

CHAPTER 12**ADJUDICATION****TABLE OF CONTENTS**

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	PROCEDURE	AUTHORITY
12.01	<p>HEARING LENGTH TO BE ANTICIPATED FOR SCHEDULING PURPOSES</p> <p>The act of adjudicating a child as in need of protection or services usually is not a separate hearing but, instead, is generally combined with another hearing, such as the Admit/Deny Hearing if an admission is entered at that hearing or the Disposition Hearing following a trial. If disposition is ordered contemporaneously, allow thirty (30) minutes for the hearing.</p>	<ul style="list-style-type: none"> • Resource Guidelines, p. 62 • RJPP 35.03, subd. 7 • RJPP 41.01
12.02	<p>TIMING OF ADJUDICATION DECISION</p> <p>A. GENERALLY. The court may adjudicate the child as in need of protection or services following an admission by the appropriate parties under RJPP 35 or upon the conclusion of a trial where the court finds that the petitioner has met the burden of proof and the statutory grounds are proved by the applicable standard of proof.</p> <p>B. TIMING FOLLOWING TRIAL. Within fifteen (15) days of the conclusion of the testimony, the court shall make a finding whether the statutory grounds set forth in the petition have been proved by the applicable standard of proof and issue an order regarding whether the child is or is not adjudicated as in need of protection or services. For good cause, and if in the best interests of the child, this period may be extended for an additional fifteen (15) days.</p>	<ul style="list-style-type: none"> • RJPP 40.01 • RJPP 35 (specifies who must enter an admission or denial) <p>RJPP 39.05</p>
12.03	<p>ADJUDICATION OR WITHHOLDING OF ADJUDICATION</p> <p>A. ADJUDICATION. If the court makes a finding that the statutory grounds as set forth in a petition alleging a child to be in need of protection or services are proved by the applicable standard of proof, the court shall make particularized findings and shall either:</p> <ol style="list-style-type: none"> 1. adjudicate the child as in need of protection or services and proceed to disposition (see Benchbook Chapter 13); or 2. withhold adjudication of the child. <p><i>Comment: Findings shall be particularized evidentiary facts that support the grounds proven by the applicable standard of proof. Pursuant to RJPP 3.02, subd. 3 the court may take judicial notice only of findings of fact and court orders in the juvenile protection court file and in any other proceeding in any other court file involving the child or the child's parent or legal custodian.</i></p> <p>B. WITHHOLDING ADJUDICATION</p> <ol style="list-style-type: none"> 1. Generally. If the court finds that it is in the best interests of the child, the court may withhold adjudicating the child as in need of protection or services for a period not to exceed ninety (90) days from the finding that the statutory grounds set forth in the petition have been proved. During the period that adjudication is withheld, the court may enter a dispositional order setting conditions under which adjudication is withheld (see Benchbook Chapter 13). The child may be ordered into out-of-home placement despite a withholding of adjudication. 	<p>RJPP 40.01</p> <ul style="list-style-type: none"> • RJPP 40.02, subd. 1 • Minn. Stat. § 260C.201, subd. 12

	PROCEDURE	AUTHORITY
	<p>12.04 Adjudication or Withholding Adjudication (continued)</p> <p><i>Comment: Unlike delinquency matters, in CHIPS matters the court may only withhold adjudication for one 90-day period.</i></p> <p>2. Further Proceedings. At a hearing, which shall be held within ninety (90) days of the court's withholding of adjudication, the court shall either:</p> <p>(a) dismiss the matter without an adjudication if both the child and the child's legal custodian have complied with the terms of the continuance; or</p> <p>(b) adjudicate the child in need of protection or services if either the child or the child's legal custodian has not complied with the terms of the continuance. If the court enters an adjudication, the court shall proceed to disposition (see Chapter 13).</p>	RJPP 40.02, subd. 2
12.04	<p>NEXT STEPS: DISPOSITION</p> <p>A. GENERALLY. After an adjudication that a child is in need of protection or services, the court shall conduct a hearing to determine disposition (see Chapter 13).</p> <p>B. TIMING. To the extent practicable, the court shall conduct a disposition hearing and enter a disposition order on the same day it makes a finding that the statutory grounds set forth in the petition have been proved. The disposition order must be issued within ten (10) days of the date the court finds that the statutory grounds set forth in the petition have been proved.</p> <p><i>Comment: Although the date by which the disposition will take place can not necessarily be predicted, there is a short time frame for submission of disposition reports under RJPP 41.03, and the disposition should be anticipated and a case plan developed. Thus, a pre-dispositional report and recommendation (presumably consistent with testimony) should be filed prior to, during, or immediately after the trial so as to allow for disposition within ten (10) days. While both of these events may be included in the Scheduling Order, it is difficult to anticipate the precise date that they will be accomplished.</i></p>	<p>RJPP 41.01</p> <p>RJPP 41.02</p> <p>RJPP 41.03</p>
12.05	<p>NOTICE OF SUBSEQUENT HEARINGS</p> <p>For each hearing following the Admit/Deny Hearing, the court administrator shall serve upon each party, participant, and attorney a notice of the date, time, and location of the next hearing. The notice shall be delivered at the close of the hearing or mailed at least five (5) days before the date of the hearing or ten (10) days before the date of the hearing if mailed to an address outside the state. If written notice is delivered at the end of the hearing, later written notice is not required.</p>	RJPP 32.04