

Approving and Reviewing Out of Placement Home Case Plans & Court Reports



2015 CJI PERMANENCY CONFERENCE

Janine LePage

Crow Wing County Attorney's Office

Out of Home Placement Case Plans



- **Requirements for content of out-of-home (OHP) placement case plans discussed in previous session**
- **This session will focus on approving OHP case plans and reports on the progress being made on the case plan**

Approval of OHPP



- **OHPP must be filed with the court within 30 days of the child's removal from home**
- **Can be approved, but not ordered (unless parent agrees) until adjudication**
- **Court can find reasonable efforts based on agency's efforts under an approved case plan**
- **Must be ordered by court either as presented or as modified after hearing**

Disposition Review Hearings



- **The disposition is custody to the agency, the court must review the disposition at least every 90 days**
- **The goal is to review whether the efforts being provided by the agency are reasonable or active**
- **A second goal is to review the parent's progress on the case plan**

Timing of Filing of Court Reports



- **Social services reports must be filed with the court and served upon all parties at least 5 business days prior to the hearing at which the report is to be considered**
- **Reports may be supplemented at or before the hearing either orally or in writing**

Content of Social Services Court Reports



- **Each report shall include a statement certifying the content as true based upon personal observation, first-hand knowledge, or information and belief, and shall:**
- **(a) be captioned in the name of the case and include the court file number;**

Content of Social Services Court Reports



- **(b) include the following demographic information:**
 - **(i) the name of the person submitting the report;**
 - **(ii) the date of the report;**
 - **(iii) the date of the hearing at which the report is to be considered;**

Content of Social Services Court Reports



- **(iv) the child's name and date of birth and, in the case of an Indian child, the tribe in which the child is enrolled or eligible for membership;**
- **(v) a statement about whether the child is an Indian child and whether the Indian Child Welfare Act applies;**
- **(vi) the names of both of the child's parents or the child's legal custodian; and**

Content of Social Services Court Reports



- (vii) the dates of birth of the child's parents who are minors.
- (c) the date the case was most recently opened for services in the responsible social services agency;
- (d) the date and a description of the nature of all other previous case openings for this child and the child's siblings with any social services agency;

Content of Social Services Court Reports



- **(e) identify progress made on the out-of-home placement plan or case plan;**
- **(f) address the safety, permanency, and well-being of the child, including the child's:**
 - **(1) educational readiness, stability, and achievement; and**
 - **(2) physical and mental health; and**

Content of Social Services Court Reports



- **(g) request orders related to:**
 - **(1) the child's need for protection or services;**
 - **(2) implementing requirements of the out-of-home placement plan or case plan; and**
 - **(3) the health, safety, and welfare of the child.**

Content of Social Services Court Reports



- In addition, each report shall include:
- (a) the child's placement history, including:
 - (1) the date the child was removed from the home and the agency's legal authority for removal;
 - (2) the date the child was ordered placed in foster care, if the child has been ordered in foster care;

Content of Social Services Court Reports



- **(3) the total length of time the child has been in foster care, including all cumulative time in foster care the child may have experienced within the previous five (5) years;**
- **(4) the number of times, if any, the child reentered foster care prior to age 21;**
- **(5) the number of foster care placements the child has been in prior to age 21;**

Content of Social Services Court Reports



- **(6) if the child's foster care home has changed since the last court hearing:**
 - ✦ **(i) the reason for the change in foster care home; and**
 - ✦ **(ii) how the child's new foster care home meets the child's best or, in the case of an Indian child, how the placement complies with ICWA**
- **(7) if the child is not placed with siblings who are in placement, the efforts the agency has made to place the siblings together; and**

Content of Social Services Court Reports



- **(b) services under the out-of-home placement plan, including, as appropriate to the stage of the matter:**
 - **(1) a description of the agency's efforts to implement the out-of-home placement plan; and**
 - **(2) the parent's progress in complying with the out-of-home placement plan, including anything the parent has done to alleviate the child's need for protection or services; and**

Content of Social Services Court Reports



- **(c) a description of:**
 - **(1) the case worker visits that occurred since the last hearing;**
 - **(2) as applicable, the quality and frequency of visitation between the child and the child's:**
 - ✦ **(i) parents or custodian;**
 - ✦ **(ii) siblings; and**
 - ✦ **(iii) relatives; and**

Content of Social Services Court Reports



- **(d) when the child is age 14 or older, progress in implementing each of the elements of the child's independent living plan**

Agency's Requested Court Action



The agency's report shall include recommendations to the court for:

- **(a) modification of the out-of-home placement plan or for actions the parents or legal custodian must take to make changes necessary to alleviate the child's need for protection or services; and**

Agency's Requested Court Action



- **(b) orders necessary for the child's safety, permanency, and well-being, including any orders necessary to promote the child's:**
 - **(1) educational readiness, stability, and achievement;**
 - **(2) physical and mental health; and**
 - **(3) welfare and best interests.**

Objection to Agency Report



- **A party may object to the content or recommendations of the responsible social services agency's report by submitting a written objection either before or at the hearing at which the report is to be considered.**
- **The objection shall include a statement certifying the content as true based upon personal observation, first-hand knowledge, or information and belief.**

Content of GAL Court Reports



- Each report shall include a statement certifying the content as true based upon personal observation, first-hand knowledge, or information and belief, and shall:
 - (a) be captioned in the name of the case and include the court file number;
 - (b) include the following information:
 - (1) the name of the person submitting the report;

Content of GAL Court Reports



- (2) the names of the child's parents or legal custodians;
- (3) the date of the report;
- (4) the date of the hearing at which the report is to be considered;
- (5) the date the guardian ad litem was appointed by the court;
- (6) a brief summary of the issues that brought the child and family into the court system;

Content of GAL Court Reports



- (7) a list of the resources or persons contacted who provided information to the guardian ad litem since the date of the last court hearing;
- (8) a list of the dates and types of contacts the guardian ad litem had with the child since the date of the last court hearing;
- (9) a list of all documents relied upon when generating the court report;

Content of GAL Court Reports



- (10) a summary of information gathered regarding the child and family since the date of the last hearing relevant to the pending hearing;
- (11) a list of any issues of concern to the guardian ad litem about the child's or family's situation; and
- (12) a list of recommendations designed to address the concerns and advocate for the best interests of the child.

Court Review of OHPP



- **At least every 90 days, court must review parent's progress on case plan and agency's reasonable/active efforts as specified in case plan**
- **Goal of review is to determine whether it is safe for child to return home and, if not, whether the case plan needs to be modified or other action taken**

Permanent Progress Review Hearing



- **Within 180 days of child's removal from home, court must review:**
 - **Parent's progress on case plan**
 - **Agency's reasonable/active efforts on case plan and it's provision of services**
 - **Agency's reasonable/active efforts to finalize permanent plan for child**

Permanent Progress Review Hearing



Court may extend for an additional 6 months when:

- **Parent has maintained contact with the child**
- **Parent is complying with OHPP AND**
- **Child would benefit from reunification with parent**

Citations



- **Rule 38 – Case Plans**
- **Minn. Stat. 260C.202 – court review of foster care placement**
- **Minn. Stat. 260C.204 – permanent placement progress review**