

Administrative and Judicial Events for a Child in Voluntary Foster Care for Treatment

Minnesota Statutes § 260D

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Event	Timing & IV-E Judicial Determinations	Relevant Documents/Forms
Child enters voluntary foster care for treatment and last necessary signature is obtained on voluntary placement agreement (VFCA).	Day 1 <i>Minn. Stat. § 260D.03, subd. 2, and § 260D.01</i>	SSIS Voluntary Foster Care Agreement for Child in Placement for Treatment: Non-Indian child: SSIS 164 and 166 Indian child: SSIS 163 and 165
Out-of-home Placement Plan developed with parent, child, age 12 or older, and others.	Day 30 <i>Minn. Stat. § 260C.212, subd. 1; Minn. Stat. § 260D.04</i>	OHPP: SSIS 83
Administrative review. Child, age 12 and over, must be consulted in administrative review.	Before day 165 and every 6 months unless reviewed in court <i>Minn. Stat. § 260D.05</i>	
Agency Report to Court for Review of Child in Voluntary Foster Care for Treatment Due to Disability includes: 1. out-of-home placement plan; 2. a written summary of administrative review which must occur before day 165; 3. (a) child's individual treatment plan (<i>Minn. Stat. § 245.4871, subd. 21</i>); or (b) child's individual service or program plan (<i>Minn. Stat. § 256B.092, subd. 1b; M.R. Ad. 9525.0004 subp. 11</i>); or (c) child's waiver plan or individual interagency intervention plan (<i>Minn. Stat. § 125A.023, subd. 3 (c)</i>); 4. if the child, age 12 or older, disagrees with the placement or services, an explanation of the child's disagreement; 5. other information from agency, parent, child, guardian ad litem, or foster parent; 6. documentation of disclosure to family/facility	Day 165 <i>Minn. Stat. § 260D.06; MRJPP 43.02</i> <i>Note:</i> The court may make a discretionary appointment of GAL and/or attorney for child when: <ul style="list-style-type: none"> • Child is age 12 or older; • Child disagrees with the foster care facility or the services provided 	CAP link on CourtNet: http://courtnet.courts.state.mn.us/100/?page=3329 (accessible only to court personnel) Report to Court: SSIS 169
Hearing , but only if requested under <i>Minn. Stat. § 260D.06 (d) or MRJPP 43.03, subd. 2</i>	No timing requirement; IV-E required findings due on or before day 180	<i>Note:</i> Court may make findings pending hearing. <i>Minn. State. § 260D.06 (e)</i>
Order with judicial determinations regarding: <ul style="list-style-type: none"> • whether placement is in the child's best interests; • whether the agency and the parent are appropriately planning for the child; and • If the child, age 12 or older, disagrees with placement or plan, the court will determine whether it is appropriate to appoint a GAL and an attorney for the child using Minn. Stat. 260C.163 	Day 175 <i>Minn. Stat. § 260D.06, subd. 2(e); MRJPP 43.03, subds. 1 and 3</i> IV-E requirement = finding that "placement is in the child's best interests" by day 180; if no or late finding, there is no Title IV-E reimbursement for cost of foster care after day 180	MNCIS Notice of Filing for 260D cases

