

THROUGH THE EYES OF THE CHILD:

MAKING REASONABLE EFFORTS

***CHILDREN'S JUSTICE
INITIATIVE***

***BEST
PRACTICES
MANUAL***



Second Edition

OTTER TAIL COUNTY

OTTER TAIL COUNTY CHILDREN’S JUSTICE INITIATIVE
BEST PRACTICES GUIDELINES

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OVERVIEW
MINNESOTA CHILDREN'S JUSTICE INITIATIVE
Updated: April 2002

PURPOSE AND GOAL

The Children's Justice Initiative, spearheaded by Chief Justice Kathleen Blatz, is a joint venture between the Minnesota Supreme Court and the Minnesota Department of Human Services. The purpose of the five-year project is for these two agencies to work closely with the juvenile courts, social services departments, county attorneys, public defenders, court administrators, guardians ad litem, and other key stakeholders in each of Minnesota's 87 counties to improve the processing and outcomes of child protection cases. The overall objective is to timely find safe, permanent homes for abused and neglected children, whether that is through reunification with parents or some other permanent placement option. In identifying and implementing improvements, the project's goal is for all stakeholders to operate "through the eyes of the child."

CJI COUNTIES

The project began in December 2000 with 12 pilot counties and, over the course of the next five years, will phase in the remaining 75 counties. The initial 12 counties and their judicial districts are: Carver (1), Ramsey (2), Olmsted (3), Hennepin (4), Faribault (5), St. Louis (6), Otter Tail (7), Stearns (7), Chippewa (8), Crow Wing (9), Kanabec (10), and Washington (10).

The 16 phase 2 counties designated in March 2002 are: LeSueur (1), Mower (3), Waseca (3), Blue Earth (5), Brown (5), Nicollet (5), St. Louis-Hibbing/Virginia (6), Clay (7), Mille Lacs (7), Todd (7), Kandiyohi (8), Lac Qui Parle (8), Yellow Medicine (8), Aitkin (9), Itasca (9), and Sherburne (10).

LEAD JUDGES AND COUNTY TEAMS

Chief Justice Blatz has designated a Lead Judge in each of the CJI counties. Each Lead Judge is a leader who is creative, thinks "outside the box," and understands the need to make improvements in our child protection system. Each Lead Judge has established a "county team," the size and composition of which was left to the discretion of the Lead Judge. The only caveat was that each Lead Judge was asked to include on his/her team "decision-makers" and "line staff" from each of the following key stakeholder categories: court administration, guardians ad litem, social services, county attorneys, and public defenders. Other county team members may include foster care providers, parents, medical and mental health professionals, service providers, tribal representatives, school officials, law enforcement officials, county commissioners, citizen review panel representatives, and others interested in the welfare of children.

VALUES AND GOALS CHILDREN'S JUSTICE INITIATIVE

Minnesota's "Children's Justice Initiative" is a joint venture between the Minnesota Supreme Court and the Minnesota Department of Human Services. The purpose of the project is to improve the processing and outcomes of child protection cases through collaboration of the juvenile courts and social service agencies in all Minnesota counties.

CHILDREN'S JUSTICE INITIATIVE VALUES

- Child centered (operating "through the eyes of the child")
- Timeliness
- Safety and stability of the child
- A permanent, nurturing family for each child through reunification, adoption, or transfer of custody to a relative
- Recognition of cultural, social and economic differences
- System Accountability
- Due process protection of the parties

CHILDREN'S JUSTICE INITIATIVE GOALS

- Form a child protection system collaborative aimed at providing a permanent, nurturing family for the child.
- Implement case processing best practices.
- Establish a continuous assessment process aimed at continuous improvement of practices, policies and procedures.
- Strengthen judicial oversight of child protection cases.

(REVISED 10/1/2007)

OTTER TAIL COUNTY CHILDREN'S JUSTICE INITIATIVE
BEST PRACTICES GUIDELINES

OTTER TAIL COUNTY CHILDREN'S JUSTICE INITIATIVE TEAM

Otter Tail County is one of the initial twelve lead counties working to strengthen the response of Minnesota courts to families and children involved in child protection cases. The Children's Justice Initiative is sponsored by the Minnesota Supreme Court and the Minnesota Department of Human Services. The initiative requires collaboration among all disciplines involved in the juvenile courts. Otter Tail County's Children's Justice Initiative Team is comprised of stakeholders involved with children and families and the court system. They include Otter Tail County Department of Human Services, Otter Tail County Attorney's Office, State Public Defender's Office, Otter Tail County District Court Administration, guardians ad litem, foster parents, mental health professionals and other service providers.

The Otter Tail County CJI Team has been charged with identifying the need for changes and implementing best practices in the local child protection system. The changes and practices put into place must meet federal and state expectations for timelines and procedures to achieve permanence in a child's life. The team began its work in January 2001 and has come to appreciate that this will be an ongoing project, in order to continually monitor and improve.

Changes and improvements have already been made in the gathering of necessary information before a case begins, the timely scheduling of hearings, the prompt appointment of counsel for parents, the use of formal settlement conferences to increase opportunities to resolve cases by agreements, and the immediate scheduling of appointments with service providers for families and children, among others. The CJI Team also sponsored a regionwide conference on May 16, 2002. Approximately 100 persons attended and received information on the Indian Child Welfare Act, parent and child attachment, the reasonable efforts that child protection agencies are required to make, and government data practices.

The Otter Tail County CJI Team is now working to share information with their peers who work in the child protection system. This Best Practices Manual is intended to provide a convenient tool to communicate the best practices to all stakeholders. The team seeks comments and suggestions regarding the best practices which have been implemented to improve outcomes for children in need of protection or services. The information gained will be used to improve this manual and to assist the team effort to develop and implement further best practices.

SECOND EDITION

Following the publication of the First Edition of this manual, a half-day training session was held for all stakeholders in the child protection court process in Otter Tail County. The Best Practices Guidelines were distributed to all and were reviewed by CJI Team members, in application to a hypothetical case scenario. As a result, the best practices were widely implemented in Otter Tail County District Court child protection proceedings.

The CJI Team continued to meet regularly. Over time, there was significant turnover among stakeholders. The Best Practices Manual proved helpful in training new employees. However, changes in rules and practices made the manual less valuable as a tool. The CJI Team decided to prepare this Second Edition and schedule another training session to re-emphasize best practices for all stakeholders in the child protection system. Once again, the CJI Team invites comments and suggestions for ways to improve the manual's usefulness. It is hoped that the Second Edition will again be a valuable tool for training and maintaining compliance with best practices in all child protection proceedings in Otter Tail County.

The present members and past members of the Otter Tail County CJI Team are listed on the following page.

Children's Justice Initiative Team Members

Waldemar B. Senyk, Judge of the Seventh Judicial District
Barbara A. Hanson, Judge of the Seventh Judicial District
Mark Hansen, Judge of the Seventh Judicial District
Kathryn A. Ouren, Otter Tail County Court Administrator
Julie Drouillard, Chief Deputy Court Administrator
John Dinsmore, Director of Department of Human Services
Brad Vold, Social Services Supervisor
Tamra Jokela, Child Protection Specialist
David Johnson, Child Protection Specialist
Sheri Meis, Social Worker, Department of Human Services
Brian Ansberry, Guardian Ad Litem Coordinator
Sharon Bjork, Guardian Ad Litem
Karen Johnson, Guardian Ad Litem
Gretchen Bigwood, Guardian Ad Litem
Schan Sorkness, Assistant Public Defender of Seventh Judicial District
David J. Hauser, Otter Tail County Attorney
Nicole Hansen, Assistant Otter Tail County Attorney
Gary Holen, Chemical Dependency Counselor, Department of Human Services
Terry Bedard, Chemical Dependency Counselor/Supervisor, Fergus Falls Regional
Treatment Center
Manila Wiebe, Foster-care Provider
Jan Johnsen, Resource Worker, Lutheran Social Services
Denni Wilson, Child Psychologist, Lakeland Mental Health Center
Barb Prody, Intake Services, Lakeland Mental Health Center
Kim Saenger, Parent
Mary Jane Westra, Director, Permanent Family Resource
Karmy Thompson, Program Director, Stepping Stones

Past team members:

R.P. Ascano, Ph.D, Forensic Psychologist
Judy Lee, Guardian Ad Litem
Carol Rengel, Guardian Ad Litem
Esther Johnson, MS, Marriage and Family Therapist
Ruth Lee, Assistant Public Defender of Seventh Judicial District
Kurt Mortenson, Assistant Otter Tail County Attorney
Julie Erhard, Foster-care Provider

OTTER TAIL COUNTY CHILDREN'S JUSTICE INITIATIVE BEST PRACTICES GUIDELINES

INTRODUCTION TO THE FIRST EDITION

The Children's Justice Initiative staff at the Minnesota Supreme Court and the Minnesota Department of Human Services have assisted the Otter Tail County Children's Justice Initiative (CJI) Team in the challenging task of improving outcomes for children in need of protection and services (CHIPS). We were provided with the "Resource Guidelines – Improving Court Practice in Child Abuse and Neglect Cases," published by the National Council of Juvenile and Family Court Judges in 1995. The principles of these guidelines were used by the CJI state staff to develop a county action plan, to guide county teams in implementing the CJI expectations. These tools were used to review the processing of CHIPS cases in the Otter Tail County District Court.

The Otter Tail County (OTC) CJI Team began by listing the strengths and weaknesses of our CHIPS case processing. Using the action plan, we discussed the various stages of the process and identified problems and potential solutions. Often subcommittees of three or more members, representing appropriate stakeholders, were formed to work on a solution, such as a procedure or a form. The subcommittees reported back to the full CJI Team with recommended changes. Some changes were implemented in the actual CHIPS process as we went along. Team members were encouraged by positive results, which appeared to improve aspects of our CHIPS court system.

Due to high caseloads and other demands on the time of CJI team members, our progress was piecemeal, although consistent. After over one and one-half years of meeting twice per month, for two or three hours per meeting, we slowed down over the summer of 2002. When we met in September 2002, we decided that it was necessary to gather and organize our best practice decisions to that point, in order to share them with others working in the processing of CHIPS cases in Otter Tail County. A questionnaire was prepared and distributed to the various subcommittees to report their recommendations. That information has been used to compile this Best Practices Manual.

This manual is not intended to be a one-stop source for all you need to know about CHIPS cases. We have not attempted to repeat the provisions of statutes or rules, only to cite to them. The guidelines in this manual are intended to set forth the expectations for implementation of the statutes and rules in the best interests of each child who is the subject of a CHIPS proceeding.

This is the first edition of a work-in-progress. This is the initial effort to communicate many of the best practice expectations which will improve outcomes for children. It is not exhaustive nor even complete in its present form. The CJI Team hopes to receive comments and suggestions from others in the child protection system, which will be discussed, implemented and incorporated into future editions of the Best Practices Manual. This manual contains the Best Practices Guidelines, which are organized by topics, relating to various stages or aspects of a CHIPS case. Each topic is divided into the following sections:

Goal
Best Practices
Statutes and Rules
Accountability
Child's Perspective

Before reviewing the guidelines, it may be helpful to read the following explanations of each section.

GOAL: The overall goal of the Children's Justice Initiative is to improve the processing and outcomes of child protection cases, so as to provide a permanent, nurturing family for each child. For each topic area in the guidelines, the CJI Team identified a short-term goal leading to this end.

BEST PRACTICES: These are the specific practice expectations implemented by the CJI Team in order to achieve the identified goals.

STATUTES AND RULES: A child in need of protection and services is a creature of statute. The authority of the court and agencies to respond to such a child is provided by the laws enacted by the legislature in Minnesota Statutes. Definitions, legal standards and limits of authority are all provided by the legislative statutes.

The process by which the courts will handle a CHIPS case is set forth in the Rules of Juvenile Procedure adopted by the Minnesota Supreme Court. These rules incorporate many of the provisions of statutes, such as time limits, in order to assure that the court procedures will comply with the legislative authority for the court's action. This section is intended to provide a useful reference to the Minnesota Statutes and Rules of Juvenile Procedure which are relevant to each topic area.

It is important to point out that the Minnesota Rules of Juvenile Procedure cited in this manual are those in effect at the time of its publication. At this time, proposed amendments to those Rules of Procedure are pending before the Minnesota Supreme Court. Those proposed amendments include some significant changes and a complete renumbering of the rules. Because it is impossible to anticipate their final form, the new numbers are not included in this manual. Hopefully, a cross-reference table will be available in any publication of the amended Rules of Juvenile Procedure.

ACCOUNTABILITY: One goal of the Children's Justice Initiative is to establish a continuous assessment process, in order to continually improve practices, policies and procedures. System accountability is necessary to achieve this goal. The OTC CJI Team agreed that cooperation and communication between stakeholders is the best way to identify and respond to problems in the implementation of best practices.

The Accountability section of each guidelines topic identifies which stakeholder group is primarily responsible for monitoring compliance with certain practice expectations. This

essentially identifies the person who should say something in response to a problem. The first response should always be directly to the person or persons responsible. A simple description of the problem and reminder of the guidelines practice expectations will usually suffice to improve compliance.

A “concern,” as the term is used in the guidelines, should not arise until direct communication on more than one occasion is unsuccessful. If a “concern” arises, this should be communicated to the person identified in the guidelines. This will usually be the supervisor of the person who is not complying with the practice expectations.

The guidelines also refer to “chronic problems.” A “concern” does not become a “chronic problem” until it is repeated, after a report to a supervisor and a follow-up to the supervisor is unsuccessful. A “chronic problem” should be reported to the CJI Team, which will continue to meet quarterly, in an effort to continue assessment and improvement of outcomes for children.

The Accountability section of the guidelines should be used by anyone who identifies a problem in the processing of a CHIPS case. By consulting the appropriate guidelines topic section and reading the Accountability paragraph, a person will learn whose responsibility it is to act in response to the problem. The CJI Team will continually work to improve this self-monitoring process.

CHILD’S PERSPECTIVE: The Children’s Justice Initiative encourages all stakeholders in the CHIPS process to operate “through the eyes of the child.” At the outset of the initiative, all team members were challenged to experience a paradigm shift. We were reminded that the child’s view of the world is very different from the view of those adults who are determining the child’s future. We are required to focus on the best interests of the child. This will be better accomplished if we consider the child’s viewpoint.

When the OTC CJI Team started meeting, there was skepticism about the value of the permanency time lines adopted in federal and state laws. We learned that positive attachment to a care-taking adult is a critical factor in the healthy development of a child. Children who lack this will develop attachment disorders which alter their relationship to the world around them, resulting even in physiological changes in the brain that are unalterable. We began to appreciate that the time lines are important to increase the opportunity for abused and neglected children to develop healthy and positive attachments. Complying with the time lines is not primarily about avoiding the loss of federal dollars. It is about improving the lives of children. As we grew to realize this, it was increasingly important to view our CHIPS process “through the eyes of the child.” That is why each guideline topic concludes with a section on the Child’s Perspective.

All stakeholders in the child protection system in Otter Tail County are asked to use this Best Practices Manual as a tool to improve and maintain high-quality outcomes for children. The OTC CJI Team invites your comments and suggestions for ways to improve this manual and its usefulness. Please provide input to any CJI Team member.

(REVISED 10/1/2007)

OTTER TAIL COUNTY CHILDREN'S JUSTICE INITIATIVE BEST PRACTICES GUIDELINES

INTRODUCTION TO THE SECOND EDITION

The Otter Tail County CJI Team continued to meet on a regular basis following the training on the First Edition of this manual. A brief attempt at quarterly meetings resulted in a loss of focus and energy and the team turned to bimonthly meetings to increase productivity. Nevertheless, it was learned that without a specific goal or project, the meetings were poorly attended and of limited value. Over time, best practices evolved or were abandoned as unsuccessful due to a lack of adequate time to meet expectations on the part of many stakeholders. Most notably, the state public defenders were unable to provide the early representation that had been so successful, because of a lack of time due to high caseloads and the reassignment of staff which caused a reduction in attorney time available for CHIPS proceedings in Otter Tail County. The legislature has repeatedly failed to address the need to fund representation for parents and children in CHIPS cases.

The CJI Team acknowledged that the Best Practices Manual was increasingly inaccurate, still incomplete and of less value than intended. New stakeholders were unfamiliar with the best practices and case processing was affected. Therefore, the team decided to complete this Second Edition and to conduct another half-day training session for all stakeholders in the Otter Tail County child protection system.

The Best Practices Guidelines are again organized by topics and divided into sections. The explanation of those sections which remain can be found in the Introduction to the First Edition. There is one notable change to the Second Edition. The section on Accountability has been removed by consensus of the CJI Team. It did not prove valuable to stakeholders. Although, accountability is a priority of CJI, in a county the size of Otter Tail stakeholders have personal relationships which make formal reports of performance concerns uncomfortable and unlikely. The CJI members agree that their colleagues should be encouraged to address concerns more informally and directly. Therefore, the following section applies to all best practices in the Second Edition of this manual.

ACCOUNTABILITY: All stakeholders shall support the use of best practices in all Otter Tail County child protection proceedings through a collaborative effort. Any concern regarding failures to abide by best practices should first be discussed with the noncompliant individual. If the processing of cases continues to be affected by noncompliance, despite repeated approaches to the individual, then the concerns should be addressed orally to the individual's supervisor or to the CJI Team. All supervisors are encouraged to discuss best practices concerns with the CJI Team. The CJI Team should provide a written response to any concern for best practices which they determine should be changed or eliminated. A revision of the appropriate section of this Best Practices Manual should be published within six months.

BEST

PRACTICES

GUIDELINES

OTTER TAIL COUNTY CHILDREN'S JUSTICE INITIATIVE
BEST PRACTICES GUIDELINES

CHILD MALTREATMENT INVESTIGATION AND ASSESSMENT

GOAL: To assure that reports of child maltreatment received by the Department of Human Services or law-enforcement in Otter Tail County are investigated or assessed by a child protection social worker and, when necessary, by a law-enforcement officer in a consistent, professional manner that provides children with necessary safety and security and facilitates a prompt and appropriate government response, that is in the best interest of the child.

BEST PRACTICES:

1. The Otter Tail County Department of Human Services (DHS), County Attorney (CA) and law-enforcement agencies have adopted and signed the Otter Tail County Practice Guide for the Investigation, Assessment, Charging and Petitioning of Child Maltreatment Cases. (See Appendix #1.) All employees of these agencies who are involved in a child maltreatment response must be familiar with this guide and follow it consistently in all cases.
2. All stakeholders in the child protection system should be familiar with the Practice Guide in order to recognize the steps which are to be followed in response to a maltreatment report that results in a CHIPS Petition.
3. During an assessment, DHS will identify whether the family has any special cultural, ethnic, racial or language needs to be considered and accommodated. (See Appendix # 2.)
4. If in an investigation or assessment, Social Services Staff decides protective services are needed, DHS will talk with the family about their needs and strengths in an attempt to engage the family in services voluntarily.
5. Services available to families and offered by DHS are Family Group Decision Making, In-Home Services, Out-Patient Mental Health and Chemical Dependency Services, Parenting Skills, Parenting Classes, and On-Going Case Management Services, among others.
6. When a parent has committed an act of domestic abuse, DHS may attempt to file a Petition for an Order for Protection and request the removal of the abusive adult from the home, where there are concerns for the physical and emotional safety of the child or others.
7. DHS will work to develop relationships with parents, caretaking adults and children in order to obtain agreement for voluntary services before filing a CHIPS

Petition to request involuntary services. A cooperative effort is in the best interests of the child and family.

8. Should the family not agree to services, DHS will consult with the CA Office on whether there is enough information and safety concerns to file a CHIPS Petition and attempt to Court Order services to ensure the safety of the children.
9. During an investigation or assessment, the child protection specialist and/or any law enforcement officer conducting the investigation must be aware of the data practices classifications of the information that they gather.
10. All information provided to the County Attorney's (CA) Office for the drafting of a child protection Petition is confidential. Therefore, all information relevant to the investigation pertaining to the child and family should be provided immediately to the CA.

STATUTES AND RULES: Minnesota Statutes (M.S.)
626.556 – Reporting of Maltreatment of Minors
260C.175 – Taking Child Into Custody

CHILD'S PERSPECTIVE: Contact with a law-enforcement officer and social worker will frighten a child who is already stressed by maltreatment. The child needs the reassurance of professionals who proceed confidently and cooperatively to gain the necessary information to protect the child. This should be accomplished as quickly as possible with the minimum necessary disruption of the child's life. Well-trained and knowledgeable officers and social workers should be able to focus on the child and minimize the trauma.

OTTER TAIL COUNTY CHILDREN'S JUSTICE INITIATIVE
BEST PRACTICES GUIDELINES

COURT RECORDS

GOAL: To assure that all stakeholders have access to information necessary to achieve outcomes in the best interests of the child. To maintain openness and accountability of the child protection process in Otter Tail County, by providing public access to all appropriate court records. To prevent harm to any individual or family by providing protection for sensitive information in exceptional circumstances.

BEST PRACTICES:

1. All juvenile protection case records filed with the Court Administrator's Office are subject to the accessibility provisions of Rule 8 of the Rules of Juvenile Protection Procedure.
2. The CA shall file a redacted Petition along with any original Petition containing confidential information. It is best to file the redacted Petition at the same time as the original. When this is not possible, the CA shall submit a redacted Petition to the Court Administrator no later than the end of the next workday after the Petition is filed.
3. For CHIPS files that are open to the public, authors of any public reports to the Court should compile the contents of their reports in a way that provides for confidential names to be identified early in the report and to subsequently use neutral terms or phrases to identify the confidential names. Initials should not be repeated. This will be helpful in the accurate redaction of confidential information before public access. Foster parents, child victims of sexual abuse and reporters of abuse or neglect are some of the names that are confidential, pursuant to Rule 8.04 which lists records not accessible to the public.
4. When writing reports that are open to the public, the author should be aware that the information contained in the report may be read by members of the public and should make efforts to protect confidential information.
5. When confidential documents are being offered at trial, the attorney or party submitting the exhibit should request a court order protecting the document, pursuant to Rule 8.07, when appropriate.
6. When any member of the public requests access to an open child protection file, the Court Administrator shall have up to three days to redact the confidential information in the file for general public access.

STATUTES AND RULES: Minnesota Statutes (M.S.)
260C.171 – Records

Minnesota Rules of Juvenile Protection Procedure (MRJPP)
Rule 8 – Accessibility of Juvenile Protection Case Records
Rule 27 – Access to Hearings
Rule 38 – Reports to Court

CHILD’S PERSPECTIVE: A child may be embarrassed or self-conscious when information regarding the child protection proceeding is made public. All stakeholders must be conscious of confidential or private information and be careful not to include it in a public record. Children of sufficient age and maturity should be told of the public access to hearings and records so that they are prepared to deal with any public disclosure of information about them, no matter how unlikely that may be.

OTTER TAIL COUNTY CHILDREN'S JUSTICE INITIATIVE
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EMERGENCY PLACEMENT

GOAL: To follow legal and procedural requirements for emergency placement of children in order to assure their safety in the least traumatic manner, and to enable the child protection system to promptly pursue an outcome in the best interests of the child.

BEST PRACTICES:

1. Law enforcement officer and Department of Human Services (DHS) social worker should confer and cooperate prior to removal of child. The County Attorney (CA) must be consulted if an ex parte Order for Emergency Protective Care is needed.
2. Relative placement should be considered and information for a relative search obtained.
3. If the child is placed in foster care, a Foster Care Checklist should be completed by the social worker and all necessary information and documents should be provided to the foster parent. (See Appendix # 3.)
4. The responsible law-enforcement officer or supervisor should complete the Peace Officer's Report of Child Detention form. (See Appendix # 4.)
5. The Detention form should be delivered or faxed to the District Court by the responsible law-enforcement agency immediately or at the start of the next business day.
6. The District Court Administrator should immediately schedule an Emergency Protective Care (EPC) hearing at one of the reserved times (1:30 p.m. on Tuesday or 11:00 a.m. on Thursday). Notice must be provided to all stakeholders; guardian ad litem (GAL) appointed; notice and rights forms prepared and provided promptly. The Court Administrator must prepare the EPC hearing contact list for the court's file. (See Appendix # 5.)
7. Return of child – DHS and CA must confer to determine whether the child should be released from emergency protective care to the custody of a parent, legal custodian, or other suitable person, as authorized by Rule 29 of the Rules of Juvenile Protection Procedure.
8. A GAL should be appointed immediately upon the filing of a Petition and must make an effort to contact the child and other parties prior to a hearing.

9. DHS must research the background of the family, including contacts with county agencies or law enforcement, determine the status of biological parents, and other significant adults in the child's life, and request relative information from the parent or custodian of the child.
10. If the child is enrolled in or eligible for membership in an American Indian tribe, then the Indian Child Welfare Act (ICWA) and the Minnesota Indian Family Preservation Act (MIFPA) apply and the appropriate tribe must be notified by registered mail, return receipt requested. Proof of mailing of the notice and a copy of any receipt must be filed with the court. An effort should be made to obtain testimony from a qualified expert witness for the child's tribe regarding the out-of-home placement.
11. Petition – See Petition Process on page 21.
12. The assigned social worker must prepare the EPC Affidavit. See EPC Hearing on page 39.
13. The social worker and GAL should assure that the child receives age-appropriate information regarding the procedures to be followed and decisions to be made.

STATUTES AND RULES: Minnesota Statutes (M.S.)
 260C.175 – Taking Child Into Custody
 260C.176 – Release or Detention
 260C.181 – Place of Temporary Custody: Shelter Care Facility
 260C.163, Subdivision 5 – Guardian ad Litem
 260.751 to 260.835 – Minnesota Indian Family Preservation Act

Minnesota Rules of Juvenile Protection Procedure (MRJPP)
 Rule 28 – Emergency Protective Care Order and Notice
 Rule 29 – Procedures During Period of Emergency Protective Care
 Rule 26 – Guardian ad Litem

THE CHILD'S PERSPECTIVE: It is traumatic for a child to be taken from the child's home and parents by a peace officer. Any conflict or indecision between the officer and social worker will only exacerbate the child's anxiety. Safety of the child and minimizing trauma should be the first priorities. A child will be more comfortable with a familiar relative than in the home of strangers. The child should be returned home as soon as possible, unless the child's safety, health or welfare is endangered. If the child remains in foster care, the foster parent becomes the primary caregiver. The foster parent should be encouraged and allowed to be present with the child through all subsequent stages of the CHIPS proceeding, as a source of comfort and stability.

OTTER TAIL COUNTY CHILDREN'S JUSTICE INITIATIVE
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FOSTER CARE

GOAL: To ensure that a child removed from the care and supervision of parents/legal custodians who have not provided for the child's safety and well-being develops a nurturing relationship with an adult caregiver who has received required training and is able to establish a positive, nurturing relationship that assures the safety and well-being of the child.

BEST PRACTICES:

1. The Department of Human Services (DHS) will strive to place each child in close proximity to the residence of the child's parent or legal custodian.
2. DHS will promote and facilitate frequent parenting time opportunities and visitation with siblings. To accomplish this, the agency will encourage interaction between parents or legal custodians and foster parents; will provide staff or utilize foster parents as visitation supervisors; and will include extended family in visitation whenever appropriate.
3. DHS will provide the essential educational opportunities required for foster parents to qualify for and maintain a foster care license. Foster care providers must attend mandatory training required for licensure, and DHS will provide assistance, as necessary.
4. DHS will work with foster parents to meet the needs of each child in foster care. This cooperative effort will include the following:
 - A. DHS will provide foster parents with the Foster Care Packet and explain its contents.
 - B. DHS will provide the following information and documents to foster parents:
 1. Prescriptions and medical recommendations pertaining to the child;
 2. Parental Authorization Form;
 3. Contact information for medical and other primary care providers;
 4. Medical Assistance Numbers;
 5. DHS social worker and law enforcement officer will attempt to get medication for the child which is available at the child's residence at the time of emergency placement. If medication is not available at the time of placement, DHS will work with parents, foster parents, physicians, and pharmacy to obtain necessary medications.
 - C. DHS will work with parents and authorize the foster family to acquire items needed for the care of the child at the time of placement, including the following:
 1. Adequate clothing;
 2. Medications and required medical devices;
 3. Infant formula and diapers;
 4. Comfort items.

- D. DHS will provide a Life Book to each child that is in care for 20 days or longer and work with the family and foster care providers to complete the book.
 - E. Foster care providers will be invited and encouraged to attend the initial Out-of-Home Placement Plan Staffing and asked to sign the Placement Plan upon completion.
5. Foster parents should be encouraged to attend court hearings and to exercise their right to be heard regarding the best interests of the child.

STATUTES AND RULES: Minnesota Statutes (M.S.)
260C.215 – Welfare of Children
260C.212 – Children in Placement
260C.208 – Information for Child Placement

Minnesota Rules of Juvenile Protection Procedure (MRJPP)
Rule 22.02 – Rights of Participants

CHILD’S PERSPECTIVE: A child taken from the familiar surroundings of home by a government agent will be traumatized. It is critical that foster care providers be adequately trained to nurture and comfort the child and that they receive adequate information and support to meet the child’s needs. The foster parent becomes the primary caregiver for an abused or neglected child who needs to feel safe and supported. Foster parents must be able to communicate effectively in an age-appropriate manner with each child in their care, either alone or with the help of the social worker and guardian ad litem.

