

CHAPTER 3
DEFINITIONS
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	<p>3.02 "Active Efforts" continued</p> <p>Indian Family Preservation Act (MIFPA), and Minnesota Dept. of Human Services (DHS) Social Services Regulations to prevent placement of an Indian child and at the earliest possible time to return the child to the child's family once placement has occurred. See also "reasonable efforts" defined in section 3.47.</p> <p><i>Comment: The following are considered "active efforts":</i></p> <ul style="list-style-type: none"> • <i>Invite the tribal representative to participate at the earliest possible point;</i> • <i>Actively solicit the tribal representative's advice;</i> • <i>Involve an expert with substantial knowledge of prevailing social and cultural standards and child-rearing practices within the tribal community that can evaluate the family circumstances and assist in developing a case plan that uses tribal and Indian community resources;</i> • <i>Provide concrete services such as financial assistance, food, housing, etc., if needed;</i> • <i>Facilitate visitation, including transportation assistance, to keep the child in close contact with parent(s), siblings, and other relatives;</i> • <i>Refer parent(s) and children to Indian agencies for services;</i> • <i>Contact extended family members as a resource for child; and</i> • <i>Make all case records and materials involving custody or potential custody available to the tribal social services agency or its designee.</i> 	<p>Minnesota Indian Family Preservation Act "Social Worker Checklist," Social Services Manual, Minn. Dept. of Human Services, XIII 3521, 3522, 3559 (5/99)</p>
3.03	<p>"ADJUDICATED FATHER" means an individual determined by a court, or pursuant to a Recognition of Parentage under Minn. Stat. § 257.75 to be the biological father of the child.</p>	<p>RJPP 2.01(1)</p>
3.04	<p>"AGENCY" means the responsible social services agency or a licensed child-placing agency.</p>	<p>Minn. Stat. § 260C.007, subd. 2</p>
3.05	<p>"ALLEGED FATHER" means an individual claimed by a party or participant to be the biological father of a child.</p>	<p>RJPP 2.01(2)</p>
3.06	<p>"BEST INTERESTS OF THE CHILD"</p> <p>The Code of Federal Regulations uses the phrase "best interests of the child" and "contrary to the welfare of the child" interchangeably. Minnesota requires a "contrary to the welfare" determination at the Emergency Protective Care Hearing (see "Emergency Protective Care Hearing" Chapter 8.16). There is no requirement for a "best interest" finding in an ex parte order for emergency protective care, but RJPP 28.02, subd. 1(c) and § 260C.151, subd. 6, require a "contrary to the welfare" determination to be included with the ex parte order.</p>	<ul style="list-style-type: none"> • 45 C.F.R 1356.21(c) (best interest or contrary to welfare finding required) • Minn. Stat. § 260C.178, subd. 1(f) (best interests and contrary to welfare finding required) • Minn. Stat. § 260C.151, subd. 6 (court order for emergency protective care requires contrary to welfare finding)

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	<p>3.06 Best Interests of Child (continued)</p> <p>Child Protection Matters: The paramount consideration in all proceedings concerning a child alleged or found to be in need of protection or services is the health, safety, and best interests of the child.</p> <p>In proceedings involving an Indian child, the best interests of the child must be determined consistent with Minn. Stat. § 260.751 to § 260.835 and the Indian Child Welfare Act, 25 U.S. C. § 1901 to § 1923.</p> <p>When considering the child’s placement, “best interests of the child” means “all relevant factors to be considered and evaluated” and includes a “review of the relationship between the child and relatives and the child and other important persons with whom the child has resided or had significant contact.”</p> <p>Generally, consideration of the child’s best interests is required for placement in foster care.</p> <p>When ordering the child into out-of-home placement, the court is required to make individualized determinations about the needs of the child and how the selected placement will serve those needs. The court shall review whether the agency has made reasonable efforts and individualized determination required under Minn. Stat. § 260C.212, subd. 2(b), as follows:</p> <ul style="list-style-type: none"> (a) the child’s current functioning and behaviors; (b) the medical, educational, and developmental needs of the child; (c) the child’s history and past experience; (d) the child’s religious and cultural needs; (e) the child’s connection with a community, school, and faith community; (f) the child’s interests and talents; (g) the child’s relationship to current caretakers, parents, siblings, and relatives; and (h) reasonable preference of the child, if the court deems the child to be of sufficient age to express a preference. <p>The best interest of the child is the paramount consideration in terminating parental rights; however, the best interests of the child may work either for or against termination. In determining the best interest of the child in cases where a child may not be adoptable,</p>	<ul style="list-style-type: none"> • RJPP 28.02, subd. 1(c) (court order for emergency protective care requires contrary to welfare finding) • Minn. Stat. § 260C.001, subd. 2(a) • Minn. Stat. § 260C.001, subd. 2(a) • Minn. Stat. § 260C.201, subd. 11(c) and § (e) • Minn. Stat. § 260C.193, subd. 3(a) • Minn. Stat. § 260C.212, subd. 2(a) • Minn. Stat. § 260C.193, subd. 3(a), (b) • Minn. Stat. § 260C.212, subd. 2(b) • RJPP 41.05, subd. 1(c) • Minn. Stat. § 260C.301, subd. 7 • <i>In Re Welfare of A.J.C.</i>, 556 N.W.2d

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<p>3.06 Best Interests of Child – Child Protection Matters (continued)</p> <p>courts must weigh the benefits of non-termination, requiring foster care against termination, and requiring foster care for an unadoptable child. Non-termination preserves parent contact, but termination severs that relationship.</p> <p>Procedural or technical defects by the state which implicate due process concerns must be balanced against the child’s substantive rights to be raised in a secure home, which is embodied in the best interest of the child.</p> <p>The parent’s right to custody is always subordinate to the best interests of the child.</p> <p>Public policy is that the best interests of the child are usually served by parental custody. This policy establishes a presumption that natural parents should be entrusted with the care of their children and should not be deprived of custody except for grave and weighty reasons. The dependency and neglect statutes create a temporary solution with the ultimate purpose of returning the child to the natural parents.</p> <p>Termination of Parental Rights Matters</p> <p>With respect to termination of parental rights proceedings, “where the interests of parent and child conflict, the interests of the child are paramount.”</p> <p>The best interests of the child, standing alone, is an insufficient basis to support involuntary termination of parental rights. Parental rights cannot be terminated in the absence of at least one statutory ground for termination.</p> <p>In applying the best interests of the child in a termination of parental rights context, courts must look at the child’s interests prospectively as well as looking into the past, so as not to distort a fair understanding of the concept.</p> <p>Stability is a factor that must be given high priority when determining the best interests of the child in terminating parental rights.</p> <p>If a statutory ground for termination of parental rights is proven, the court must then determine whether termination is in the child’s best interests. In evaluating the child’s best interests, the Court must balance three factors:</p> <p>(1) the child’s interest in maintaining the parent-child relationship;</p>	<p>161 (Minn. Ct. App. 1996)</p> <ul style="list-style-type: none"> • Minn. Stat. § 260C.301, subd. 7 • <i>In Re Welfare of A.J.C.</i>, 556 N.W.2d 161 (Minn. Ct. App. 1996) • <i>In Re Welfare of S.R.A.</i>, 527 N.W.2d 835 (Minn. Ct. App. 1995) • <i>In Re Welfare of Larson</i>, 312 Minn. 210, 251 N.W.2d 325 (Minn. 1977) • <i>In Re Matter of Welfare of Solomon</i>, 291 N.W.2d 364 (Minn. 1980) • Minn. Stat. § 260C.301, subd. 7 • <i>In Re the Matter of the Welfare of the Children of R.W.</i>, 678 N.W.2d 49 (Minn. 2004) • <i>In Re Welfare of M.P.</i>, 542 N.W.2d 71 (Minn. Ct. App. 1996) • <i>In Re Welfare of K.T.</i>, 327 N.W.2d 13 (Minn. 1982) • <i>In Re Welfare of J.M.</i>, 574 N.W.2d 717 (Minn. 1998) • <i>In Re Welfare of M.G.</i>, 407 N.W.2d

