

CHAPTER 36**TRIAL HOME VISIT****TABLE OF CONTENTS**

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36.01	<p>HEARING LENGTH FOR TRIAL HOME VISITS</p> <p>The court should plan at least thirty minutes for a hearing at which a trial home visit will be ordered.</p>	<p><i>Resource Guidelines, National Council of Juvenile and Family Court Judges</i></p>
36.02	<p>PURPOSE OF A TRIAL HOME VISIT</p> <p>A trial home visit is a disposition provided by Minnesota law that permits the court to order the child returned to the parent from whom the child was removed for a period not to exceed six months. During the trial home visit, the responsible social services agency has legal custody of the child and continues to have planning responsibility for the child's well-being.</p> <p><i>Comment: How does a trial home visit differ from protective supervision?</i></p> <p><i>A trial home visit differs from protective supervision in several ways:</i></p> <ol style="list-style-type: none"> <i>1. A trial home visit is considered to be a reunification strategy by the social services agency. This means it is used only with parents from whom the child was removed and that it follows a period of time in foster care and progress on the out-of-home placement plan.</i> <i>2. Unlike protective supervision, the agency has legal custody of the child and has continued responsibility for the child's well-being, particularly in the areas of physical and mental health, and education. When the court orders protective supervision, the parent is responsible for the child's welfare and safety, including all planning for the child's physical and mental health and education although there may be specific conditions in the order for protective supervision regarding the parent's duties in regard to the child's physical or mental health or education.</i> <i>3. Unlike protective supervision, the agency may remove the child from the care of the parent without a court order and without the aid of law enforcement. When this occurs, the agency must report the removal to the court and parties and must return to court for further planning for the child.</i> <i>4. An order for a trial home visit is time-limited; it may not exceed six (6) months. An order for protective supervision is not time limited, but may have to be renewed annually.</i> <i>5. The court must conduct at least two in-court reviews of a trial home visit: one after three (3) months and another at the successful completion of the trial home visit. In court reviews for children at home under protective supervision are required every six (6) months. The court may order more frequent reviews for either disposition.</i> 	<ul style="list-style-type: none"> • RJPP 41.05, subd. 2 (3) • Minn. Stat. § 260C.201, subd. 1 (a)(3) <p>RJPP 41.06subd. 2 (b) and (c)</p>
36.03	<p>ORDER FOR TRIAL HOME VISIT: STRATEGY TO SUPPORT SUCCESSFUL REUNIFICATION</p> <p>An order for a trial home visit is appropriate when the parent has made sufficient progress on the out-of-home placement plan such that the court has confidence that the child can safely be in the care of the parent from whom the child was removed. This means the circumstances leading to the child's placement have been significantly, but not completely, remediated. The disposition of trial home visit</p>	<ul style="list-style-type: none"> • Minn. Stat. § 260C.201, subd. 1 (a)(3) • <i>Practice Notes, Trial Home Visits, Center for Advanced Studies in Child Welfare (March 2006)</i>

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<p>36.03 Order for Successful Home Visit (continued)</p> <p>helps ensure there are adequate plans in place to keep the child safe at home and sufficient supports and services to help the parent keep the child safe at home. The court’s order for a trial home visit supports the planning the parent and the agency have done to prepare for reunification. During the trial home visit, the agency will assist the parent to continue to further develop family strengths and <u>cop</u>ing abilities and to utilize community resources as necessary to keep the child from re-entering foster care.</p> <p>A. PERMITTED AND APPROPRIATE</p> <p>A trial home visit is a disposition under Minn. Stat. § 260C.201, subd. 1(a)(3). This particular disposition must follow an order for custody to the responsible social services agency and may not be ordered prior to adjudication. The court may order the child home with conditions as early as the emergency protective care hearing, but this should not be confused with a trial home visit which always follows a period of time with custody to the agency and the child in foster care.</p> <p>A trial home visit is appropriate to ensure continued support from the agency for delivery of services to both the parent and child.</p> <p>Services to the parent should include continuing support and counseling for issues identified in the out-of-home placement plan and any other supports necessary for the parent to be successful in keeping the child safe including identifying safe caretakers for the child in the event the parent needs respite.</p> <p>Services to the child should include continued planning and involvement with the child’s education and physical and mental health services and supports.</p> <p>While the agency has continued custody of the child during the trial home visit, it is reasonable to expect the parent to be more and more involved in providing what the child needs on a day-to-day basis and in accessing needed services for the child the longer the trial home visit progresses. Continued inability or unwillingness to provide for the child’s needs puts the child at risk of not being safe in the care of a parent who cannot meet the child’s basic needs. When the child is unsafe in the care of the parent, the agency may:</p> <ul style="list-style-type: none"> • ask the court to review the progress of the matter sooner than the required hearings at three months and six months so that adjustments to services may be made to improve child safety or the parent may be warned about the possible removal of the child if the child’s needs are not met and the child is not safe at home; or • remove the child without prior court authorization. When this occurs the agency must notify the court and parties and return the matter to court for further planning according to the requirements of Minn. Stat. § 260C.201, subd. 1 (a)(c). 	<ul style="list-style-type: none"> • Minn. Stat. § 260C.178 • Minn. Stat. § 260C.201, subd. 1 (a)(3)

