

# Client Advocacy at Each Stage of the CHIPS Proceedings

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# Relevant Minnesota Law

- Minn. Stat. 626.556 (reporting and assessment)
- Minn. Stat. Ch. 260 (.12: reasonable efforts, .851: ICPC)
- Minn. Stat. Ch. 260C (Juvenile Safety and Placement)
- Minn. Stat. 254A (licensing)
- Minn. Stat. 516 (transfer of custody)
- Minn. Rules of Juvenile Protection Procedure

# Protective Care Hearing

- Can be either Emergency or Non-Emergency
- If it's an emergency hearing, called an Emergency Protective Care (EPC) Hearing, the matter must be heard within 72 hours of the police hold or OIC (Order for Interim Custody)

# Decisions at the EPC

- PRIMA FACIE CASE?
- Does the petition make a prima facie showing that a child protection matter exists?
  - If not, the court shall dismiss the petition.
  - If so, the court will determine whether the petition makes a prima facie showing that the child or others would be immediately endangered if released to the care of the parent or legal custodian.

# Placement or Protective Supervision?

- Protective Supervision:
  - Child may be released to parent or legal custodian with conditions and services.
- Out of Home Placement:
  - The child will remain out of the home since there was a prima facie showing that the child's health, safety or welfare would be immediately endangered if released to the care of the parent or legal custodian.

# Common Orders from the EPC Hearing

- Title IV-E Order
- reasonable efforts to prevent placement
- out of home placement in the best interests of the child
- parent may be ordered to complete:
  - chemical dependency evaluation
  - mental health evaluation
  - medical examination
  - parenting assessment (260C.178 subd. 1 (I))

# Other Common EPC Orders

- Emergency relative placement after initial checks
- Visitation terms
- Kinship study
- Service authorization for child's service needs
- Appointment of a Guardian ad Litem

# Reasonable Efforts

- Ongoing determination
- All stages of the case



# Pretrial and Trial Hearings

- Right to contested trial
- The State must prove that the facts as alleged in the petition establish that the child has been maltreated by the parent or caregiver
- Standard of proof: clear and convincing
- Issues:
  - Default judgment
  - Conflicts
  - Incompetent parent
  - Intervention
  - Business records

# Disposition Review Hearing

- Should CHIPS be proven or admitted, new decisions are made.
- Court ordered case plan
- Efforts made:
  - Reasonable?
  - Active?
  - Inquiry as to what agency is doing
- Placement—should include relative search findings
- Protective supervision?
- Trial home visit?
- Reunification?
- If children not returned home, visitation

# Permanency Review Hearing

- Review at month 6
- May continue for an additional 6 months
- If a permanency petition is filed, done at month 11
- Only two reasons to extend the timelines:
  - Within the last 5 years, child previously out of home
  - Trial home visit

# Permanency Admit/Deny

- Additional parties to the case who previously were participants
- Permanency Pretrial and Trial
- Post Permanency Review Hearings

# Evidentiary Issues & Motions

- Business records
- Motion for a new trial
  - 10 days
    - Response to that motion within 5 days

# Questions?

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