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	<p>3.06 Best Interests of Child – Termination of Parental Rights Matters (continued)</p> <p>(2) the parent’s interest in maintaining the parent-child relationship; and</p> <p>(3) any competing interest of the child, such as the child’s stable environment, length of time in foster care, health considerations, and the preference regarding placement.</p> <p>When the futility of reunification efforts is irrefutable, such as when the father is incarcerated until the children’s adulthood for murdering their mother, the county is not required to provide a case plan before an individual’s parental rights can be terminated on statutory grounds. <i>In Re Matter of Welfare of Solomon</i>, 291 N.W.2d 364 (Minn. 1980)</p>	<p>118 (Minn. Ct. App. 1987)</p> <ul style="list-style-type: none"> • <i>In Re Welfare of R.T.B.</i>, 492 N.W.2d 1 (Minn. Ct. App. 1992) • <i>In the Matter of the Children of A.V.</i>, 658 N.W.2d 249 (Minn. Ct. App. 2003)
3.07	<p>“CASE PLAN” means any plan for the delivery of services to a child and parent or legal custodian, or, when reunification is not required, the child alone, that is developed according to the requirements of Minn. Stat. § 260C.212, subd. 1. An “out-of-home placement plan” is required for children ordered into placement by the Court. A “protective services case plan” is required for a child who remains at home under the protective supervision of the social services agency. RJPP 37 specifies the requirements for both types of case plans.</p>	<ul style="list-style-type: none"> • Minn. Stat. § 260C.007, subd. 3 • RJPP 37
3.08	<p>“CHILD” means an individual under 18 years of age; “child” also includes an individual who is under age 21 and in foster care pursuant to Minn. Stat. § 260C.451.</p>	<p>Minn. Stat. § 260C.007, subd. 4</p>
3.09	<p>“CHILD ABUSE” means an act that involves a minor victim and that constitutes a violation of</p> <ul style="list-style-type: none"> • Minn. Stat. § 609.221 (assault in the first degree), • Minn. Stat. § 609.222 (assault in the second degree), • Minn. Stat. § 609.223 (assault in the third degree), • Minn. Stat. § 609.224 (assault in the fifth degree), • Minn. Stat. § 609.2242 (domestic assault), • Minn. Stat. § 609.322 (solicitation, inducement and promotion of prostitution), • Minn. Stat. § 609.324 (certain acts involving young children), • Minn. Stat. § 609.342 (criminal sexual conduct in the first degree), • Minn. Stat. § 609.343 (criminal sexual conduct in the second degree), • Minn. Stat. § 609.344 (criminal sexual conduct in the third degree), • Minn. Stat. § 609.345 (criminal sexual conduct in the fourth degree), • Minn. Stat. § 609.377 (malicious punishment of a child), • Minn. Stat. § 609.378 (neglect or endangerment of a child), • Minn. Stat. § 617.246 (use of minors in sexual performance), • An act that is physical or sexual abuse under Minn. Stat. § 626.556, subd. 2, or • An act committed in another state that involves a minor victim and would constitute a violation of one of these sections if committed in this state. 	<p>Minn. Stat. § 260C.007, subd. 5</p>

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3.10	<p>"CHILD CUSTODY PROCEEDING," as defined in the Indian Child Welfare Act, 25 U.S.C. § 1903(1), and Minnesota Statutes § 260.755, subd. 3, means and includes:</p> <p>(a) "foster care placement" which means any action removing an Indian child from the child's parent or Indian custodian for temporary placement in a foster home, institution, or the home of a guardian or conservator where the parent or Indian custodian cannot have the child returned upon demand, but where parental rights have not been terminated;</p> <p>(b) "termination of parental rights" which means any action resulting in the termination of the parent-child relationship;</p> <p>(c) "preadoptive placement" which means the temporary placement of an Indian child in a foster home or institution after the termination of parental rights, but prior to or in lieu of adoptive placement; and</p> <p>(d) "adoptive placement" which means the permanent placement of an Indian child for adoption, including any action resulting in a final decree of adoption.</p> <p>Such term or terms shall not include a placement based upon an act which, if committed by an adult, would be deemed a crime, or an award of custody to one of the parents in a divorce proceeding.</p>	RJPP 2.01(4)
3.11	<p>"CHILD IN NEED OF PROTECTION OR SERVICES" means a child who is in need of protection or services because the child:</p> <p>(1) is abandoned or without parent, guardian, or custodian;</p> <p>(2)(i) has been a victim of physical or sexual abuse as defined in Minn. Stat. § 626.556, subd. 2(ii), resides with or has resided with a victim of child abuse as defined in subdivision 5 or domestic child abuse as defined in subdivision 13(iii) resides with or would reside with a perpetrator of domestic child abuse as defined in subdivision 13 or child abuse as defined in subdivision 5 or 13, or (iv) is a victim of emotional maltreatment as defined in subdivision 15;</p> <p>(3) is without necessary food, clothing, shelter, education, or other required care for the child's physical or mental health or morals because the child's parent, guardian, or custodian is unable or unwilling to provide that care;</p> <p>(4) is without the special care made necessary by a physical, mental, or emotional condition because the child's parent, guardian, or custodian is unable or unwilling to provide that care;</p> <p>(5) is medically neglected, which includes, but is not limited to, the withholding of medically indicated treatment from a disabled infant with a life-threatening condition. The term "withholding of medically indicated treatment" means the failure to respond to the infant's life-threatening conditions by providing treatment, including appropriate nutrition, hydration, and medication which, in the treating physician's or physicians' reasonable medical judgment, will be most likely to be effective in ameliorating or correcting all conditions, except that the term does not include the failure to provide treatment other than appropriate nutrition, hydration, or medication to an infant when, in the treating physician's or physicians' reasonable medical judgment:</p>	Minn. Stat. § 260C.007, subd. 6