(REVISED 10/1/2007)

OTTER TAIL COUNTY CHILDREN'S JUSTICE INITIATIVE
BEST PRACTICES GUIDELINES

COSTS OF CARE

GOAL: To have parents and legal custodians contribute to the costs of their child's out-of-home placement in accordance with their ability to pay.

BEST PRACTICES:

1. Petitions should include a request that for any out-of-home placement of a child, the Court order the parents to complete a financial assessment process with the Department of Human Services (DHS) to determine an appropriate fee for the costs of the child's care.
2. Any initial out-of-home placement order shall include a provision directing the parents to cooperate in the establishment of a parental contribution to the cost of care.
3. The matter must be promptly referred to the DHS worker assigned to out-of-home placement fee assessment, who will work with the parents or legal custodian to determine the appropriate fee based upon the County Out-of-Home Payment Guidelines Schedule. (See Appendix # 6.) If an agreement is reached, a stipulation must be completed.
4. If the County and parents or legal custodian are unable to reach an agreement, the matter must be referred to the Child Support Collections Unit to seek child support on behalf of DHS as the child's legal custodian, using the expedited process before a Child Support Magistrate.

STATUTES AND RULES: Minnesota Statutes (M.S.)

260C.331 – Costs of Care
260C.441 – Cost, Payment
252.27 – Children's Services; Parental Contribution
256.741 – Child Support and Maintenance
393.12 – Fees for Social Services

CHILD'S PERSPECTIVE: A child should not be concerned with the payment of costs for the child's care. The social worker and the guardian ad litem should caution the parents not to discuss their contribution or fee with the child.

OTTER TAIL COUNTY CHILDREN'S JUSTICE INITIATIVE
BEST PRACTICES GUIDELINES

PETITION PROCESS

GOAL: To provide the Court, parties and participants with a petition containing all available information that is necessary for a timely decision regarding the best interests of the child.

BEST PRACTICES:

1. The Department of Human Services (DHS) should research the background of the family; determine the legal custody and parenting-time rights to the child; locate the noncustodial parent; identify other significant relatives and adults who may be participants; identify any prior involvement with any child welfare agencies; determine the length of time the child may have been placed outside the custodian's home in the previous five years.
2. If a child is enrolled in or eligible for membership in an American Indian tribe, then the Indian Child Welfare Act (ICWA) and the Minnesota Indian Family Preservation Act (MIFPA) apply and the appropriate tribe must be notified by DHS by registered mail, return receipt requested. Proof of the mailing and any return received must be filed with the Court Administrator along with the Petition.
3. The assigned social worker should prepare a Petition Referral Form. (See Appendix #7.) All information should be located, provided and updated as necessary.
4. Provide County Attorney (CA) Office with Referral Form and copies of all relevant law-enforcement and DHS reports regarding the assessment and investigation. The social worker will provide a Party/Participant Form and Child Protective Services Plan, as required, or an Out-of-Home Placement Plan, if possible, with the Referral Form to the CA Office.
5. CA should review the Referral Form and immediately request any additional information required.
6. CA should promptly prepare a Petition containing all information required by statute and rule. If an Order for Emergency Protective Care (EPC) is requested, a proposed order, any necessary supporting affidavits and a Party/Participant Form should be filed in the District Court with the Petition.
7. The Court Administrator should open a file for the Petition and immediately present any request for an ex parte EPC Order to a judge; schedule an appropriate hearing; appoint a guardian ad litem; serve notice of hearing and copy of Petition

on parties and participants; provide copies of orders issued and appropriate Rights and Responsibilities forms to all parties and participants.

8. Court Administration should notify CA of any lack of information in the Petition or supporting documents. Additional information requested should be provided as soon as possible. Ct. Admin. should prepare an EPC Hearing Contact Form and a Tracking Sheet summarizing file information for easy access. (See Appendix #5 and 8.)

STATUTES AND RULES: Minnesota Statutes (M.S.)
260C.141 – Petition
260C.151 – Summons, Notice
260C.152 – Service of Summons, Notice
260.751 to 260.835 – Minnesota Indian Family
Preservation Act

Minnesota Rules of Juvenile Protection Procedure (MRJPP)
Rule 33 – Petition
Rule 32 – Summons and Notice
Rule 31 – Methods of Filing and Service
Rule 21 – Parties
Rule 22 – Participants

THE CHILD’S PERSPECTIVE: A court proceeding will be very intimidating to most children. For those old enough to understand, the Petition will provide the official statement of the reasons for the government’s involvement in their family’s life. It is important that the information is accurate and is phrased in an understandable manner that clearly states the facts supporting the grounds for the petition. This is particularly important because the statutory grounds are awkwardly phrased and nearly unintelligible to children and adults. The Court’s processing of the Petition should be handled expeditiously to assure timely hearings, so the Court may act promptly in the best interests of the child.

OTTER TAIL COUNTY CHILDREN'S JUSTICE INITIATIVE
BEST PRACTICES GUIDELINES

COURT SCHEDULING

GOAL: To schedule Child in Need of Protection or Services (CHIPS) hearings in a manner that allows sufficient time for parties to prepare and sufficient court time to address the many issues required by rule and statute. To provide a fixed schedule of times and days for CHIPS hearings, in order to allow stakeholder groups to schedule in advance and avoid unnecessary delays due to conflicts. To comply with all timelines established by rule and statute.

BEST PRACTICES:

1. The Court Administrator should reserve time on the weekly master and individual calendar formats for various CHIPS hearings, including emergency protective care, admit/deny, pretrial, trial and review hearings. (See Appendix # 9.)
2. The Court should schedule prehearing conferences as soon as possible following the appointment of counsel, or following the first court appearance. The Court may require the appearance of parties and counsel at prehearing conferences. They should be scheduled as set forth in the Prehearing Conferences section on page 45.
3. The Court should assure that stakeholders are provided adequate notice to appear and participate in meaningful discussions from the outset, in order to arrive at a prompt disposition in the best interests of the child. Complete Scheduling Orders should be prepared by Court Administration and issued by the judges in a timely manner. All stakeholders should immediately notify the Court Administrator of any conflict upon receipt of a Scheduling Order.
4. Judges should review all requests for continuances and limit continuances to those which the Court finds to be in the best interests of the child.
5. The Court Administrator should assure that the courtroom deputies are prepared to assist judges to schedule the next review hearing in the courtroom, before concluding each hearing. All stakeholders should bring their calendars to court to immediately identify any conflicts with the date and time selected for the next hearing.
6. The Court Administrator and all stakeholders should give priority to child protection cases and comply with all statute and rule permanency timelines, in order to provide timely outcomes in the best interests of the child.

STATUTES AND RULES: Minnesota Statutes (M.S.)
260C.151 – Summons; Notice
260C.152 – Service of Summons; Notice
260C.163 – Hearing
260C.178 – Emergency Removal Hearing

Minnesota Rules of Juvenile Protection Procedure (MRJPP)
Rule 4 – Time; Timeline
Rule 5 – Continuances
Rule 6 – Scheduling Order
Rules 30.01; 34.02; 36.01; 39.02; 41.02; 42.01 – Timing
of Hearings

CHILD’S PERSPECTIVE: A child in a CHIPS proceeding is anxious about the future. The child needs answers to questions and a permanent, safe and stable living environment as soon as possible. Prompt scheduling, timely notice and adequate preparation should help meet the child’s needs. The child should be provided age-appropriate information regarding the schedule of hearings, so as to provide a sense of the progress toward a final decision.

OTTER TAIL COUNTY CHILDREN'S JUSTICE INITIATIVE
BEST PRACTICES GUIDELINES

CHILDREN IN COURT

GOAL: To assure that children attend court hearings and participate, with counsel, as appropriate. To allow judges and other stakeholders to meet the children who are the subject of the CHIPS proceeding.

BEST PRACTICES:

1. Children who are physically healthy should attend the first court hearing to allow judges and other stakeholders to meet them. However, the Department of Human Services (DHS) social worker and, when available, the guardian ad litem (GAL) may keep a child from a hearing if they determine that it is in the best interests of a child not to attend a court hearing. They must inform the judge of the reasons why a child is not in attendance at the first hearing.
2. When a child attends a court hearing, a foster parent or other appropriate guardian should be encouraged and allowed to accompany the child to the court proceeding. A younger child may spend a limited time in the courtroom and be excused before discussion of facts in the case. The child will be supervised in the child-friendly waiting room by an appropriate care provider.
3. When a child first attends a hearing, the judge should acknowledge the child and address him or her. The judge must explain the purpose of the hearing, explain the child's rights, determine appropriate status as party or participant and representation by counsel, if appropriate.
4. Parties and participants may provide input regarding the judge's decision as to whether a child should remain or attend subsequent hearings. The GAL and social worker shall meet with the child in advance of the hearing to assure that the child's wishes and concerns regarding attendance are known and communicated to the Court, as appropriate.
5. If the child is represented by counsel, the child must attend hearings, unless the judge specifically orders otherwise, after hearing from the child's attorney.
6. The judge shall enter an order on the record, and include a statement in the Scheduling and Pretrial Orders regarding the child's attendance at future hearings.
7. The custodian of the child shall be responsible for transportation to court. The child's foster parent should be encouraged to accompany the child. If the foster

parent is unable to attend or remain at a hearing, then the GAL and social worker shall inform the foster parent of what transpired at the hearing.

STATUTES AND RULES: Minnesota Statutes (M.S.)

260C.163, Subdivision 2 – Right to Participate

260C.163, Subdivision 6 – Examination of Child

260C.163, Subdivision 7 – Waiving Presence of Child

260C.163, Subdivision 8 – Rights of Parties at Hearing

Minnesota Rules of Juvenile Protection Procedure (MRJPP)

Rule 22 – Participants

Rule 23 – Intervention

Rule 25 – Right to Representation; Appointment of
Counsel

Rule 27 – Access to Hearings

CHILD'S PERSPECTIVE: It is important to confirm for a child of sufficient understanding that he or she is the focus of the hearing. Providing a child with a realistic image of the courthouse, the courtroom and the people who are meeting to make important decisions about the child is helpful. Inviting input from the child and facilitating that input through representation, enhances the child's self-image and provides important information for the decision process. On the other hand, young children who lack the ability to understand the purpose of a child protection proceeding should not be required to experience the courtroom or see their parents in this setting. It may frighten or upset them and increase their trauma. Social workers, foster parents and guardians ad litem must cooperate to assure communication with the child regarding attendance at court hearings.

OTTER TAIL COUNTY CHILDREN'S JUSTICE INITIATIVE
BEST PRACTICES GUIDELINES

LEGAL REPRESENTATION FOR PARTIES

GOAL: To provide qualified parents and children with legal representation at their first appearance in court. This will facilitate their understanding of the process and increase the possibility of early resolution. To avoid delays of hearings in order to appoint counsel.

BEST PRACTICES:

1. Along with the notice of hearing, parents should be sent information regarding the procedure for the appointment of counsel. They will be asked to fill out applications in advance, and to arrive one hour prior to the hearing time.
2. Court Administration should be prepared to have an application form prepared by the parent upon arrival, as it is rare to have forms completed in advance.
3. The judge should review the application and determine eligibility immediately.
4. As a best practice, the Public Defender's Office should have two attorneys "on call" each week who will be available to accept appointments in CHIPS cases. EPC hearings should be scheduled at one of two times each week, Tuesday at 1:30 p.m. or Thursday at 11:00 a.m. The Admit/Deny hearings should be scheduled on Wednesday afternoon or on Friday morning at 9:00 a.m. (See Appendix # 9.) Attorneys should be notified of hearings when scheduled and should appear at the courthouse to meet with clients one-half hour prior to the time of the hearing. If an interpreter is required to facilitate communication, the attorneys should arrive one hour prior to the time of the hearing.
5. Unfortunately, the lack of legislative funding for representation of parents and children in CHIPS proceedings prevents compliance with the best practice. Under present circumstances, the Public Defender's Office shall provide at least one attorney "on call" each week, who will arrive at least 15 minutes prior to the time of the hearing, or 30 minutes prior if an interpreter is required.
6. The child is a participant in the CHIPS proceedings. Children ten years of age or older are entitled to representation by an assistant state public defender. Judges must assure that each child ten years of age or older is aware of the right to request party status and the right to representation by counsel. This must be addressed at the first hearing attended by the child. If the child does not request representation, the judge must inform the child that a request may be made at a later time in the proceedings and explain the process for appointing counsel. The

Court Administrator shall request the appearance of an attorney as soon as possible following a child's request for representation.

STATUTES AND RULES: Minnesota Statutes (M.S.)
260C.163, Subdivision 3 – Appointment of Counsel
611.26, Subdivision 6 – Public Defenders, Persons
Defended

Minnesota Rules of Juvenile Protection Procedure (MRJPP)
Rule 25 – Right to Representation; Appointment of
Counsel

CHILD'S PERSPECTIVE: A child who is apprehensive and confused will benefit from the assistance of counsel as soon as possible. The child desires a quick resolution of the CHIPS proceeding, which should be enhanced by the immediate appointment of counsel. The child also benefits from immediate representation for parents who are then better able to communicate their position and understand the requests of the Department of Human Services. Parents who receive prompt representation by counsel can more quickly begin to move toward resolution of the matter in a calm manner which is less traumatic for the child.

OTTER TAIL COUNTY CHILDREN'S JUSTICE INITIATIVE
BEST PRACTICES GUIDELINES

ADVISORY OF RIGHTS

GOAL: To assure that parties and participants understand their rights in a CHIPS proceeding and provide a signed copy of the statement of rights for the court's file. To provide parties and participants with a copy of the statement of rights for their future reference.

BEST PRACTICES:

1. The Court Administrator must send each party and participant a statement of rights with the notice of the first scheduled court hearing. (See Appendix # 10 and 11.)
2. Parents and custodians of the child must arrive at the Court Administrator's Office one hour prior to the first hearing. The Court Administrator will arrange a viewing of the CJI video, In the Best Interests of Your Child. The parent or custodian shall sign an acknowledgement of having viewed the video, which may be included on the Rights Advisory form.
3. Prior to the initial hearing, the parties and participants should report to the Court Administrator's Office where they will sign and date a copy of the statement of rights, or take time to read and discuss it with their attorney, where appropriate. If unrepresented parties or participants have questions, they should be directed to bring the statement of rights form into the hearing to have their questions answered by the judge.
4. The judge should assure that the Court has received a signed statement of rights for each party and participant.
5. The Court Administrator must assure that each party or participant is provided an unsigned copy of the same statement of rights for their records and future reference. These forms should be available in the court file at the time of the hearing and may be distributed by the judge.

STATUTES AND RULES: Minnesota Statutes (M.S.)
260C.163 – Hearing

Minnesota Rules of Juvenile Protection Procedure (MRJPP)
Rule 21 – Parties
Rule 22 – Participants
Rule 23 – Intervention
Rule 25 – Right to Representation

Rule 30.05 – Emergency Protective Care Hearing;
Advisory
Rule 34.03 – Admit/Deny Hearing; Hearing Procedure

CHILD’S PERSPECTIVE: Children are frightened or apprehensive and confused by the court process. As participants or parties, they should understand their rights in order to appreciate the purpose of the court proceedings. When all parties and participants understand their rights, they are better able to effectively participate in the proceedings, which should facilitate prompt resolution and appropriate outcomes for children.

OTTER TAIL COUNTY CHILDREN'S JUSTICE INITIATIVE
BEST PRACTICES GUIDELINES

CASE PLANS

GOAL: To develop Case Plans which are individualized for each family and address the family's strengths. Out-of-Home Placement Plans and Child Protective Service Plans are to be prepared with the widest possible participation, in a timely and comprehensive manner requiring the cooperation of all necessary parties, in order to assure that parties understand the requirements of each plan.

BEST PRACTICES:

1. When a CHIPS case is initiated after a period of voluntary or informal services by the Department of Human Services (DHS), a Case Plan should be prepared with family participation prior to a formal CHIPS proceeding. This plan should be attached to the Petition and served upon the parties by DHS prior to the first court proceeding, usually an admit/deny hearing. If the Protective Services Plan is not attached, an explanation must be provided in the Petition.
2. If the matter is not resolved at the first hearing, then the Court should lead a discussion between the parties of whether a further meeting to develop a Case Plan is appropriate and who will participate in drafting a further plan.
3. When a Petition is initiated without emergency protective custody, but no Case Plan has been prepared prior to the admit/deny hearing, then DHS shall prepare a written list of recommendations to be served on the parties prior to the hearing for use in settlement negotiations between the parties. If no agreement is reached, the Court shall discuss a further meeting to develop a Case Plan in a timely manner. Parties will cooperate to identify all persons appropriate to contribute to the plan.
4. When a Petition is initiated by emergency protective care placement of the child, the parties will first appear at an Emergency Protective Care (EPC) hearing. If time and circumstances allow, DHS must prepare a written list of recommendations to begin discussions between the parties prior to the EPC hearing. The Court shall discuss and determine a process for drafting the Case Plan; identify which parties and participants will attend a meeting, with or without counsel, and whether any significant persons, such as a therapist, school personnel or grandparent should be involved. The EPC Order should include provisions for a meeting to draft the Case Plan.
5. Case Plans shall be filed timely and served on all parties. Whenever possible, they shall be reviewed upon receipt and any questions addressed before the next hearing. The judge shall be familiar with the terms of the plan prior to the disposition hearing. If a plan cannot reasonably be filed in advance of a hearing,

but is presented to the Court at the hearing along with a request for approval, the County Attorney and parties shall summarize the provisions of the plan, including the expectations of each party, participant and child, on the record.

6. A signed copy of the plan shall be obtained as soon as possible and provided to the Court. (See Appendix # 12, 13 and 14.)
7. For a child removed from the home of a parent or custodian, the Out-of-Home Placement Plan shall be filed with the court and provided to the parties and foster parents by the responsible social services agency within thirty (30) days of the filing of the Petition alleging the child to be in need of protection or services. When the child is not in out-of-home placement, the Child Protective Services Plan required under Minnesota Statutes § 626.556, subd. 10, and Minnesota Rule 9560.0228 shall be filed with the Petition alleging the child is in need of protection or services, unless the responsible social services agency includes a statement in the Petition explaining why it has not been possible to develop the plan, which may include exigent circumstances or the non-cooperation of the child's parents or guardian. DHS shall attach the Case Plan to the court report and provide it to the court and all parties at least 5 days prior to the scheduled review hearings.
8. The Court must request comment from the parties regarding the plan and modify it based upon their input or approve it as presented. Prior to approving the plan, the Court should obtain the commitment of each party to comply with each specific plan requirement. Once the plan is approved, it shall be attached to the Court's order and incorporated in it by reference.

STATUTES AND RULES: Minnesota Statutes (M.S.)
260C.178, Subdivision 7 – Out-of-Home Placement Plan
260C.201, Subdivision 6 – Dispositions; Case Plans
260C.212, Subdivision 1 – Children in Placement; Out-of-Home Placement Plans
260C.213 – Concurrent Permanency Planning

Minnesota Rules of Juvenile Protection Procedure (MRJPP)
Rule 37 – Case and Out-of-Home Placement Plans
Rule 38 – Reports to the Court

CHILD'S PERSPECTIVE: Once again, the earliest possible resolution of the case is in the child's best interest. The sooner the specific problems, goals, tasks and services are identified, the sooner focused and meaningful settlement discussions can take place and points of disagreement can be identified. Cooperation in this process will benefit the child. The child also benefits from detailed descriptions of any services that will be provided to him or her. Timelines should be provided to the child, whenever possible, to help the child cope with the uncertainty of the outcome.

OTTER TAIL COUNTY CHILDREN'S JUSTICE INITIATIVE
BEST PRACTICES GUIDELINES

CONCURRENT PLANNING

GOAL: To utilize an approach that emphasizes reunification and establishes an Alternative Permanency Plan if the child cannot return home. Concurrent Planning simultaneously provides services to a child's parents to improve the condition that caused the child to be removed from the home so that the child can safely return home, while at the same time placing the child with a foster family that will provide care for the child, assist or support reunification, and commit to becoming the child's legal parent or custodian in the event the child cannot return to his or her parent or legal custodian. Concurrent Planning is based on the guiding principles of full disclosure, assessment and early permanency for every child.

BEST PRACTICES:

1. Department of Human Services (DHS) will ask the family to sign the concurrent planning full disclosure statement. (See Appendix # 15.)
2. In placement of a child, DHS will conduct a comprehensive search for relatives, working with the parent to complete the relative search, as soon as possible.
3. DHS will arrange for a Placement Plan Meeting within 20 days of placement, where placement options will be discussed with the family.
4. When appropriate, DHS will work with the family on a family group decision making conference to engage the parents and family in permanency planning.
5. When relatives are identified, the agency will work with the relatives to determine their willingness to be a resource family for the children.
6. Should there not be any relatives who are able or willing to be a resource family to the child, DHS will review licensed foster homes to determine if there is a concurrent planning family available in the area to care for the child.
7. Upon placement in a concurrent planning home, that is not a relative to the family, the agency will have a meeting between the foster parents and birth family to talk about the child's needs, strengths, and services to be provided.
8. DHS will work with the concurrent planning family on maintaining regular visitation and building connections so that, if the child is reunified, the concurrent planning family can be a resource to the birth family.

9. Should efforts at reunification not be successful, and the Court terminates the parental rights of the birth parents, DHS will work with the concurrent planning family on finalizing the adoption.
10. All stakeholders must recognize that it is very challenging for a concurrent planning family to be emotionally prepared for both reunification and adoption. The family needs DHS and stakeholder support to maintain a healthy and positive relationship with the child.

STATUTES AND RULES: Minnesota Statutes (M.S.)
260C.213 – Concurrent Permanency Planning
260C.212 – Children in Placement

CHILD’S PERSPECTIVE: The most important person in a young child’s life is a caregiving and supportive adult. A disruption in the child’s relationship with the primary caregiver is traumatic and can cause negative consequences. A caring and supportive foster parent becomes the primary caregiver for a child. Concurrent planning for permanency makes it possible to limit the disruptions in the child’s relationship with a primary caregiver and to reduce the number of moves the child experiences in foster care.

OTTER TAIL COUNTY CHILDREN'S JUSTICE INITIATIVE
BEST PRACTICES GUIDELINES

REPORTS TO COURT

GOAL: To provide timely reports from parties, participants and service providers which contain information that is relevant and helpful to the judicial process.

BEST PRACTICES:

1. All reports of guardians ad litem (GAL), social workers and others shall be served and filed at least five days prior to a hearing.
2. Copies of reports must be provided to each attorney, or party if not represented, and a Certificate of Service, including a list of recipients and method of service for each recipient, must be filed with Court Administration at the time the report is filed. A copy of the Certificate of Service shall be retained by the filing party.
3. All reports should include discussion of facts relevant to the best interests of the child, the efforts of the Department of Human Services (DHS) to avoid the need for out-of-home placement or to reunify a child with parent or custodian following out-of-home placement, and the actions of each parent or custodian in complying with Case Plan requirements and court orders.
4. GAL reports must follow the format approved by the state guardian ad litem program. (See Appendix # 16.)
5. Updates of reports may be provided in writing or orally at the hearing. The admissibility of the update will be determined by the Court after hearing from all parties.
6. In drafting or updating reports, the author must be conscious of public access to the filed reports and therefore avoid disclosure of confidential information. Whenever possible, such confidential information should be included only by reference to the contents of otherwise confidential reports and documents in the court's file, with a detailed description of page and paragraph number containing the information.
7. Reports must include a signed and dated statement certifying that the content is true and correct based upon personal observation, firsthand knowledge, or information and belief.

8. Reporting standards for service providers will be incorporated into the language of their contracts with DHS, so information regarding their progress will be available for inclusion or reference in periodic reports to the court.

STATUTES AND RULES: Minnesota Statutes (M.S.)
260C.163, Subdivision 5 – Hearing; Guardians ad Litem
260C.193, Subdivision 2 – Disposition; Consideration of
Reports

Minnesota Rules of Juvenile Protection Procedure (MRJPP)
Rule 17.04 – Discovery; Reports of Examination and
Tests
Rule 30.03 – EPC Hearing; Inspection of Reports
Rule 38 – Reports to the Court
Rule 41.03 – Disposition; Predisposition Reports

CHILD’S PERSPECTIVE: Children want the child protection proceedings to end as soon as possible. Therefore, they benefit from reports that contain complete and accurate facts and are delivered on time so as to avoid a delay in the proceedings. Such reports also enable the Court to make the best decision for the child as quickly as possible. Parties and counsel should be sensitive to the appropriateness of disclosing the contents of reports to children, taking into account their age, maturity and other relevant factors.

OTTER TAIL COUNTY CHILDREN'S JUSTICE INITIATIVE
BEST PRACTICES GUIDELINES

EXAMINATION OR SERVICE PROVIDER REFERRALS

GOAL: To initiate appropriate services as soon as possible, whether on a voluntary or court-ordered basis. To assure prompt scheduling of services with the provider and facilitate effective communication with the client. This will enhance timely outcomes for children and families.

BEST PRACTICES:

1. The Department of Human Services (DHS) staff should identify recommended or requested services, including evaluations or assessments, prior to or as soon as possible during the CHIPS proceeding. (See Case Plans on page 31.)
2. Prior to the first hearing, the parties should discuss the possibility of voluntary services for the child and family. Any agreements should be presented to the Court and ordered. If no agreement, the County Attorney (CA) and DHS should request court-ordered services as appropriate and allowed by statutes and rules, at the earliest opportunity. The Court should carefully consider requests and objections and order services when appropriate, on the record and in a written order. The Court must also order the person to be examined, or the parent/custodian of each child, to sign all releases of information required.
3. Every written order of the Court for an examination or other services must identify the documents or other information to be provided to the examiner or a service provider along with a copy of the court order and must direct payment for the examination or services. The order must also identify to whom a written report of the examination, evaluation or service must be provided, to which parties and participants copies of the report must be distributed, by whom and by what date.
4. Following the hearing at which the Court has ordered services, an appointment should be immediately scheduled with the service provider. The attorney for the party or the guardian ad litem (GAL) for the child should explain the process following the hearing. The DHS worker should assist the family member to place a call to the appropriate provider agency from the courthouse. A phone should be made available by Court Administration. A written notice of a scheduled appointment shall be provided to, and all required releases of information for each individual to be examined shall be obtained from, the family members before they leave the courthouse.
5. A written Service Provider Referral form should be sent by the DHS social worker to the provider agency, detailing the nature of the services requested and

the form of report required. Time lines and other expectations should be identified in writing. (See Appendix # 17.) The form shall include the name, address and telephone number of each person to receive services and shall be accompanied by the required release of information forms.

6. The DHS social worker, guardian ad litem and all attorneys must stress that attendance at all scheduled appointments is required. The service provider should immediately report to the DHS social worker any failure of a client to appear at a scheduled appointment. The social worker should facilitate communication and rescheduling. Any failures should be reported to the Court in written reports. Further orders may be requested prior to the next hearing, so as to avoid further delay. Any request for an order should be served on all parties. The Court should seek to enforce all orders for services as soon as possible.

STATUTES AND RULES: Minnesota Statutes (M.S.)

260C.157 – Investigation; Physical and Mental Examinations

260C.178, Subdivision 4 – Emergency Removal Hearing; Mental Health Treatment

260C.178, Subdivision 7 – Emergency Removal Hearing; Out-of-Home Placement Plans

260C.201, Subdivision 6 – Disposition; Case Plans

Minnesota Rules of Juvenile Protection Procedure (MRJPP)

Rule 17.04, Subdivision 1 – Discovery; Physical and Mental Examinations

Rule 30.10 – Emergency Protective Care Hearing; Finding and Order

Rule 41.05, Subdivision 2 – Disposition; Order Content

CHILD’S PERSPECTIVE: The sooner services begin, the sooner the case can be resolved with an appropriate outcome for the child. The sooner the child experiences some form of services, the sooner the child will understand the purpose of the CHIPS proceeding. Again, the service provider should be able to assist the child with the anxieties resulting from changes and uncertainties. Scheduling of services should take into account age-appropriate developmental factors of the child, which may require more frequent sessions. Early assessments and evaluations should provide meaningful information to guide the Court and the parties in making a decision in the best interests of the child and family.

OTTER TAIL COUNTY CHILDREN'S JUSTICE INITIATIVE
BEST PRACTICES GUIDELINES

EPC HEARING

GOAL: To consistently schedule and conduct Emergency Protective Care (EPC) hearings in a timely and thorough manner that will assure the safety and welfare of the child. To provide information and due process for the child's custodians. To provide services where appropriate and to give direction to parties and participants.

