

**CHAPTER 15****6-MONTH PERMANENCY PROGRESS REVIEW HEARING****TABLE OF CONTENTS**

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	PROCEDURE	AUTHORITY
15.01	<b>RECOMMENDED HEARING LENGTH</b> 60 minutes	Resource Guidelines, p. 84
15.02	<b>TIMING OF HEARING</b> For a child who is under age 8 at the time a CHIPS petition is filed, the court shall conduct a Permanency Progress Review Hearing to review the progress of the case, the parent’s progress on the case plan or out-of-home placement plan, and the provision of services not later than 6 months after the child is placed in foster care or in the home of a noncustodial parent.  At the hearing, the court may also conduct a permanency progress review hearing for any sibling of the child, regardless of age, when the sibling is also in foster care or in the home of a noncustodial parent.  <i>Comment: For purposes of calculating out-of-home placement, the child shall be considered placed out of the care of the parent at the earlier of: (a) the date of the child’s placement in foster care or in the care of a noncustodial parent was ordered by the court; or (b) sixty (60) days after the date on which the child has been voluntarily placed in foster care as a result of a voluntary placement agreement between the parents and the responsible social services agency.</i>	<ul style="list-style-type: none"> <li>• RJPP 42.01, subd. 5(a)</li> <li>• Minn. Stat. § 260C.201, subd. 11a(a)</li> </ul> RJPP 42.01, subd. 5(a)  RJPP 42.02
15.03	<b>PURPOSE OF HEARING</b> The purpose of the hearing is to review: 1. the overall progress of the case; 2. the parent’s progress on the case plan or out-of-home placement plan; and 3. the provision of services by the responsible social services agency.  The court shall determine whether the parents or legal custodian have maintained regular contact with the child, the parents are complying with the court-ordered case plan or out-of-home placement plan, and the child would benefit from continuing this relationship.	<ul style="list-style-type: none"> <li>• RJPP 42.02, subd. 2</li> <li>• Minn. Stat. § 260C.201, subd. 11a(a)</li> </ul>
15.04	<b>REPORT ON CASE PLAN OR OUT-OF-HOME PLACEMENT PLAN</b> Not later than 10 days prior to the hearing, the county attorney must file with the court and serve upon the parties a written report prepared by the responsible social services agency describing the progress of the case and the progress on the case plan or out-of-home placement plan, including the services provided to the parents.	RJPP 42.03(a)
15.05	<b>DETERMINATIONS</b> At the conclusion of the hearing, the court shall determine whether: 1. the parents or legal custodian have maintained regular contact with the child; 2. the parents are complying with the court-ordered case plan or out-of-home placement plan; and 3. the child would benefit from continuing this relationship.	<ul style="list-style-type: none"> <li>• RJPP 42.03(b)</li> <li>• Minn. Stat. § 260C.201, subd. 11a(c)</li> </ul>
15.06	<b>DECISION</b> <b>A. REGULAR CONTACT MAINTAINED AND PARENT COMPLYING.</b> If the court determines that parent or legal custodian is maintaining regular contact with the child as outlined in the visitation plan set forth in the case plan or out-of-home placement plan, <u>and</u> the parent is complying with the court-ordered case plan or out-of-	<ul style="list-style-type: none"> <li>• RJPP 42.03(b)(1)</li> <li>• Minn. Stat. § 260C.201, subd. 11a(c)(1)</li> </ul>