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	<p>3.11 Child in Need of Protection or Services (continued)</p> <p>(i) the infant is chronically and irreversibly comatose;</p> <p>(ii) the provision of the treatment would merely prolong dying, not be effective in ameliorating or correcting all of the infant's life-threatening conditions, or otherwise be futile in terms of the survival of the infant; or</p> <p>(iii) the provision of the treatment would be virtually futile in terms of the survival of the infant and the treatment itself under the circumstances would be inhumane;</p> <p>(6) is one whose parent, guardian, or other custodian for good cause desires to be relieved of the child's care and custody, including a child who entered foster care under a voluntary placement agreement between the parent and the responsible social services agency under Minn. Stat. § 260C.212, subd. 8;</p> <p>(7) has been placed for adoption or care in violation of law;</p> <p>(8) is without proper parental care because of the emotional, mental, or physical disability, or state of immaturity of the child's parent, guardian, or other custodian;</p> <p>(9) is one whose behavior, condition, or environment is such as to be injurious or dangerous to the child or others. An injurious or dangerous environment may include, but is not limited to, the exposure of a child to criminal activity in the child's home;</p> <p>(10) is experiencing growth delays, which may be referred to as failure to thrive, that have been diagnosed by a physician and are due to parental neglect;</p> <p>(11) has engaged in prostitution as defined in Minn. Stat. § 609.321, subd. 9;</p> <p>(12) has committed a delinquent act or a juvenile petty offense before becoming ten years old;</p> <p>(13) is a runaway;</p> <p>(14) is a habitual truant;</p> <p>(15) has been found incompetent to proceed or has been found not guilty by reason of mental illness or mental deficiency in connection with a delinquency proceeding, a certification under Minn. Stat. § 260B.125, an extended jurisdiction juvenile prosecution, or a proceeding involving a juvenile petty offense; or</p> <p>(16) has a parent whose parental rights to one or more other children were involuntarily terminated or whose custodial rights to another child have been involuntarily transferred to a relative and there is a case plan prepared by the responsible social services agency documenting a compelling reason why filing the termination of parental rights petition under Minn. Stat. § 260C.301, subd. 3, is not in the best interests of the child.</p>	
3.12	<p>"CHILD-PLACING AGENCY" means any agency licensed under Minn. Stat. § 245A.01 to § 245A.16 and § 252.28, subd. 2.</p>	<ul style="list-style-type: none"> • Minn. Stat. § 260C.007, subd. 7 • RJPP 2.01(3)

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3.13	<p>"COMPELLING REASONS" means an individualized determination by the responsible social services agency, which is approved by the court, made by the agency not to initiate proceedings to terminate parental rights or transfer permanent legal and physical custody of a child to the child's relative or former noncustodial parent under Minn. Stat. § 260C.301, subd. 3.</p>	<p>Minn. Stat. § 260C.007, subd. 8</p>
3.14	<p>"CONCURRENT PERMANENCY PLANNING" means that reasonable efforts to place a child for adoption or in another permanent placement may be made concurrently with reasonable efforts to reunify the child with the parent described in section 3.47. When the responsible social services agency decides to concurrently make reasonable efforts for both reunification and permanent placement away from the parent, the agency shall disclose its decision and both plans for concurrent reasonable efforts to all parties and the court.</p>	<p>Minn. Stat. § 260.012(f)</p>
3.15	<p>"COSTS OF CARE" means:</p> <p>(a) Except where parental rights are terminated,</p> <p style="padding-left: 40px;">(1) whenever legal custody of a child is transferred by the court to a responsible social services agency,</p> <p style="padding-left: 40px;">(2) whenever legal custody is transferred to a person other than the responsible social services agency, but under the supervision of the responsible social services agency, or</p> <p style="padding-left: 40px;">(3) whenever a child is given physical or mental examinations or treatment under order of the court, and no provision is otherwise made by law for payment for the care, examination, or treatment of the child, these costs are a charge upon the welfare funds of the county in which proceedings are held upon certification of the judge of juvenile court.</p> <p>(b) The court shall order, and the responsible social services agency shall require, the parents or custodian of a child, while the child is under the age of 18, to use the total income and resources attributable to the child for the period of care, examination, or treatment, except for clothing and personal needs allowance as provided in Minn. Stat. § 256B.35, to reimburse the county for the cost of care, examination, or treatment. Income and resources attributable to the child include, but are not limited to, Social Security benefits, supplemental security income (SSI), veterans benefits, railroad retirement benefits and child support. When the child is over the age of 18, and continues to receive care, examination, or treatment, the court shall order, and the responsible social services agency shall require, reimbursement from the child for the cost of care, examination, or treatment from the income and resources attributable to the child less the clothing and personal needs allowance. Income does not include earnings from a child over the age of 18 who is working as part of a plan under Minn. Stat. § 260C.212, subd. 1(c)(11), to transition from foster care, or the income and resources from sources other than supplemental security income and child support that are needed to complete the requirements listed in Minn. Stat. § 260C.212, subd. 7(d)(2).</p>	<p>Minn. Stat. § 260C.331, subd. 1(a)</p> <ul style="list-style-type: none"> • Minn. Stat. § 260C.331, subd. 1(b) • <i>In Re Matter of Welfare of M.M.</i>, 561 N.W.2d 528 (Minn. Ct. App. 1997) (life insurance proceeds attributable to child) • <i>In Re County of Ramsey v. Wilson</i>, 526 N.W.2d 384 (Minn. Ct. App. 1995) (adoption subsidy attributable to child) • <i>Beltrami County v. Goodman</i>, 427 N.W.2d 662 (Minn. 1998) (wrongful death settlement available as income)