Event	Timing & IV-E Judicial Determinations	Relevant Documents/Forms
<p>Petition for Permanency Review Regarding a Child in Voluntary Foster Care for Treatment Court administrator will set Permanency Review Hearing and give notice by U.S. mail.</p>	<p>13 months <i>Minn. Stat. § 260D.07(c); MRJPP 43.04, subd. 1 and 2</i></p>	MNCIS Notice of Hearing
<p>Permanency Review Hearing If a Petition for Permanency Review Regarding a Child in Voluntary Foster Care for Treatment is filed, a hearing is held.</p> <p>The court inquires whether the parent consents to an order approving the agency's reasonable efforts to finalize the plan for the permanent placement of the child¹ and the agency's individualized determination of "compelling reasons."</p> <p>The court inquires of the child's GAL and any other party² if the party agrees that the agency has made reasonable efforts to finalize the permanency plan for the child and the agency's compelling reasons to continue the voluntary foster care arrangement.</p> <p>If the parent consents, the court may:</p> <ol style="list-style-type: none"> 1. approve the agency's compelling reasons that voluntary foster care is in the child's best interests; and 2. find that the agency has made reasonable efforts to finalize a plan for the permanent placement of the child. <p>The court may approve the placement notwithstanding the child's objection.</p> <p><i>Note: If the placement is not approved, the child must return home or a juvenile protection petition must be filed.</i></p> <p>✓ Additionally: The court must give notice of annual review requirement required as long as the child remains in foster care. Court may not adjudicate CHIPS; court may not order transfer of custody to agency³ If the parent does not consent to the findings and order, the matter is no longer voluntary and the agency must determine whether to return the child home or proceed otherwise.</p>	<p>14 months <i>Minn. Stat. § 260D.07(e); MRJPP 43.04, subd. 3</i></p>	MNCIS hearing type: PPR
<p>Order from Permanency Review Hearing with findings required under <i>MRJPP 43.04, subd. 3(e) or (f)</i></p>	<p>Order is filed within 15 days of hearing and sent out with notice of filing within 5 days of receipt by court administrator <i>MRJPP 10</i> IV-E requirement = reasonable efforts finding is due during the 14th month after the VFCA or IV-E claiming must stop until the finding is made</p>	MNCIS Notice of Filing for 260D cases with notice of annual review requirements <i>Minn. Stat. § 260D.08; MRJPP 43.04(g)</i>

¹ The permanent plan for the child is continued voluntary placement in foster care for treatment. This permanent plan is appropriate because the parent continues to be involved with the child and is the active decision-maker on major life issues. The only reason the child is in foster care is to access treatment.

² "Any other party" is not defined in the statute. Presumably, MRJPP 21 and 22 regarding parties and participants apply. Therefore, court may make the child, age 12 or older who objects to the placement or services, a party, so the child can interpose a formal objection.

³ Neither adjudication nor a transfer of legal custody to the county agency is legally permitted at any point in the court review process for a child in voluntary foster care for treatment under Chapter 260D. Neither adjudication nor custody to the agency is required for *Title IV-E* reimbursement. *Title IV-E* requirements are met when the county agency has legal responsibility for the placement, which is maintained through the voluntary placement agreement between the agency and the child's parent(s).

Event	Timing & IV-E Judicial Determinations	Relevant Documents/Forms
Administrative Review (agency responsibility; not a judicial event)	Every 6 months during placement unless court hearing is held <i>Minn. Stat. § 260C.212, subd. 7</i>	
Annual In-court Review: County Agency submits report and sends a copy to child, age 12 or over, parent, foster care provider, child's GAL and attorney, if any. Report lets court administrator know that the child continues in foster care and an annual review must be set. Notice of Hearing is sent by court administrator; Purpose of hearing is for the court to determine whether the agency made reasonable efforts to finalize the permanency plan for the child, which is the exercise of due diligence by the agency to: <ul style="list-style-type: none"> (1) ensure that the agreement for voluntary foster care is the most appropriate legal arrangement to meet the child's safety, health, and best interests; (2) engage and support the parent in continued involvement in planning and decision making for the needs of the child; (3) strengthen the child's ties to the parent, relatives, and community; (4) implement the out-of-home placement plan and ensure that the plan requires the provision of appropriate services to address the physical health, mental health, and educational needs of the child; and (5) ensure appropriate planning for the child's safe, permanent, and independent living arrangement after the child's 18th birthday. 	Every 12 months during placement <i>Minn. Stat. § 260D.08; MRJPP 43.05</i> <i>IV-E requirement</i> = Judicial finding that "reasonable efforts to finalize the permanency plan for the child" is required every 12 months, and if the finding is not made, the agency must stop claiming IV-E reimbursement until the finding is made.	SSIS Court Report MNCIS Notice of Hearing