BEST PRACTICES:

1. Stakeholders are encouraged to review appropriate chapters and checklists in the Minnesota Judges Juvenile Protection Benchbook prior to a hearing. The Judges Benchbook is available via the Internet at the CJI Web page on the Minnesota Judicial Branch Website at <http://www.mncourts.gov/?page=178>.
2. Upon receipt of a Peace Officer's Report of Child Detention form, Court Administration shall promptly schedule an EPC hearing at 1:30 on Tuesday or 11:00 on Thursday; immediately provide notice to the County Attorney (CA), Public Defender (PD), the Department of Human Services (DHS) and all parties and participants identified in the Detention form; and appoint and notify a guardian ad litem (GAL). Upon receipt of a Petition, Court Administration shall provide any further notices required, and shall prepare the contact list for the court file. (See Appendix # 5.)
3. The CA and social worker must prepare an EPC Affidavit (See Appendix # 18), copies of reports and recommendations for the custody and care of the child and services for the child and family.
4. The social worker shall inform parent(s) of the date and time of the hearing and inform parent(s) to arrive 90 minutes before the hearing for an opportunity to apply for a court-appointed attorney, to complete the guardian ad litem fee waiver form and to view the video In the Best Interests of Your Children.
5. CA, PD, GAL and DHS should arrive one-half hour prior to the hearing, to share information and discuss potential agreements regarding the child's temporary custody and parenting time; factual issues; possible services for the child and family; any errors or omissions in the Petition; identification of additional relatives or participants; review the EPC Affidavit and confirm Indian Child Welfare Act status. If interpreters are required to facilitate communication, then parties and counsel must arrive one hour prior to the hearing. Due to the lack of adequate legislative funding for representation of parents and children, if

attorneys are unable to meet the best practices, they will arrive no later than 15 minutes prior to the hearing and 30 minutes prior if an interpreter is required.

6. EPC hearings are to begin promptly as scheduled.
7. Counsel and the parties must be prepared to provide the Court with information required by the statutes and Rules of Procedure; to request specific findings required by statutes, rules and federal IV-E requirements; to identify specific agreements and request corresponding orders; to identify issues remaining and present all necessary arguments.
8. Judges must follow applicable rules and the checklists in the Minnesota Judges Juvenile Protection Benchbook. It is helpful to use the EPC Checklist and Order template as a guide to assure that a thorough record is made. The judge must confirm the accuracy of the Petition and make a finding as to whether a *prima facie* case that the child is in need of protection or services exists; confirm notice to parties and participants; determine temporary custody and parenting time of the child; determine whether there exists less restrictive alternatives to protective care; find whether reasonable efforts have been made to avoid placement; address examinations or services to begin immediately; discuss Case Plan development; confirm a relative search; address child attendance at hearings; and direct parental cooperation in establishing fees. The judge must make clear statements of the Court's findings and order on the record.
9. Judges and attorneys should develop a complete record and request all necessary findings, taking the time necessary to be thorough. An EPC hearing should require at least thirty minutes to one hour. The EPC and Admit/Deny Hearing may be combined. (See Admit/Deny Hearing on page 47.)
10. If the Court orders the child to remain in out-of-home protective care, the judge must order the custodial parent to promptly complete and return the Child Social and Medical History packet provided by DHS.
11. A proposed written court order is to be prepared by the CA as soon as possible, and no later than ten days following the hearing. The goal of the CJI Team is to provide court orders in the courtroom at the conclusion of the hearing. In the near future, the Court will immediately prepare a preliminary written order with essential findings. The CA will then submit proposed detailed Findings, Conclusions and Order within ten days thereafter.
12. Court Administration shall schedule the Admit/Deny Hearing and serve the parties and participants with the date and time at or before the EPC hearing. The judge should announce the date and time of the next hearing in court and assure that personal service of the notice or summons is completed. All stakeholders must be prepared with their calendars to immediately identify any conflicts.

13. Immediately following the hearing, DHS, GAL and PD shall cooperate to make appointments for the child or family for any examinations, evaluations or services ordered by the Court. The parents should receive a notice of the appointment and must sign all required releases of information before leaving the courthouse, as provided in the Service Provider Referrals section on page 37.
14. Following the hearing, the DHS social worker, the GAL, the parents or legal custodians must discuss and schedule a staffing meeting to develop an Out-of-Home Placement Plan, which must be held within 20 days of the child's placement. (See Appendix # 19.) (See also the Case Plans section on page 31.) The DHS social worker and the GAL shall cooperate in a manner that will enable each to fulfill the separate and distinct roles and responsibilities required by statutes and rules. (See Appendix # 20.)
15. The DHS social worker shall provide the parent(s) or legal custodian with a folder containing the child protection informational sheet (See Appendix # 21) with written notice of all scheduled appointments. The folder may be used by the parent or custodian to retain copies of the Petition, statement of rights and all other documents related to the child protection proceeding.

STATUTES AND RULES: Minnesota Statutes (M.S.)
 260C.163 – Hearing
 260C.178 – Detention Hearing
 260C.212, Subdivision 5 – Relative Search

Minnesota Rules of Juvenile Protection Procedure (MRJPP)
 Rule 21 – Parties
 Rule 22 – Participants
 Rule 25 – Right to Representation; Appointment of Counsel
 Rule 26 – Guardian ad Litem
 Rule 27 – Access to Hearings
 Rule 30 – Emergency Protective Care Hearing

CHILD'S PERSPECTIVE: The child's attendance at an EPC hearing shall be determined as set forth in the Children in Court section on page 25. This may be the child's first experience in court and there will be understandable apprehension and anxiety. For each child attending a hearing, all stakeholders shall make an effort to help the child understand that the child's welfare is the paramount concern and the reason for the hearing. Where the child is of sufficient age and maturity, the child's input should be requested and welcomed. For children not attending the hearing, the DHS social worker, GAL and foster parent must cooperate in an age-appropriate effort to explain the purpose of the court proceeding, the outcome and a realistic time frame for future events.

OTTER TAIL COUNTY CHILDREN'S JUSTICE INITIATIVE
BEST PRACTICES GUIDELINES

DISCOVERY/DISCLOSURE

GOAL: To enable all parties to receive and access all information relevant and necessary to reach a fully informed outcome in the best interests of the child. To protect the child from harmful public disclosure of information.

BEST PRACTICES:

1. Any party can access Department of Human Services' (DHS) information on a family by calling the agency to schedule a time to view the file. The agency will cooperate with the parties in copying the information.
2. Upon request, any party shall disclose all information required by Rule 17.01 or 17.02, without a court order.
3. Any motion for discovery upon order of the Court, pursuant to Rule 17.04, must be filed as soon as possible and at least five days prior to the Pretrial Hearing, except in extraordinary circumstances. Copies of reports of examinations and test results of the parties or a child, whether or not ordered by the Court, must be provided to the other parties, as required by Rule 17 of the Rules of Juvenile Protection Procedure. The court order for the examination or test should specify the party to whom the report is to be delivered, by whom it will be distributed and to which parties or attorneys it will be provided.
4. If the Court requests an additional or subsequent report from the person or agency conducting the examination or test or providing services to the child or family, a court order for the report should be issued in writing, with a specific listing of the subjects to be addressed. The order must also address payment for the cost of the report and direct delivery of copies to appropriate parties or attorneys.
5. Following a denial of the CHIPS petition, DHS will provide the County Attorney (CA) with all information to be used at trial. Following disposition, DHS will provide the CA with all information that is critical to the progress of the family in meeting the Case Plan requirements. This information will be provided by attaching it to the Disclosure Form. (See Appendix # 22.)
6. Following a party's denial of a termination of parental rights petition, the agency will electronically scan the contents of its file relating to the children and family and will provide copies in digital format on a compact disk to the CA who will forward it to each of the parties entitled to disclosure pursuant to Rule 17.

7. Even if a digital copy of the agency's file has been disclosed, the County Attorney's (CA) Office will provide to all parties copies of documents and reports which it intends to introduce at any hearing or trial. The copies must be provided no later than five days prior to the relevant hearing or trial.
8. Each party who intends to call an expert witness at trial shall first disclose to all other parties and the CA, all information required by Rule 17.02, paragraph (c), along with copies of any written statements or reports of the expert witness. This information must also be provided no later than five days prior to the relevant hearing or trial.
9. Any party may request a protective order of the Court to limit the use of documents, reports or information discovered, if appropriate to protect the child or family. Each order of the Court which addresses discovery or the distribution of written reports from any source should also address whether the written data is to be considered public, private or confidential and how the written documents are to be handled by the parties.

STATUTES AND RULES: Minnesota Statutes (M.S.)
260C.171, Subdivision 3 - Attorney Access to Records

Minnesota Rules of Juvenile Protection Procedure (MRJPP)
Rule 17 - Discovery

CHILD'S PERSPECTIVE: The child benefits from prompt and complete sharing of all information relevant to a decision in the child's best interests. Information regarding the psychological or medical condition of the child may often be necessary. All parties must act to protect the child from harmful public disclosure of private information. The child may need the assistance of counsel, the guardian ad litem and foster parents to reach an age-appropriate understanding of the importance of information regarding his or her parents, custodians or self. The child should be made aware of which information is protected and which is available to the public.

OTTER TAIL COUNTY CHILDREN'S JUSTICE INITIATIVE
BEST PRACTICES GUIDELINES

PREHEARING CONFERENCES

GOAL: To provide an opportunity for parties and participants to meet to identify issues and attempt to resolve them by agreement. To avoid unnecessary delay that results from a lack of time to have meaningful discussions between parties. To begin providing appropriate services to children and families as soon as possible, in order to increase the opportunity for successful reunification in a safe and stable environment.

BEST PRACTICES:

1. The Court Administrator will schedule a prehearing conference to be held one hour before the Admit/Deny Hearing which follows an EPC hearing or one hour before the Pretrial Hearing, if children are not placed out of the home. The Court will reserve a specific day and time of the week for such hearings in order to allow attorneys, guardians ad litem and other stakeholders to schedule in a manner that will reduce conflicts.
2. Notice of the conference and hearing shall be sent to parties, participants and counsel as soon as possible. All involved must make an effort to gather and share all appropriate information prior to the prehearing conference.
3. Represented parties and their attorneys must meet prior to the prehearing conference, allowing sufficient time to discuss facts, identify issues and review potential solutions and strategies. The start of the conference should not be delayed for attorney/client discussions.
4. All those attending the prehearing conference shall be encouraged to meet in the room designated by the Court Administrator, to facilitate open discussion in the limited time provided. Counsel may choose to separate clients when the facts of the case or circumstances of the parties require it.
5. The Petitioner or Petitioner's attorney shall receive from the Court Administrator a Summary Report Form to be completed for the court file. (See Appendix # 23.) All persons attending will sign the form to verify mandatory attendance. All sections of the Report Form must be completed. The form is to be provided to the judge prior to or at the outset of the court hearing.
6. If a prehearing conference results in a settlement agreement, the terms must be provided to the Court in writing on the Summary Report form and stated on the record at the hearing. A short-term agreement form may be utilized. A Case Plan

will be prepared by DHS and other parties as soon as possible and within 14 days following the hearing.

7. The parties may agree to ask the judge to proceed to disposition if sufficient information is available. The parents and child, if appropriate, must be prepared to answer questions and acknowledge the facts to support the adjudication of CHIPS. Attorneys must review the questions and prepare their clients.

STATUTES AND RULES: Minnesota Rules of Juvenile Protection Procedure (MRJPP)
Rule 19 – Settlement

CHILD'S PERSPECTIVE: A child who is the subject of a CHIPS proceeding is living a disrupted life. The child needs and deserves a safe, stable and permanent home as soon as possible. All stakeholders must commit their efforts to finding acceptable and appropriate resolutions as soon as possible, in the best interest of the child. A settlement reached by agreement will be less stressful to the child and will have a better chance of producing a successful outcome for the child.

OTTER TAIL COUNTY CHILDREN'S JUSTICE INITIATIVE
BEST PRACTICES GUIDELINES

ADMIT/DENY HEARING

GOAL: To provide a meaningful opportunity for parents and child, when appropriate, to admit or deny the allegations of the petition alleging that the child is in need of protection or services. To resolve issues as soon as possible in order to move toward reunification or permanency for the child.

BEST PRACTICES:

1. Stakeholders are encouraged to review appropriate chapters and checklists in the Minnesota Judges Juvenile Protection Benchbook prior to a hearing. The Judges Benchbook is available via the Internet at the CJI Web page on the Minnesota Judicial Branch Website at <http://www.mncourts.gov/?page=178>.
2. An Admit/Deny (A/D) hearing may be combined with an Emergency Protective Care (EPC) hearing if agreed by the parties. However, there is often too little information available at that first hearing to allow the parents and child to make a meaningful decision, with the advice of counsel.
3. If attorneys and other stakeholders can determine at the EPC hearing that the complexity of the case or the nature of the issues will prevent a meaningful prehearing conference by the time of an A/D hearing, then they should ask the Court to combine the A/D and EPC hearings and request a pretrial hearing, preceded by a prehearing conference, at least 10 days before the trial date. This will allow sufficient time to gather information and draft a detailed Case Plan, in as cooperative a manner as possible.
4. An A/D hearing may be the first appearance in court for the parents and child where there is no emergency protective care placement. All preliminary proceedings described for an EPC hearing, on page 39, must be followed. Parents must appear one hour before the scheduled time of the A/D hearing. Attorneys must appear 30 minutes prior to the start of the hearing to meet with clients and share information. If an interpreter is needed to facilitate communication, all parties and counsel must arrive one hour prior to the hearing. There will be no prehearing conference prior to an A/D hearing if it is the first appearance, except for truancy cases. The prehearing conference will be scheduled before the pretrial, if necessary. The unfortunate lack of legislative funding for representation of parents and children may prevent counsel from complying with the best practices. However, counsel will appear at least 15 minutes prior to the start of the hearing and 30 minutes if an interpreter is needed.

5. Court Administration shall notify parties of their right to a court-appointed attorney. Stakeholders should encourage parents, applying for a court-appointed attorney, to do so at least five days before the A/D hearing. If the parents and child choose to proceed to an A/D hearing without an attorney, the County Attorney (CA), guardian ad litem (GAL) and child protection social worker shall meet with the parents at least 30 minutes prior to the hearing to discuss a possible settlement agreement or identify issues to be reported to the Court. Again, if an interpreter is necessary, all parties must appear one hour prior to the hearing.
6. Judges must follow the rules and the Minnesota Judges Juvenile Protection Benchbook checklist to assure that a thorough record is made. If this is the first hearing in the case, then all items described in the EPC Hearing Guidelines must be reviewed. They include: notice to parties and participants; Indian Child Welfare Act determination; accuracy of the Petition; *prima facie* case of CHIPS; temporary custody and parenting time of the child; address services to begin immediately; discuss Case Plan development; address child attendance at hearing; if custody of the child is transferred, make reasonable/active efforts and welfare of the child findings. The judge must make clear statements of the Court's findings and order on the record.
7. If the custodial parent(s) or legal custodian enters an admission, it must be on the record and under oath. The child must also enter an admission to being habitually truant or a runaway. The questions must require the party to acknowledge an understanding of their rights and to admit facts sufficient to support the grounds alleged in the Petition, and to justify the need for the services required by the Case Plan or agreement.
8. A proposed written order is to be prepared by the CA as soon as possible, and no later than ten days following the hearing. It is the best practice goal to provide written orders immediately following the hearing.
9. The judge should schedule a further hearing while still in court and announce the date and time and assure the service of notice on all parties and participants. All parties must have their calendars available to identify any conflicts.
10. The DHS worker shall assist the parents and child to make appointments for any evaluations or assessments ordered immediately after the hearing. All necessary releases of information must be signed. (See Service Provider Referral section on page 37.)
11. If a denial is entered, the parties must meet to confer regarding discovery at the conclusion of the hearing. The Public Defender and GAL shall attempt to schedule meetings with the parents and child, as soon as possible. All appropriate parties and participants shall cooperate to schedule a meeting for development of a Case Plan, as ordered by the Court. The DHS social worker and the GAL shall

cooperate in a manner that will enable each to fulfill the separate and distinct roles and responsibilities required by statutes and rules. (See Appendix # 20.)

12. The DHS social worker shall provide the parent(s) or legal custodian with a folder containing the child protection informational sheet (See Appendix # 21) with written notice of all scheduled appointments. The folder may be used by the parent or custodian to retain copies of the Petition, statement of rights and all other documents related to the child protection proceeding.

STATUTES AND RULES: Minnesota Statutes (M.S.)
260C.163 – Hearing

Minnesota Rules of Juvenile Protection Procedure (MRJPP)
Rule 34 – Admit/Deny Hearing
Rule 35 – Admission or Denial

CHILD’S PERSPECTIVE: The child’s attendance at an A/D hearing must be determined as set forth in the Children in Court section on page 25. This may be the child’s first experience in court and there may be apprehension and anxiety. For all children attending a hearing, all stakeholders shall make an effort to help the child understand that the child’s welfare is the paramount concern and the reason for the hearing. Where age appropriate, the child’s input should be requested and welcomed. For a child not attending the hearing, custodians and guardians ad litem must make an appropriate effort to explain the purpose of the court proceeding, outcome and realistic time frame for future events.

OTTER TAIL COUNTY CHILDREN'S JUSTICE INITIATIVE
BEST PRACTICES GUIDELINES

PRETRIAL

GOAL: To determine whether a trial is necessary or a settlement agreement can be reached. To identify issues that have been resolved and issues that remain for trial. To review all procedures required to be prepared for trial, so it will proceed as efficiently as possible.

BEST PRACTICES:

1. Stakeholders are encouraged to review appropriate chapters and checklists in the Minnesota Judges Juvenile Protection Benchbook prior to a hearing. The Judges Benchbook is available via the Internet at the CJI Web page on the Minnesota Judicial Branch Website at <http://www.mncourts.gov/?page=178>.
2. A pre-hearing conference will be scheduled by the Court Administrator one hour prior to a pretrial hearing, if none was held prior to the admit/deny (A/D) hearing. Even if one was held previously, the parties may request a further settlement conference prior to the pretrial. The judge will order a second prehearing conference, whenever reasonable.
3. The pretrial hearing is to begin promptly as scheduled.
4. The judge will address issues under Rule 36.02: confirm notice and counsel; settlement of issues; issues for trial; stipulations or admissions; presence of child at trial; completion of discovery; pretrial motions; witness and exhibit lists; date and length of trial.
5. The judge should issue a pretrial order confirming findings and orders made on the record regarding all issues.
6. Following the hearing, parties and counsel should confer to schedule any necessary meetings to comply with the Court's pretrial directives.
7. If any additional services were ordered, appointments for evaluations or assessments should be made immediately after the hearing and all necessary releases of information must be signed. (See Service Provider Referrals on page 37.)

STATUTES AND RULES:

Minnesota Statutes (M.S.)
260C.163 – Hearing

Minnesota Rules of Juvenile Protection Procedure (MRJPP)
Rule 36 – Pretrial Hearing
Rule 15 – Motions
Rule 17 – Discovery
Rule 19 – Settlement

CHILD'S PERSPECTIVE: By the time of a pretrial hearing, a child in out-of-home placement may be anxious about delays and uncertainty. A child old enough to understand will benefit from specific information. When will the trial start? Will the child attend? Will the child be likely to testify? Who else will be there? When will the judge make a decision? All these questions should be answered for the child by the custodian or other appropriate stakeholder at or immediately after the Pretrial Hearing. A supportive caretaker should be encouraged to accompany the child to the pretrial, if the child's attendance is required.

OTTER TAIL COUNTY CHILDREN'S JUSTICE INITIATIVE
BEST PRACTICES GUIDELINES

TRIAL

GOAL: To resolve all remaining factual and legal issues raised by the Child in Need of Protection or Services Petition, in a fair and efficient manner.

BEST PRACTICES:

1. Stakeholders are encouraged to review appropriate chapters and checklists in the Minnesota Judges Juvenile Protection Benchbook prior to a hearing. The Judges Benchbook is available via the Internet at the CJI Web page on the Minnesota Judicial Branch Website at <http://www.mncourts.gov/?page=178>.
2. Children in need of protection or services (CHIPS) trials shall be given high priority, in recognition of the firm timelines for permanency required by federal and state laws. Parents and a child require a just determination of all issues as soon as possible.
3. Stakeholders must cooperate with Court Administration to provide accurate information regarding the time required for a CHIPS trial, so that adequate time can be scheduled.
4. Trials should not be continued unless it is found to be in the best interests of the child or absolutely necessary to protect the rights of a party.
5. The child should attend the trial as ordered by the Court at the Pretrial Hearing. The judge may determine whether the child should remain for all of the trial, taking into account all relevant factors. The stakeholders shall provide the judge with appropriate information regarding the child's presence at the trial.
6. All stakeholders must comply with the timing requirements of the Rules of Procedure for submitting reports, written arguments and issuing Findings of Fact, Conclusions of Law and Order.
7. The child's custodian, guardian ad litem and child's attorney, if appointed, shall inform the child of the outcome of the trial and explain the judge's findings in an understandable manner.
8. If the child is adjudicated to be in need of protection or services, a disposition hearing shall be scheduled as soon as possible, within the time limits required by the rules.

STATUTES AND RULES:

Minnesota Statutes (M.S.)
260C.163 – Hearing
260C.193, Subdivision 1 – Dismissal of Petition

Minnesota Rules of Juvenile Protection Procedure (MRJPP)
Rule 39 – Trial
Rule 40 – Adjudication
Rule 18 – Default

CHILD’S PERSPECTIVE: The trial, in our adversarial process, can be particularly stressful to a child. It is a point of confrontation and resolution of issues that will determine the child’s future. It should not be delayed or prolonged. The child’s presence at the trial may be beneficial or harmful to the child, depending upon age, maturity and circumstances. Everyone must be sensitive in assisting the judge to make the right decision in the best interests of the child. The child will benefit from a decision made as soon as possible. Stakeholders must cooperate to coordinate their communication with the child.

OTTER TAIL COUNTY CHILDREN'S JUSTICE INITIATIVE
BEST PRACTICES GUIDELINES

DISPOSITION HEARING

GOAL: To meet the child's need for safety, stability and permanence by providing services which will benefit the child and which are appropriate to improve the environment in the family home. To facilitate reunification of the child and parents in the best interests of the child.

BEST PRACTICES:

1. Stakeholders are encouraged to review appropriate chapters and checklists in the Minnesota Judges Juvenile Protection Benchbook prior to a hearing. The Judges Benchbook is available via the Internet at the CJI Web page on the Minnesota Judicial Branch Website at <http://www.mncourts.gov/?page=178>.
2. Disposition may occur, and usually does occur, immediately after an admission is entered by all appropriate parties or immediately after the Court finds the child to be in need of protection and services following trial. It is in the best interests of the child and family to begin services as soon as possible. The Court must assure that the parents and child understand that they can request a separate Disposition Hearing.
3. The Department of Human Services (DHS) should be prepared to recommend specific services and complete a Case Plan, as soon as possible and no later than required by Rule 37, to facilitate meaningful settlement discussions. (See the Case Plans section on page 31.)
4. If a settlement agreement is presented to the Court, it should be provided in writing, using a Short-Term Written Agreement form (See Appendix # 24), which should be accompanied by a Case Plan, whenever possible. If the judge has not read the plan, the key terms should be described in court, in the presence of all the parties.
5. If time does not allow the preparation of a written agreement, the agreement should be described orally on the record in sufficient detail to make the nature and terms of the agreement clear. The agreement should be described in sufficient detail to make the nature and terms of the agreement clear. In presenting the settlement agreement, the parties should identify how the disposition meets the needs of the child, what alternatives have been considered and why the recommended disposition is in the best interests of the child.
6. If the child's custody is transferred for placement, then the parties should detail the reasonable or active efforts that have been made by DHS to avoid the out-of-home placement. The parties should also describe why return of the child to a parent or custodian would be contrary to the welfare of the child.

7. The recommended disposition should also provide for parenting time between the child and parents or legal custodian and sibling visitation, where appropriate.
8. If the child is adjudicated in need of protection or services following a trial and a separate Disposition Hearing is ordered, the parties should present written recommendations for disposition prior to the Disposition Hearing. The recommendations should include all the provisions set forth above.
9. At the hearing, the judge should request comment from the parents, legal custodians and any child of appropriate age and receive their commitment to comply with the requirements of the service plan. If time allows, the Court should review the recommended services to be provided for the parents and child.
10. At the hearing, the judge should invite comment from participants, particularly the foster parents and relatives providing care, who have the most current information regarding the child and a right to be heard.
11. In court, on the record, the judge should state the legal basis for adjudication of the child and identify the specific facts that support the disposition ordered. The Court may identify, by reference, specific written documents which contain the facts which support the findings of best interests of the child, alternative dispositions considered, reasonable or active efforts to avoid out-of-home placement and that return is contrary to the welfare of the child.
12. The County Attorney, or prevailing party, should provide a recommended Disposition Order, as soon as possible and no later than 10 days following the Disposition Hearing. The Order must include all of the findings described above, as well as a finding regarding any acknowledgement by the parents, legal guardian or child regarding the services and requirements of the service plan. It is the goal of the CJI Team to issue orders at the conclusion of the hearing. Any order should be served directly upon the parent(s) or custodian of the child.
13. The Disposition Order, on the record and in writing, shall direct the birth parent(s) to promptly complete and return the Birth Parent Social and Medical History packet provided by DHS.
14. On the record and in the written order, the Court should set a date for a review hearing. When appropriate and in the best interests of the child, review hearings should be held sooner and more frequently than required by statutes and rules.
15. Following the Disposition Hearing, stakeholders who have contact with the parent or legal custodian should assure that they understand the terms of the Disposition Order. Any confusion or lack of understanding must be clarified and, if necessary, an immediate hearing should be requested.

STATUTES AND RULES: Minnesota Statutes (M.S.)
260C.193 – Dispositions; General Provisions
260C.201 – Dispositions; CHIPS
260C.205 – Dispositions; Voluntary Foster Care
Placements

Minnesota Rules of Juvenile Protection Procedure (MRJPP)
Rule 41 – Disposition
Rule 19 – Settlement
Rule 22.02 – Rights of Participants
Rule 37 – Case and Out-of-Home Placement Plans

CHILD’S PERSPECTIVE: A child separated from parents and home will be anxious to return. If services are needed before that can occur, then they should begin as soon as possible. The parents and child should understand the goals and tasks that are set out in the Case Plan. Parents should be provided with a realistic opportunity to succeed. The child should benefit from help to recover from abuse or neglect and to strengthen coping skills. However, meeting with a therapist, another stranger, will be difficult for the child. A primary caretaker, usually the foster parent should be encouraged and assisted to accompany the child. Age-appropriate information should be provided to the child regarding progress toward goals and reunification. If the child remains in the home of his or her parents or legal guardian, the child must have a regular opportunity to communicate with a guardian ad litem and any counsel regarding the progress of the service plan.

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OTTER TAIL COUNTY CHILDREN'S JUSTICE INITIATIVE
BEST PRACTICES GUIDELINES

REVIEW HEARINGS

GOAL: To conduct a meaningful review of progress toward goals identified in the Case Plan, based on accurate and complete information. To identify and adopt all appropriate modifications which will improve the likelihood of timely and successful completion of tasks, and reunification. If reunification is not possible, to begin the process of determining a permanent placement for the child in a timely manner.

BEST PRACTICES:

1. Stakeholders are encouraged to review appropriate chapters and checklists in the Minnesota Judges Juvenile Protection Benchbook prior to a hearing. The Judges Benchbook is available via the Internet at the CJI Web page on the Minnesota Judicial Branch Website at <http://www.mncourts.gov/?page=178>.
2. It is not enough to report to the Court that all parties agree that the previous disposition order should remain in effect. Each review hearing must include a discussion of progress that has been made toward goals, problems or obstacles that remain or have arisen, and a realistic assessment of the further needs of the child and family.
3. To facilitate this discussion, the stakeholders must provide current, accurate and complete information to the Court. Ideally, service providers will provide written reports to the Department of Human Services (DHS) on a schedule set forth in the Referral for Service form. (See Service Provider Referral section on page 37.) This will be best accomplished if the providers schedule their progress reviews and reporting practices to coordinate with the Court's need for information at review hearings. If a lack of funding prevents the service providers from preparing written reports, then the DHS social worker, guardian ad litem (GAL) and any others submitting reports to the Court shall include recent information obtained from the service providers working with the child and family in their periodic reports to the Court. These reports from DHS, GAL and any other parties must be filed and served timely. (See Reports to Court section on page 35.)
4. Behavior issues or conflicts must be identified and fully discussed, to reach a clear understanding by all parties of the judge's expectations. Parents need to know what they must do to avoid losing the permanent custody of their child. When appropriate, the child must understand what is expected of the parents and child in order for the Court to order reunification.
5. If the child is still living in the family home, the judge must address whether removal of the child is or may be required if the service plan is not completed.

6. If the child has been placed outside the home, at each review hearing the judge must address, on the record and in the presence of all, the permanency timelines and the tasks which must be accomplished to allow the return of the child and prevent the filing of a permanency petition.
7. Review hearings should be conducted in an informal manner that encourages open discussion. Sufficient time must be scheduled to allow all parties to be heard in a thorough discussion of all issues. Judges should invite comments from participants, particularly the foster parents and relatives providing care, who have the most current information regarding the child and a right to be heard.
8. Before the hearing is concluded, the Court must schedule the next review hearing. More frequent hearings should be held when appropriate in the best interests of the child. Following the hearing, the judge must issue a written order. The County Attorney is to provide a proposed order as soon as possible and no later than 10 days following the hearing. The order is to include the date and time of the next review hearing. It is the goal of the CJI Team to issue written orders at the conclusion of the hearing.