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	<p>3.15 "Costs of Care" continued</p> <p>(c) If the income and resources attributable to the child are not enough to reimburse the county for the full cost of the care, examination, or treatment, the court shall inquire into the ability of the parents to support the child and, after giving the parents a reasonable opportunity to be heard, the court shall order, and the responsible social services agency shall require, the parents to contribute to the cost of care, examination, or treatment of the child. When determining the amount to be contributed by the parents, the court shall use a fee schedule based upon ability to pay that is established by the responsible social services agency and approved by the commissioner of human services. The income of a stepparent who has not adopted a child shall be excluded in calculating the parental contribution under this section.</p> <p>(d) The court shall order the amount of reimbursement attributable to the parents or custodian, or attributable to the child, or attributable to both sources, withheld under chapter 518 from the income of the parents or the custodian of the child. A parent or custodian who fails to pay without good reason may be proceeded against for contempt, or the court may inform the county attorney, who shall proceed to collect the unpaid sums, or both procedures may be used.</p> <p>(e) If the court orders a physical or mental examination for a child, the examination is a medically necessary service for purposes of determining whether the service is covered by a health insurance policy, health maintenance contract, or other health coverage plan. Court-ordered treatment shall be subject to policy, contract, or plan requirements for medical necessity. Nothing in this paragraph changes or eliminates benefit limits, conditions of coverage, co-payments or deductibles, provider restrictions, or other requirements in the policy, contract, or plan that relate to coverage of other medically necessary services.</p> <p>(f) Notwithstanding paragraph (b), (c), or (d), a parent, custodian, or guardian of the child is not required to use income and resources attributable to the child to reimburse the county for costs of care and is not required to contribute to the cost of care of the child during any period of time when the child is returned to the home of that parent, custodian, or guardian pursuant to a trial home visit under Minn. Stat. § 260C.201, subd. 1(a).</p>	<p>Minn. Stat. § 260C.331, subd. 1(c)</p> <p>Minn. Stat. § 260C.331, subd. 1(d)</p> <p>Minn. Stat. § 260C.331, subd. 1(e)</p> <p>Minn. Stat. § 260C.331, subd. 1(f)</p>
3.16	<p>"COURT" means district court judge presiding in juvenile court, unless otherwise specified in this Benchbook.</p>	<p>Minn. Stat. § 260C.007, subd. 9</p>
3.17	<p>"CUSTODIAN" means any person who is under a legal obligation to provide care and support for a minor or who is in fact providing care and support for a minor. This definition does not impose upon persons, who are not otherwise legally responsible for providing a child with necessary food, clothing, shelter, education, or medical care, a duty to provide that care. For an Indian child, custodian means any Indian person who has legal custody of an Indian child</p>	<p>Minn. Stat. § 260C.007, subd. 10</p>

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	<p>3.16 "Custodian" continued</p> <p>under tribal law or custom or under state law or to whom temporary physical care, custody, and control has been transferred by the parent of the child, as provided in Minn. Stat. § 260.755, subd. 10.</p> <p><i>Comment: Providing "care and support" for a child in a child protection matter is not the same as "custody" under Minn. Stat. § 518.003, subd. 3.</i></p>	
3.18	<p>"DELINQUENT CHILD" means a child:</p> <p>(a) who has violated any state or local law, except as provided in Minn. Stat. § 260B.225, subd. 1, and except for <u>truants</u> (defined in section 3.26) and <u>runaways</u> (defined in section 3.51); or</p> <p>(b) who has violated a federal law or a law of another state and whose case has been referred to the juvenile court if the violation would be an act of delinquency if committed in this state or a crime or offense if committed by an adult.</p>	Minn. Stat. § 260C.007, subd. 11
3.19	<p>"DEVELOPMENTAL DISABILITY" means developmental disability as defined in 42 U.S.C. § 6001(8) (sic - repealed).</p>	Minn. Stat. § 260C.007, subd. 12
3.20	<p>"DOMESTIC CHILD ABUSE" means:</p> <p>(a) any physical injury to a minor family or household member inflicted by an adult family or household member other than by accidental means; or</p> <p>(b) subjection of a minor family or household member by an adult family or household member to any act which constitutes a violation of Minn. Stat. § 609.321 to § 609.324 (prostitution and solicitation offenses); § 609.342 to § 609.345 (criminal sexual conduct in first, second, third, or fourth degree); or § 617.246 (use of minor in sexual performance).</p>	Minn. Stat. § 260C.007, subd. 13
3.21	<p>"EGREGIOUS HARM" means the infliction of bodily harm to a child or neglect of a child which demonstrates a grossly inadequate ability to provide minimally adequate parental care. The egregious harm need not have occurred in the state or in the county where a termination of parental rights action is otherwise properly venued. Egregious harm includes, but is not limited to:</p> <p>(a) conduct towards a child that constitutes a violation of Minn. Stat. § 609.185 to § 609.21 (murder in first, second and third degree; manslaughter in first and second degree; and criminal vehicular homicide and injury); § 609.222, subd. 2 (assault in second degree); § 609.223 (assault in third degree), or any other similar law of any other state;</p> <p>(b) the infliction of "substantial bodily harm" to a child, as defined in Minn. Stat. § 609.02, subd. 7a ("substantial bodily harm" means bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or which causes a fracture of any bodily member);</p> <p>(c) conduct towards a child that constitutes felony malicious punishment of a child under Minn. Stat. § 609.377 ("malicious punishment" – a parent, legal guardian, or caretaker who, by an intentional act or a series of intentional acts with respect to a child, evidences unreasonable force or cruel discipline that is</p>	Minn. Stat. § 260C.007, subd. 14

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	<p>3.21 Egregious Harm (continued)</p> <p>excessive under the circumstances is guilty of malicious punishment of a child);</p> <p>(d) conduct towards a child that constitutes felony unreasonable restraint of a child under Minn. Stat. § 609.255, subd. 3 (“unreasonable restraint of children” – a parent, legal guardian, or caretaker who intentionally subjects a child under the age of 18 years to unreasonable physical confinement or restraint by means including but not limited to, tying, locking, caging, or chaining for a prolonged period of time and in a cruel manner which is excessive under the circumstances, is guilty of unreasonable restraint of a child).</p> <p>(e) conduct towards a child that constitutes felony neglect or endangerment of a child under Minn. Stat. § 609.378;</p> <p>(f) conduct towards a child that constitutes assault under Minn. Stat. § 609.221 to § 609.223 (assault in first, second and third degree);</p> <p>(g) conduct towards a child that constitutes solicitation, inducement, or promotion of, or receiving profit derived from prostitution under Minn. Stat. § 609.322;</p> <p>(h) conduct towards a child that constitutes murder or voluntary manslaughter as defined by 18 U.S.C. § 1111(a) or § 1112(a);</p> <p>(i) conduct towards a child that constitutes aiding or abetting, attempting, conspiring, or soliciting to commit a murder or voluntary manslaughter that constitutes a violation of 18 U.S.C. § 1111(a) or § 1112(a); or</p> <p>(j) conduct toward a child that constitutes criminal sexual conduct under Minn. Stat. § 609.342 to § 609.345.</p>	
3.22	<p>“EMERGENCY PROTECTIVE CARE” means the placement status of a child when:</p> <p>(a) taken into custody by a peace officer pursuant to Minn. Stat. § 260C.151, subd. 6; § 260C.154; or § 260C.175; or</p> <p>(b) returned home before a disposition with court ordered conditions of release.</p>	<ul style="list-style-type: none"> • RJPP 2.01(5) • RJPP 28.01
3.23	<p>“EMOTIONAL MALTREATMENT” means the consistent, deliberate infliction of mental harm on a child by a person responsible for the child’s care, that has an observable, sustained, and adverse effect on the child’s physical, mental, or emotional development. “Emotional maltreatment” does not include reasonable training or discipline administered by the person responsible for the child’s care or the reasonable exercise of authority by that person.</p>	Minn. Stat. § 260C.007, subd. 15
3.24	<p>“EMOTIONALLY DISTURBED” means “emotional disturbance” as described in Minn. Stat. § 245.4871, subd. 15. “Emotional disturbance” is a generic term intended to reflect all categories of disorder described in DSM-MD, current edition as “usually first evident in childhood or adolescence.” It means an organic disorder of the brain or a clinically significant disorder of thought, mood, perception, orientation, memory, or behavior that:</p>	Minn. Stat. § 260C.007, subd. 16