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	<p>36.04 Setting Conditions for Trial Home Visit (continued)</p> <p>3. <i>that the agency has continuing responsibility to work with the parent to plan for the child's safety, health, and welfare and for the child's education and physical and mental health and to provide appropriate services to the parent.</i></p> <p>C. ENSURING ADEQUATE SERVICES FOR PARENT AND CHILD</p> <p><i>It is just as harmful to a child to return home, only to be re-removed as it is for the child to move from foster care home to foster care home.</i></p> <p>When ordering a trial home visit, the court should ensure that the agency and the parent have planned together for adequate services and supports to ensure, to the extent possible, that the child can safely be with the parent and remain there for the reasonably foreseeable future.</p> <p>The court should consider whether the following are appropriate services and supports and should be part of the conditions for commencing the trial home visit and included in the out-of-home placement plan, which is used because the agency continues to have custody of the child, that supports the trial home visit:</p> <ul style="list-style-type: none"> • Ongoing chemical health counseling and support for the parent including attendance at aftercare or AA or similar support; • Ongoing mental health counseling; • Ongoing monitoring of parent's compliance with prescribed medications including whether the medication is working as the prescribing physician intended for the parent; • A plan for safe caretakers for the child including formal respite care through the county system; • A plan for transportation and daycare as needed for the parent to continue to participate in services; • The frequency of contacts and face-to-face visits between the parent, the child, and the agency social worker and a general plan of what the purpose of the visits will be; and • A plan for addressing the child's education, physical, and mental health needs including identifying who the providers are for the child and how routine and emergency issues will be handled and by whom. 	<ul style="list-style-type: none"> • Minn. Stat. § 260C.212, subs. 1 and 4 • <i>Practice Notes, Trial Home Visits</i>, Center for Advanced Studies in Child Welfare (March 2006)
36.05	<p>TIMING OF ORDER FOR TRIAL HOME VISIT</p> <p>A trial home visit can only be ordered following an order for legal custody to the responsible social services agency following the child's placement in foster care for a period of time. The actual timing of the order is not prescribed by Minnesota law, but must follow adjudication and, presumably, progress on the Out-of-Home Placement Plan required under Minn. Stat. § 260C.212, subd. 1.</p> <p><i>Comment: When the court has ordered siblings removed from the parent, the court may ask the agency whether it has considered whether an order for one of the siblings to return under trial home visit is a strategy that may support successful reunification of all of the siblings in a stepped-out process. If the parent is able to safely</i></p>	<ul style="list-style-type: none"> • Minn. Stat. § 260C.178 • Minn. Stat. § 260C.201, subd. 1 (a)(3)

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	<p>36.05 Timing of Order for Trial Home Visit (continued)</p> <p><i>maintain one sibling on a trial home visit, then other siblings might be sent home on trial home visits to continue to build on the parent's success.</i></p>	
36.06	<p>CONTENT OF ORDER</p> <p>It will be most helpful to all parties involved in implementing a trial home visit and safest for the child if the court issues a detailed order containing:</p> <ul style="list-style-type: none"> • The effective date of the order • Demographics of the case including names of those implementing the order or affected by the order: <ul style="list-style-type: none"> ○ Child ○ Parent to whom the child is being returned ○ Child's other parent ○ Specific county agency having continued legal custody ○ Child's guardian ad litem • Details about visitation between the child and the child's other parent, if appropriate • That the child can be seen by the agency or the child's guardian ad litem in the home, at school, in a child care facility, or in any other setting with or without prior notice • That the agency has continued ability to access educational, medical, and corrections data on the child • That the agency has continuing responsibility to work with the parent to plan for the child's safety, health, and welfare and for the child's education and physical and mental health and the specific details of the plan including what services or conditions are required to support the child's reunification • A date for the agency to report back to the court on the progress of the parent and child during the trial home visit • The date or dates for the in-court reviews required under Rule 41.06, subd. 2 (b) 	<ul style="list-style-type: none"> • RJPP 41.06, subd. 2(b) • Minn. Stat. § 260C.201, subd. 1 (a)(3)
36.07	<p>REVIEWING AN ORDER FOR TRIAL HOME VISIT</p> <p>Because a trial home visit can be key to supporting successful reunification of a parent and child, the court should review the progress of the trial home visit and must do so at least every ninety (90) days. An in-court hearing is required at least twice during the trial home visit including at its successful completion. This is both a court rule requirement and a positive strategy for the court that supports the reunification process between the parent and child, permits the parties to celebrate success, and provides the court with an opportunity for in-person encouragement for the parent and child, as appropriate. The court may order more frequent reviews, particularly in the early stages of a trial home visit, in order to ensure the planned supports are providing the child necessary safety and that the agency and the parent are adequately addressing the child's well-being.</p>	RJPP 41.06, subd. 2(b)