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	<p><b>15.06 Decision (continued)</b></p> <p>home placement plan, <u>and</u> the child would benefit from continuing this relationship, the court may either:</p> <ol style="list-style-type: none"> <li>return the child home, if the conditions which led to the out-of-home placement have been sufficiently mitigated and it is safe and in the child's best interests to return home; or</li> <li>continue the matter up to a total of 6 additional months, schedule disposition review hearings at least every 90 days, and set the date or deadline for the 12-month permanent placement determination hearing in the event the child is not returned home.</li> </ol> <p><b>B. REGULAR CONTACT NOT MAINTAINED AND/OR PARENT NOT COMPLYING.</b> If the court determines that the parent or legal custodian is not maintaining regular contact with the child as outlined in the visitation plan set forth in the case plan or out-of-home placement plan <u>and/or</u> the parent is not complying with the court-ordered case plan or out-of-home placement plan, the court may order the responsible social services agency to develop a plan and file a petition for permanent placement of the child away from the parent (e.g., termination of parental rights, transfer of permanent legal and physical custody to a relative).</p>	<ul style="list-style-type: none"> <li>RJPP 42.03(b)(1)</li> <li>Minn. Stat. § 260C.201, subd. 11a(c)(1)</li> <li>RJPP 42.03(b)(2)</li> <li>Minn. Stat. § 260C.201, subd. 11a(c)(2)</li> </ul>
15.07	<p><b>ORDER</b></p> <p><b>A. TIMING.</b> The order shall be filed with the court administrator within 10 days of the conclusion of the hearing.</p> <p><b>B. IMMEDIATE EFFECT OF ORAL ORDER.</b> Unless otherwise ordered by the court, an order stated on the record shall be effective immediately.</p>	<p>RJPP 10.01</p> <p>RJPP 10.02</p>
15.08	<p><b>RESPONSIBLE AGENCY'S OR COUNTY ATTORNEY'S DUTIES FOLLOWING HEARING</b></p> <p>Following the hearing the county attorney and/or agency may have the following duties:</p> <p><b>A. PROVIDE SERVICES.</b> If the court returns the child home or continues the matter up to a total of 6 additional months, the agency shall continue to provide services to support the child's return home or to continue to make reasonable/active efforts to achieve reunification of the child and the parent as ordered by the court under an approved case plan.</p> <p><b>B. FILE TRANSFER OF PERMANENT LEGAL AND PHYSICAL CUSTODY PETITION.</b> If the court orders the agency to develop a plan for the transfer of permanent legal and physical custody of the child to a relative, a petition supporting the plan shall be filed with the court within 30 days of the hearing.</p> <p><b>C. FILE TPR PETITION.</b> If the court orders the agency to file a TPR petition, unless the county attorney can show cause why a TPR petition should not be filed, a petition for TPR shall be filed with the court within 30 days of the hearing.</p>	<ul style="list-style-type: none"> <li>RJPP 42.03(c)</li> <li>Minn. Stat. § 260C.201, subd. 11a(d)</li> <li>RJPP 42.03(c)(1)</li> <li>RJPP 42.03(c)(2)</li> <li>Minn. Stat. § 260C.201, subd. 11a(d)</li> <li>RJPP 42.03(c)(3)</li> <li>Minn. Stat. § 260C.201, subd. 11a(d)</li> </ul>

	PROCEDURE	AUTHORITY
15.09	<p><b>NEXT HEARING</b></p> <p><b>A. DISPOSITION REVIEW HEARING.</b> If the court determines that the parent is maintaining contact with the child and complying with the case plan and orders that the matter be continued for up to another 6 months, the court shall schedule a disposition review hearing at least every 90 days</p> <p><b>B. ADMIT/DENY HEARING ON PERMANENCY PETITION.</b> If the court determines that the parent is not maintaining contact with the child and/or not complying with the case plan and orders the agency to file an appropriate permanency petition, an admit/deny hearing on the permanency petition shall be commenced within 10 days of the service of the summons and petition.</p> <p><b>C. TRIAL.</b> If a permanency petition is filed and denied, then a trial must be commenced within:</p> <ul style="list-style-type: none"> <li>• 30 days of the filing of a petition to transfer permanent legal and physical custody to a relative; or</li> <li>• 90 days of the filing of a petition to terminate parental rights.</li> </ul>	<p>RJPP 41.06, subd. 1</p> <p>RJPP 34.02, subd. 1(b)-(c)</p> <ul style="list-style-type: none"> <li>• RJPP 39.02, subd. 1(b)-(c)</li> <li>• Minn. Stat. § 260C.201, subd. 11a(d)(2)-(3)</li> </ul>