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	<p>3.24 "Emotionally Disturbed" (continued)</p> <p>(a) Is listed in the clinical manual of the International Classification of Diseases (ICD-9-CM), current edition, code range 290.0 to 302.99 or 306.0 to 316.0 or the corresponding code in the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders (DSM-MD), current edition, Axes I, II, or III; and</p> <p>(b) Seriously limits a child's capacity to function in primary aspects of daily living such as personal relations, living arrangements, work, school, and recreation.</p>	
3.25	<p>"EXTENDED FAMILY MEMBER," as defined in the Indian Child Welfare Act, 25 U.S.C. § 1903(2), shall be as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, shall be a person who has reached the age of eighteen (18) and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent.</p>	RJPP 2.01(6)
3.26	<p>"FAMILY OR HOUSEHOLD MEMBERS" means spouses, former spouses, parents and children, persons related by blood, and persons who are presently residing together or who have resided together in the past, and persons who have a child in common regardless of whether they have been married or have lived together at any time.</p>	Minn. Stat. § 260C.007, subd. 17
3.27	<p>"FOSTER CARE" means 24 hour substitute care for children placed away from their parents or guardian and for whom a responsible social services agency has placement and care responsibility. "Foster care" includes, but is not limited to, placement in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities not excluded in this subdivision, child care institutions, and preadoptive homes. A child is in foster care under this definition regardless of whether the facility is licensed and payments are made for the cost of care. Nothing in this definition creates any authority to place a child in a home or facility that is required to be licensed which is not licensed. "Foster care" does not include placement in any of the following facilities: hospitals, inpatient chemical dependency treatment facilities, facilities that are primarily for delinquent children, any corrections facility or program within a particular correction's facility not meeting requirements for title IV-E facilities as determined by the commissioner, facilities to which a child is committed under the provision of chapter 253B, forestry camps, or jails. Foster care is intended to provide for a child's safety or to access treatment. Foster care must not be used as a punishment or consequence for a child's behavior</p>	<ul style="list-style-type: none"> • Minn. Stat. § 260C.007, subd. 18 • RJPP 2.01(7)
3.28	<p>"HABITUAL TRUANT" means a child under the age of 16 years who is absent from attendance at school without lawful excuse for seven (7) school days if the child is in elementary school or for one or more class periods on seven (7) school days if the child is in middle school, junior high school, or high school, or a child who is 16 or 17 years of age who is absent from attendance at school without lawful excuse for</p>	Minn. Stat. § 260C.007, subd. 19

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	<p>3.28 "Habitual Truant" continued</p> <p>one or more class periods on seven (7) school days and who has not lawfully withdrawn from school under Minn. Stat. § 120A.22, subd. 8.</p> <p>Withdrawal from school. For any student between 16 and 18 years of age who seeks to withdraw from school, the student's parent or guardian must:</p> <p>(a) attend a meeting with school personnel to discuss the educational opportunities available to the student, including alternative educational opportunities; and</p> <p>(b) sign a written election to withdraw from school.</p>	<p>Minn. Stat. § 120A.22, subd. 8</p>
3.29	<p>"INDEPENDENT LIVING PLAN" is a plan for a child age 16 or older who is in placement as a result of a permanency disposition which includes the objectives set forth in Minn. Stat. § 260C.212, subd. 1(c)(8). An independent living plan should include, but not be limited to, the following objectives:</p> <p>(a) educational, vocational, or employment planning;</p> <p>(b) health care planning and medical coverage;</p> <p>(c) transportation including, where appropriate, assisting the child in obtaining a driver's license;</p> <p>(d) money management;</p> <p>(e) planning for housing;</p> <p>(f) social and recreational skills; and</p> <p>(g) establishing and maintaining connections with the child's family and community.</p>	<ul style="list-style-type: none"> • RJPP 2.01(8) • Minn. Stat. § 260C.212, subd. 1(c)(11)
3.30	<p>"INDIAN" means a person who is a member of an Indian tribe or who is an Alaskan native and a member of a regional corporation as defined in section 7 of the Alaska Native Claims Settlement Act, 43 U.S.C. § 1606.</p>	<ul style="list-style-type: none"> • Minn. Stat. § 260C.007, subd. 20 • Minn. Stat. § 260.755, subd. 7
3.31	<p>"INDIAN CHILD" means an unmarried person who is under age 18 and is:</p> <p>(a) a member of an Indian tribe; or</p> <p>(b) eligible for membership in an Indian tribe.</p>	<ul style="list-style-type: none"> • 25 U.S.C. § 1903(1)(4) • Minn. Stat. § 260C.007, subd. 21 • Minn. Stat. § 260.755, subd. 8 • RJPP 2.01(9)
3.32	<p>"INDIAN CHILD'S TRIBE," as defined in the Indian Child Welfare Act, 25 U.S.C. § 1903(5), and Minnesota Statutes § 260.755, subd. 9, means:</p> <p>(a) the Indian tribe in which an Indian child is a member or eligible for membership; or</p> <p>(b) in the case of an Indian child who is a member of or eligible for membership in more than one tribe, the Indian tribe with which the Indian child has the most significant contacts.</p>	<p>RJPP 2.01 (11)</p>
3.33	<p>"INDIAN CUSTODIAN" means any Indian person who has legal custody of an Indian child pursuant to tribal law or custom or under State law or to whom temporary physical care, custody, and control has been transferred by the parent of such child.</p>	<ul style="list-style-type: none"> • 25 U.S.C. § 1903(1)(6) • Minn. Stat. § 260.755, subd. 10 • RJPP 2.01(10)