STATUTES AND RULES: Minnesota Statutes (M.S.)

260C.201, Subdivision 10 – Court Review of Out-of-Home Placements

260C.212, Subdivision 7 – Administrative or Court Review of Placements

Minnesota Rules of Juvenile Protection Procedure (MRJPP)

Rule 22.02 – Rights of Participants

Rule 41.06 – Hearings to Review Disposition

Rule 44 – Review of Voluntary Placement Matters

CHILD’S PERSPECTIVE: Following disposition, the child is living in what seems an endless state of anxiety and anticipation, while still adjusting to life with strangers. All appropriate stakeholders must provide the child with age-appropriate information and support. A review hearing is an opportunity to give the child a chance to be heard and to receive accurate information about the future. The child must be reminded that the focus of the entire proceeding is the best interests of the child.

OTTER TAIL COUNTY CHILDREN'S JUSTICE INITIATIVE
BEST PRACTICES GUIDELINES

TRIAL HOME VISITS

GOAL: To reunify a child with the parent or legal custodian as soon as is reasonable and in a manner consistent with assuring the safety of the child. To maintain legal custody with the Department of Human Services (DHS) to allow close monitoring and prompt action to protect the child.

BEST PRACTICES:

1. DHS will use trial home visits for all reunifications with parents or legal custodians. Any exceptions to this policy will be allowed only after consultation with the Social Services supervisor and the County Attorney (CA). The trial home visit must be approved by the Court and shall not exceed six months in duration.
2. DHS retains legal custody of the child during the trial home visit. The social worker or the guardian ad litem (GAL) may interview the child in the parent's home, childcare, school or other settings without the parent's permission. DHS will continue to have the authority to access information pursuant to Minnesota Statute § 260C.208.
3. DHS will continue to provide appropriate services to the child and family during the trial home visit. The agency will ensure that the social worker or other service provider has contact with the child at least weekly. The GAL shall also have frequent contact with the child. Additionally, DHS social worker will have face-to-face contact with the child a minimum of two times per month during a trial home visit.
4. The social worker and the family will complete a Short-Term Written Agreement (see Appendix # 24) prior to leaving the courthouse following a court order for a trial home visit. The agreement will ensure that the family understands the expectations for assuring the child's safety and well-being, including any specific activities that must be completed. A Case Plan will be completed within 15 days of the child's return home on a trial home visit, and shall be signed by the family, in-home service providers, the GAL, and DHS and shall be filed with the court.
5. The trial home visit may be terminated at any time by DHS to provide for the protection and safety of the child. If there has not been a clear and decisive action or inaction by the parent that warrants an immediate termination of the trial home visit, but there remain concerns for the child's health, safety, and welfare during a trial home visit, the social worker will consult with the Social Services supervisor and CA as soon as possible within 24 hours.

6. When a decision is made to terminate the trial home visit, the child may be removed from the home by DHS. The social worker shall notify the Court and the parties within three days by letter. DHS will prepare a report to the Court and a hearing on the matter shall be held within 10 days. Should a trial home visit be terminated, every effort will be made to return the child to the foster home in which the child resided prior to the trial home visit, or to a relative home, or to another permanency option.

STATUTES AND RULES: Minnesota Statutes (M.S.)
260C.201, Subdivision 1(3) – Disposition; Trial Home Visit

260C.312 (b) – Disposition; Parental Rights Not Terminated

Minnesota Rules of Juvenile Protection Procedure (MRJPP)
Rule 41.06, Subdivision 2 – Disposition Review Procedures; Trial Home Visit

CHILD’S PERSPECTIVE: A child in out-of-home placement is usually eager to return to the familiar surroundings of home and to the child’s primary caregiver. A trial home visit allows an earlier return, subject to conditions and close monitoring. It is critical that the social worker and guardian ad litem maintain frequent contact and open communication with the child to assure the child’s safety and well-being.

OTTER TAIL COUNTY CHILDREN'S JUSTICE INITIATIVE
BEST PRACTICES GUIDELINES

PERMANENCY

GOAL: To provide each child safety and well-being in a permanent home, in a timely manner in accordance with the permanency timelines established in MN Statutes and Rules.

BEST PRACTICES:

1. All stakeholders must be familiar with permanency timelines of Minnesota Statutes and Rules. (See Appendix # 25 and 26.)
2. Parties and participants should be encouraged to provide input throughout the process of implementing the Out-of-Home Placement Plan.
3. Whenever possible, the Department of Human Services (DHS) will place a child in a concurrent planning home.
4. DHS will provide the birth parents with Birth Parent Social and Medical History and Child's Social and Medical History packets at the time of initial placement and ask the parents to complete them as soon as possible and return to DHS. The Judge must order the parents to complete and return the Child's Social and Medical History when ordering continued protective care at an EPC hearing and to complete and return the Birth Parent Social and Medical History upon ordering a transfer of care, custody and control of the child to DHS for foster care or relative placement at the time of disposition. The birth parents should be informed of the confidential or private classification of the medical history information.
5. DHS and the guardian ad litem (GAL) must closely monitor the progress of parents in completing the Out-of-Home Placement Plan, and report accurately to the Court.
6. At each review hearing, the Judge must make specific findings regarding the progress of the parents in completing the Out-of-Home Placement Plan and the efforts made by DHS for reunification.
7. The Judge will identify the date by which a permanency petition must be filed in a Scheduling Order and at each review hearing.
8. Each court report from DHS, the GAL or other party shall list the number of days in out-of-home placement for each child.
9. During the out-of-home placement of a child, DHS and the GAL will immediately and continually evaluate the availability of relatives to provide permanent care for the child.

10. For each eligible child whose permanent placement is adoption and who is placed under the guardianship of the Commissioner of Human Services, an adoption assistance agreement will be completed by the responsible agency as early as possible.
11. DHS and the GAL must determine whether it is in the best interests of the child to enter into a contact agreement between the permanent caregivers and any relatives of the child.
12. DHS will make all possible efforts to place siblings together in an adoptive home. If it is not possible to place siblings together, DHS will obtain written permission from the Commissioner of Human Services to place them in separate homes.

STATUTES AND RULES: Minnesota Statutes (M.S.)

- 260C.201 – Dispositions
- 260C.212 – Children in Placement
- 260C.213 – Concurrent Permanency Planning
- 260C.301 – Termination of Parental Rights

Minnesota Rules of Juvenile Protection Procedure (MRJPP)

- Rule 42 – Permanent Placement Matters
- Rule 43 – Termination of Parental Rights Matters

CHILD’S PERSPECTIVE: Every child benefits from a permanent relationship with a primary caregiver who is committed to loving the child forever, no matter what the child may do. The lack of a permanent caregiver may often harm the child’s emotional development. A child needs everyone’s effort to facilitate reunification, as soon as possible, or to assure a timely and smooth transition to an alternative permanent placement. Therefore, all options should be explored thoroughly from the earliest opportunity and a plan finalized as soon as possible.

OTTER TAIL COUNTY CHILDREN'S JUSTICE INITIATIVE
BEST PRACTICES GUIDELINES

TERMINATION OF PARENTS RIGHTS

GOAL: To provide a safe, stable, permanent home for a child when reasonable or active efforts toward reunification have failed or were not required and when a transfer of permanent custody of the child to a relative is not an appropriate alternative. The best interests of the child must be the paramount consideration.

BEST PRACTICES:

1. Stakeholders are encouraged to review appropriate chapters and checklists in the Minnesota Judges Juvenile Protection Benchbook prior to a hearing. The Judges Benchbook is available via the Internet at the CJI Web page on the Minnesota Judicial Branch Website at <http://www.mncourts.gov/?page=178>.
2. All stakeholders must be familiar with the permanency timelines of Minnesota Statutes and Rules. (See Appendix # 25 and 26.)
3. Any party may file a Petition to Terminate Parental Rights at any point in the child's placement. The Court may order the Department of Human Services (DHS) to file a Petition to Terminate Parental Rights if the Court determines that further efforts to reunify the child and parent or legal custodian should end and that it is in the best interests of the child. A Petition to Terminate Parental Rights must be filed no later than the end of the eleventh month of out-of-home placement of the child.
4. Prior to filing a termination Petition, DHS should consult with appropriate stakeholders involved in the case, including the guardian ad litem (GAL) and service providers.
5. DHS will meet with the County Attorney's (CA) Office to prepare and file a Petition to Terminate Parental Rights.
6. Upon filing of the termination Petition, Court Administration shall promptly schedule an Admit/Deny Hearing on or before the 365th day of out-of-home placement of the child. Court Administration must also confirm the continued appointment of the GAL and counsel for the parents and serve all parties in accordance with the Rules of Juvenile Protection Procedure.
7. When a denial is entered, Court Administration will schedule a trial no later than 90 days from the filing date of the Petition and a Pretrial Hearing not less than 10 days prior to the trial.
8. All stakeholders will comply with the Pre-trial Hearing and Trial Best Practices. (See pages 51 and 53.)

9. If the termination of parental rights is ordered, the child shall be placed under the guardianship of the Commissioner of Human Services for adoptive placement. The order terminating parental rights must also discharge counsel appointed for the parents. The GAL must continue to serve the best interests of the child until adoption is finalized.
10. When the permanency plan is adoption, following the order terminating parental rights the Court must schedule hearings for the purpose of reviewing progress toward adoptive placement of the child at least every 90 days. The judge must conduct these hearings in accordance with the requirements of Rule 43.03, Subdivision 1 of the Rules of Juvenile Protection Procedure.
11. If termination is not ordered, the Court must enter an order in accordance with the alternatives provided in Minnesota Statute § 260C.312. The judge may request and all parties should immediately offer their recommendations for return of the child to the parents or legal custodian for a trial home visit, with protective supervision, or pursuant to other authority of Minnesota Statute § 260C.201; or a party may identify compelling reasons not to return the child to the parents or legal custodian.

STATUTES AND RULES: Minnesota Statutes (M.S.)
260C.301-260C.328 – Termination of Parental Rights

Minnesota Rules of Juvenile Procedure (MRJP)
Rule 33.01, Subdivision 3 – Petition; Termination of
Parental Rights Matters
Rule 42 – Permanent Placement Matters
Rule 43 – Termination of Parental Rights Matters
Rule 39.02, Subdivision 1(c) – Trial; Timing; TPR Matters

CHILD’S PERSPECTIVE: It is in the best interests of every child to have a safe and stable permanent home as soon as possible. When familiar homes of family or relatives are not appropriate, the child must be supported in a transition to the safe and stable home of a stranger. Any delay and uncertainty of a final decision is difficult for and potentially harmful to the child. Open communication of age-appropriate information will help the child endure the anxiety of an uncertain future.

OTTER TAIL COUNTY CHILDREN'S JUSTICE INITIATIVE
BEST PRACTICES GUIDELINES

INDIAN CHILD WELFARE ACT

GOAL: To serve the best interests of each Indian child by complying with the requirements of the Indian Child Welfare Act (ICWA) at every step of the proceedings. This will recognize the fundamental importance of tribal integrity, cultural and social standards and the place of extended family in Indian societies.

BEST PRACTICES:

1. In the investigation or assessment of any report of maltreatment, the Department of Human Services (DHS) worker shall identify whether any child is an American Indian child, by asking the parents or custodian to complete the Identification of Cultural Needs form. (See Appendix # 2.)
2. If DHS initiates a child placement proceeding for an Indian child, by emergency placement or Petition, the agency shall serve an ICWA Notice of Placement Proceeding, upon the Indian child's parent or Indian custodian and the Indian child's tribe. If the tribe or its location is unknown, the notice must be served on the United States Secretary of the Interior. Any notice must be sent by registered mail, return receipt requested, unless personal service is made. A copy of the notice and proof of the service must be filed with the court.
3. If DHS initiates an Indian child placement, the agency shall also make an immediate effort to identify and contact a qualified expert witness for the child's tribe, to present the Court with information regarding the out-of-home placement of the child.
4. If there is reason to believe that the child is an Indian child and the ICWA applies, the Court and all stakeholders shall comply with the ICWA throughout the proceedings, until and unless the tribe informs the Court that the ICWA does not apply or the Court determines that the tribe is unable to or fails to confirm that the child is an Indian child, as defined by the ICWA.
5. At the outset of an ICWA proceeding, the Court shall determine whether the child is a resident of or domiciled on the tribe's reservation, or is a ward of the Tribal Court, in which case the Tribal Court has exclusive jurisdiction.
6. There are too few ICWA cases occurring in Otter Tail County for any stakeholders to remain confident and proficient in complying with the requirements of the ICWA. Therefore, at the outset of any ICWA proceedings, each stakeholder shall review Chapter 34 of the Judges Juvenile Protection

Benchbook, including the Tribal/State Agreement, at <http://www.mncourts.gov/?page=178>.

7. All stakeholders must become familiar with all requirements of the ICWA, including those relating to the ICWA notice; the qualified expert witness; jurisdiction and transfer to Tribal Courts; placement preferences and the enhanced burdens of active efforts and proof beyond a reasonable doubt.

STATUTES AND RULES: United States Code (USC)
25 USC, Sections 1901-1963 – Indian Child Welfare Act

Minnesota Statutes (M.S.)
260.751-260.835 – Minnesota Indian Family Preservation Act

Minnesota Rules of Juvenile Protection Procedure (MRJPP)
Rule 3.03 – Applicability of the Indian Child Welfare Act

CHILD’S PERSPECTIVE: An Indian child benefits from a sense of belonging to a unique set of values, beliefs and practices in the child’s tribe. In most tribes, relationship with the extended family plays a very important role in the life of the child. To recognize the importance to the child of these unique experiences will result in an outcome in the child’s best interests.

OTTER TAIL COUNTY CHILDREN'S JUSTICE INITIATIVE
BEST PRACTICES GUIDELINES

TRUANCY

GOAL: To ensure that each child is attending school and making an effort to succeed. To help each child recognize that a good educational background is necessary to a successful life, and that a student's failure to attend school leads to social and behavioral problems that can be costly. To reduce the impact of these costs to the individual, and to society through expensive social service and criminal justice interventions. To understand that truancy is usually an early sign of other problems, which can include chemical dependency, family relationship problems, learning disabilities, mental health problems or other issues that should be addressed.

BEST PRACTICES:

1. Otter Tail County's Family Service Collaborative has adopted a county-wide K-12 school attendance policy, (see Appendix # 27) and attendance intervention strategies. A flow chart of the steps for implementation of the policy has been developed. (See Appendix # 28.)
2. Schools will monitor and document attendance of all students.
3. School districts will make contact with parents when there is an identified issue of school attendance. A formal letter will be sent by the school district after three unexcused absences. (See Appendix # 29.)
4. If further absences occur following the school's letter, the matter will be referred to the County Attorney's (CA) Office for a letter to the family from the CA. (See Appendix # 30.)
5. If after the CA letter, absences still continue, the school will refer the matter to the Department of Human Services (DHS) to schedule a meeting at the courthouse. The school will ensure attendance by the family and any appropriate agencies already working with the family and the student.
6. If truancy continues following the courthouse meeting, a formal referral will be made to DHS, including the Educational Neglect/Truancy Report Form, (see Appendix # 31) and the intervention strategy form, (see Appendix # 32) documenting activities attempted to deal with the truancy. School records will also be forwarded to DHS.
7. DHS will contact the family to offer services on a voluntary basis.

8. DHS can refer the matter to the CA for a Child in Need of Protection or Services Petition based on seven unexcused absences. DHS will prepare a Case Plan along with the school and the family. If out-of-home placement is to be recommended, the Petition must inform the Court so that counsel and a guardian ad litem (GAL) may be appointed.
9. The school district should be a party to any court proceeding.
10. The school district and DHS should be prepared to report to the Court the interventions attempted and the recommendations for disposition.
11. The first court hearing will be an Admit/Deny (A/D) hearing. A prehearing settlement conference will be scheduled prior to the A/D hearing to allow time for settlement discussions. (See A/D Hearing section on page 47.)
12. The Court should recognize that cases making it through to the Petition process are serious because repeated efforts at intervention have been unsuccessful. The Court should provide appropriate dispositions which address the underlying problems.
13. A successful response to truancy requires a cooperative effort of all parties involved. School districts are primarily responsible for tracking attendance and reporting truancy issues and monitoring follow-through by DHS and the CA. All stakeholders maintain accountability by participating in the Otter Tail Family Services Collaborative Truancy Work Group, which will continue to evaluate and adjust the process of dealing with truanies. Pre-petition activities will be documented through the Truancy Intervention Checklist in order to provide adequate information to the Court. Concerns should be reported to the Collaborative Truancy Work Group. That Work Group should address any concerns regarding court proceedings to the CJI Team.

(See also Items 33 and 34 in Appendix.)

STATUTES AND RULES: Minnesota Statutes (M.S.)

- 120A – Education Code; Compulsory Attendance
- 260A – Truancy
- 260C.007, Subdivision 19 – Habitual Truant – Definition
- 260C.141, Subdivision 3 – Petition; Habitual Truant
- 260C.163, Subdivision 11 – Hearing; Presumptions
Regarding Truancy or
Educational Neglect
- 260C.201, Subdivision 1(b) – Dispositions for Habitual
Truants
- 609.26, Subdivision 1(7) – Causing or Contributing to a
Child Being Habitually Truant

626.556, Subdivision 2(f)(4) – Mandatory Reporting;
Neglect - Failure to Insure
Child's Education

Minnesota Rules of Juvenile Protection Procedure (MRJPP)

Rule 21, Subdivision 2 – Party Status; Habitual Truant –
Child is a Party, School District
May Be a Party.

Rule 25.02, Subdivision 1(b) and Subdivision 2(b) –
Appointment of Counsel; Truancy
Matters – No Right to Counsel in
Truancy Matter Unless Out-of-
Home Placement.

CHILD'S PERSPECTIVE: Each child must receive an adequate education to be more successful in life. A child who is truant because of underlying psychological, social, or physical problems that the family is not correcting, requires help to overcome the obstacles and to appreciate the importance of an education. The sooner attendance issues are corrected, the more likely the child is to achieve educational success.

OTTER TAIL COUNTY CHILDREN'S JUSTICE INITIATIVE
BEST PRACTICES GUIDELINES

CHEMICAL DEPENDENCY ISSUES

GOAL: To recognize and rapidly respond to chemical dependency issues which impact children and families. To obtain assessments of parents or children as soon as possible. To identify treatment and aftercare programs most likely to succeed in establishing sobriety and allowing reunification of the family. To provide realistic information to the Courts and participants regarding chemical dependency.

BEST PRACTICES:

1. Social workers and guardians ad litem should receive training in identifying chemically dependent behaviors in parents and children.
2. Department of Human Services (DHS) social workers should coordinate with chemical dependency (CD) counselors to identify the need for assessments. Workers should provide all available information to the CD counselor as soon as possible and prior to any assessment.
3. DHS and the County Attorney (CA) should identify the need for assessments and request voluntary cooperation whenever possible, prior to the first court hearing.
4. If no agreement is reached, then the CA and DHS should request an assessment at the earliest opportunity, by written motion, as allowed by the Rules of Juvenile Protection Procedure. They should provide affidavits and be prepared to support the request. When appointed, Public Defenders (PD) should represent parents and children in responding to requests for assessment, without undue delay.
5. When requested, CD counselors should attend hearings to answer the questions of the parties and the Court regarding assessments and treatment options.
6. Assessments should be completed prior to finalizing the Case Plan, whenever possible.
7. Any plan for treatment should describe the length of the treatment program and the nature and length of aftercare. The plan should also include funding for treatment.
8. CD counselors should remain knowledgeable as to all current options available for chemical dependency treatment for parents and children.

9. Stakeholders will cooperate to establish a Juvenile Family Treatment Drug Court to provide a court-supervised program of intensive support to assist parents and legal custodians to recover from their chemical abuse which endangers their child.

STATUTES AND RULES:

Minnesota Statutes (M.S.)

260C.157 – Investigation; Physical and Mental Examinations

260C.178, Subdivision 4 – Emergency Removal Hearing; Mental Health Treatment

260C.178, Subdivision 7 – Emergency Removal Hearing; Out-of-Home Placement Plans

260C.201, Subdivision 6 – Disposition; Case Plans

Minnesota Rules of Juvenile Protection Procedure (MRJPP)

Rule 17.04(a) – Discovery; Physical and Mental Examinations

Rule 30.10 – Emergency Protective Care Hearing; Findings and Order

Rule 41.05, Subdivision 2 – Disposition Order; Content

CHILD’S PERSPECTIVE: Children of chemically dependent parents may experience a wide variety of complex psychological and physical stress. Children should be provided services to better understand and cope with the effects of chemical dependency. Chronic chemical dependency issues can be the most difficult to address within the time lines of permanency. Therefore, all parties should work to identify and begin appropriate services as soon as possible. Children should receive age-appropriate information regarding chemical dependency.

OTTER TAIL COUNTY CHILDREN'S JUSTICE INITIATIVE
BEST PRACTICES GUIDELINES

GLOSSARY OF TERMS

GOAL: To help parents, children and other participants unfamiliar with court proceedings to understand some of the legal terms commonly used in child protection proceedings. This should improve their ability to communicate effectively in an effort to reach a resolution.

BEST PRACTICES:

1. The CJI Team should include a standing committee to maintain a glossary of terms and acronyms with definitions or explanations that should assist in the understanding of court proceedings. This should require regular review and amendment to include new terms and adjust for statutory changes. (See Appendix # 35.)
2. The Court Administrator should make copies of the glossary available to parents and child when they arrive for their initial court appearance.
3. Public Defenders and guardians ad litem should confirm that parents and children have received the glossary and answer any questions that may arise.
4. During the initial hearings, either Emergency Protective Care or admit/deny hearing, the judge should confirm that the parties and participants have received a copy of the glossary of terms and invite any questions that may arise at any time during the proceedings.

STATUTES AND RULES: Minnesota Statutes (M.S.)
260C.007 – Definitions

Minnesota Rules of Juvenile Protection Procedure (MRJPP)
Rule 2 – Definitions

CHILD'S PERSPECTIVE: In order to enable a child to participate meaningfully in the court proceeding and to reduce the child's anxiety, it is necessary to communicate in terms that the child can understand. A child will also sense apprehension and anxiety in parents. Therefore, any improvement in the parents' ability to understand and communicate should benefit the child and lead to an earlier resolution, which is also better for the child.

GLOSSARY OF ACRONYMS

1. ADH – Admit/Deny Hearing
2. CA – County Attorney
3. CD – Chemical Dependency
4. CHIPS – Child in Need of Protection or Services
5. CJI – Children’s Justice Initiative
6. DHS – Department of Human Services
7. EPC – Emergency Protective Care
8. GAL – Guardian ad Litem
9. ICWA – Indian Child Welfare Act
10. LE – Law Enforcement
11. OTC – Otter Tail County
12. PD – Public Defender
13. PPD – Permanent Placement Determination
14. TPR – Termination of Parental Rights

OTTER TAIL COUNTY CHILDREN'S JUSTICE INITIATIVE
BEST PRACTICES GUIDELINES

TRAINING

GOAL: To assure that all stakeholders in the child protection system are knowledgeable regarding laws, rules and procedures that apply to CHIPS cases. To provide periodic training in the best practices adopted by the CJI Team and to update and amend the Best Practices Guidelines, as necessary.

BEST PRACTICES:

1. The CJI Team will include a standing committee on training. This committee should include at least one attorney, one social worker, one guardian ad litem, one service provider, and one court administrator.
2. The training committee should review all statute and rule changes as they occur and provide a written summary to all child protection stakeholders. The changes should be discussed with the CJI Team to determine whether they require modification in the Otter Tail County Best Practices Guidelines. If necessary, the training committee should organize stakeholder training sessions to address the changes.
3. Periodically, the training committee should organize an Otter Tail County training program on one or more child protection topics. When appropriate, stakeholders from surrounding counties should be invited to attend. The committee should charge a reasonable fee necessary to cover all costs of the program.
4. The training committee should seek information regarding seminars and conferences relevant to the child protection system, sponsored by national, statewide or other organizations. The committee should publicize the most beneficial programs and encourage appropriate stakeholders to attend. To assist the committee, all stakeholders should notify the training committee of any appropriate seminars or conferences that come to their attention.

STATUTES AND RULES: All statutes requiring mandatory continuing education for stakeholders.

CHILD'S PERSPECTIVE: People who are well trained and knowledgeable should do a better job of relating to the child and the child's family, and work effectively toward resolving issues in a manner that is best for the child.

(REVISED 10/1/2007)

APPENDIX

1. Otter Tail County Practice Guide for the Investigation, Assessment, Charging and Petitioning of Child Maltreatment Cases
2. Otter Tail County Human Services Identification of Cultural Needs
3. Foster Care Checklist
4. Peace Officer's Report of Child Detention
5. EPC Hearing Contact List
6. Otter Tail County Out Of Home Placement Parental Fee/Child Income Recovery Policy
County Fee Schedule
7. Child Protection Petition Referral
8. History of Case At-a-Glance
9. Child Protection Hearings
10. Advisory of Party Rights and Responsibilities
11. Advisory of Participant Rights and Responsibilities
12. Family Assessment Service Plan
13. Minnesota Department of Human Services Out of Home Placement Plan
14. Child Protective Services Plan
15. Concurrent/Permanency Planning
16. Guardian Ad Litem Court Report
17. Referral to Lakeland Mental Health Center
18. Affidavit: Emergency Protective Care
19. Otter Tail County Human Services Initial Placement/Placement Plan Staffing
20. Children's Justice Initiative Case Plan and Report Development and Reviews, Human Services coordination with Guardian Ad Litem in CHIPS Cases

21. Otter Tail County Child Protection Informational Sheet
22. Otter Tail County Human Services Disclosure Form
23. Prehearing Settlement Conference Summary Report
24. Short-Term Written Agreement
25. Child Protection Process Timeline: Removal to Permanency
26. Timing of Judicial Events for Voluntary Out-of-Home Placement When the Child NOT Placed Due Solely to Disability
27. Otter Tail County-Wide K-12 School Attendance Policy
28. Otter Tail County Connects for Youth Program
29. Third Unexcused Absence Letter
30. Otter Tail County Attorney Office letter
31. Otter Tail County Human Services Educational Neglect/Truancy Report Form
32. Attendance – Intervention Strategies
33. Truancy Intervention Hand Guide
34. School Attendance and the Law
35. Glossary of Terms
36. Helpful Websites for Stakeholders Involved in the Child Protection System

OTTER TAIL COUNTY PRACTICE GUIDE
FOR
INVESTIGATION, ASSESSMENT, CHARGING AND PETITIONING
OF
CHILD MALTREATMENT

Third Edition - 2006

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The Otter Tail County Practice Guide was outlined, developed, and written by members of a Task Force comprised of personnel from the County Attorney's office, Otter Tail County Sheriff's Department, Otter Tail County Human Services and the Fergus Falls Police Department in 1995. It was reviewed and revised in 2000.

Those individuals participating in this review and revision of the Practice Guide were:

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Members also wish to recognize the administration of the agencies for assisting in the development of the Practice Guide and to all who will utilize the Practice Guide to gain new knowledge, refresh their memories, reinforce high standards of services being delivered, or stimulate their own new ideas and attitudes on Child Maltreatment Cases and then continue enhancing their skills in working with children and families.

OTTER TAIL COUNTY PRACTICE GUIDE FOR THE
INVESTIGATION, ASSESSMENT, CHARGING AND PETITIONING
OF CHILD MALTREATMENT CASES

Otter Tail County Child Protective Service, Law Enforcement, and County Attorney professionals recognize that no one entity is responsible for the protection of Otter Tail County's children from maltreatment. Therefore, we agree to the following parameters for the handling of child maltreatment cases:

I. APPLICATION: All Otter Tail County Law Enforcement Agencies and County Human Services will work together in respective investigation and Assessment efforts when:

- A. A child maltreatment report alleges a violation of a criminal statute involving neglect, sexual or physical abuse.
- B. A child maltreatment report indicates that a Law Enforcement Officer (hereinafter LE Officer) should be involved to ensure the safety of the child, the Child Protection Social Worker (hereinafter CPSW) or other involved parties.
- C. A joint investigation or assessment is requested by a CPSW or a LE Officer.
- D. A Child Maltreatment Report received on week days between 5:00 p.m. and 8:00 a.m., and those received on weekends and holidays by Dispatch will be referred to the appropriate on duty LE Officer who will take the report, complete the Child Protection Intake Summary and route to appropriate

persons. The CPSW and appropriate LE Officer will determine the safety issues in the home and whether or not the child(ren) may need to be placed.

II. GUIDELINES:

A. The LE Officer or CPSW shall obtain the following information and complete the Child Maltreatment Intake form:

- 1) Basic identifying information.
- 2) Specifics of the abuse incident (who, when, where, nature of any injuries, names of witnesses, etc.)
- 3) Request written reports from mandated reporters (Minnesota Statute 626.556.)
- 4) Previous records.

B. Screening Reports. Otter Tail County Human Services shall screen all reports of maltreatment to determine the need for further assessment/investigation.

