. 6, which provides that jurisdiction of the court shall continue until the individual becomes 19 years of age if the court determines it is in the best interest of the individual to do so.</p>	<ul style="list-style-type: none"> <li>• RJPP 43.03, subd. 2(b)</li> <li>• Minn. Stat. § 260C.201, subd. 11(g)</li> <li>Minn. Stat. § 260C.317, subd. 3(d)</li> </ul>
17.09.	<p><b>PURPOSE</b></p> <p>The purpose of the review hearing is to determine the future status of the child using the review requirements of Minn. Stat. § 260C.201, subd. 11(g).</p>	<ul style="list-style-type: none"> <li>• RJPP 43.03, subd. 2(b)</li> <li>• Minn. Stat. § 260C.201, subd. 11(g)</li> </ul>
17.10.	<p><b>ISSUES TO BE ADDRESSED AND FINDINGS</b></p> <p>Court reviews of an order for long-term foster care must review the child's out-of-home placement plan and the reasonable efforts of the agency to finalize the permanent plan for the child, including the agency's efforts to:</p> <ol style="list-style-type: none"> <li>1. ensure that long-term foster care continues to be the most appropriate legal arrangement for meeting the child's need for permanency and stability or, if not, to identify and attempt to finalize another permanent placement option under this chapter that would better serve the child's needs and best interests;</li> <li>2. identify a specific long-term foster home for the child, if one has not already been identified;</li> <li>3. support continued placement of the child in the identified home, if one has been identified;</li> <li>4. ensure appropriate services are provided to address the physical health, mental health, and educational needs of the child during the period of long-term foster care and also ensure appropriate services or assistance to maintain relationships with appropriate family members and the child's community; and</li> <li>5. plan for the child's independence upon the child's leaving long-term foster care living as required under Minn. Stat. § 260C.212, subd. 1</li> </ol>	<ul style="list-style-type: none"> <li>• RJPP 43.03, subd. 2(b)</li> <li>• Minn. Stat. § 260C.201, subd. 11(g)</li> </ul>
17.11.	<p><b>ORDER</b></p> <p>The court shall file it's order within 10 days of the conclusion of the hearing.</p>	RJPP 10.01

	PROCEDURE	AUTHORITY
17.12.	<p><b>NOTICE OF SUBSEQUENT HEARINGS</b></p> <p>The court administrator shall serve upon each party, participant, and attorney a notice of the date, time, and location of the next hearing. The notice shall be:</p> <ol style="list-style-type: none"> <li>4. Delivered at the close of the hearing (if written notice is delivered at the end of the hearing, later written notice is not required),</li> <li>5. Mailed at least five (5) days before the date of the next hearing, or</li> <li>6. Mailed ten (10) days before the date of the hearing if mailed to an address outside the state.</li> </ol> <p><i><b>Comment:</b> The Notice of Subsequent Hearing form located on CourtNet complies with the above content requirements:</i>  <a href="http://courtnet.courts.state.mn.us/courtnetforms/Default.aspx?category=43#category7">http://courtnet.courts.state.mn.us/courtnetforms/Default.aspx?category=43#category7</a></p>	RJPP 32.04
<b>POST-TRANSFER OF PERMANENT LEGAL AND PHYSICAL CUSTODY REVIEW HEAIRNGS</b>		
17.13.	<p><b>FREQUENCY</b></p> <p>If the court transfers permanent legal and physical custody to a relative, juvenile court jurisdiction is terminated unless specifically retained by the court in its order. The court may order further in-court hearings at such intervals as it determines to be in the best interests of the child.</p> <p><i><b>*Best practice:</b> Transfer of permanent legal and physical custody of the child to a relative may involve a period of transition when the child does not know the relative well or has not previously lived with the relative or if the child has special needs. Under such circumstances, it is <u>best practice</u> to maintain jurisdiction and order review hearings for a period of up to ninety (90) days to ensure that the transition is going as planned and the needs of the child are being met as planned.</i></p>	<ul style="list-style-type: none"> <li>• RJPP 42.05, subd. 2(b)</li> <li>• Minn. Stat. § 260C.201, subd. 11(f)(2)</li> </ul>
17.14.	<p><b>PURPOSE AND FINDINGS</b></p> <p>The court may maintain jurisdiction over the responsible social services agency, the parents or legal custodian of the child, the child, and the permanent legal and physical custodian for purposes of ensuring that:</p> <ul style="list-style-type: none"> <li>• appropriate services are being to the child and permanent legal custodian, or</li> <li>• conditions ordered by the court related to the care and custody of the child are met.</li> </ul>	<ul style="list-style-type: none"> <li>• RJPP 42.05, subd. 2(b)</li> <li>• Minn. Stat. § 260C.201, subd. 11(f)(2)</li> </ul>
17.15.	<p><b>ORDER</b></p> <p>The court shall file it's order within 10 days of the conclusion of the hearing.</p>	RJPP 10.01

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17.16.	<p><b>NOTICE OF SUBSEQUENT HEARINGS</b></p> <p>The court administrator shall serve upon each party, participant, and attorney a notice of the date, time, and location of the next hearing. The notice shall be:</p> <ol style="list-style-type: none"> <li>1. Delivered at the close of the hearing (if written notice is delivered at the end of the hearing, later written notice is not required),</li> <li>2. Mailed at least five (5) days before the date of the next hearing, or</li> <li>3. Mailed ten (10) days before the date of the hearing if mailed to an address outside the state.</li> </ol> <p><i><b>Comment:</b> The Notice of Subsequent Hearing form located on CourtNet complies with the above content requirements:</i>  <a href="http://courtnet.courts.state.mn.us/courtnetforms/Default.aspx?category=43#category7">http://courtnet.courts.state.mn.us/courtnetforms/Default.aspx?category=43#category7</a></p>	RJPP 32.04