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3.34	"INDIAN TRIBE" as defined in the Indian Child Welfare Act, 25 U.S.C. § 1903(8), and Minnesota Statutes § 260.755, subd. 12, means an Indian tribe, band, nation, or other organized group or community of Indians recognized as eligible for the services provided to Indians by the Secretary of the Interior because of their status as Indians , including any Alaska Native village as defined in 43 U.S.C. § 1602(c), and exercising tribal governmental powers.	<ul style="list-style-type: none"> • 25 U.S.C. § 1903(1)(8) • Minn. Stat. § 260.755, subd. 12 • RJPP 2.01(12)
3.35	"JUVENILE PROTECTION CASE RECORDS" means all records of the juvenile court regarding a particular case or controversy, including all records filed with the court and the official transcript. Juvenile protection case records do not include reporter's notes and tapes, electronic recordings, and unofficial transcripts of hearings and trials. See also "records" defined in subdivision (24). See also "records."	RJPP 2.01(13)
3.36	"JUVENILE PROTECTION MATTER" means any of the following types of matters: (a) child in need of protection or services matters as defined in Minnesota Statutes § 260C.007, subd. 6, including habitual truant and runaway matters; (b) neglected and in foster care matters as defined in Minnesota Statutes § 260C.007, subd. 24; (c) review of voluntary foster care matters as defined in Minnesota Statutes § 260C.141, subd. 2; (d) review of out-of-home placement matters as defined in Minnesota Statutes § 260C.212; (e) termination of parental rights matters as defined in Minnesota Statutes § 260C.301 to § 260C.328; and (f) permanent placement matters as defined in Minnesota Statutes § 260C.201, subd. 11, including transfer of permanent legal and physical custody to a relative matters; termination of parental rights matters; long-term foster care matters; foster care for a specified period of time matters; and guardianship and legal custody to human services matters.	RJPP 2.01(14)
3.37	"LEGAL CUSTODIAN" means a person, including a legal guardian, who by court order or statute has sole or joint legal or physical custody of the child.	RJPP 2.01(15)
3.38	"LEGAL CUSTODY" means the right to the care, custody, and control of a child who has been taken from a parent by the court in accordance with the provisions of Minn. Stat. § 260C.201 or § 260C.317. The costs of care (defined in section 3.14) associated with legal custody are paid pursuant to Minn. Stat. § 260C.331. <i>Comment: The "right to care, custody and control of a child" in a child protection matter is not the same as "custody" under Minn. Stat. § 518.003, subd. 3.</i>	<ul style="list-style-type: none"> • Minn. Stat. § 260C.007, subd. 22 • Minn. Stat. § 260C.331, subd. 1 (costs of care, examination, or treatment)
3.39	"MINOR" means an individual under 18 years of age.	Minn. Stat. § 260C.007, subd. 23
3.40	"NEGLECTED AND IN FOSTER CARE" means a child (a) Who has been placed in foster care by court order; and (b) Whose parents' circumstances, condition, or conduct are such that the child cannot be returned to them; and (c) Whose parents, despite the availability of needed rehabilitative services, have failed to make reasonable efforts to adjust their	Minn. Stat. § 260C.007, subd. 24

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	<p>3.40 "Neglected and in Foster Care" continued</p> <p>circumstances, condition or conduct, or have willfully failed to meet reasonable expectations with regard to visiting the child or providing financial support for the child.</p>	
3.41	<p>"OUT-OF-HOME PLACEMENT PLAN" (see "case plan" defined in section 3.07).</p>	<ul style="list-style-type: none"> • Minn. Stat. § 260C.007, subd. 3 • RJPP 37.02 • RJPP 37.03
3.42	<p>"PARTICIPANT" Unless already a party pursuant to RJPP 21, or unless otherwise specified, participants to a juvenile protection matter include:</p> <p>(a) the child;</p> <p>(b) any parent who is not a legal custodian and any alleged, adjudicated, or presumed father;</p> <p>(c) the responsible social services agency, when the responsible social services agency is not the petitioner;</p> <p>(d) any guardian ad litem for the child's legal custodian;</p> <p>(e) grandparents with whom the child has lived within the two (2) years preceding the filing of the petition;</p> <p>(f) relatives or other persons providing care for the child and other relatives who request notice;</p> <p>(g) current foster parents and persons proposed as long-term foster care parents;</p> <p>(h) the spouse of the child, if any; and</p> <p>(i) any other person who is deemed by the court to be important to a resolution that is in the best interests of the child.</p> <p>Participants are entitled to the rights identified in RJPP 22.02.</p>	<ul style="list-style-type: none"> • RJPP 22.01 • Minn. Stat. § 260C.151, subd. 2 (notice of proceeding must be provided to participants) • Minn. Stat. § 260C.152, subd. 5 (foster parents, preadoptive parents, and relatives providing care must be provided notice of and opportunity to be heard in any hearing)
3.43	<p>"PARTY" Parties to a juvenile protection matter include:</p> <p>A. PARTIES GENERALLY – JUVENILE PROTECTION MATTERS.</p> <ol style="list-style-type: none"> 1. the child's guardian ad litem; 2. the child's legal custodian; 3. in the case of an Indian child, the child's parents, the child's Indian custodian, and the child's Indian tribe; 4. the petitioner; 5. any person who intervenes as a party pursuant to RJPP 23; 6. any person who is joined as a party pursuant to RJPP 24; and 7. any other person who is deemed by the court to be important to a resolution that is in the child's best interests. <p>B. HABITUAL TRUANT, RUNAWAY, AND CHILD PROSTITUTION MATTERS. In addition to the parties identified above for juvenile protection matters, in any matter alleging a child to be a habitual <u>truant</u>, runaway, or engaged in child prostitution, the child, regardless of age, shall also be a party. In any matter alleging a child to be a habitual <u>truant</u>, the child's school district may be joined as a party.</p>	<ul style="list-style-type: none"> • RJPP 21.01, subd. 1 • Minn. Stat. § 260C.151, subsd. 2, 3, 5 (list of individuals to whom notice must be provided) • Minn. Stat. § 260C.152, subd. 3 (list of individuals to whom notice must be provided) <p>RJPP 21.01, subd. 2</p>