An investigation/assessment shall be conducted if the report meets all of the following criteria:

- 1) The allegation in the report constitutes maltreatment as defined in MN Statute 626.556.
- 2) There is sufficient identifying information to locate the child or at least one member of the family unit to permit an assessment/investigation.
- 3) The report contains information that has not previously been received and assessed/investigated by the agency.

(See Screening Criteria, Attachment 4)

- C. Cross-Reporting of Child Maltreatment Allegation: If the maltreatment report is screened in for traditional investigation, the CPSW will either fax or call the LE Agency to coordinate. If the maltreatment report is screened in for a family assessment, the CPSW will fax the report to the appropriate LE agency within 24 hours of the screening decision. The social worker responsible for the family assessment may contact the appropriate LE agency requesting information on prior criminal history or convictions. If the maltreatment report is screened out, the report shall be faxed to the appropriate LE agency within 24 hours of the screening team's decision. If LE receives a report of child maltreatment, the LE agency will complete an intake form and fax to Human Services within 24 hours.
- D. In cases of imminent danger, CPSW and Law Enforcement will notify each other immediately. A child is in "imminent danger" when the "child is threatened with immediate and present maltreatment that is life-threatening or likely to result in abandonment, sexual abuse, or serious physical injury". When the LE Officer receives a report involving danger to the child(ren), LE will call the Intake/Assessment Unit at (218) 998-8150 or CPSW on call if after hours or weekends.
- E. Medical neglect and duties of the local human service agency upon receipt of a report of medical neglect. If the report alleges medical neglect as defined in section 260C.007, subdivision 6, clause (5), the local welfare agency shall, in addition to its other duties under this section, immediately consult with designated hospital staff and with the parents of the infant to verify that

appropriate nutrition, hydration, and medication are being provided; and shall immediately secure an independent medical review of the infant's medical charts and records and, if necessary, seek a court order for an independent medical examination of the infant. If the review or examination leads to a conclusion of medical neglect, the agency shall intervene on behalf of the infant by initiating legal proceedings under section 260C.141 and by filing an expedited motion to prevent the withholding of medically indicated treatment.

F. Child Maltreatment in Schools (MN Statutes 626.556, Subd. 3b). The Department of Children, Families, and Learning is the agency responsible for assessing or investigating allegations of child maltreatment in schools as defined in sections 120A.05, Subd. 9, 11, and 13 and 124D.10 (Elementary, Middle, and High Schools and Charter Schools). Any child protection reports received must be forwarded to the Department of Compliance and Monitoring at the Department of Children, Families, and Learning.

G. Child Maltreatment in Facilities (MN Statutes 626.556, Subd. 3c). The following agencies are the administrative agencies responsible for assessing or investigating reports of alleged child maltreatment in facilities:

1. County Human Services is responsible for assessing or investigating allegations of maltreatment in child foster care, family child care, and legally unlicensed child care and in juvenile correctional facilities licensed under section 241.021 located in the County.
2. DHS is responsible for assessing or investigating allegations of maltreatment in facilities licensed under chapters 245A and 245B, except for child foster care and family childcare.
3. The Department of Health is the agency responsible for assessing or investigating allegations of child maltreatment in

facilities licensed under sections 144.50 to 144.58, and in unlicensed home health care.

III.REPORTS:

- A. The reports shall initially be evaluated at the time they are received to determine the immediacy of Otter Tail County Human Services response to the report. Those reports not needing immediate response shall be screened the next working day at 8:15 am. The local Social Services Agency shall respond to reports of maltreatment within the following timelines:
1. When a report of maltreatment indicates substantial child endangerment, the CPSW shall take action as soon as the report is received to provide for the safety of the child. The CPSW will call the LE Agency that has jurisdiction over the area in which the alleged maltreatment occurred.
 2. When a report of maltreatment alleges infant medical neglect, the local agency shall initiate an investigation as soon as the report is received.(MN Statute 626.556, subd 10c and MN Rule 9560.0218).
 3. When a report is accepted for an investigation and does not indicate a child is in imminent danger, the CPSW shall initiate an investigation and have face to face contact with the family or victim within five calendar days from the point in time the report is determined to have met the statutory definition of child maltreatment and is accepted for a response.
 4. When a report is screened in for a family assessment, Human Services will complete the assessment without LE assistance, unless requested by the

family assessment social worker. LE may screen the report and decide to conduct a criminal investigation.

B. When a report is screened in for an investigation, the assigned LE Officer and CPSW will meet personally, or discuss over the telephone, the strategy for investigation of the child maltreatment allegation.

C. Discussions will occur regularly over the course of this process. Each LE Officer and CPSW will discuss and determine:

1. Circumstances of the child interview and the time and place of the interview.
2. Whether the child is in need of examination by medical or mental health professionals.
3. Whether the child needs emergency medical care considering the child's need for assurance regarding personal safety, the intrusiveness of the examination and the likelihood of whether physical evidence will be obtained.
4. The CPSW plan for protection of the minor household members, including Police Officer Hold for Emergency Detention and how the statutory placement preferences will be followed if the child is removed from home. (See situations suggesting removal of child from home: Appendix 7)
5. The LE Officer's decision regarding whether the suspected perpetrator or the minor household members should be removed immediately from the home.

6. The terms and conditions of alleged perpetrator interview: Who interviews? When? Where? CPSW will need to give the alleged perpetrator an opportunity to be interviewed.
 7. Collateral source information regarding the alleged maltreatment and care of the child. Collateral information may include, (i) a medical examination of the child; (ii) prior medical records relating to the alleged maltreatment or the care of the child and an interview with the treating professionals; and (iii) interviews with the child's caretakers, including the child's parent, guardian, foster parent, child care provider, teachers, counselors, family members, relatives, and other persons who may have knowledge regarding the alleged maltreatment and the care of the child.
 8. The collection and maintenance of any possible physical evidence and audio and video recordings. The LE Officer is responsible for establishing chain of custody.
 9. The procedure for the interview of the non-offending parent to determine whether that parent is able to protect the child.
 10. Whether the matter satisfies the criteria for referral to the County Attorney's Office.
 11. When to notify the child's parent(s) and release data concerning the investigation/assessment.
- D. Investigative Interview of Child Victim: Interviewing children is a process and it must be child-focused, regardless of the method, time or place of the interview. The interview will be based on the child's gender, age and maturity.

The interviewer will attempt to establish a relationship with the child and limit additional trauma to child. The interview process is to reflect the public policy of this State to protect children whose health or welfare may be jeopardized through physical abuse, neglect or sexual abuse.

1. Whenever possible, both the LE Officer and CPSW will coordinate the interview to reduce the possibility of multiple interviews. The CPSW and the LE Officer may decide that the CPSW should interview the child victim. Additional interviews should not take place unless there are articulable reasons to re-interview the child.
2. Interviews of child maltreatment victims will be electronically recorded. If possible, the interview will take place in a child-friendly interviewing room, with video recording activated.
3. Child sexual abuse victims will undergo a medical examination if appropriate. The extent of the examination will be individualized, taking into consideration the nature of the maltreatment and the best interests of the child. If appropriate, the exam will be done immediately for evidentiary purposes and for medical needs of the child. Whenever possible, a pediatrician should conduct the exam.
4. Psychological evaluations, crisis intervention, and/or therapy referrals will be initiated by the CPSW when in the child's best interest.

E. Investigation and Assessment Completion.

1. Whenever possible, the investigation and assessment should be completed within 30 days of the report of maltreatment.

2. The CPSW and LE Officers will be responsible for their respective statutory duties.
3. Upon completion of the investigation and assessment, LE and CPSW will discuss the case and exchange any information obtained independently.
4. The LE Officer will refer the case file to the County Attorney's Office if the officer believes there is probable cause that a crime was committed and the investigation has been completed.
5. The CPSW will refer the matter to the County Attorney's Office if the assessment indicates a need for protective services and voluntary services are inappropriate,
6. For matters that are handled in both criminal and juvenile court, the County Attorney(s) handling the matter(s) will coordinate the cases to alleviate additional trauma to the child victim.

F. Case Consultation.

1. The Otter Tail County Attorney's Office will be available to all CPSW and LE Officers to provide them with legal advice during the course of investigations and assessments. The County Attorney's Office may be contacted after office hours, weekends, and holidays.
2. In situations involving child maltreatment, the CPSW or LE Officer may refer the case for discussion at the local Child Protection Team.

G. Information-sharing.

1. Statutorily-Required Notices Regarding Determinations:

- a. Notification of parent and/or alleged offender – The CPSW will provide the required notices of determination to the child's parent(s) and/or alleged offender within ten days of the completion of an assessment. (Minnesota Statute 626.556 Subpd.10f).
- b. Notification of Reporter – The CPSW shall provide mandated reporters and may provide voluntary reporters (if requested) with notice of the disposition of the report.

H. County Attorney Involvement.

1. CPSW and LE may contact the County Attorney's Office whenever a legal or procedural question arises in an investigation and assessment.
 2. Whenever a CPSW believes an assessment will result in a CHIPS petition, the CPSW will notify the County Attorney's Office as soon as possible regarding the basic facts of the case. The CPSW will forward the CHIPS referral to the County Attorney when the CPSW and the County Attorney agree that a CHIPS petition is appropriate to ensure the safety of the child,
 3. When LE believes an investigation will result in criminal charges or delinquency charges, the CPSW will forward their completed written report to the LE Agency. LE will review all reports and send to the County Attorney's Office.
 4. If the County Attorney declines to prosecute and/or petition a particular case, the decline will be sent to the LE Office and CPSW in writing.
- i. Court Involvement.

1. When a case is charged criminally, the County Attorney will keep the victim and any victim's advocate informed.
2. The County Attorney is responsible for the written notification to victims of decision whether to prosecute and/or file a delinquency petition.

J. Trial and Hearing Considerations.

1. The County Attorney's Office is responsible for notifying the CPSW and/or the LE Officer of the scheduling of criminal proceedings and of their need to attend the hearing.
2. In criminal cases, the County Attorney's Office has the responsibility of notifying the victim of court proceedings and whether their presence is required.

K. Sentencing and Disposition Considerations.

1. The County Attorney is responsible for making sentencing recommendations for convicted offenders. The CPSW and the LE Officer may give input into the process in the form of written or verbal recommendations.
2. The County Attorney has the responsibility of making dispositional recommendations to the Juvenile Court in cases involving delinquency. Again, input may be received from the CPSW or LE worker. In CHIPS cases, Human Services has the primary responsibility for making the dispositional recommendations to the Juvenile Court.

L. Special Considerations.

1. This protocol shall be followed whenever possible. The professional who is unable to follow the protocol shall take actions which follow the spirit of the protocol philosophy. This philosophy is to coordinate the efforts of the LE Officer, CPSW and attorneys to insure the protection of child victims.
 2. Any conflicts arising pursuant to the process outlined in this protocol, other than personnel matters, shall be addressed as follows:
 - a. The conflicting professionals shall meet to discuss the conflict and attempt to resolve it.
 - b. If the issue cannot be resolved after a meeting between the professionals, Agency Supervisors will become involved and the matter will be discussed at a meeting with all involved persons present.
 - c. If steps **A** and **B** do not resolve the issue, the matter shall be submitted to the Department Heads for final disposition.
 - d. Agencies shall ensure the safety and well-being of the family during the conflict resolution process.
- M. Referenced Documents. Attached to this protocol are the following documents to be used as suggested guidelines:
1. Sample Forms
 - Mandated Reporter Form
 - Emergency Placement CJI Best Practices Guideline
 - Affidavit for Emergency Protective Care
 - Child Protection Petition Referral
 2. Otter Tail County Child Protection Assessment Screening Criteria
 3. Interview protocol – Corner House
 4. Guidelines in the exercise of prosecutorial discretion.

5. Peace Officers Hold Information and form.
6. Conditions suggesting the need for an arrest.
7. Egregious Harm Statutory Definition.
8. Statute Numbers –also found at:
<http://www.revisor.leg.state.mn.us/stats/260C/>
Rule Numbers
<http://www.revisor.leg.state.mn.us/arule/index.numeric.html>

The parties to this investigation and assessment protocol hereby agree to its terms.

This protocol is effective upon signing of the protocol by all parties involved.

SIGNATURES:

County Attorney

Dated: _____

Director, Human Service Agency

Dated: _____

Otter Tail County Sheriff

Dated: _____

Chief of Police –

Dated: _____

Chief of Police –

Dated: _____

Chief of Police –

Dated: _____

Chief of Police –

Dated: _____

Chief of Police –

Dated: _____

Chief of Police –

Dated: _____

Chief of Police –

Dated: _____

Chief of Police –

Dated: _____

Chief of Police –

Dated: _____

Chief of Police –

Dated: _____

Chief of Police –

Dated: _____

Chief of Police –

Dated: _____

Chief of Police –

Dated: _____

Otter Tail County Human Services

Identification of Cultural Needs

In order to provide and access culturally appropriate services and resources, please inform our agency of the cultural needs for you and all family members, for whom you are applying for services.

Do you or any family members have special cultural, ethnic, racial, etc. needs for us to consider?

Do you need an Interpreter for Translation?

- Yes
- No

If Yes, What Language? _____ (Intake worker insert information)

Does any family member have American Indian Heritage?

- Yes
- No

If yes, what Tribe (s) _____

American Indian children have a unique legal status that is derived from treaties entered into between the United States government and various tribes. Because this legal status flows through the tribes to the individual member, this is legally a political status. Therefore, it is necessary that you inform our agency if you and /your children may be eligible for Indian Child Welfare Act (ICWA) services as specified in Public Law 95-608.

Once this agency has information that you and/or your child(ren) have American Indian heritage, you and/or your child will be considered an Indian child until it is established with reasonable certainty that there is no possibility of eligibility for tribal membership. You and/or your child(ren) may also qualify for services as determined through ICWA. Otter Tail County Human Services Agency is required to make contact with a Tribal Representative to notify them of our involvement with you and/or your family. The Tribal Representative may contact you and possibly assign someone to begin working with you and/or your family.

Signature - Parent

Date

Signature – Social Worker

Date

FOSTER CARE CHECKLIST

Name: _____ Date: _____

Birth Parent Completes and Returns to Social Worker:**AT TIME OF PLACEMENT: (HAVE PARENT SIGN IMMEDIATELY)**

- _____ Medical Consent (Birth parent completes and signs)
- _____ Parental Authorization (Birth parent completes and signs- give to FP within 5 days of placement)
- _____ Concurrent/Permanency Disclosure Statement (SW completes/parent signs)
- _____ Parental Fee Brochure – County and State Fee and Parental Fee Notice (give to parent)

GIVE TO BIRTH PARENT TO COMPLETE AND RETURN TO THE AGENCY:

- _____ Background and Health History
(Parent completes/ SW GIVES COPY TO FP WITHIN FIVE (5) DAYS OF PLACEMENT)
- _____ Birth Parent Social and Medical History (Parent completes and returns to SW)
- _____ Relative Search Forms
- _____ Social Security Release of Information with cover letter

Social Worker Completes:

- _____ Notice to Placement Worker if using a dual licensed home (SW completes/FP signs)
- _____ Photocopy the Parental Authorization form and give to the Foster Parent within 5 days of placement
- _____ Foster Care Medication Sheets (SW completes/give to FP)
- _____ Student Address/Custody Change Form (SW completes and sends copy to the school)
- _____ Your Rights in Foster Care (give to child if over age 10)
- _____ Brief explanation of the placement packet w/foster parents
- _____ Complete DOC Rating Sheets by first of month – distribute copies to Brad, Michelle and Jane within 30 days
- _____ Give Lifebook to child and briefly explain with foster parent

Foster Parent Completes During Placement:

- _____ Report on Child's Physical Examination (Parent signs/give to FP for physical exam)
- _____ Change of Household Membership if a dual licensed home (Give to SW at time of placement)
- _____ Foster Care Medical Records
- _____ Incident Forms
- _____ Monthly Calendar for visits, appointments, meetings, behaviors, etc.
- _____ Placement Record of Child
- _____ Child Matching Tool (Complete after 30 days of placement)
- _____ Clothing Inventory (Complete at the time of placement)

VOLUNTARY PLACEMENTS:

- _____ Letter to Parents for Voluntary Placement (give to parent if applicable)
- _____ Voluntary Placement Agreement for Non-Indian Child (SW completes/parent signs)

or

- _____ Voluntary Placement Agreement for Indian Child (SW completes/parent signs)

PEACE OFFICER'S REPORT OF CHILD DETENTION

Minnesota Statute 260.165 states that a peace officer may take a child into immediate custody when any of the following conditions exist:

1. When a child has run away from his parent, guardian, or custodian, or when the peace officer reasonably believes such child has run away from his parent, guardian, or custodian; or
2. When a child is found in surroundings or conditions which endanger the child's health or welfare; or
3. By a peace officer or probation or parole officer when it is reasonably believed that the child has violated the terms of his probation, parole, or other field supervision.

To comply with Juvenile Court Rule 52.03, this report shall be filed with the Court on or before the Court day, following placement of the child.

1. Name Of Child: _____ D.O.B. _____
2. Date And Time Of Day The Child Was Taken Into Custody: _____
3. Time The Child Was Delivered For Transportation To The Placement Facility: _____
4. REASONS WHY THE CHILD WAS TAKEN INTO CUSTODY AND PLACED:

5. The peace officer who has taken the child into custody shall advise the child, as soon as possible, the child's parent, guardian, or custodian the reasons why the child has been taken into custody and location of the secure detention or shelter care facility. If there is a reason to believe the child's health and welfare would be immediately endangered by disclosure of the facility's location, reasons to support the nondisclosure must be stated.

Child's parent or guardian has been notified: YES _____ NO _____

Child's Parents: _____

If peace officer will not disclose location of child, reasons for nondisclosure:

The court shall commence a placement hearing within seventy-two (72) hours when the child has been taken into custody and not released. Court shall inform the child, child's counsel, child's guardian as litem, county attorney, and the parent (s), guardian, custodian, and spouse of the child of the time and place at a placement hearing.

Person Accepting Child (Children)

Peace Officer Signature

Phone Number

Department

State of Minnesota
 Otter Tail County

District Court
 Judicial District: Seventh
 Case Type: Juvenile

IN THE MATTER OF THE WELFARE OF THE CHILD(REN) OF
 , Parent(s)

Court File No.

EPC HEARING CONTACT LIST

INSTRUCTIONS: Pursuant to Rule 30.04 of the Rules of Juvenile Protection Procedure, the court administrator or designee is required to file in the court file a list of parties, participants, and attorneys contacted and attempted to be contacted for the EPC Hearing. At the hearing, the list will assist the judge to determine what further efforts must be made to contact any absent individuals to inform them of any future hearings.

	Name and Phone Number of Party or Participant	Contact Status (place an X in the appropriate column)			Date and Time of Contact or Attempt	Name of Person Who Contacted or Attempted Contact	Contact Method (phone, email, mail, fax, in-person)
		Contacted	Attempted, but not completed	Contact Not attempted			
County Attorney	Nicole Hansen						
DHS Rep.							
DHS Caseworker							
GAL Coordinator	BRIAN ANSBERRY						
GAL							
Tribal Rep.	N/a						
Mother							
Atty. for Mother							
Father #1 Step father							
Atty. for Father #1	N/A						
Child #1							
Foster Parent							

OTTER TAIL COUNTY
OUT OF HOME PLACEMENT
PARENTAL FEE/CHILD INCOME RECOVERY POLICY
COUNTY FEE SCHEDULE

Part A - Child Income Recovery Policy

Part B - Parental Fee Policy

Part C - MN Statutes Authorizing Placement Fees/Child Income Recovery

A. Child Income Recovery Policy:

1. The child income recovery is the full amount of his/her unearned income, such as Social Security, SSI, child support, subsidized adoption assistance, trusts, investments, etc. A personal needs allowance will be allowed if the out of home placement is 30 days or longer and the placement is not in family foster care.
2. If child support is being paid for the child in out of home placement by a non-custodial parent, the child support is assigned to Otter Tail County. RSDI and SSI income will be redirected to Otter Tail County for long-term out of home placements.
3. The child income recovery cannot exceed the cost of the service. The child income recovery will be pro-rated for any partial months during an out of home placement.

B. Parental Fee Policy:

1. Individuals or families receiving MFIP, GA or MSA will not be charged a fee. Those receiving Food Stamps or MA may be charged under the fee schedule.
2. The Minnesota Child Support Payment Guidelines, Minnesota Statute 518.551, Subd. 518A.44 will be used to determine the reimbursement obligation, (parental fee).
3. An Information Request Packet will be sent to the parent/s. The requested information will be reviewed by Otter Tail County Human Services staff to assess their parental fee. Upon request, an interview to review their parental fee assessment will be arranged.
4. The County shall calculate the amount of reimbursement pursuant to the Child Support Guidelines. A deduction based on the guidelines will be made for children remaining in the home.

5. The parents have the option of paying a minimum of 25% of the assessed monthly fee if the amount of the fee creates a hardship for the family. The 25% is an agreed upon amount for a payment schedule, but in no way reduces the assessed monthly fee. The assessed fee is only for the month/s that the child/ren is/are placed out of the home. The parental fee will be pro-rated for any partial months during your child/ren's out of home placement.
6. The parental fee is in addition to any child income recovery.
7. The parental fee cannot exceed the cost of the service. The combined parental fee and child income recovery cannot exceed the cost of the service.
8. The parental fee and the child income recovery are in addition to insurance collections.
9. If insurance coverage is applied to the out of home placement costs, then the balance of the non-covered cost is subject to a parental fee, not to exceed the actual out of home placement cost.
10. If it is determined that a client has insurance or other coverage, but declines to allow billings to be made to that policy or coverage, the parental fee will be the full cost of the service. An Assignment of Benefits for Health Coverage form will be provided to the parents.
11. If a child is placed in a facility that is insurance reimbursable and the facility is unable to or will not bill the insurance provider, it is the parent's responsibility to bill the insurance provider or they will be billed for the full cost of the placement.
12. If a family refuses to provide income information, the parental fee will be the full cost of the placement.
13. In addition to the parental fee, the parents are responsible for clothing, including any initial clothing allowance. The parents will be billed for the full amount expended by the County.
14. In addition to the parental fee, medical and dental expenses are the responsibility of the parents, pursuant to the Minnesota Social Services Manual. The parents will be billed for the full amount expended by the County.
15. Transportation for home visits is the responsibility of the parents.
16. The parents are responsible for notifying Otter Tail County Human Services of any changes in their income, address or household size.

C. MN Statutes Authorizing Placement Parental Fees/Child Income Recovery's:

1. Parents of children receiving services through the Children's Mental Health Unit who have been placed out of their home will be assessed a parental fee in accordance with MN Statutes 252.27, 256M.60, 373.41 or 393.12 using the State Fee Schedule.
2. Parents of children receiving services through Court Services who have been placed out of their home will be assessed a parental fee in accordance with MN Statutes 256M.60, 260B.331, 373.41 or 393.12 using the County Fee Schedule.
3. Parents of children receiving services through Human Services who have been placed out of their home will be assessed a parental fee in accordance with MN Statutes 256M.60, 260C.331, 373.41 or 393.12 using the County Fee Schedule.

CHILD PROTECTION PETITION REFERRAL

Child's Name	DOB	Gender	Race	ICWA (Y/N)
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Address: _____

Other children living in home? Yes No
If yes, will the child(ren) be subject of petitions? _____

Child's Mother: _____ DOB: _____

Address: _____ Race: _____

Employed? Yes No Employer's Name: _____

Home telephone number: _____ Work telephone: _____
Other numbers where mother can be reached? _____
 Party Participant

Child's Father: _____ DOB: _____

Address: _____ Race: _____

Employed? Yes No Employer's Name: _____

Home telephone number: _____ Work telephone: _____
Other numbers where mother can be reached? _____
 Party Participant

Who (is)(are) custodians? _____

Relationship: _____

Legal: _____ Physical: _____

Are there Court Orders Re: custody/visitation? Yes No

Other adults living in household? Name: _____

Relationship to child: _____

Child's Current Placement:

Name of Facility: _____

Address: _____

Telephone #: _____

Has child been in prior out of home placements by Court Order? Yes No

Dates of prior placements: from _____ to _____

Name of current Assessment Child Protection Specialist: _____
Telephone # of Assessment Worker: _____
Name of assigned ongoing Child Protection Specialist: _____
Telephone # of Ongoing Worker: _____

Name and Addresses of Participants to the Petition:

The child's Indian custodian and Indian tribe through the tribal representative:

Grandparents with whom child has lived within preceding 2 years:

Relatives providing care for the child and other relatives who request notice:

Current foster parents and persons proposed as long-term foster care parents:

Step-parents with whom child has lived within preceding two years:

Other persons deemed by Court to be important to resolution in child's best interests:

NARRATIVE BOX: *(Summary of events; why child can't return home)*

Attach: Relevant Police Reports; Hold Orders; relevant case notes.

In the Matter of the Welfare of the Child(ren) of

, Parent(s)

Court File No.

, Parent(s)

Court File No.

, Parent(s)

Court File No.

History of Case At-a-Glance

Assigned to: _____ Related cases: None known See attached TCIS search screens.

Status	Name	Attorney	Service	Date Served	Advisory
Participant	Child #1 DOB:				
Participant	Child #2 DOB:				
Participant	Child #3 DOB:				
Party	Co.Attorney				
Party	Mother				
	Father				
	Father				
	GAL				
	DHS Wkr				

DATE	ACTIVITY
	Child removed from home by law enforcement
	Child ordered into placement by Court
	Petition filed with Court (Rule 33) and served (Rule 32.02,subd. 5(a))
	Emergency Protective Care Hearing (Rule 30)
	Admit/Deny Hearing (Rule 34)
	Scheduling Order Issued (Rule 6)
	Case Plan Filed with Court (Rule 37)
	Case Plan Approved by Court (Rule 370)
	CHIPS Pre-Trial Conference (Rule 36)
	CHIPS Trial (Rule 39)
	CHIPS Findings/Adjudication (Rule 40)
	CHIPS Disposition Order (Rule 41)
	First Disposition Review Hearing (Rule 41.06)
	Second Disposition Review Hearing (Rule 41.06)
	Third Disposition Review Hearing (Rule 41.06)
	Fourth Disposition Review Hearing (Rule 41.06)
	Permanent Placement Petition filed (Rule 33) and served (Rule 32.02, subd. 5(b))
	Permanent Placement Determination Hearing (Rule 42)
	Post-Permanency Review Hearing (Rule 42.05, subd. 2 and 43.03)
	Post-Permanency Review Hearing (Rule 42.05, subd. 2 and 43.03)
	Post-Permanency Review Hearing (Rule 42.05, subd. 2 and 43.03)

CHILD PROTECTION HEARINGS

Revised 10-1-2007

Emergency Protective Care Hearings:

Tuesday afternoons (on master calendar) at 1:30 p.m.

Thursday mornings (on master calendar) at 11:00 a.m.

- o Emergency Protective Care Hearings must be held within 72 hours of the children being placed out-of-home by a peace officer. The 72 hours begins at midnight of the day that the children are removed and it excludes weekends and holidays.

Prehearing Settlement Conference/Admit Deny Hearings:

Wednesday afternoons (on master calendar):

1:30 p.m. Prehearing Settlement Conference (Parties & participants will meet in a designated location without the judge present.)

2:30p.m. Admit/Deny Hearing (Held in Courtroom before Judge.)

Friday mornings (on individual calendar):

8:30 a.m. Prehearing Settlement Conference (All parties & participants will meet in a designated location without the judge present.)

9:30 a.m. Admit/Deny Hearing (Held in Courtroom before Judge.)

Prehearing Settlement Conference/Pretrials:

Thursday mornings (on master calendar)

9:30 a.m. Prehearing Settlement Conference (All parties & participants will meet in a designated location without the judge present.)

10:30 a.m. Pretrial Hearing (Held in Courtroom before Judge.)

90 Day Review Hearings/Pretrials/6 Month Disposition Review Hearings:

Wednesday afternoons (3:00 – 3:30 p.m.)

(These hearings will be scheduled on master calendar.)

Friday mornings (10:00 – 10:30 a.m.)

(These hearings will be scheduled on the Judge's individual calendar.)

Court Trials:

Court Trials will be set on the assigned Judge's individual calendar on Tuesday mornings at 9:00 a.m. There are normally several jury and/or court trials scheduled to commence on the same date and time. Chips cases are given number one priority to ensure they are heard within the mandatory time lines.

MASTER CALENDAR FORMAT: Hearings that are scheduled during this week are primarily for cases that have *not* been assigned to the Judge.

INDIVIDUAL CALENDAR FORMAT 1 & 2: Hearings that are scheduled during these weeks are for cases that have been assigned to the Judge.

Advisory of Party Rights and Responsibilities

To: **Each Party to this Juvenile Protection Matter**
Counsel to Each Party Involved in this Juvenile Protection Matter

Who is a Party:

You have been identified as a party to this Juvenile Protection Matter pursuant to Rule 21 of the Rules of Juvenile Protection Procedure. Parties are persons whose attendance at hearings is required by the Court. Parties include the following individuals who are either related to the child or who are not be related to the child but who may have information about the child or family that may be important to the Court:

- a. The child's guardian ad litem;
- b. The child's legal custodian;
- c. In the case of an Indian child, the child's Indian custodian and Indian tribe through the tribal representative;
- d. The petitioner;
- e. Any person who intervenes as a party pursuant to Rule 23;
- f. Any person who is joined as a party pursuant to Rule 24; and
- g. Any other person who is deemed by the court to be important to a resolution that is in the best interests of the child.

