

STATE OF MINNESOTA

FOURTH JUDICIAL DISTRICT COURT

COUNTY OF HENNEPIN

JUVENILE COURT DIVISION

**SOCIAL AND MEDICAL HISTORY TO BE
COMPLETED PRIOR TO FILING OF
PERMENANCY PETITION**

STANDING ORDER

WHEREAS the Hennepin County Human Services and Public Health Department (HSPHD) is required by Minnesota Statute section 260C.609 to create a “detailed, thorough, and currently up-to-date social and medical history” for children under guardianship of the Commissioner of Human Services.

WHEREAS HSPHD has the duty to make reasonable efforts to finalize adoptions for such children by ensuring their best interests are met and ensuring that “the court has the timely information it needs to make a decision that is in the best interests of the child” when reviewing and finalizing adoptions. *See* Minnesota Statute §260C.601, subd. 2 (1), (4) (2016).

WHEREAS the Minnesota Department of Human Services (DHS) will not give final approval for the adoption of a child who is under the guardianship of the commissioner unless a social and medical history has been completed, and presently approximately 17 percent of Hennepin County state ward cases cannot be finalized due to the absence of a social history.

WHEREAS Minnesota Statute section 260.609(b) directs that HSPHD’s reasonable efforts to complete the social and medical history must “begin no later than the permanency progress review hearing...or six months after the child’s placement in foster care”.

WHEREAS a social and medical history also should be available to inform the care and services provided to children in foster care, is required when an ICPC is sought and is an important part of HSPHD’s obligation to engage in concurrent planning. *See* Minn. Stat. § 260C.223 (2016).

IT IS HEREBY ORDERED:

1. That effective **May 15, 2016** no permanency petition will be accepted for filing (except private petitions, expedited petitions and petitions for transfer of legal custody unless an ICPC is required) without verification from HSPHD that a social and medical history has been completed. A checkbox shall be added to the current petition form which can be used to indicate completion.

Dated:

BY THE COURT



Judge Margaret A. Daly
Presiding Judge—Juvenile Court

Margaret Daly

2016.03.14

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MEMO

Minnesota law requires that the responsible social service agency (for Hennepin County the Human Services/Public Health Department or HSPHD) prepare a social and medical history for children who are guardians of the Commissioner of the Department of Human Services (DHS). While the requirement primarily relates to adoption it also is required if the child is to be placed outside of Minnesota pursuant to an ICPC. An adoption cannot be finalized until the history has been completed and the document is filed with DHS. There has been a recurring problem on the State Ward review calendar where adoptions are being held up due to missing or incomplete social histories. Minnesota Statute section 260C.609(b) states that reasonable efforts to complete the history should begin “no later than the permanency progress review hearing required under section 260C.204 or six months after the child’s placement in foster care.” As a practical matter of course it is also easier to get an accurate history from parents while they are engaged in a CHIPS case and working with the Department rather than after the parents’ rights have been terminated.

The lack of completed histories and the resulting delays in finalizing adoptions was brought to the attention of HSPHD some time ago. At that time the bar to filing permanency petitions was proposed by the bench. HSPHD requested an opportunity to correct the problem. Since that time the problem has not improved and in fact has gotten worse. About 17 percent of the state ward cases currently are unable to proceed to final adoption due to there being no social history. DHS will not approve adoptions without a history and so those children remain in limbo. In the meantime the child protection social worker has moved on to other cases and the parents are no longer engaged in the case as their rights have been terminated, thus making the creation of a social history more challenging.

The Hennepin Juvenile bench is sympathetic to the many responsibilities placed on the social workers. Child services workers, who might otherwise have played a key role in preparing the social history, have been largely eliminated. However not only are social histories required by law and DHS rules, they should be completed so that family medical and social history is available when treatment or services are being considered for children living out of home. Stated in the most basic terms, an accurate history would seem to be the least we owe to children whose ties to their family may be permanently severed.

Unfortunately at this time the standing order appears to be necessary if the court is to fulfill its duty to ensure the timely adoption of children under guardianship of the commissioner. By doing so the bench does not intend to suggest that delays in the filing of permanency petitions will be deemed acceptable or excused.

MAD