

Developing, Approving, and Reviewing Progress of Out of Home Placement Case Plans



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Developing OHPPs



Must be developed by social worker in consultation with and participation by:

- **Child, consistent with the child's age and capability**
- **Child's parent(s), guardian, or custodian**
- **Child's guardian ad litem**
- **Tribal representative, if the tribe has intervened**
- **Foster parent.**

Developing OHPPs



- **Parents and other family members should identify services that will assist in timely reunification.**
- **If the appropriate family members do not sign the plan, the child protection worker must document the reason that the family members did not sign the plan.**
- **Plan will be filed without signatures for court to review**

Timelines for Case Plans



- **The out-of-home placement plan shall be filed with the court and provided to the parties within 30 days of the court ordering the child in foster care.**
- **The child protective services plan shall be filed with the CHIPS petition unless the Agency includes a statement in the petition explaining why it has not been able to develop a plan.**

Content of OHPP



The OHPP must include :

- 1. The reasons for the provision of protective services.**
- 2. Achievable goals of the appropriate members of the family unit to reduce risk of harm to the child, and observable behaviors and timelines that will demonstrate achievement of these goals.**

Content of OHPP



. . . continued

- 3. The specific services expected to address the conditions that present harm to the child.**
- 4. Specific tasks to be performed by each appropriate member of the family unit, the child protection worker, and other service providers.**

Content of OHPP



. . . continued

- 5. Consequences of failure to comply with the written protective services plan.**
- 6. A projected date for the quarterly reassessment.**

Approval of OHPP



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

Appeallate Treatment of Case Plans

- In the Matter of the Welfare of M.D.O., 462 N.W.2d. 370, (Minn. 1990).
- In the Matter of the Welfare of the Children of W.J.C., III, 2016 WL 358275, July 5, 2016.
- In the Matter of the Welfare of A.R.B. and D.T.R., 906 N.W.2d 894, (Minn. App. 2018).
- In the Matter of the Welfare of J.L.I., 2018 WL 1462209, March 28, 2018
- In the Matter of the Welfare of C.F., unpublished, 2019 WL 511024, February 11, 2019
- In the Matter of the Welfare of E.C.S, unpublished, 2019 WL 226324, May 28, 2019

Disposition Review Hearings



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

Timing of Filing of Court Reports



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

Content of Social Services Court Reports



Each report shall include a statement certifying the content as true based upon personal observation, first-hand knowledge, or information and belief, and shall:

- **(a) be captioned in the name of the case and include the court file number;**

Content of Social Services Court Reports



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

Content of Social Services Court Reports



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

Content of Social Services Court Reports



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

Content of Social Services Court Reports



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

Content of Social Services Court Reports



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

Content of Social Services Court Reports



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

Content of Social Services Court Reports



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

Content of Social Services Court Reports



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

Content of Social Services Court Reports



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

Content of Social Services Court Reports



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

Content of Social Services Court Reports



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

Agency's Requested Court Action



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

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

Agency's Requested Court Action



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

Objection to Agency Report



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

Content of GAL Court Reports



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

Content of GAL Court Reports



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

Content of GAL Court Reports



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

Content of GAL Court Reports



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

Court Review of OHPP



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

Permanent Progress Review Hearing



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

Permanent Progress Review Hearing



Court may extend for up to an additional 6 months when:

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

Citations



- **Rule 26 – Case Plans**
- **Minn. Stat. 260C.202 – court review of foster care placement**
- **Minn. Stat. 260C.204 – permanent placement progress review**