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36.08	<p>SUCCESSFUL COMPLETION OF TRIAL HOME VISIT</p> <p>Upon completion of successful trial home visit, the court may continue its jurisdiction over the matter either through an order for protective supervision or an order for monitoring. The court must receive a report from the agency about the child’s circumstances during the trial home visit and what recommendations it has for orders for the court to continue to provide for the child’s safety, health, and welfare.</p> <p>The court may also terminate its jurisdiction at the time it terminates the trial home visit. This is not generally a recommended best practice because the family will have gone from full custody in the agency (albeit while the child is in the home of the parent) to no ongoing jurisdiction to provide additional time for the child to remain successfully in the home of the parent.</p>	Minn. Stat. § 260C.201, subd. 1(a)(3)(vi)
36.09	<p>TERMINATION OF TRIAL HOME VISIT AND RETURN TO FOSTER CARE</p> <p>In the event the agency terminates the trial home visit by removing the child and returning the child to foster care, the agency must advise the court and the parties of its action within three days. When the court receives notice that the agency has terminated the trial home visit, the court must conduct a review of its disposition within ten days. The ten day requirement may be extended by the court for good cause and when it is in the best interests of the child. The agency must develop a recommendation for a new disposition for the child and prepare a report supporting that recommendation. When appropriate and required, the agency’s recommendation may be for an order for permanent placement of the child away from the parent, in which case, the agency will file a petition to support its request.</p> <p>The dispositions available after a trial home visit depend on the length of time the child is considered to have been in the custody of the agency. Under Minn. Stat. 260C.201, subd. 11, both the period of time the child was actually in foster care and the period of time the child was on a trial home visit count for required permanency proceedings.</p> <ul style="list-style-type: none"> • If the agency believes the child’s best interests and safety are served by attempting further services, and if the time to required permanency proceedings has not reached 12 months, the agency can recommend continued foster care and develop a new Out-of-Home Placements Plan. • If the agency, in consultation with the county attorney, determines the child’s best interests and safety are best met through an order for permanent placement away from the parent, the agency will file a permanency petition to support its request. 	<p>Minn. Stat. § 260C.201, subd. 1(a)(3)</p> <p>Minn. Stat. § 260C.201, subd. 11</p>
36.10	<p>TRIAL HOME VISITS AND PERMANENCY PROCEEDINGS</p> <p>Because a child on a trial home visit continues in the custody of the responsible social services agency, the time the child spends on the visit counts towards required permanency proceedings. However, if the child is actually on a trial home visit at the time the court is required to commence the proceedings, the court must conduct the review according to Minn. Stat. § 260C.201, subd. 11(l) and RJPP 42.13. The responsible social services agency should file a report with the court regarding:</p>	<ul style="list-style-type: none"> • RJPP 42.13 • Minn. Stat. § 260C.201, subd. 11(l)

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	<p>36.10 Trial Home Visits and Permanency Proceedings (continued)</p> <ul style="list-style-type: none"> • the child's and parent's progress on the trial home visit; and • the agency's reasonable efforts to finalize the child's safe and permanent return to the care of the parent <p>At the hearing, the court should make findings regarding progress during the trial home visit and the reasonableness of the responsible social services agency's reasonable efforts to finalize the child's return home as the permanent order in the best interests of the child.</p> <p>The court may continue the trial home visit to a total time not to exceed six months.</p> <p>If the court finds the responsible social services agency has not made reasonable efforts to finalize the child's return home as the permanent order in the best interests of the child, the court may order other or additional efforts to support the child remaining in the care of the parent.</p> <p>If a trial home visit ordered or continued at 12 months terminates, the court shall recommence proceedings under Minn. Stat. § 260C.201, subd. 11 to determine the permanent disposition order that would be in the best interests of the child not later than 30 days after the child is returned to foster care.</p>	<ul style="list-style-type: none"> • RJPP 42.13 • Minn. Stat. § 260C.201, subd. 11(l)