

**Required IV-E Findings: Best Interests and Reasonable Efforts
 Minnesota Statutory Requirements**

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Hearing or Event	Timing	Findings Required for Court-ordered Placement, Permanency, and Continued Foster Care (and Title IV-E Reimbursement)
First Orders or Hearings for: <ul style="list-style-type: none"> 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); <i>Minn. Stat. § 260C.151, subd. 6</i>
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); <i>Minn. Stat. § 260C.178, subd. 1 (f)</i>
		AND
<i>One of the following "reasonable efforts" findings ins required under Minn. Stat. § 260C.178, subd. 1 (e):</i> 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. <i>Minn. Stat. § 260.012 (d)</i> OR Reasonable efforts to prevent the placement were not required. <i>Note:</i> 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 <i>Minn. Stat. § 260.012</i> ¹ 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; <i>Minn. Stat. § 260C.507(b)</i>		
Review of children in voluntary placement under Chapter 260C	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: <ul style="list-style-type: none"> Reasonable efforts to reunify the child and the parent or guardian are being made; and <i>Minn. Stat. § 260C.141, subd. 2</i>
Re-entry to foster care by children after 18 th birthday	Motion to re-open court jurisdiction by 30 days; hearing within 60 days	Placement is in the best interests of the child. <i>Minn. Stat. § 260C.229 (c)</i>

¹ 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), 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.

Hearing or Event	Timing	Findings Required for Court-ordered Placement, Permanency, and Continued Foster Care (and Title IV-E Reimbursement)
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. <i>Minn. Stat. § 260C.507 (c)</i>
	For CHIPS by-pass cases, if finding was not made at EPC	Reasonable efforts for reunification are not required as provided in <i>Minn. Stat. § 260.012</i> .
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. <i>Minn. Stat. § 260C.301, subd. 8</i> 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 <i>Minn. Stat. § 260.012</i> . <i>Minn. Stat. § 260C.301, subd. 8</i>
Additional Findings for Permanent Custody to Agency	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. <i>Minn. Stat. § 260C.515, subd. 5</i>
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		
Reviews of children under State Guardianship	Review hearings are required every 90 days	The agency is making reasonable efforts to finalize the adoption of the child. <i>Minn. Stat. § 260C.607, subd. 4 (a) (1)</i>
Reviews of Permanent Custody	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. <i>Minn. Stat. §§ 260C.229, 260C.203, and 260C.521, subd. 1,</i>
Reviews of children in foster care after the child’s 18 th birthday	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. <i>Minn. Stat. § 260C.451, subd. 6</i> Children’s Bureau Program Instruction, PI-10-11 See also, definition of child at <i>Minn. Stat. § 260C.007, subd. 4</i>