Your Rights:

As a party to this Juvenile Protection Matter you have the following rights:

1. To receive a copy of the Petition regarding this Juvenile Protection Matter.
2. To receive notice of all hearings (only if you keep the court administrator informed of your address).
3. To be represented by an attorney. If you are the child, the child's parent, the child's legal custodian, the child's Indian custodian, or the child's guardian ad litem, under certain circumstances permitted by statute and court rule, the Court may appoint an attorney to represent you if the Court determines that you qualify financially and that such appointment is appropriate. The Court may order a parent or legal custodian to reimburse some or all of such attorney's fees.
4. To be present at all hearings, unless excluded by the Court.
5. To conduct discovery (receive copies of your social services file and other records).
6. To bring motions before the court.
7. To participate in settlement discussions and agreements.
8. To subpoena witnesses to testify on your behalf.
9. To make argument in support of or against the petition.
10. To present evidence.
11. To examine and cross-examine witnesses.
12. To request review of the referee's findings and recommended order, if your case is heard by a referee.
13. To ask the court to review its disposition upon a showing of a substantial change of circumstances or that the previous disposition was inappropriate.
14. To bring post-trial motions.
15. To appeal from final orders of the court.
16. To assert any other rights as set forth in statute or rule.

I have read and understand these rights.

Dated: _____

Your Responsibilities:

 Party

It is the responsibility of each party to provide any change of address to the court administrator at:

COURT ADMINISTRATOR, 121 West Junius Avenue – Suite 310, Fergus Falls, Minnesota.

When writing to the Court Administrator, please be sure to include your name and the court file number stated on the attached Summons.

Questions:

Questions about your rights and responsibilities can be addressed to a lawyer or to the Court at the time of any hearing.

Advisory of Participant Rights and Responsibilities

To: Each Person Identified as a Participant to this Juvenile Protection Matter

Who is a Participant:

You have been identified as a participant to this Juvenile Protection Matter pursuant to Rule 22 of the Rules of Juvenile Protection Procedure. Participants include the following individuals who are either related to the child or who are not be related to the child but who may have information about the child or family that may be important to the Court:

- a. The child who is the subject of this Juvenile Protection Matter;
- b. Any parent who is not the child's legal custodian and any alleged, adjudicated, or presumed father of the child;
- c. Grandparents with whom the child has lived within the two (2) years preceding the filing of the petition;
- d. Relatives or other persons providing care for the child and other relatives who request notice of hearings relating;
- e. Current foster parents and persons proposed as long-term foster parents;
- f. The spouse of the child, if any;
- g. The responsible social services agency, when the responsible social services agency is not the petitioner;
- h. Any guardian ad litem for the child's legal custodian; and
- i. Any other person who is determined by the court to be important to a resolution that is in the best interests of the child.

Your Rights as a Participant:

As a participant to this Juvenile Protection Matter, you have the following rights:

1. To receive a copy of the Petition regarding this Juvenile Protection Matter.
2. To receive notice of all hearings (only if you keep the court administrator informed of your address).
3. To attend all hearings, unless excluded by the court.
4. To offer information about the case, if the court asks you to offer such information.
5. To be heard in any hearing regarding the child if you request and if you are the child's foster parent, preadoptive parent, relative providing care for the child, or a relative to whom the social services agency proposes to transfer permanent legal and physical custody of the child. Any other relative may also request an opportunity to be heard, but the court is not required to grant your request. A foster parent, preadoptive parent, relative providing care, or other relative need not be made a party to the matter before asking to be heard.
6. To intervene as a party to the case if you are (to intervene as a party, you must file certain papers which are available from the court administrator):
 - the child who is the subject of this proceeding, or
 - the child's parent, or
 - the child's grandparent and the child has lived with you at any time during the two years prior to the filing of the petition in this matter.
7. To assert any other rights as set forth in statute or rule.

Your Responsibilities as a Participant:

It is the responsibility of each participant to provide any change of address to the court administrator at: 121 West Junius Avenue – Suite 310, Fergus Falls, Minnesota 56537. When writing to the Court Administrator, please be sure to include your name and the court file number stated on the attached Notice.

Questions:

Questions about your rights and responsibilities can be addressed to a lawyer or to the court at the time of any hearing.

I have read and understand these rights.

Dated:

Participant

FAMILY ASSESSMENT SERVICE PLAN

«Family Name:

County Case #:

Plan Dates:

Next Review Date: / /

Worker Name:

Worker Phone:

»

Persons Involved In Plan

Name	DOB	Home Phone	Work Phone

What are the child safety concerns (if any)?What are the family's strengths, resources and supports that can contribute to child safety?What are the family needs that relate to child safety and family well being?What do we want to happen (goals)?

Goal 1.

Goal 2.

What are the steps we will take to make this happen (services)?

THE SIGNATURE PAGE FOLLOWS THIS PAGE

Signatures: I understand and have helped develop this plan. I have been given a copy.:

« SIGNATURE	DATE	This plan was explained to me.	I received a copy of this plan.»
«Parent: Comments:		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Parent: Comments:		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No »
«Step parent, if applicable: Comments:		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No »
«Legal Guardian: Comments:		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No »
«Tribal Representative: Comments:		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No »
«Other: Comments:		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Other: Comments:		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Other: Comments:		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No »
«Social Worker: Comments:		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
«Supervisor: Comments:		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No »

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**Minnesota Department of Human Services
Out of Home Placement Plan**

Name:	Length of time in foster care:
This plan starts on:	Current placement:
Age:	Permanency Plan:
Birthdate:	Permanency Hearing due by: / /
ICWA: <input type="checkbox"/> Yes <input type="checkbox"/> No	Concurrent Permanency Plan:

Family Information

Parent:	DOB:	Age:
Address:	Phone:	
Parent:	DOB:	Age:
Address:	Phone:	
Legal Guardian:	DOB:	Age:
Address:	Phone:	
Sibling:	In Placement:	

Placement

WHY WAS THIS CHILD PLACED IN FOSTER CARE?

LIST THE ACTIVE / REASONABLE (SELECT ONE) EFFORTS TO PREVENT THIS PLACEMENT.

Family strengths have been identified and used to develop this plan.

SELECT THE REASONS THIS FOSTER HOME OR FACILITY WAS CHOSEN, THIS FACILITY CAN MEET:

- Child's current functioning and behaviors. Describe:
- Child's medical, educational and developmental needs. Describe:
- Child's history and past experience. Describe:
- Child's religious and cultural needs. Describe:
- Child's connections with community, school and church. Describe:
- Child's interest and talents. Describe:
- Child's relationship to current caregiver, parents, siblings and relatives. Describe:
- Child's preference, when appropriate. Describe:
- Child's needs for least restrictive, most family-like setting. Describe:
- Child's need for close proximity to child's reunification home and school. Describe:

TASKS TO PROVIDE FOR THE CHILD'S SAFETY, PERMANENCY AND WELL-BEING:

TASKS FOR SAFETY:

1. Risk to child:
Task:
2. Risk to child:
Task:

TASKS FOR PERMANENCY:

1. Task:
2. Task:

TASK FOR THE WELL-BEING NEEDS OF THE CHILD:

1. Task:
2. Task:

Tasks for all parents when their child is in out-of-home placement:

1. Visit your children as ordered by the court or as described by the visitation plan. Being on time is important to your child. Let your social worker know if you cannot be at the visit.
2. Sign releases to allow the agency to share information about your case or family with persons or agency providing services to help you complete your plan.
3. Visit with your social worker to review your progress on this plan.
4. Participate and complete the agreed upon or court order tasks of this plan.
5. Attend court hearings and meetings to plan for your child's permanency.

WE COULD NOT AGREE ON THESE SERVICES?

WAS THE CHILD PLACED WITH SIBLINGS? Yes No

IF NOT, WHAT EFFORTS ARE BEING MADE TO PLACE THE CHILD WITH SIBLINGS?

Visitation/Contact Plan

Visitation plan for:	Frequency	Supervised? If yes, identify the supervisor	Location	Transportation arrangements
Parent				
Parent				
Siblings				
Grandparent				
Kin/other relative				

Other consideration about visitation:

Plan Development:

This plan will be reviewed on ___/___/___

(Social Worker) met with (Enter parents) on ___/___/___ to jointly make this plan. In the development of this plan, (Social Worker) consulted with:

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Signature page follows this page.

SIGNATURE	DATE	This plan was explained to me.	I received a copy of this plan.
Child: Comments:		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Parent: Comments:		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Parent: Comments:		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Step parent, if applicable: Comments:		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Legal Guardian: Comments:		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Foster Parent/Facility: Comments:		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Foster Parent/Facility: Comments:		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Guardian Ad Litem: Comments:		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Tribal Representative: Comments:		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Other: Comments:		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Social Worker: Comments:		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Supervisor: Comments:		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

*Out-of-Home Placement Plan
Health and Education Plan/Record*

Medical

Physician:
Primary:
Address:

Clinic:
Phone:

Allergies / Medical Problems:
Medications:

PLAN TO ADDRESS HEALTH NEEDS:

Last date seen by a physician:
Last Child & Teen Check up:

AGENCY HAS A COPY OF THE CHILD'S IMMUNIZATION RECORD Yes No
WAS THE CHILD'S IMMUNIZATION RECORD PROVIDED TO THE FOSTER
PARENT/FACILITY? Yes No

If yes, to:

Date: ___/___/___

If no, reason:

Other health providers:

Name:
Clinic:
Address:

Field:
Phone:

Name:
Clinic:
Address:

Field:
Phone:

Dental Information:

Dentist:
Address:

Clinic:
Phone:

Special dental needs:

PLAN TO ADDRESS DENTAL NEEDS:

School

PREVIOUS SCHOOL ATTENDED:

Current School:

Current grade:

AGENCY HAS A COPY OF RELEVANT SCHOOL RECORDS: Yes No

SPECIAL EDUCATION NEEDS:

HOW ARE THE SPECIAL EDUCATION NEEDS ADDRESSED?

Independent Living Plan

Name:

Social worker:

EMPLOYMENT AND CAREER PLAN:

TRANSPORTATION AND DRIVER'S LICENSE PLAN:

MONEY MANAGEMENT PLAN:

SOCIAL AND RECREATION SKILLS PLAN:

HOUSING PLAN:

HEALTH CARE AND MEDICAL COVERAGE PLAN:

EDUCATIONAL AND VOCATIONAL PLAN:

ESTABLISHING & MAINTAINING CONNECTIONS WITH FAMILY AND COMMUNITY PLAN:

BUDGET: ITEMIZE EXPENDITURES ANTICIPATED IN COMPLETING THE
INDEPENDENTTT LIVING PLAN:

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CHILD PROTECTIVE SERVICES PLAN

Family Name:
 Plan Dates: ___/___/___ - ___/___/___
 Worker Name:

County Case #:
 Next Review Date: ___/___/___
 Worker Phone:

Persons Involved in Plan:

Name	DOB	Home Phone	Work Phone

[Social worker] met with[parent(s)] on ___/___/___ to make this plan.

Reasons protective services are needed. Including the risk and safety factors for the child:

List family strengths:

List family needs:

Additional needs expressed by the family:

Needs Expressed by Agency

What are the goals of this plan?

Goal 1 is safety. Child is protected from harm. Child is safely maintained in his/her home.

What needs to happen in order for safety to be achieved?

What do we need to do to achieve safety?

When will we review the progress of this goal?

Goal 2 is permanency. Child is living in a permanent and stable situation.

What needs to happen in order for permanency to be achieved?

What do we need to do to achieve permanency?

When will we review the progress of this goal?

Goal 3 is well-being. Child's family will have improved ability to provide for their child's needs.

What needs to happen in order for child's well-being to be achieved?

What do we need to do improve the child's well-being?

When will we review the progress of this goal?

Are there other educational, physical or mental health needs of any child in the home related to the reason for the child protection services? Yes No

Describe:

We could not agree on these services:

What will happen if behaviors do not change to reduce the risk of abuse or neglect?

THE SIGNATURE PAGE FOLLOWS THIS PAGE

Signatures:

SIGNATURE	DATE	This plan was explained to me.	I received a copy of this plan.
Parent: Comments:		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Parent: Comments:		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Step parent, if applicable: Comments:		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Child: Comments:		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Child: Comments:		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Child: Comments:		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Legal Guardian: Comments:		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Guardian Ad Litem: Comments:		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Tribal Representative: Comments:		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Other: Comments:		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Other: Comments:		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Social Worker: Comments:		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Supervisor: Comments:		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

Comments:			
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CONCURRENT/PERMANENCY PLANNING

OTTER TAIL COUNTY SOCIAL SERVICES

A full disclosure statement about concurrent/permanency
Planning for parents of children in foster care.

PURPOSE: The purpose of this Full Disclosure Statement is to provide parents of children placed in foster care through a child protection matter information about the possible consequences of the child(ren) remaining in foster care.

CHILDREN SUBJECT TO MANDATORY CONCURRENT/PERMANENCY PLANNING:

If your child is in foster care because of a child protection matter pursuant to a court order and your child is under the age of 8 years, Otter Tail County Social Services is required by law to initiate concurrent/permanency planning for your child.

NAMES OF YOUR CHILDREN SUBJECT TO CONCURRENT/PERMANENCY PLANNING:

1. _____
2. _____
3. _____
4. _____
5. _____

WHAT IS CONCURRENT/PERMANENCY PLANNING?

Concurrent Permanency Planning is the development of two separate plans. One plan outlines the development and delivery of services to the parents and child that will allow the child to safely return home with a reasonable likelihood of staying there for the foreseeable future. A second plan is developed at the same time, which will provide for the most appropriate legal permanent home for the child away from the parent if the reunification plan is not possible.

PLAN ONE: REUNIFICATION

Otter Tail County Social Services is interested in working with you as a parent to correct the conditions which led to your child being placed in foster care. We will make reasonable efforts to work with you in correcting those conditions so that your child may be returned to your care. We offer you the opportunity to partner with us to plan and try to change the circumstances, conditions or behavior that you must change so your child can be safely returned to your care. We can develop a plan together and present it to the judge for approval.

PLAN TWO: PERMANENCY AWAY FROM YOUR CUSTODY

For parents who do not make the necessary changes to allow their child to return home, we are legally required to develop an alternate plan for where your child will go if return to you is not possible. This plan can also be developed with your help. We would like your input regarding a possible permanent care provider or family for your child. We are interested in talking with you about

relatives or important people in your child's life who care about your child and might be willing to offer a permanent home. If a relative or important person in your child's life cannot be identified early on in the plan, a concurrent permanency planning family will be sought for the placement of your child.

PERMANENCY TIMELINES FOR YOUR CHILD(REN)'S PLACEMENT:

- for children under the age of 8, you have 6 months to improve the conditions in your home which led to your child(ren) being removed.
- for children 8 and over, you have 12 months to improve these conditions.

AVAILABLE SERVICES:

Many services are available to help you correct the conditions which led to your child being placed in foster care. Some of those services include: chemical dependency treatment, individual or family counseling, anger management programs, parenting programs, psychological evaluations, supervised visitation, parent mentor programs, and family based services. **This is not a complete list of services. Otter Tail County Social Services welcomes suggestions from you regarding services you believe would be helpful to you.**

PERMANENCY OUTCOMES:

The following are the possible permanency options available if your child is under the age of eight years:

1. Reunification with custodial parent (you).
2. A transfer of legal and physical custody to a relative or important friend of your child.
3. Termination of your parental rights, with your child being placed for adoption.
4. If the child has a sibling age 12 years or older who is placed permanently in foster care, your child may also be placed permanently in foster care.

Your signature tells us that you have had the information in this Disclosure Statement shared with you.

_____	_____	_____	_____
Parent	Date	Parent	Date
_____	_____	_____	_____
Social Worker	Date	Other	Date

State of Minnesota
Judicial District: SEVENTH:

District Court
(Input County)

Court File Number(s):
Case Type:

**GUARDIAN AD LITEM
COURT REPORT**

In the Matter of the Child of:
(court file heading)

DATE OF REPORT: (Input date)

DATE/TYPE OF HEARING: (Input date of hearing)

GUARDIAN AD LITEM APPOINTMENT

On _____, 2004, the undersigned was appointed as the guardian ad litem for the child(ren).

IDENTIFYING INFORMATION:

Mother :

Father:

Child(ren):

Legal Custodian: (if in custody of DHS or other third party)

OUT -OF-HOME PLACEMENT INFORMATION:

The child is in court-ordered out-of-home placement:

Total number of days child has been in court-ordered out-of-placement:

Date by which permanent placement determination hearing must be commenced:

INDIAN CHILD WELFARE ACT:

The Indian Child Welfare Act applies in this case:

REASON FOR COURT INVOLVEMENT:

COURT INVOLVEMENT:

Date File No. Event

CONTACT WITH CHILD:

Date Child Contacted Type of Contact

PERSONS AND OTHER RESOURCES CONTACTED SINCE LAST HEARING:

Date Person or Resource Contacted Title or Agency Name

DOCUMENTS REVIEWED SINCE LAST HEARING;

Date of Document Document type/title

RELATIVE SEARCH:

(Input County Name) County Human Services has conducted a relative search regarding the child(ren) in this case:

The following information is available about relatives available to serve as resources for the child and family:

SUMMARY OF OBSERVATIONS:

Child(ren):

Background:

AREAS OF CONCERN:

RECOMMENDATIONS:

Based upon contact with the child, contact with others, and review of documents since the date of the last hearing, and based upon all files and records related to this matter, the best interest of the child will be served if the Court adopts the following recommendations:

AMENDMENT OF REPORT:

As permitted under Rule 38.05, subd.1. of the Rules of Juvenile Protection Procedure, the guardian ad litem reserves the right to amend and/or supplement this report as deemed necessary or appropriate by the guardian ad litem. Such amendment or supplementation may be done through a written addendum if time permits or, if time does not permit, orally at the time of the hearing.

OBJECTION TO REPORT:

Pursuant to Rule 38.05, subd. 4. of the Juvenile Protection Procedure, any party who objects to the contents or recommendations of this report may submit to the court and other parties a written objection either before or at the hearing at which the report is to be considered. Such objection shall include a statement certifying the contents of the objection as true based upon personal observation, first-hand knowledge, or information and belief. An objection may be stated on the record as long as the Court gives the guardian ad litem a reasonable opportunity to respond to the objection.

By signing this report I certify that the content is true and correct based upon personal observation, first-hand knowledge, or information and belief.

Dated: _____
_____ (your name) Guardian ad Litem

Cc: (list all people who are served or provided with copy of the report)

REFERRAL TO LAKELAND MENTAL HEALTH CENTER

Person Referring: _____ Date: _____
Phone #: _____
Evaluation is needed by referring person no later than _____
(Date)

Name: _____ DOB: _____
Address: _____
Phone #(s): _____

(Complete Parent/Foster Parent information only if person referred is a minor.)

Parent Name: _____ Foster Parent: _____
Address: _____ Address: _____
Phone #(s): _____ Phone #(s): _____

Person with legal custody: _____

Primary spoken language: _____ English Other: _____

Chief Complaint/Reason for Referral: _____

Type of Evaluation Requested: (Check all assessments needed.)

- Psychiatric Assessment
Competency Assessment
IQ Assessment only
Diagnostic (Mental Health) Assessment
Psychological Assessment
Personality Anger IQ
Parental Capacity
Parenting Skills
Parent-Child Observation
5-Axis Diagnosis

Brief History: _____

Issues/Questions to be Answered: _____

Release of Information: Enclosed Not Enclosed
Child Protection Assessment: Enclosed Not Enclosed
*One for each client referred.

10/06

STATE OF MINNESOTA
COUNTY OF OTTER TAIL

DISTRICT COURT
SEVENTH JUDICIAL DISTRICT

COURT FILE NO:

In The Matter of the Welfare of
the Children of:

Parent Name

AFFIDAVIT: EMERGENCY PROTECTIVE CARE

Parent Name

STATE OF MINNESOTA)
) s.s
COUNTY OF OTTER TAIL)

I, affiant, _____, being duly sworn on oath, deposes and states the following:

1. Affiant is a Child Protection Specialist with the Otter Tail County Department of Human Services.
2. That reasonable efforts (for an Indian child active efforts) were made to use appropriate and available services to meet the needs of the child and the child's family in order to prevent or eliminate the need of removal of the child from the family. *(This section is not required when a termination of parental rights petition has been filed stating a prima facie case, child is abandoned infant, child has been subjected to egregious harm, parents' custodial rights to another child have been voluntarily transferred to another relative, or parental rights to a sibling have been involuntarily terminated.)*
 - No involvement
 - No current involvement, but previous involvement
 - Current involvement

(A) Services that are currently appropriate and available to this family, including culturally appropriate:

(B) Services that were offered to the family: *(previous services)*

(C) Services that are being used by this family: *(anything that the family is doing)*

(D) Services the Court could order that would allow the child to safely return home:
(ex.: Order for one parent to leave the house, cleaning up the house, psychological evaluations, chemical dependency evaluations)

3. A responsible relative or other responsible adult is available to provide services or to serve as a placement option when licensed.
4. The placement proposed is the least restrictive and most home-like setting and meets the needs of the child.
5. That restraining order or orders expelling an allegedly abusive parent from the home are necessary.
6. That a Court Order is needed for an examination, evaluation, or other immediate services.
 - A. Court ordered services for the child: *(The child's current functioning and behaviors; medical, educational, and developmental needs of the child, and other needs of the child.)*
 - B. Court ordered services for the family. *(Child(ren) clothing.)*
7. That the terms and conditions for parental visitation should be as follows:
8. The financial support is needed for the child. Parent will comply with Child Support/Collections and Parental Fee Assessment.

Parents will provide their child(ren)'s clothing, and requested personal effects.

9. The continuation of (child) _____ living in the home of (parent) _____ is contrary to the welfare and best interests of the child, for the reasons set forth above and because of the following: *(abuse, current conditions for petition)*
 - Refer to paragraph #3 of the CHIPS petition.
10. Best Interest of Child is being met by the following:
 - (1) The child's current functioning and behaviors;
 - (2) The medical, educational and developmental needs of the child;
 - (3) The child's history and past experience;

- (4) The child's religious and cultural needs;
- (5) The child's connection with a community, school, and church;
- (6) The child's interests and talents;
- (7) The child's relationship to current caretakers, parents, siblings, and relatives.

Signed and sworn to before me, this
_____ day of _____, 20 ____.

Notary Public

Otter Tail County Human Services
Initial Placement/Placement Plan Staffing

Purpose- To ensure that all parties have input and a working understanding of nature of placement, the expectations, individual roles and overall goals. And to also provide vital information to minimize the occurrence of potential problems and to foster a working team approach.

When

- Within 20 days of placement.

Who to Invite

- Required: Parents, Foster Parents, Guardian ad Litem, Licensing Worker for the Foster Home, In-Home Provider(if one), Any other person the child resided with in the last year or any other County Social Worker; working with the family.
- Who else to Consider: Relatives, School Persons, Mental Health Professionals, Physicians, Chemical Dependency Counselor, Financial Worker, Domestic Violence Advocate, Public Health, or any other person who may be working with the family currently or during the placement

Safety

- Before planning the meeting, consider the ongoing safety of the child, foster parents, biological parents and service providers. Based on the nature of the case, potential flight risk i.e. (absconding with children), substantial criminal histories or current severe chemical use, potential for violence, as well as, others factors unique to the case.
- Determine the meeting place, foster home or neutral setting and who is attending etc. based on previously mention factors. As well as, level of comfort for the resource family, the child/children / ability to provide input, their ages and individual parents (where domestic abuse is a concern) and extended family member, kinship relationships

Information gathering, sharing and plan development

- The purpose of the meeting needs to be clearly articulated by the placing Social Worker.
- The role of the child protection worker and education regarding the CP process needs to be shared at the onset of this meeting. Parent, Foster Parent's and Relative's questions about the process need to be address at this time.
- The parents should be asked to articulate their understanding of why CP is involved and further clarified by the CP worker. (Please do not debate or argue at this point we simply wish to assess the parent's level of understanding). Child 's understandings (if applicable).
- Given the reason for involvement, parents should be informed by the CP worker broader issues that need to be addressed to work towards reunification. Parents should provide possible goals and interventions to address CP concerns. Mutually identify goals at this time if possible and who is responsible for
- Foster parents and licensing workers should explain the role of the foster care. They may also offer possible interventions towards reunification efforts and discuss the operating procedures of their home and answer family questions regarding visits and their role.

- o All parties (where appropriate) should discuss ongoing care issues for the children, school demeanor, habits, weakness & strengths, aptitudes, medical concerns & providers, sleep habits, current needs, behavioral concerns, daycare, sibling visits & interactions, upcoming appointments etc...
- o Roles and assignments for all parties discussed and agreed upon, other logistics contact information (address, phone# etc.) and availability of transportation for meeting goals of plan.
- o Relative search requirements should be discussed and gather any information on relatives available at that time. Discuss the role of relatives in the placement process and how they may be considered for placement.
- o Visitation plans between parents and children, between siblings and between relatives and the child need to be discussed. Where can visits safely happen, who can supervise if necessary, and develop a calendar for as long as possible.
- o Discuss the concepts of concurrent planning and what it means in terms of permanency and the time provided for the family to work on reunification.

Placement Plan

- o The child protection social worker will complete the placement plan, putting the information discussed into the plan and have the family and all attendees sign the plan. If possible, the meeting could be held in the Government Services Center in Fergus Falls or the County Office Building in New York Mills and the plan could be completed and signed prior to the attendees leaving. The plan will be provided to court within 30 days of the placement, preferably with the signatures of the attendees of the initial placement plan staffing.
- o If unable to complete the plan and have it signed on the day of the staffing, child protection social worker will keep notes of the meeting and have sign in sheet for attendees to sign and acknowledge their presence.(Attachment A)
- o Child protection social worker will complete an SSIS timesheet with "Initial placement/initial placement plan staffing" in the purpose line to identify when the meeting was held.

**Children's Justice Initiative
Case Plan and Report Development and Reviews
Human Services coordination with Guardian Ad Litem in CHIPS Cases**

Guardians ad Litem and social workers have separate and distinct responsibility to families and the court in CHIPS cases. To ensure that their responsibilities are met, it is important that each entity develop its own recommendations for the court through observation and meetings with families members. At times those meetings may occur separately or they may occur jointly. Communication needs to occur so both entities meet the requirements of the statutes and rules related to CW/CP and guardian ad litem. Communication ensures that both entities know and are aware of the services and behaviors occurring to alleviate the circumstances surrounding the need for a CHIPS petition.

Rules and Statutes governing case plans and coordination:

Rule 909.01, clause c: The guardian ad litem shall be notified of all court hearings, administrative reviews, staffings, investigations, dispositions, and other proceedings concerning the case. Timely notice of all court hearings, administrative reviews, staffings, investigations, dispositions, and other proceedings concerning the case shall be provided to the guardian ad litem by the party scheduling the proceeding.

9560.0228, subp 2(A): A child protection worker shall work with the appropriate members of the family unit, and, if applicable, custodians, guardians ad litem, and, if a tribe has intervened, tribal representatives to formulate the protective services plan and shall provide the appropriate members of the family unit with a copy of the protective services plan signed by the appropriate members of the family unit and the child protection worker.

260C.212 subd 1(D): (b) An out-of-home placement plan means a written document which is prepared by the responsible social services agency jointly with the parent or parents or guardian of the child and in consultation with the child's guardian ad litem, the child's tribe, if the child is an Indian child, the child's foster parent or representative of the residential facility, and, where appropriate, the child.

Recommended process in development and reviewing of case plans:

Contested court hearings: Social Services will develop a plan to provide to the court independent of any report provided by the guardian ad litem.

The guardian ad litem and social worker will coordinate visits if the family is cooperative in developing a plan during the hearing process.

State Wards: 90-day reviews will be scheduled in court on children under state guardianship. Guardians ad litem will be responsible for contacting the family, child, or social service agency should any questions arise regarding the case between review hearings. Otter Tail County Human Services will be responsible for contacting the guardian ad litem if the child(ren) are moved from the foster or adoptive home, or issues arise which impact the placement.

Long Term Foster Care:

Guardians ad litem will be invited to quarterly reviews or administrative reviews of children in long term foster care. Guardians will sign placement plans upon completion. Should the placement be disrupted or there are staffings with providers scheduled to change services due to a change in circumstance, Otter Tail County Human services will contact the guardian ad litem.

CHIPS cases with disposition in place: Guardians as litem will be invited to quarterly reviews, administrative reviews, staffings with providers and families to develop or change services or any meeting scheduled to change the services agreed upon in the service plan. Guardians ad litem will be asked to sign a complete service plan completed for the family.

**OTTER TAIL COUNTY
CHILD PROTECTION INFORMATIONAL SHEET**

Court File No. _____

Client Name: _____
Court Date: _____

This is to help you get started. This is **NOT** a substitute for your **Case Plan**. The following is a list of things you need to know. A **Court Order** from the Judge will be sent to you within 10 days.