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	<p>3.43 "Party" continued</p> <p>C. TERMINATION OF PARENTAL RIGHTS MATTERS AND PERMANENT PLACEMENT MATTERS. In addition to the parties identified above for juvenile protection matters, in any termination of parental rights matter or permanent placement matter the parties shall also include:</p> <ol style="list-style-type: none"> 1. the child's parents, including any noncustodial parent and any adjudicated or presumed father; 2. any person entitled to notice of any adoption proceeding involving the child; 3. the responsible social services agency when the agency is not the petitioner; and 4. any other person who is deemed by the court to be important to a resolution that is in the best interests of the child. <p>Parties are entitled to the rights listed in RJPP 21.02.</p>	<p>RJPP 21.01, subd. 3</p> <ul style="list-style-type: none"> • RJPP 21.02 • Minn. Stat. § 260C.163, sub. 2
3.44	<p>"PARENT" means (a) a person who has a legal parent and child relationship with a child which confers or imposes on the person legal rights, privileges, duties, and obligations consistent with sections 257.51 to 257.74 or 257.75. It includes the mother and child relationship and the father and child relationship. For matters governed by the Indian Child Welfare Act, parent includes any Indian person who has adopted a child by tribal law or custom, as provided in section 260.755, subdivision 14, and does not include the unwed father where paternity has not been acknowledged or established.</p> <p>(b) A legally recognized parent and child relationship is established for purposes of this chapter between:</p> <ol style="list-style-type: none"> (1) a child and a biological mother, by proof of her having given birth to the child, or under Minn. Stat. § 257.51 to 257.74 or 257.75; (2) a child and father when: <ol style="list-style-type: none"> (i) there is a presumption of paternity under Minn. Stat. § 257.55, subd. 1(a), (b) or (c), and no action has been taken to declare the nonexistence of the father and child relationship; (ii) there is a presumption of paternity under Minn. Stat. § 257.55, subd. 1(d), and there is an adjudication of paternity under Minn. Stat. § 257.51 to 257.74, or the father and mother have signed a recognition of parentage having the effect of an adjudication under Minn. Stat. § 257.75; (iii) there is a presumption of paternity under Minn. Stat. § 257.55, subd. 1(e),(f), (g), or (h), and there is an adjudication of paternity under Minn. Stat. § 257.51 to 257.74; (iv) there is no presumption of paternity under Minn. Stat. § 257.55, but the father has been adjudicated by court order under Minn. Stat. § 257.51 to 257.74; (v) there is no presumption of paternity under Minn. Stat. § 257.55, but the father and mother have signed a recognition of 	<ul style="list-style-type: none"> • See Minn. Stat. § 260C.007, subd. 25 • Minn. Stat. § 260.755, subd. 14 • RJPP 2.01(16) (note that the definition of "parent" in the RJPP has not been updated consistent with the statutes)

	PROCEDURE	AUTHORITY
	<p>3.44 "Parent" continued</p> <p>parentage having the effect of adjudication under Minn. Stat. § 257.75;</p> <p>(vi) there is a positive test result under Minn. Stat. § 257.62, subd. 5, and the father is adjudicated as the father of the child either by court order under Minn. Stat. § 257.51 to 257.74, or because the father and the child's mother have signed a recognition of parentage having the effect of adjudication under Minn. Stat. § 257.75; or</p> <p>(vii) the parent and child relationship is established under Minn. Stat. § 260.755, subd. 14; or</p> <p>(3) a child and an adoptive parent by proof of adoption.</p>	
3.45	"PERSON" means any individual, association, corporation, partnership, and the state or any of its political subdivisions, departments, or agencies.	<ul style="list-style-type: none"> • Minn. Stat. § 260C.007, subd. 26 • RJPP 2.01(17)
3.46	"PRESUMED FATHER" means an individual who is presumed to be the biological father of a child under Minn. Stat. § 257.55, subd. 1.	<ul style="list-style-type: none"> • Minn. Stat. § 257.55 • RJPP 2.01(18)
3.47	"PROTECTIVE CARE" means the right of the responsible social services agency or child-placing agency to temporary physical custody and control of a child for purposed of foster care placement, and the right and duty of the agency to provide the care, food, lodging, education, supervision, and treatment the child needs.	RJPP 2.01(19)
3.48	"PROTECTIVE SERVICES CASE PLAN" (see "case plan" defined in section 3.07).	<ul style="list-style-type: none"> • Minn. Stat. § 260C.007, subd. 3 • RJPP 37.04
3.49	"PROTECTIVE SUPERVISION" means the right and duty of the responsible social services agency or child-placing agency to monitor the conditions imposed by the court directed to the correction of the child's need for protection or services while in the care of the child's parent or legal custodian.	<ul style="list-style-type: none"> • Minn. Stat. § 260C.201, subd. 1(a)(1) • RJPP 2.01(20)
3.50	"QUALIFIED EXPERT WITNESS," as defined in Minnesota Administrative Rule 9560.0221, subp. 3G, means: (a) a member of an Indian child's tribe who is recognized by the tribal community as knowledgeable in tribal customs of family organization and child rearing; (b) a lay expert witness having substantial experience in the delivery of child and family services to Indians, and extensive knowledge of prevailing social and cultural standards and child rearing practices within the Indian child's tribe; or (c) a professional person having substantial education and experience in the area of the professional person's specialty, along with substantial knowledge of prevailing social and cultural standards and child-rearing practices within the Indian community.	RJPP 2.01(21)
3.51	"REASONABLE EFFORTS" means the exercise of due diligence by the responsible social services agency to use appropriate and available services to meet the needs of the child and the child's family to prevent removal of the child from the child's parent or legal custodian or, upon removal, services to eliminate the need for removal and reunite the family. "Reasonable efforts" includes efforts by the responsible social services agency to secure for the child a legally	<ul style="list-style-type: none"> • 42 U.S.C. § 671(a)(15) • 42 U.S.C. § 672(a)(a) • 45 C.F.R. § 1356.21(a)(1)

	PROCEDURE	AUTHORITY
	<p>3.51 Reasonable Efforts (continued)</p> <p>permanent home in a timely fashion when reunification efforts are no longer applicable. See also "Active Efforts" defined in section 3.02.</p> <p>When determining whether reasonable efforts have been made, the court shall consider whether services to the child and family were:</p> <ul style="list-style-type: none"> • relevant to the safety and protection of the child; • adequate to meet the needs of the child and family; • culturally appropriate; • available and accessible; • consistent and timely; and • realistic under the circumstances. <p>Reasonable efforts to place a child for adoption or in another permanent placement may be made concurrently with reasonable efforts described above. See "concurrent permanency planning" defined in section 3.13.</p> <p>In deciding whether county met its duty of reasonable efforts to reunify child with parents before permanent placement is granted, the court must consider the length of time county was involved and quality of efforts made by agency.</p> <p>A parent whose parental rights to a previous child have been involuntarily terminated is presumed to be palpably unfit to parent a subsequent child and has the burden of rebutting that presumption and the social services agency is not required to develop a case plan and make reasonable efforts to reunite the parent and child.</p> <p>When the futility of reunification efforts is irrefutable, such as when the father is incarcerated until the children's adulthood for murdering their mother, the county is not required to provide a case plan before an individual's parental rights can be terminated on statutory grounds.</p> <p>Judicial review of an agency's reasonable efforts at rehabilitation and reunification in a parental rights termination case is not a constitutionally guaranteed right. Therefore, the legislature's elimination of the requirement that agencies make reasonable efforts when there has been a prior involuntary termination of parental rights does not violate the Minnesota Constitution. The statutory presumption of palpable unfitness in Minn. Stat. § 260C.301, subd. 1(b)(4), does not violate due process and equal protection rights.</p>	<ul style="list-style-type: none"> • Minn. Stat. § 260.012(b), (d) • RJPP 2.01(22) <p>Minn. Stat. § 260.012(c)</p> <p>Minn. Stat. § 260.012(f)</p> <p><i>In Re Welfare of A.R.G-B.</i>, 551 N.W.2d 256 (Minn. Ct. App. 1996)</p> <p><i>In Re the Matter of the Welfare of: D.L.R.D., a/k/a D.L.R.H., Child</i>, 656 N.W.2d 247 (Minn. Ct. App. 2003)</p> <p><i>In the Matter of the Children of A.V.</i>, 658 N.W.2d 249 (Minn. Ct. App. 2003)</p> <p><i>In the Matter of the Child of P.T. and A.T., Parents</i>, 657 N.W.2d 577 (Minn. Ct. App. 2003)</p>
3.52	<p>"REASONABLE EFFORTS TO PREVENT PLACEMENT," as defined in Minnesota Statutes § 260.012(d) means:</p> <p>(a) the agency has made reasonable efforts to prevent the placement of the child in foster care; or</p> <p>(b) given the particular circumstances of the child and family at the time of the child's removal, there are no service or efforts available which could allow the child to safely remain in the home.</p>	<p>RJPP 2.01(22)</p>

