

# PERMANENCY TIMELINE FOR CHILDREN IN OUT-OF-HOME PLACEMENT

(Timeline shows the latest date 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 & EPC Hearing <sup>2</sup> & attorneys appear	Admit Deny Hearing <sup>4</sup> (ADH)	Sched. 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. <sup>10</sup> & Dispo. <sup>11</sup> Order	Perm. Progress Review Hearing <sup>12</sup>	Disp. Review Hearing <sup>9</sup>	Disp. Rev. Hearing <sup>9</sup>	Perm. Petition Filed
----------------------------------	--	--	---------------------------------------	--	----------------------------------	--------------------	---	---	--	---	---------------------------------------	----------------------------

**\*Only three exceptions:** The Admit/Deny Hearing (ADH) on the permanency petition may be continued beyond month 12 ONLY if: (1) the child is on a trial home visit (THV) at the time the permanency petition is supposed to be filed, and then the ADH may be continued for the remaining length of the THV (a THV may last no more than 6-months); or (2) the child is in protective supervision with the parent from whom the child was removed; or (3) 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 on those 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>

GAL and SW reports must be filed and served at least 5 business days prior to each hearing<sup>35</sup>

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

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

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

**Preferred permanency<sup>13</sup>:**  
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 (TPLPC)**

**Permanent Custody to the Agency for Placement in Foster Care (PCA)**

**Temporary Legal Custody to the Agency for Specified Period of Time (TLCSTP)**

335	<b>365</b>	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	<b>365</b>	415	425	485	575
Consent To adopt Filed <sup>20</sup>				Findings Filed <sup>21</sup>	90-Day Review Hearing <sup>22</sup>
335	<b>365</b>	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	<b>365</b>	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	<b>365</b>	415	425	485	575
TLCSTP 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:** Petition must be filed before EPC hearing (*RJPP 33.05*) and Petition and Summons to Admit/Deny hearing must be served at or before EPC hearing or at least 3 days prior to Admit/Deny Hearing, whichever is earlier (*RJPP 32.02, subd. 5(a)*).
- 2 **EPC:** Commenced within 72 hours of child's removal from home, excluding Sat., Sun., and legal holidays (*RJPP 30.01, subd. 1; Minn. Stat. § 260C.178, subd. 1(a)*). Court appointed attorneys must appear at EPC or Admit/Deny hearing, whichever is earlier (*Minn. Stat. § 260C.163, subd. 3; RJPP 25.01*). Indigent parents/children have a right to counsel at EPC (detention) hearing (*Minn. Stat. § 260C.176, subd. 3(7)*).
- 3 **Protective Services Case Plan** (used when child not removed from home): Filed by social services along with CHIPS petition, unless exigent circumstances or non-cooperation of parent (*RJPP 37.04(a); Minn. Stat. § 626.556, subd. 10m*).
- 4 **Admit/Deny Hearing (ADH):** If child removed from home, ADH must be commenced within 10 days of EPC hearing; ADH may be combined with EPC if all agree (*RJPP 34.02, subd. 1(a)*). If child not removed from home, ADH no sooner than 3 days and no later than 20 days after filing of the petition (*proposed RJPP 46.02, subd. 2*). If Indian child, no ADH shall be held until at least 10 days after receipt of Petitioner's "ICWA Notice" by the child's parents, Indian custodian, tribe(s), and BIA Regional Director; parents, Indian custodian, and/or tribe may request up to 20 additional days to prepare for ADH (*proposed RJPP 46.02, subd. 3; Fed. Regs. 25 CFR § 23.111(e); Minn. Stat. § 260.761, subd. 3*). Court appointed attorneys must appear at EPC or Admit/Deny hearing, whichever is earlier (*Minn. Stat. § 260C.163, subd. 3; RJPP 25.01*).
- 5 **Scheduling Order:** Issued in every CHIPS case within 15 days of ADH and must include dates for permanency progress review hearing, filing of permanency petition, and ADH on Permanency Petition (*RJPP 6.02*).
- 6 **Out of Home Placement Plan** (used when child removed from home): 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.178, subd. 7(a) 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, court 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, subds. 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 (PPRH):** For every child in foster care or care of nonresident parent, must be commenced not later than 180 days after court-ordered placement (*Minn. Stat. § 260C.204(a)*).
- 13 **Preferred permanency option for child who cannot return home:** TPR and adoption, or guardianship to the commissioner of human services through a consent to adopt (*Minn. Stat. 260C.513(a)*).

**Permanency Proceedings** Termination of parental rights or consent to adopt leading to adoption are the preferred permanency options when child cannot return home (*Minn. Stat. § 260C.513(a)*).

### Termination of Parental Rights (TPR) Proceeding

- 14 **TPR Petition:** Permanency petition must be filed by month 11 for any child who remains in foster care or in care of nonresident parent (see "limited 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*). \*See below "Limited Exceptions" to extend timeline.
- 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 in interests of justice and 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 42.11, subd.1; Minn. Stat. § 260C.519(4); Minn. Stat. § 260C.607*).

### Guardianship and Legal Custody to Commissioner of Human Services

- 20 **Consent to Adopt by an identified adoptive home:** Permanency petition not filed but, instead, prospective adoptive parent identified by agency has agreed to adopt child and court accepts bio parent's voluntary consent to adoption (*Minn. Stat. § 260C.515, subd. 3*). Consent irrevocable upon acceptance by court, unless child is Indian child in which case consent may be withdrawn for any reason at any time prior to entry of final adoption decree (*Minn. Stat. § 260C.629, subd. 1*). Acceptance of consent does not terminate parental rights, but does vest with commissioner of human services all legal authority regarding child, including guardianship and legal custody of child as if child were a state ward after a TPR.
- 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:** Permanency petition must be filed by month 11 for any child who remains in foster care or in care of nonresident parent (see "limited 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)*). \*See below "Limited Exceptions" to extend timeline.
- 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 in interests of justice and in child's best interests) (*RJPP 39.05, subd. 1; Minn. Stat. § 260C.517(b)*).
- 28 **Post-TPLPC Review Hearing:** Not required unless judge orders; however, best practice to hold hearings 30 – 90 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:** Permanency petition must be filed by month 11 for any child who remains in foster care or in care of nonresident parent (see "limited 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)*). \*See below "Limited Exceptions" to extend timeline.
- 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 in interests of justice and 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(a)*).
- 35 **GAL and Social worker reports:** Must be filed with court and served on all parties at least 5 business days prior to each hearing. (*RJPP 38.01, subd. 2 – social workers; RJPP 38.11, subd. 2 – GALs*).

\***Limited Exceptions to ADH timing:** child in protective supervision with parent from whom moved, or child in trial home visit, or child already in foster care 365+ days on prior CHIPS petitions in last five years and court approves compelling reasons to extend date for permanency admit deny hearing (*Minn. Stat. 260C.503, subd. 3(b)(2) and (c)*).