You have just attended a CHIPS (Child in Need of Protection or Services) proceeding. Your preceding was an:

- Emergency Protective Care Hearing
- Admit/Deny Hearing

The people who will help you on your Case Plan are:

a. The Judge who has been assigned to your case is:

- Judge Waldemar B. Senyk
- Judge Hansen
- Judge Thomas P. Schroeder
- Judge Barbara Hanson

Address: District Court or Court Administrator's Office
121 West Junius, Suite 310
Fergus Falls, MN 56537
Phone number: (218) 998-8420

The same Judge will hear all of your Court appearances. When necessary or by agreement of the parties, another Judge may hear your case.

Your next Court Hearing is on _____, 20__ at _____(a.m.)(p.m.)
You must be at the Courthouse one-half (1/2) hour prior to any hearing. It is expected that your lawyer(s), Guardian ad litem, and Child Protection Caseworker will meet with you at that time to discuss your case.

b. Your lawyer:

- Helen Ward-McPherson
Address: 309 S. Mill Street, Suite 101, Fergus Falls, MN 56537
Phone: (218) 739-7467
- Ruth Lee
Address: 309 S. Mill Street, Suite 101, Fergus Falls, MN 56537
Phone: (218) 739-7467
- David Phillipe
Address: P.O. Box 1031, Fergus Falls, MN 56537
Phone: (218) 739-2998
- Schan Sorkness
Address: 114 East Washington, Fergus Falls, MN 56537
Phone: (218) 739-4622

Daniel C. Madsen, Attorney At Law
Address: P.O. Box 208, Fergus Falls, MN 56537
Phone number: (218) 731-3736

You do not qualify for a Public Defender. You have the right to appear without an attorney or hire one on your own.

If this hearing is an Emergency Protective Care Hearing, the lawyer you are meeting with today may or may not be the attorney assigned to your case. After three (3) days, you may contact the Office of the Public Defender by calling (218) 739-7467 to get the name of the Public Defender that will be assigned to represent you for the remainder of the proceeding.

You should remain in contact with your lawyer, schedule appointments with them before the Court dates, and keep your lawyer and Court Administration (218-998-8420) informed of any change in your address or phone number.

Your next appointment with your lawyer is: _____ at _____ (a.m.)(p.m.) at the following location: _____.

c. **Guardian ad litem:** A Guardian ad litem has been assigned to your case to investigate and represent the best interests of your child(ren). The Guardian ad litem is **NOT** your child(ren)'s lawyer or caseworker. Your child(ren) may have a separate lawyer depending upon your child's age. Your Guardian ad litem is:

- Karen Johnson (218) 736-4470
- Dessica Veum (218) 736-5306
- Sharon Bjork (218) 367-2654
- Gretchen Bigwood (218) 739-2079
- Hannah-Clara Vinje (218) 731-9522

Other _____ Phone number is: _____

Your next appointment with your Guardian ad litem is: _____ at _____ (a.m.)(p.m.) You will meet with your Guardian ad litem at: _____.

d. **Your Child Protection Caseworker is:**

- Erin Bahr (218) 998-8224 Dept. of Human Services
- Patti Boen (218) 998-8223 530 Fir Avenue West
- Dave Johnson (218) 998-8188 Fergus Falls, MN 56537
- Stephanie Johnson (218) 998-8155 (218) 998-8150
- Tamra Jokela (218) 998-8195
- Kelsey Jones (218) 998-8201
- Theresa Melmer (218) 998-8165
- Cathy Miller (218) 998-8164
- Heather Pollard (218) 998-8168

Other _____ Phone number is: _____

You and your Child Protection Caseworker will develop your **Case Plan** within 30 days. If the Judge approves the Plan and orders you to follow it, failure to do so may delay reunification efforts with any child(ren) already living outside your home, or may result in removal of your child(ren) from your home. If you do not agree with your **Case Plan**, you must contact your lawyer *immediately*.

Your next appointment with your Child Protection Caseworker is:

_____ at _____ (a.m.)(p.m.)

Location: _____.

e. If necessary, your Child(ren)'s Mental Health Caseworker is:

- Tammy Friederichs (218) 998-8207 Dept. of Human Services
- Craig Eder (218) 998-8205 530 Fir Avenue West
- Kim Kambel-Seufert (218) 998-8161 Fergus Falls, MN 56537
(218) 998-8150

Your next appointment with your Children's Mental Health Caseworker is:

_____ at _____ (a.m.)(p.m.) at the above location.

f. If your child(ren) are Native American, your tribe is a party to your case and may choose to become involved in your case and a Tribal Social Worker may be assigned to your Case Plan.

Your Tribal Social Worker is: _____.

Phone number of Tribal Social Worker: _____.

Your next appointment with the Tribal Social Worker is:

_____ at _____ (a.m.)(p.m.)

Location: _____.

g. Visitation:

If your child(ren) has been placed out of your home, your visitation with your child(ren) is as follows:

Unsupervised on these conditions: _____

Supervised by _____ (phone number: _____) on these conditions:

Your next visit with your child(ren) is: _____
at _____ (a.m.)(p.m.)

Visitation Centers: Someplace Safe Parenting Time Center: (218) 739-3132
Positive Connections: (218) 847-7343

h. You must do the following:

Chemical Dependency Evaluation

Appointment date: _____ time _____ (a.m.)(p.m.)

With: _____

Location: _____

Psychological Evaluation

Appointment date: _____ time _____ (a.m.)(p.m.)

With: _____

Location: _____

Psychiatric Examination

Appointment date: _____ time _____ (a.m.)(p.m.)

With: _____

Location: _____

Other

Appointment date: _____ time _____ (a.m.)(p.m.)

With: _____

Location: _____

Other

Appointment date: _____ time _____ (a.m.)(p.m.)

With: _____

Location: _____

Transportation:

If you need a ride for any appointments, call your Child Protection Caseworker at least three (3) days prior to your appointment.

Important Legal Notice:

If your child(ren) are placed outside of your home and are eight years old and under, progress towards permanency must be reviewed within six months. If the Court finds that you are not complying with the Plan, or are not maintaining regular contact with the child(ren), then the Court may order the agency to develop a plan for permanent placement of your children away from you. If your child(ren) are over eight years old, a permanent placement must be made by the Court within twelve months of out-of-home placement. Permanent placement can include: (1) the transfer of your child(ren)'s custody to a relative; (2) long-term foster care placement; or (3) termination of your parental rights along with adoption. If you have any questions regarding your legal rights, call your lawyer immediately.

Otter Tail County Human Services will also work on developing a concurrent plan for your child. Concurrent planning is the development of two separate plans. One plan outlines the development and delivery of services to the parents and child(ren) that will allow the child(ren) to safely return home. A second plan is development at the same time, which will provide for the most appropriate legal permanent home for the child(ren) away from the parent if the reunification plan is not possible.

Date: _____

Signature

OTTER TAIL COUNTY HUMAN SERVICES

TO: _____, Otter Tail County Attorney's Office

FROM: _____, Otter Tail County Human Services

DATE: _____

RE: Court File #: _____
Parent's Name: _____

Attached, please find the following documents:

Case Notes _____

Signed Case Plan dated: _____

Child Protection Assessments dated: _____

Chemical Use Assessment dated: _____

Diagnostic Assessment dated: _____

Law Enforcement Reports dated: _____

Neuropsychological Assessment dated: _____

Parental Capacity dated: _____

Psychological Testing dated: _____

Psychotherapy Progress Report dated: _____

School Reports dated: _____

Treatment Plan dated: _____

Treatment Report dated: _____

Drug Test dated: _____

Visitation Summary Report dated: _____

Other Reports (list, date and explain):

Comments:

Please be advised that the disclosure attached to this document is not inclusive of all documents and reports pertaining to your client which can be found in the case management file located at the Otter Tail County Department of Human Services. If you would like to review the case management file in its entirety, please contact the case manager at 998-8150.

Court File No. _____

Date: _____

(Revised 12/11/2001)

**PREHEARING SETTLEMENT CONFERENCE
Summary Report**

I. Attendance (Sign Please):

- | | |
|----------|-----------|
| 1. _____ | 6. _____ |
| 2. _____ | 7. _____ |
| 3. _____ | 8. _____ |
| 4. _____ | 9. _____ |
| 5. _____ | 10. _____ |

II. Issues Identified:

III. Agreement Reached:

IV. Issues Remaining for Trial:

Short-Term Written Agreement

Name: _____

Case # _____

Time Period of: _____

1. _____

2. _____

3. _____

4. _____

Signatures: _____

Date: _____

To be completed by the case worker and the family every two to four weeks.

**CHILD PROTECTION PROCESS TIMELINE:
REMOVAL TO PERMANENCY**

EVENT	RELATED EVENTS/OTHER INFORMATION
<p>Child removed from home <i>RJPP 28;</i> <i>Minn. Stat. § 260C.175, subd. 1</i></p>	<p>Permanency clock begins on the date of the court-ordered placement, which may be different from the date of actual removal from home (<i>RJPP 42.02; Minn. Stat. § 260C.201, subd. 11(a); 42 U.S.C. § 675(5)(F)(i)</i>). If child is in voluntary placement, permanency clock starts to run 60 days after voluntary placement (<i>RJPP 42.02(b)</i>).</p>
<p>Summons and CHIPS Petition served and filed <i>RJPP 32.02; subd. 5 (service) and 33.05 (filing)</i> <i>Minn. Stat. § 260C.141, subd. 1</i></p>	<p>If child is removed involuntarily, the Summons and CHIPS petition must be filed (<i>RJPP 33.05; Minn. Stat. § 260C.178, subd. 2b; Minn. Stat. § 260C.141, subd. 1</i>) and served at or prior to EPC hearing (<i>RJPP 32.02, subd. 5(a)</i>).¹ If child is in voluntary placement, CHIPS petition must be served and filed within 90 days of placement (<i>Minn. Stat. § 260C.212, subd. 8; RJPP 44.02</i>). If ICWA case, service must take place 10 days prior to hearing; tribe may request up to 20 additional days to prepare for the hearing (<i>RJPP 32.06; 25 U.S.C. § 1912</i>). <i>Comment: ICWA supercedes state law and rules.</i></p>
<p>Child Protective Services Case Plan (for child not removed from home) <i>RJPP 37.04</i> <i>Minn. Stat. § 260C.178, subd. 7; and § 260C.212, subd. 1</i></p>	<p>If the child is not in out-of-home placement, a child protective services case plan must be served and filed with the CHIPS petition unless the agency includes a statement stating why it will be filed at a later date (<i>RJPP 37.04(a)</i>). Court may approve the plan based on contents of CHIPS petition and implementation of approved plan may be basis for reasonable efforts determination (<i>Minn. Stat. § 260C.178, subd. 7, RJPP 37.04 (b)</i>). <i>Comment: The Court can't order the case plan without a hearing unless the parent agrees.</i></p>
<p>Emergency Protective Care Hearing <i>RJPP 30.01, subd. 1</i> <i>Minn. Stat. § 260C.178, subd. 1(a)</i></p>	<p>The EPC Hearing must be held within 72 hours² of the child's removal from home. May be continued for up to 8 days if the court makes the findings required under the Rules (<i>RJPP 30.01, subd. 2; Minn. Stat. § 260C.178, subd. 1(a)</i>).</p>

¹ Diligent efforts to locate both parents of child are required as soon as the child enters foster care; relative search and consideration of placement with relatives occur as early as possible. *Minn. Stat. § 260C.212 subds. 4 and 5.*

² When calculating the 72-hour period, the day the child was removed from home and any Saturday, Sunday, or legal holiday is not counted. The last day of the period shall be included, unless it is a Saturday, Sunday, or legal holiday, in which event the period runs to the end of the next day that is not a Saturday, Sunday, or legal holiday. *RJPP 4.01.*

EVENT	RELATED EVENTS/OTHER INFORMATION
<p>Admit/Deny Hearing <i>RJPP 34.02, subd. 1(a), subd. 2(a)</i></p>	<p>If the child is in out-of-home placement, the Admit/Deny Hearing on a CHIPS petition must be held within 10 days of the EPC Hearing (<i>RJPP 34.02, subd. 1(a)</i>). Upon agreement of the parties, the Admit/Deny Hearing may be combined with the EPC Hearing (<i>RJPP 34.02, subd. 1(a)</i>). When the child is not in out-of-home placement, the Admit/Deny Hearing must be held no sooner than 5 days and not later than 20 days after the parties have been served with the summons and petition (<i>RJPP 34.02, subd. 2(a)</i>).</p>
<p>Scheduling Order <i>RJPP 6.02, subd. 1</i></p>	<p>A scheduling order must be issued in every case at or within 5 days of the Admit/Deny Hearing (<i>RJPP 6.02, subd. 1</i>).</p> <p><i>Comment: The Scheduling Order template is located on CourtNet.</i></p>
<p>Out-of-Home Placement Plan <i>RJPP 37.02, subd. 2; 37.03, subd. 1; and 37.05</i> <i>Minn. Stat. § 260C.178, subd. 7; and § 260C.212, subd. 1</i></p>	<p>If the child is in out-of-home placement, the Out-of-Home Placement Plan must be served and filed within 30 days of the child's court-ordered removal (<i>RJPP 37.02, subd. 2</i>). The court may approve the plan based upon the contents of the CHIPS petition, and implementation of approved plan may be basis for reasonable efforts determination (<i>Minn. Stat. § 260C.178, subd. 7, RJPP 37.02, subd. 4</i>).</p> <p><i>Comment: The Court can't order the case plan without a hearing unless the parent agrees.</i></p>
<p>Pretrial Conference <i>RJPP 36.01</i></p>	<p>A Pretrial Conference should be scheduled in every case where a denial has been entered so that settlement may be attempted and/or issues narrowed for trial (<i>RJPP 36.02</i>). A Pretrial Conference must be held at least 10 days prior to the trial (<i>RJPP 36.01</i>).</p>
<p>CHIPS Trial <i>RJPP 39.02, subd. 1</i></p>	<p>A trial in a CHIPS matter must be commenced within 60 days of the date of the EPC Hearing or Admit/Deny Hearing, whichever is earlier. (<i>RJPP 39.02, subd. 1(a)</i>). If the court makes the findings required under the Rules, the court may extend the commencement of the trial (<i>RJPP 39.02, subd. 2</i>). Once commenced, trial may not be continued or adjourned for more than 1 week unless the court finds that the continuance is in the child's best interests (<i>RJPP 39.02, subd. 2(b)</i>). Trial must be commenced and completed within 90 days of denial (<i>RJPP 39.02, subd. 2(b)</i>). County attorney determines whether criminal or juvenile case proceeds first in cases of egregious harm (<i>RJPP 39.02, subd. 1(d)</i>). The court must issue its decision within 15 days of trial, although this may be extended for up to 15 days for good cause (<i>RJPP 39.05, subd. 1</i>).</p>

EVENT	RELATED EVENTS/OTHER INFORMATION
<p>Findings/Adjudication <i>RJPP 40.01</i></p>	<p>If the court finds that the statutory grounds set forth in the petition have been proved, the court may adjudicate the child as in need of protection or services or may withhold adjudication for period not to exceed 90 days from date of finding that the statutory grounds are proved (<i>RJPP 40.02</i>).</p>
<p>Disposition Hearing <i>RJPP 41.01</i> <i>Minn. Stat. § 260C.201</i></p>	<p>To the extent practicable, the court shall conduct a Disposition Hearing and enter disposition, consistent with Minn. Stat. § 260C.201, the same day as adjudicating the child in need of protection or services. The disposition order must be issued not later than 10 days after adjudication (<i>RJPP 41.02</i>).</p>
<p>Review Hearings <i>RJPP 41.06, subd. 1</i></p>	<p>When child is in out-of-home placement, in-court review hearings must occur at least every 90 days following disposition; when child is at home under protective supervision, in-court review hearings must occur at least every 6 months following disposition (<i>RJPP 41.06, subd. 1</i>). Purpose is to determine whether the agency has made reasonable or active efforts to reunify the child with the parent, to review parent's progress on case plan, and to correct any problems with services and address barriers to reunification. It also affords an opportunity to ensure parent understands consequence to both parent and child of failure to comply with case plan (<i>RJPP 41.06, subd. 2</i>).</p>
<p>Permanency Progress Review Hearing (for child under age 8) <i>RJPP 42.01, subd. 1(a);</i> <i>Minn. Stat. § 260C.201, subd. 11a(a)</i></p>	<p>For a child under age 8 at the time the petition was filed, a Permanency Progress Review Hearing (different from a Permanent Placement Determination Hearing) must occur within 180 days of court-ordered placement to review progress on case, parent's progress on out-of-home placement plan, and agency's provision of services (<i>RJPP 42.01, subd. 1(a)</i>). If the court determines that the parent is maintaining regular contact with the child and complying with the court-ordered case plan, the court may either (1) return the child home if the conditions which lead to the out-of-home placement have been resolved and it is safe for the child to return, or (2) continue the child in out-of-home placement for up to an additional six months (<i>Minn. Stat. § 260C.201, subd. 11a(c)(1)</i>). If the court determines that the parent is not complying with case plan or is not maintaining regular contact with the child, the court may order the agency to develop a permanent plan for the child away from the parent and to file a petition to support an order the permanent placement</p>

EVENT	RELATED EVENTS/OTHER INFORMATION
	plan (<i>Minn. Stat. § 260C.201, subd. 11a(c)(2)</i>). The court's Order must be issued within 15 days of the hearing (<i>RJPP 42.05</i>).
<p>Permanent Placement Petition Filed (for child under age 8) <i>RJPP 42.04, subd. 2;</i> <i>Minn. Stat. § 260C.201, subd. 11(b)</i></p>	<p>For child under age 8, unless agency recommends return of child to parent or legal custodian, permanency pleadings must be filed not later than 30 days prior to Permanency Progress Review Hearing (<i>RJPP 42.04, subd. 2; Minn. Stat. § 260C.201, subd. 11(b), and (c)(2)</i>).</p>
<p>Permanent Placement Petition filed (for child age 8 and older) <i>RJPP 42.04, subd. 2;</i> <i>Minn. Stat. § 260C.201, subd. 11(b)</i></p>	<p>For child age 8 or older at the time the petition was filed, unless agency recommends return of child to parent or legal custodian, permanency pleadings must be filed not later than 30 days prior to Permanent Placement Determination Hearing (<i>RJPP 42.04, subd. 2; Minn. Stat. § 260C.201, subd. 11(b)</i>). TPR petition may be filed after ay 335; if TPR petition is filed and trial scheduled on that petition within 90 days of the filing no permanency hearing need be held at day 365 (<i>Minn. Stat. § 260C.201, subd. 11(b)</i>).</p>
<p>Permanent Placement Determination Hearing (for any child who remains in out-of-home placement at 12 months) <i>RJPP 42.01, subd. 1(b);</i> <i>Minn. Stat. § 260C.201, subd. 11(a)</i></p>	<p>This hearing is the Admit/Deny Hearing on the Permanent Placement Determination Petition and must be commenced on or before the 365th day after the child's court-ordered removal from home. If a denial is entered, trial on a TPR Petition must begin within 90 days of the filing of the TPR petition (<i>RJPP 39.02, subd. 1(c)</i>). If the court does not order termination of parental rights after trial on a TPR petition and the child has been in placement 15 of the last 22 months, the court must order the child returned to the care of the parent unless the court finds compelling reasons why the child should remain out of the care of the parent. <i>Minn. Stat. § 260C.312(b)</i>.</p>
<p>Permanent Placement Order issued by court³ <i>RJPP 42.05, subd. 1</i></p>	<p>Permanent Placement Decision must be issued within 15 days of conclusion of trial, but may be extended for an additional 15 days for good cause shown (<i>RJPP 42.05, subd. 1</i>).</p>
<p>Post-Permanency Review following Transfer of Legal Custody Permanency Decision <i>RJPP 42.05, subd. 2(b)</i> <i>Minn. Stat. 260C.201, subd. 11(d)(vi)</i></p>	<p>If permanency decision is Transfer of Permanent Legal and Physical Custody to a Relative (TLC), juvenile court jurisdiction ends unless retained under <i>Minn. Stat. § 260C.201, subd. 11(d)(vi)</i>, in which case review hearings will occur as ordered by the court. (<i>RJPP 42.05, subd. 2(b)</i>). A family court file must be</p>

³ If child is returned home at permanency hearing, the court may modify the disposition to "protective supervision" under *Minn. Stat. § 260C.201, subd. 1*, and may continue court jurisdiction as long as necessary to ensure child's safety, health and well-being. When the court orders protective supervision, court hearings must be held at least every six (6) months.

EVENT	RELATED EVENTS/OTHER INFORMATION
	opened so that a copy of TLC order can be filed in the family court file and any future litigation regarding visitation, child support, etc., will be heard in the family court file. Notice of any family court proceedings must be given to social services agency (<i>RJPP 42.05, subd. 2(b)</i>).
<p>Post-Permanency Review following Termination of Parental Rights Decision <i>RJPP 43.03, subd. 1</i> <i>Minn. Stat. § 260C.201, subd. 11(f)(3)</i></p>	If permanency decision is Termination of Parental Rights (TPR), hearing must take place at least every 90 days to review progress towards adoption (<i>RJPP 43.03, subd. 1; Minn. Stat. § 260C.201, subd. 11(f)(3)</i>).
<p>Post-Permanency Review following Long Term Foster Care Decision <i>RJPP 42.05, subd. 2(e)</i> <i>Minn. Stat. § 260C.201, subd. 11(g)</i></p>	If permanency decision is Long-Term Foster Care (LTFC), in-court review hearings must take place at least annually to ensure child's needs being met; if placement disrupts, return to court sooner. (<i>RJPP 42.05, subd. 2(e); Minn. Stat. § 260C.201, subd. 11(g)</i>).


Children's Justice Initiative
Timing of Judicial Events for Voluntary Out-of-Home Placement When the Child NOT Placed Due Solely to Disability

Ann Ahlstrom, last revised 08-07
ann.ahlstrom@courts.state.mn.us
651-297-1114

EVENT	WHEN
Child enters placement pursuant to voluntary placement agreement signed by both the legal custodian and agency representative	Day 1 <i>Minn. Stat. § 260C.212, subd. 8 and M. Ad. R. 9560.0527</i>
Out-of-Home Placement Plan developed jointly with parent, child, if appropriate, and others <i>Minn. Stat. 260C.212 subd. 1</i>	Day 30 <i>Minn. Stat. § 260C.212 subd. 1</i>
Time to required permanency hearing begins to run	Day 60 <i>Minn. Stat. § 260C.201 subd. 11 and MRJPP 44.02 subd. 2 (f)</i>
CHIPS Petition filed ¹	Day 90 <i>Minn. Stat. § 260C.141 subd. 2 (a) and MRJPP 44.02 subd. 2 (a)</i>
Summons and Petition served by U.S. Mail	General rule in <i>MRJPP 32.02, subd. 5 (a)</i> requires service 3 days prior to admit/deny hearing; service by U.S. Mail permitted by <i>MRJPP 32.02 subd. 3 (c)</i>
Hearing on petition: 1. if all parties agree and the court finds it in the child's best interest, the court may find the petition states prima facie case that: <ul style="list-style-type: none"> a. child's needs are being met; b. placement is in the child's best interests; c. reasonable efforts are being made to reunify the child and the parent; d. child will be returned home within 90 days. At conclusion of hearing court approves voluntary arrangement and continues the matter up to 90 more days	Within 20 days of service of summons and petition by U.S. Mail <i>MRJPP 44.02 subd. 2 (b) and (c)</i> Note: Timing of finding that "placement is in child's best interests" must be made by 180 days of the child's placement in order for the placement to continue to be eligible for Title IV-E reimbursement. If the "best interests" determination occurs after day 180, the county may not claim Title IV-E reimbursement for the entire remainder of the placement. THERE IS <u>NO WAY TO REMEDY THIS.</u>
2. if all parties do NOT agree , the hearing becomes an admit/deny hearing and the matter proceeds to trial or disposition, whichever is appropriate; <i>note</i> court may order child into protective care if endangerment findings required under <i>Minn. Stat. § 260C.178</i> and <i>MRJPP 30</i> are made	<i>MRJPP 44.02 subd. 2 (e) (2)</i> Trial should occur within 60 days of this hearing under <i>MRJPP 39.02 subd. 1 (a)</i>

¹ CHIPS petition is filed to follow this review track; if county is filing TPR or other permanency petition, the matter is no longer a voluntary placement and the first hearing should be EPC; "regular" TPR or permanency petition timing rules and standards apply;

EVENT	WHEN
If all parties agree and the court makes the “best interests” findings at the first hearing and the child returns home by day 180 , the agency reports to the court that the child has returned home and the parent’s progress on the Out-of-Home Placement Plan in which case the court dismisses jurisdiction; OR	Not later than day 180 <i>Minn. Stat. 260C.141 subd. 2 (a) (2) (i)</i> <i>MRJPP 44.02subd. 2 (d) and (e)</i>
If child does NOT return home , the matter is returned to court for further proceedings on the petition.	Not later than day 180 <i>Minn. Stat. 260C.141 subd. 2 (a) (2) (i)</i> <i>MRJPP 44.02subd. 2 (e)</i>
Further proceedings ² : if petition is admitted or proved, court may: <ul style="list-style-type: none"> • adjudicate CHIPS or withhold adjudication; and • order needed services without transferring custody to agency; <i>Minn. Stat. 260C.201 subd. 1 (a)(4)</i>; or • order any disposition available under <i>Minn. Stat. § 260C.201 subd. 1 or § 260C.205</i> 	Within 60 days from time matter is “returned to court” under <i>MRJPP 44.02(e) (1)</i> ; <i>MRJPP 39.02 subd. 1 (a)</i> If petition is admitted or proven at trial, timing of adjudication and disposition are governed by <i>MRJPP 40 and 41</i>
Review Hearings	Every 90 days from last hearing as long as child continues in foster care
Permanency Review for children under 8 at time CHIPS petition is filed	Day 200 ³
If child continues in foster care, permanency pleadings are filed	Day 395 <i>Minn. Stat. § 260C.201 subd. 11(a) and MRJPP 44.02 subd. 2 (f)</i>
Admit/Deny on permanency pleadings	Day 425 ⁴ <i>Minn. Stat. § 260C.201 subd. 1(a)1 and MRJPP 44.02 subd. 2 (f)</i>
Trial	Day 485 <i>Minn. Stat. § 260C.201 subd. 1(a)1 and MRJPP 44.02 subd. 2 (f)</i>

² *Minn. Stat. § 260C.141 subd. 2 (2) (iii)* requires the matter returned to court for trial; *MRJPP 44.02 subd. 2 (e)(1)* requires matter returned to court for admit/deny hearing;

³ Time required to permanency review hearing for children under 8 at time the CHIPS petition is filed is 180 days from the earlier of the court’s order placing the child in foster care or 60 days after voluntary placement.

⁴ Time required to commence permanency proceeding is 12 months from the earlier of the court’s ordering the child in foster care or 60 days after voluntary placement

Otter Tail County-Wide K-12 School Attendance Policy

The Truancy Prevention Work Group of the Otter Tail Family Services Collaborative developed this Attendance Policy, to be incorporated into the policies and procedures of all Otter Tail County schools, grades K-12. We have worked together to develop this policy because we believe it is necessary to be academically engaged in order to be successful in school.

This policy only addresses unexcused absences. Unexcused absences are defined by Minnesota Law and specifically within each school district's individual attendance policy.