	PROCEDURE	AUTHORITY
	<p>3.52 "Reasonable Efforts to Prevent Placement" continued</p> <p>"Reasonable efforts" are made upon the exercise of due diligence by the responsible social services agency to use culturally appropriate and available services to meet the needs of the child and the child's family.</p>	
3.53	<p>"REASONABLE EFFORTS TO FINALIZE A PERMANENT PLAN FOR THE CHILD," as defined in Minnesota Statutes § 260.012(e) means due diligence by the responsible social services agency:</p> <p>(a) to reunify the child with the parent or guardian from whom the child was removed;</p> <p>(b) to assess a noncustodial parent's ability to provide day-to-day care for the child and, where appropriate, provide services necessary to enable the noncustodial parent to safely provide the care, as required by Minnesota Statutes § 260C.212, subd. 4;</p> <p>(c) to conduct a relative search as required under Minnesota Statutes § 260C.212, subd. 5; and</p> <p>(d) when the child cannot return to the parent or guardian from whom the child was removed, to plan for and finalize a safe and legally permanent alternative home for the child, and consider permanent alternative homes for the child inside or outside of the state, preferably through adoption or transfer of permanent legal and physical custody of the child.</p> <p>"Reasonable efforts" are made upon the exercise of due diligence by the responsible social services agency to use culturally appropriate and available services to meet the needs of the child and the child's family.</p>	RJPP 2.01(23)
3.54	<p>"RECORDS" means any recorded information that is collected, created, received, maintained, or disseminated by a court or court administrator, regardless of its physical form or method of storage, and specifically excludes judicial work product and drafts as defined in the Rules of Public Access to the Records of the Judicial Branch. See "juvenile protection case records" defined in section 3.32.</p>	RJPP 2.01(24)
3.55	<p>"RELATIVE" means a person related to the child by blood, marriage, or adoption, or an individual who is an important friend with whom the child has resided or had significant contact. For an Indian child, relative includes members of the extended family as defined by the law or custom of the Indian child's tribe or, in the absence of laws or custom, nieces, nephews, or first or second cousins, as provided in the Indian Child Welfare Act of 1978, 25 U.S.C. § 1903.</p>	<ul style="list-style-type: none"> • Minn. Stat. § 260C.007, subd. 27 • RJPP 2.01(25)
3.56	<p>"REMOVED FROM HOME" means the child has been taken out of the care of the parent or legal custodian, including a substitute caregiver, and placed in foster care or in a shelter care facility. See also "shelter care facility" (defined in section 3.53) which provides that foster care means a "physically unrestricting facility."</p>	RJPP 2.01(26)
3.57	<p>"RESERVATION," as defined in the Indian Child Welfare Act, 25 U.S.C. § 1903(10), means Indian country as defined in 18 U.S.C. § 1151 and any lands, not covered under such section, title to which is either held by the United States in trust for the benefit of any Indian tribe or individual or held by any Indian tribe or individual subject to a restriction by the United States against alienation.</p>	RJPP 2.01(27)

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3.58	"RUNAWAY" means an unmarried child under the age of 18 years who is absent from the home of a parent or other lawful placement without the consent of the parent, guardian, or lawful custodian.	Minn. Stat. § 260C.007, subd. 28
3.59	"SECURE DETENTION FACILITY" means a physically restricting facility, including but not limited to a jail, a hospital, a state institution, a residential treatment center, or a detention home used for the temporary care of a child pending court action.	Minn. Stat. § 260C.007, subd. 29
3.60	"SHELTER CARE FACILITY" means a physically unrestricting facility, including but not limited to, a hospital, a group home, or a facility licensed for foster care pursuant to Minn. Stat. Chapter 245A, used for the temporary care of a child during the pendency of a juvenile protection matter.	<ul style="list-style-type: none"> • Minn. Stat. § 260C.007, subd. 30 • RJPP 2.01(28)
3.61	"TRIAL HOME VISIT," as defined in Minnesota Statutes § 260C.201, subd. 1(a)(3), means the child is returned to the care of the parent or legal custodian from whom the child was removed for a period not to exceed six months, with agency authority and responsibilities set forth in the statute.	RJPP 2.01(29)
3.62	"TRIBAL COURT," as defined in the Indian Child Welfare Act, 25 U.S.C. § 1903(12), means a court with jurisdiction over child custody proceedings and which is either a Court of Indian Offenses, a court established and operated under the code or custom of an Indian tribe, or any other administrative body of a tribe which is vested with authority over child custody proceedings.	RJPP 2.01(30)
3.63	"VOLUNTARY FOSTER CARE" means placement of a child in foster care based on a written agreement between the responsible social services agency or child placing agency and the child's parent, guardian, or legal custodian. The voluntary foster care agreement gives the agency legal responsibility for the placement of the child. The voluntary foster care agreement is based on both the agency's and the parent's, guardian's, or legal custodian's assessment that placement is necessary and in the child's best interests. See Minnesota Statutes § 260C.212, subd. 8, and § 260D.02, subd. 5.	RJPP 2.01(31)
3.64	"VOLUNTARY FOSTER CARE OF AN INDIAN CHILD," as defined in Minnesota Statutes § 260.755, subd. 22, means a decision in which there has been participation by a local social services agency or private child-placing agency resulting in the temporary placement of an Indian child away from the home of the child's parent or Indian custodian in a foster home, institution, or the home of a guardian, and the parent or Indian custodian may have the child returned upon demand.	RJPP 2.01(32)