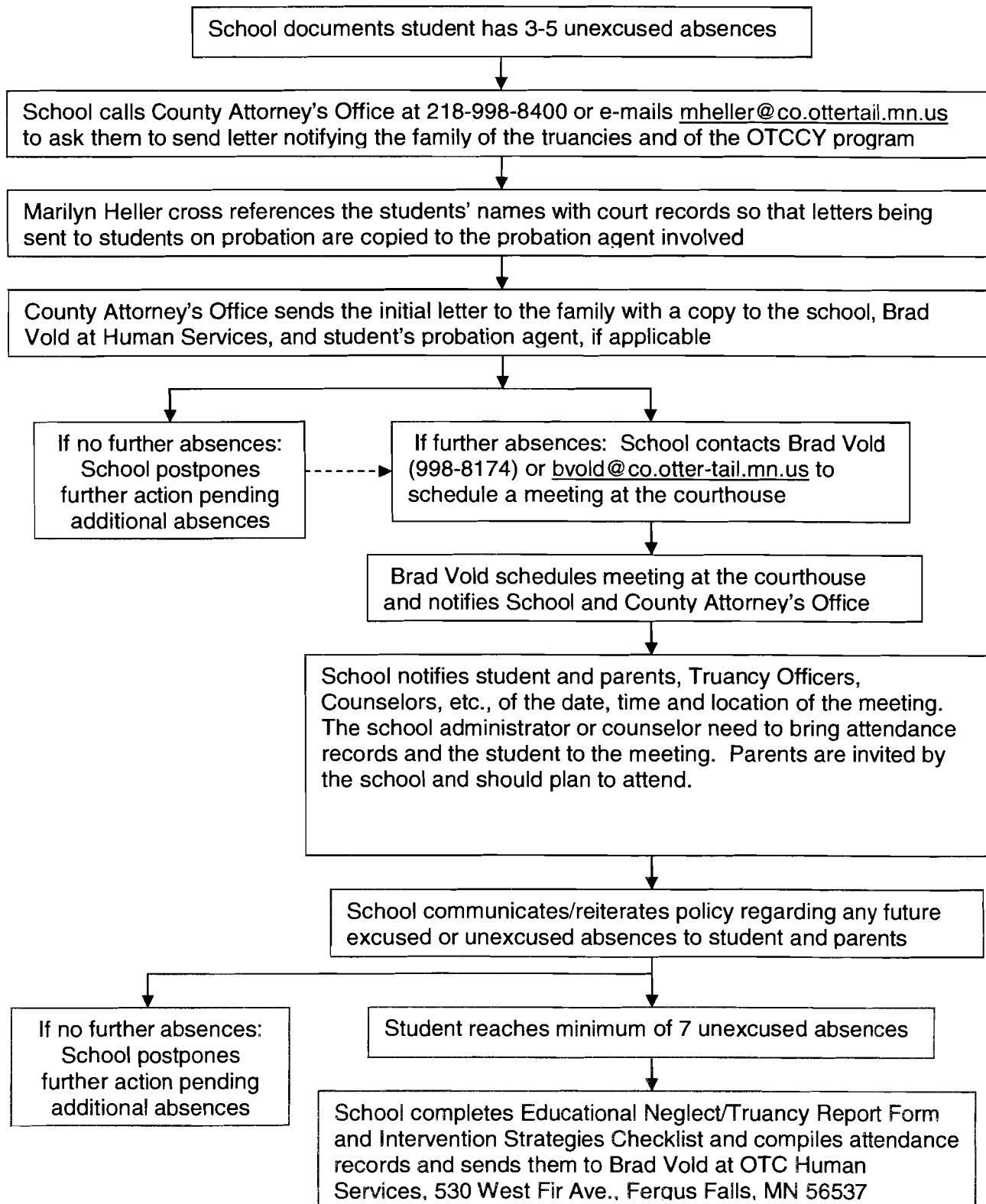
K-12 Attendance Policy

1. Attendance will be taken every half-day in elementary schools and every class period in secondary schools.
2. For purposes of this policy, unexcused absences are cumulative throughout the school year. Records regarding attendance will transfer with students who transfer between schools within Otter Tail County.
3. Every time a student is absent for any period of time the school will notify the parents on the day the absence occurs, if the parent has not called or sent a note.
4. After three periods of unexcused absences, a letter will be sent to parents at the discretion of the building principal. The purpose of the letter will be to document the student's unexcused absences.
5. Following the seventh unexcused absence, a face-to-face meeting with the parents and student will be required, at the discretion of the building principal. Working together, a Truancy Plan will be established to address the student's attendance issues.
6. Under Minnesota Law, students with seven or more unexcused absences qualify as truant, and schools may make a formal referral to Human Services. Parents are required to attend a face-to-face meeting with school administrators to develop A Truancy Plan of Action, as a final attempt to compel the student to attend school. A contract will be established with the child, who is then placed under supervision to attend school. Significant consequences can occur at this level and appropriate options will be discussed for services available to families with school attendance issues.
7. If the Truancy Plan developed is not followed and the child continues to have unexcused absences, the matter will be referred to Human Services for review by the County Attorney's Office for determination of what action should occur.
8. Judges have the authority to administer a variety of consequences, which can include the following:
 - A child may lose their driving privileges until he or she is 18 years old;
 - The court can order that any necessary evaluations, treatment, and counseling services be completed by the child or family;
 - A child can be removed from their home and placed in a shelter or foster care or a short-term residential facility.

If you have questions or concerns about this policy, please feel free to contact an administrator within your school district.

Otter Tail County Connects for Youth Program

(For children age 12 and older)



<Insert date>

(Third Unexcused Absence Letter – rev. 8/07)

<Insert name>

<Insert address>

Dear <Insert parent(s) name>,

<Insert student's first name>, has missed school <insert #periods and # of days>, on <insert all dates with an absences>. This is the third time that <insert first name> has missed all or part of a school day this year without a valid excuse.

Our response to <insert student's first name> unexcused absences is part of a county-wide partnership between all the school districts in the County, and the other agencies that serve children and families. I have enclosed for your information a copy of the Otter Tail County K-12 School Attendance Policy. This policy requires that we contact you by letter to document these absences and ask your support and cooperation in getting your child to school on a consistent basis.

The county-wide attendance policy addresses only unexcused absences. The policy is based on the belief that it is necessary for your child to be academically engaged to be successful in school and adequately prepared for his/her future after high school. **The county-wide attendance policy is also in compliance with requirements regarding truancy as outlined in Minnesota Statutes 260A.03. A copy of that statute is also enclosed for your information.**

If <insert first name> has missed school due to illness, please notify the school immediately. If <insert first name> continues to be absent from school due to illness, we may require either a visit to the school nurse or a doctor's statement which explains your child's illness or medical condition and how that affects your child's ability to attend school.

Please contact me as soon as possible to discuss the issues related to your child's absences. If unexcused absences continue, a meeting may be arranged for you and your child to meet with myself and representatives from Otter Tail County Human Services and the County Attorney's Office to discuss the consequences of truancy.

Please contact me at <insert phone number> as soon as possible so we can discuss the issues related to your child's absences.

Sincerely,

(Name of Principal/Assistant Principal)
(Title)

Enclosures

Minnesota Statute 260A.03

Notice to parent or guardian when child is a continuing truant.

Upon a child's initial classification as a continuing truant, the school attendance officer or other designated school official shall notify the child's parent or legal guardian, by first-class mail or other reasonable means, of the following:

- (1) that the child is truant;
- (2) that the parent or guardian should notify the school if there is a valid excuse of the child's absence;
- (3) that the parent or guardian is obligated to compel the attendance of the child at school pursuant to section 120A.22 and parents or guardians who fail to meet this obligation may be subject to prosecution under section 120A.34;
- (4) that this notification serves as the notification required by section 120A.34;
- (5) that alternate educational programs and services may be available in the district;
- (6) that the parent or guardian has the right to meet with appropriate school personnel to discuss solutions to the child's truancy;
- (7) that if the child continues to be truant, the parent and child may be subject to juvenile court proceedings under chapter 260C;
- (8) that if the child is subject to juvenile court proceedings, the child may be subject to suspension, restriction, or delay of the child's driving privilege pursuant to section 260C.201; and
- (9) that it is recommended that the parent or guardian accompany the child to school and attend classes with the child for one day.

DAVID J. HAUSER
OTTER TAIL COUNTY ATTORNEY

121 WEST JUNIUS, SUITE 320
FERGUS FALLS, MINNESOTA 56537

(218)998-8400
FAX (218)998-8414

ASSISTANTS
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RYAN C. CHESHIRE
HEATHER L. BRANDBORG
CHRIS STUBER
INVESTIGATOR
SANDRA K. HOLO

, 2007

Dear

Our office has received notice that your child, *, is continuing to have excessive absences from school. Children subject to the Compulsory Education Law who are truant and/or who are not receiving education are subject to Child in Need of Protection or Services petitions, which are filed in District Court. Please make every effort to have your child attend class and obtain a valuable education.

If further absences occur, a referral will be made to the Otter Tail County Department of Human Services who will assign a Case Manager to do a family assessment of educational neglect. The goal is to reduce absences and avoid involving the court. Hopefully, working together we can help * succeed in life. Thank you for your cooperation.

Very truly yours,

David J. Hauser

DJH/mk

cc: *, Principal
Brad Vold, Otter Tail County Department of Human Services
Jane Patrick, Otter Tail Family Services Collaborative

Otter Tail County Human Services

EDUCATIONAL NEGLECT/TRUANCY REPORT FORM

Child's Name: _____ DOB: _____

Address: _____

School: _____ Grade _____

Living With: _____ Relationship: _____

Phone #: _____

Mother: _____ Father: _____

DOB: _____ DOB: _____

Address: _____ Address: _____

Phone #: _____ Phone #: _____

A. Has a parent/child conference been held concerning the problem? Yes No

If not, why? _____

1. Conference Date(s): _____

2. Child's response or explanation for truancy: _____

3. Parental explanation for truancy: _____

B. What special problems does the child have?

_____ Physical _____ Emotional _____ Behavioral _____ Learning Disabilities

Explain: _____

I. To your knowledge, are the child and/or parents working with any other agency?

_____ Yes _____ No

List agencies: _____

II. On the basis of what you know about the child and his or her family, what do you think the child needs, other than what the school can provide, to overcome the truancy problem?

Submitted by: _____

School: _____

The truancy checklist form must be attached to this referral, as well as any other supplemental reports that you feel provide useful information. Attach list showing dates of unexcused absences.

Please send reports to:

Brad Vold, Social Services Supervisor
Otter Tail County Social Services
530 West Fir Ave.
Fergus Falls, MN 56537

If you have any questions, please feel free to give our Agency a call at 218-998-8150, or E-mail, bvold@co.otter-tail.mn.us.

**ATTENDANCE – INTERVENTION STRATEGIES
TRUANCY PREVENTION PROJECT OF
THE OTTER TAIL FAMILY SERVICES COLLABORATIVE**

The following list is a tool for use when documenting measures taken by OTC school administrators and OTC Human Services to address school attendance issues with students and/or families. Please complete this information and keep it on file for students that have been identified with attendance issues. This completed form should be sent to Otter Tail County Human Services and/or the Otter Tail County Attorney’s office when making referrals for truancy.

Student’s Full Name: _____ Grade _____ Age _____

School District: _____ Administrator Name: _____

Please initial and provide dates on which interventions were offered or completed. If an intervention was offered, but the family chose NOT to participate in such an intervention, please indicate the reason.

___ Attendance was continually monitored and documented for this student and the student was reported absent without excuse on the following dates:

___ The parent(s)/guardian(s) of this student were notified either in writing or by telephone of the following unexcused absences as they occurred and as documented on _____ (date).

___ Written correspondence was sent by the school’s administrator following (please check one):
___ (a) the student’s third (3rd) unexcused absence, or ___ (b) when a concern was noted regarding irregular attendance habits on the following dates. Please list any reason given by parents/guardians and/or student for the excessive absences:

<u>Dates absent:</u>	<u>Date Notified:</u>	<u>Reason given for absence(s):</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

___ A copy of the Otter Tail Countywide K – 12 Attendance Policy was provided to this family on (date): _____

___ On (date): _____ school staff met with the family and discussed student resources available within the school (counselors, Family Outreach Facilitators, school administrators, etc.) in an effort to assist in identifying and addressing issues related to the student’s attendance. If the family was offered this opportunity and chose not to discuss attendance issues with resource personnel, please indicate reason given (if any):

___ On (date): _____, following the student's seventh unexcused absence the school sent the family written correspondence by U.S. Mail, and all student absences were outlined within the correspondence.

___ The family was provided with a brochure containing information regarding truancy and related consequences for not attending school as defined by Minnesota Law.

___ School staff discussed concerns about possible chemical abuse or dependency with the student and/or their parent(s).

___ Yes ___ No If yes, indicate student/parent response:

___ School staff discussed concerns about possible physical or mental health issues with the student and/or their parent(s). ___ Yes ___ No If yes, indicate student/parent response:

___ The student is currently involved in the juvenile justice system and is being monitored by an Otter Tail County Probation Agent. Name of Probation Agent: _____

___ At least one parent/guardian and the student attended a meeting scheduled on (date): _____ following the seventh unexcused absence, and were informed about the concerns of school administrators regarding the students attendance: ___ Yes ___ No
If no, please indicate reason why the meeting did not take place:

___ On (date): _____ the student was offered the opportunity to participate in the alternative education program of the _____ School District.

___ The student/family was screened by the school's child study team on (date): _____

___ Other interventions attempted – please describe: _____

___ The School District referred the family to the Otter Tail County Attorney Truancy Mediation Program on (date): _____ for the purpose of informing the family and student about legal consequences related to truancy.

___ The family was notified by the County Attorney's office by U.S. Mail of a meeting for the Truancy Mediation Program on (date) _____.

___ The family was notified by the School District by telephone of a meeting for the Truancy Mediation Program on (date): _____.

___ At least one parent/guardian and the student attended a meeting on (date): _____ as scheduled by the Otter Tail County Attorney's office and were verbally informed of the legal consequences regarding truancy. ___ Yes ___ No If no, please indicate reason why the family did not attend the meeting:

___ An Attendance Plan was developed for this student on (date): _____.

___ The student and/or parent(s) did follow through with the terms agreed to in the Attendance Plan.

___ The student and/or parent(s) did not follow through with the terms agreed to in the Attendance Plan.

Please explain: _____

___ The student was referred to OTC Human Services for intervention services on (date): _____.

___ OTC Human Services received a referral on (date): _____.

___ The accompanying information was complete

___ The accompanying information was not complete and the school was asked for additional information on (date): _____.

___ Complete information was received on (date): _____.

___ The student was found to be on delinquency probation. This matter was referred to the child's probation officer from OTC Court Services on (date) _____.

___ Referral information reviewed by OTC Human Services screening team on (date): _____

___ OTC Human Services contacted the family about the referral on (date): _____.

___ Release of information was ___ obtained ___ denied ___ not requested on (date): _____.

If denied or not requested, please state reason: _____.

___ OTC Human Services contacted the school on (date): _____.

___ OTC Human Services assigned a case manager on (date): _____.

___ On (date) _____ OTC Human Services scheduled a meeting between student, their parents, school and County staff to be held (date): _____. If meeting was not scheduled, please explain why not: _____.

___ Meeting was held on (date): _____. If meeting was not held, please explain reason: _____.

___ OTC Human Services developed a case plan with the family and sent this plan to the school on (date): _____.

___ Case plan closed by OTC Human Services on (date): _____. Reason: _____

___ Case plan was successfully completed

___ Case Plan was unsuccessful. Reason: _____

___ Case was referred to Court on (date): _____.

___ Court dismissed case on (date): _____.

___ Court entered disposition on (date): _____.

___ Student ordered to attend school.

___ Student/family ordered to attend counseling.

___ Student/family ordered to participate in in-home services.

___ Parents ordered to deliver student to school.

___ Student's driving privileges revoked

___ Other: _____

When completed, this checklist should be sent to:

Truancy Prevention Project
Otter Tail Family Services Collaborative
Government Services Building
530 W. Fir Avenue
Fergus Falls, MN 56537

For Coordinator Use ONLY:												Date: _____	Total													
Total Absences K	___	1	___	2	___	3	___	4	___	5	___	6	___	7	___	8	___	9	___	10	___	11	___	12	___	_____
Attendance Clerk Assigned:	_____																									

Dear Parents,

When young people start skipping school they are telling their parents, school officials and the community that they are in trouble and need our help.

Otter Tail County and its school districts work together to provide a range of services for students who are at risk for truancy and dropping out of school. This brochure outlines the services available as a result of their efforts.

Please contact your child's principal if you have any questions about the Truancy Prevention Program, or to discuss concerns you may have about your child's attendance.

Truancy Prevention Work Group
of the Otter Tail Family Services Collaborative

Matt Aker, New York Mills ISD #553

Jeff Drake, Battle Lake ISD #542

John Hamann, Underwood ISD #550

Joannie Gontarek, OTC Court Services

David Hauser, Otter Tail County Attorney

Glenn Moerke, Pelican Rapids ISD #548

Scott Bjerke, Perham-Dent ISD #549

Thomas Williams, Henning ISD #545

Jon Steinbrenner, Family Outreach Program

Brad Vold, Otter Tail Co. Human Services

Connie Wenker, Parkers Prairie ISD #547

Tindy Rund, Fergus Falls ISD #544

Rev.8/07

Otter Tail Family Services Collaborative

Working Together...

Serving Families

...Improving Lives



The Otter Tail Family Services Collaborative is a partnership of 29 education, non-profit and county departments working together in new ways to better serve the families of Otter Tail County and improve the lives of children and their families.

For more information see the website at <http://www.otfsc.org> or contact the coordinator:

Jane Patrick

Phone: 218.736.3458

E-mail: patrick@prtcl.com

Mailing address:

530 West Fir

Fergus Falls, MN 56537

Truancy Intervention Hand Guide

**Information
to help
Families and
Schools Work
Together and
Support
Student
Success!**

*Sponsored by the
Truancy Prevention
Program
of your local school district
and the
Otter Tail Family Services
Collaborative*

Otter Tail County public schools want to create a partnership with parents that will support you and your student and result in improvement of student attendance, attitudes about school, and grades.

We know that you and the school need to have good communication about your child's attendance.

Attendance Policies in Otter Tail County schools provide for timely parent notification when children are not in school. In addition letters are sent to parents of students with excessive absences documenting their student's absences and providing information on the importance of school attendance. If your child has unexcused or excessive excused absences, you may be asked to meet with the school's principal to discuss concerns about attendance.

We believe that some parents and students are not aware of the legal issues related to unexcused absences.

Otter Tail County Connects for Youth

This program brings families, schools, the county and others together to help address the reasons why students skip classes. It is designed to help improve communication between families and their schools. Students and parents are asked to attend when students miss school without a valid excuse. These meetings are held at the Courthouse.

We recognize that unexcused absences often mean that a student is in trouble and needs help from both family and school.

Did you know....

- 90% of youth involved with the criminal system were truant
- 25% of youth expelled for truancy became involved with the court system within one year
- The lifetime cost of a criminal to people paying taxes is over \$1 Million

We understand that it is important to offer a variety of services to meet the individual needs of students who are truant and at risk for dropping out of school.

Special programs or services may be available to help your child be more successful in school. Please contact your school to find out what is available for your family. Good attendance is very important in helping your child get the most out of each school day.

Court Action

If a student continues to be truant after all interventions have been tried, the matter will be referred to the Otter Tail County Attorney's Office to determine what action should occur.

The student can be petitioned as a child in need of protection or services ('CHIPS Petition') based on truancy. The judge has the authority to administer a variety of consequences or dispositions, which can include the following:

- A child may lose their driving privileges until he/she is 18 years old;
- The court can order that any necessary evaluations, treatment, and counseling services be completed by the child or family;
- A child can be removed from their home and placed in shelter or foster care or a short term residential facility.

Otter Tail Family Services Collaborative

*Working Together...
Serving Families
...Improving Lives*

Rev. 8/07

The most far-reaching consequences of truancy are not the court sanctions. Children who do not attend school are more likely to become involved in delinquent and ultimately criminal behaviors. These young people are severely limiting their opportunities and truancy can be the beginning of a lifetime of problems. In today's job market, those who drop out without finishing high school will find very limited employment opportunities.

What Can Parents Do?

You are not alone. Many families are concerned about their children's school attendance, and help is available.

Talk to the staff at your child's school.

Teachers, principals, counselors, and social workers at your child's school may be able to help you understand why your child is missing school. If possible, visit the school to understand what's going on in your child's day.

Ask the school staff what help is available.

The school offers extra programs, such as Family Group Conferencing, and other services that could help your child.

Reach out to other family members and friends.

They may have information or ideas that can help.

Connect with professionals for advice.

Counselors, therapists, and clergy can all offer insight and support.

Monitor your child's attendance:

Use the school's parent notification system to monitor your child's attendance. Work with the school to make sure the notices get to you at a time you can personally receive them.

SCHOOL ATTENDANCE and the Law

Information on truancy and consequences for skipping school

Provided as a service of the Otter Tail Family Services Collaborative Truancy Prevention Project Partners:

Battle Lake ISD #542

Fergus Falls ISD #544

Henning ISD #545

New York Mills ISD #553

Parkers Prairie ISD #547

Pelican Rapids ISD #548

Perham ISD #549

Underwood ISD #550

Otter Tail County Attorney's Office

Otter Tail County Court Services

Otter Tail County Human Services

Family Outreach Program

School Attendance – IT IS THE LAW

Minnesota State Statute requires that children attend school.

- For children under the age of 12, it is the parent's responsibility to ensure the child is in school.
- For students over the age of 12, it is the student's responsibility to get to school on a daily basis.

Children ages 16 and 17 must be lawfully withdrawn from school by their parent or guardian. Children cannot independently "drop out" of school.

A student is required to attend school each and every day and every class period. If they miss a school day or part of the day, a parent or guardian must notify the school.

If a student is absent without lawful excuse on three or more days or any part of the school day, they are considered truant. Truancy is a violation of Minnesota State law.

The law mandates that parents compel their children to attend school. There are potential criminal penalties if a parent fails to do so. This can include up to a \$700 fine and/or 90 days in jail.

Truancy Prevention and Intervention Services

The parents, school, and community are all partners in working toward the goal of school attendance and educational success.

Minnesota law is "designed to provide a continuum of intervention and services to support families and children in school and in combating truancy and educational neglect."

Continuum of Services:

- Schools require that parents call or send a written excuse each day a child misses one or more periods of school.
- When a child has three unexcused absences, the school will send a letter to the parents to document the absences. In addition, a referral may be made to the Otter Tail County Attorney's Office and the family may be asked to attend a mediation session sponsored by the County Attorney's Office.
- Following the seventh unexcused absence, a face-to-face meeting will be scheduled with the parents, child and school staff. Human Services will also be notified of the absences and a plan will be developed to address the barriers to school attendance.
- If the parents do not attend this meeting, or if the attendance plan is not followed, the school may refer the matter to Otter Tail County Human Services.

- If upon review, Human Services determines that the student has seven absences which are labeled "unexcused," the child is then considered "**truant.**" The school is now required to report that the child is in violation of the compulsory attendance laws, and a written referral will be made to Human Services.
- A formal meeting will be required with parents, school and Human Services to develop A Truancy Plan of Action, as a final attempt to compel the student to attend school. A contract will be established with the child, who is then placed under supervision to attend school. Significant consequences can occur at this level and appropriate referrals for services are made.

Help Your Child be Successful by:

- ~ Make school a family priority***
- ~ Build your child's self-confidence as a student by recognizing when he or she does well in school***
- ~ Help your child develop good study and work habits***
- ~ Help with homework when needed***
- ~ Meet your child's friends and teachers. These relations can affect attendance.***

ADJUDICATION –

Term used by the court when there is a finding that the child is in need of protection or services. Adjudication is the judge's decision to find that the child is in need of protection or services.

ADMIT/DENY HEARING –

Once a CHIPS petition is filed, then the parents have an opportunity to either admit or deny the allegations in the petition. If a party admits the allegations in the petition, then a case plan will be created by Social Services. If a party denies the allegations, then a trial will be scheduled. The trial must be scheduled within 60 days of the denial. At the trial, the parties are allowed to call witnesses and present evidence to the judge why they believe the allegations found in the petition are not true.

BEST INTEREST OF THE CHILD -

The Court makes decisions based upon what is best for the child. The best interest of the child is one of the standards the court uses to determine what plan to follow.

BURDEN OF PROOF –

The party that has to prove something to the Court has the burden of proof. In CHIPS cases, the petitioner, or typically the County, has the burden to prove what they allege in the petition. Neither the child nor the parent has the duty to explain unproven allegations.

CHILD IN NEED OF PROTECTION OR SERVICES –

There are a number of ways a child may be in need of protection or services. Currently, the laws of Minnesota set forth at least 16 different ways a child can be found to be in need of protection or services. A Petition must be filed in district court stating the particular reason for the request in each case. A district court judge will make the decision if a child is need of protection or services.

CHIPS PETITION – (CHild In need of Protection or Services)

The name of the petition that is filed in district court that alleges why the child or children listed on the petition are in need of protection or services.

CONCURRENT PERMANENCY PLANNING –

When a child is placed out of the home for more than 60 days, Social Services is required not only to continue with reunification efforts but to also plan an alternative permanent placement for the child in case then parents are not successful in complying with the out of home placement plan. In a case where the parents are not successful in having their child returned then Social Services will be prepared to place the child somewhere else when the time is up for the parents.

DISCOVERY –

Everyone who is a party has a right to obtain information from the other parties. The discovery process is how the information is obtained.

DISPOSITIONAL HEARING –

If a child is found to be child in need of protection or services, and the parents do not agree with the recommendations found in the case plan, then the court will have a dispositional hearing. At this hearing the parties will be able to tell the judge what they want to happen as a result of the child being found to be a child in need of protection or services.

EMERGENCY PROTECTIVE CARE HEARING (EPC Hearing) –

When a child is taken out of the home, the district court will conduct a hearing. At this hearing the judge will determine whether the child should remain in custody or be returned to his parents or guardian. If the child remains in custody of Otter Tail County Social Services the child will be placed a foster home, shelter care, or other appropriate facilities depending on the circumstances of the child.

GUARDIAN AD LITEM –

An individual appointed by the court to ensure that the best interest of the child are being met in the court proceedings. The guardian ad litem is not legal representation for the child, but rather advises the court of what the guardian believes is in the best interest of the child, not necessarily what the child believes should happen. The child's attorney (if of an age to express an opinion) will be responsible to advise the court what the child believes is in his best interests.

INDIAN CHILD WELFARE ACT –

If a child is an enrolled member of a tribe, then that tribe must be informed of the CHIPS petition and be given notice of any district court hearings.

MOTION –

A court document requesting that the Court take some action on a request by any of the parties.

OUT OF HOME PLACEMENT PLAN –

If the child remain out of the home after the CHIPS petition is proved, then Otter Tail County Social Services must prepare a plan which allows the parents an opportunity to have the child returned to their custody. The plan will contain specific requirements for the parents to follow with the goal of reunifying the child with the parents. If the parents comply with the requirements of the plan, then the child will be returned home. If the child is under eight (8) then the requirements of the plan must completed within 6 months if the child placed out of the home. If the child is eight (8) or over, then the requirements of the plan must be completed within 12 months.

PARENT –

Means the birth or adoptive parent of a child.

PARTICIPANT –

A person who has limited rights in a CHIPS proceeding. A participant may receive notice, attend hearings and offer information to the court at the court's discretion. A participant may petition the court to become a party.

PARTY –

A person who is totally involved in the CHIPS proceeding. A party is entitled to receive notice, have legal representation, be present at all hearings, conduct discovery, bring motions, participate in settlement discussions, subpoena witnesses for hearings, make arguments, present evidence, cross-examine witnesses, request reviews, and appeal orders.

PERMANENT FOSTER CARE –

If a court determines that a parent did not comply with the placement plan, but also determines that termination of parental rights is not appropriate, then the court may order that the child live with a relative on a permanent basis. The parental rights of the parent are not terminated, but if the parent wants to seek custody of the child in the future, a civil court proceeding must be commenced.

PLAN FOR PROTECTIVE SUPERVISION –

If the child is returned home, then Otter Tail County Social Services must prepare a plan that offers services to the family with the child in the home. This plan may involve services such as requiring social workers into the home to help with parenting skills.

REASONABLE EFFORTS –

A Placement Plan is prepared by a social services agency. That plan typically sets forth services that are to be provided to a family. The Court must make a determination at some point to determine if the services offered a family were reasonable.

RELATIVE –

Means not only those persons related by blood, such as a brother, sister, uncle, aunt, grandparent, it may also be someone who is an important friend with whom the child has resided or had a significant contact.

REVIEW HEARING –

Periodical hearings set in front of the Court to review how the case is going.

RIGHT TO AN ATTORNEY –

The child, parent or guardian or custodian has the right to have an attorney represent the individual in all court proceedings. If a child over 10 years of age or the parents cannot afford an attorney they have a right to have an attorney appointed to them by the court.

TERMINATION OF PARENTAL RIGHTS –

If the parents do not comply with either the Out of home placement plan or the plan for protective supervision prepared by Social Services, then the county may file a petition for the termination of parental rights. The laws of Minnesota list a number of circumstances where termination is appropriate.

HELPFUL WEBSITES FOR STAKEHOLDERS INVOLVED IN THE CHILD PROTECTION
SYSTEM
9/1/07

Children's Justice Initiative General Website - <http://www.courts.state.mn.us/?page=148>

Judges Bench Book - <http://www.courts.state.mn.us/?page=178>

Child Protection Timeline -

http://www.courts.state.mn.us/documents/0/public/Children's_Justice_Initiative/Ch_02_-_Child_Protection_Timeline_-_Removal_to_Permanency.pdf

Child in Need of Protection or Services Statute -

http://ros.leg.mn/bin/getpub.php?pubtype=STAT_CHAP&year=2006§ion=260C

Truancy Statute - http://ros.leg.mn/bin/getpub.php?pubtype=STAT_CHAP&year=2006§ion=260A

Minnesota Rules Governing Child Protection - <http://www.revisor.leg.state.mn.us/arule/9560/>

Data Practices Manual -

http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=id_016540

Otter Tail County District Court Website - <http://www.courts.state.mn.us/district/7/?page=475>

Department of Human Services Bulletin Main Webpage -

http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&Redirected=true&dDocName=id_000305

Listing of IV-E Placement Facilities -

http://www.dhs.state.mn.us/main/groups/publications/documents/pub/dhs16_138713.pdf

Resources on Minnesota Legislative Issues: Legal Age in Minnesota -

<http://www.leg.state.mn.us/lrl/issues/legalage.asp>

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