

CHAPTER 9
ADMIT/DENY HEARING
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	GENERAL PROCEDURE	AUTHORITY
9.01	RECOMMENDED HEARING LENGTH 30 minutes	Resource Guidelines, p. 51
9.02	PURPOSE An Admit/Deny Hearing is the hearing at which the statutory grounds set forth in the petition are admitted or denied by the parent or legal custodian, or child if appropriate.	RJPP 34.01
9.03	TIMING OF HEARING A. CHIPS MATTER – CHILD IN PLACEMENT. When the child is placed out of the child’s home by court order, an Admit/Deny Hearing shall be held within ten (10) days of the date of the Emergency Protective Care (EPC) Hearing (see Chapter 8). Upon agreement of the parties, an Admit/Deny Hearing may be combined with an EPC Hearing. B. CHIPS MATTER – CHILD NOT IN PLACEMENT 1. Generally. When the child is not placed outside the child’s home by court order, an Admit/Deny Hearing shall be held no sooner than three (3) days and not later than twenty (20) days after the parties have been served with the petition. 2. Child’s Behavior. In matters where the sole allegation is that the child’s behavior is the basis for the petition and the child is not in out-of-home placement, an Admit/Deny Hearing shall be commenced within a reasonable time after service upon the child. C. TERMINATION OF PARENTAL RIGHTS AND PERMANENT PLACEMENT MATTERS. In a termination of parental rights or other permanent placement matter the Admit/Deny Hearing shall be held not less than ten (10) days after service of the summons and petition is complete upon the parties.	RJPP 34.02, subd. 1(a) RJPP 34.01, subd. 2(a) RJPP 34.02, subd. 2(b) RJPP 34.02, subd. 1(b), (c)
9.04	CONTINUANCE – RIGHT TO COPY OF PETITION A. RIGHT TO COPY OF PETITION FOR THREE DAYS. If the summons and petition have been served upon a party less than three (3) days before the Admit/Deny Hearing, at the request of that party the hearing for that party shall be continued to the next available date. B. INDIAN CHILD. With respect to an Indian child, no foster care placement or termination of parental rights proceeding shall be held until at least ten (10) days after receipt of notice by the parent or Indian custodian and the tribe, provided that the parent or Indian custodian or the tribe shall, upon request, be granted up to twenty (20) additional days to prepare for such proceeding.	RJPP 34.02, subd. 3 RJPP 32.06
9.05	TIMING OF SERVICE OF SUMMONS AND PETITION UPON PARTIES A. CHIPS MATTER. In a CHIPS matter, the summons and petition shall be served either at or before the EPC Hearing or at least three (3) ¹ days prior to the Admit/Deny Hearing, whichever is	• RJPP 32.02, subd. 5(a) (timing of service summons and petition)

¹ When calculating the three (3) days, the day service was made and any Saturday, Sunday, or legal holiday are not counted. The last day of the period shall be included, unless it is a Saturday, Sunday, or legal holiday in which event the period runs to the end of the next day that is not a Saturday, Sunday, or legal holiday. *RJPP 4.01.*

	GENERAL PROCEDURE	AUTHORITY
	<p>9.05 Timing of Service of Summons and Petition on Parties (continued)</p> <p>earlier. If service is made outside the state or by publication, the summons shall be personally served, mailed, or last published at least ten (10) days before the hearing. In cases where publication of a child in need of protection or services petition is ordered, published notice shall be made one time at least ten (10) days before the date of the hearing.</p> <p>B. TERMINATION OF PARENTAL RIGHTS MATTERS AND PERMANENT PLACEMENT MATTERS. In any termination of parental rights matter or permanent placement matter the summons and petition shall be served upon all parties so that services is completed at least ten (10) days prior to the date set for the Admit/Deny Hearing.</p> <p>C. RIGHT TO PETITION FOR THREE (3) DAYS PRIOR TO HEARING. At the request of a party, the hearing shall not be held at the scheduled time if the summons and petition have been served less than three (3) days before the hearing.</p>	<ul style="list-style-type: none"> • RJPP 30.07 (CHIPS petition served prior to EPC hearing) <p>RJPP 32.02, subd. 5(b)</p> <p>RJPP 32.02, subd. 3(a)</p>
9-06	<p>CONTENT OF SUMMONS</p> <p>A. GENERALLY. A summons shall contain or have attached:</p> <ol style="list-style-type: none"> 1. A copy of the petition, court order, motion, affidavit or other legal documents not previously provided; however, these documents shall not be contained in or attached to the summons and complaint if the court has authorized service of the summons by publication; 2. A statement of the time and place of the hearing; 3. A statement describing the purpose of the hearing; 4. A statement explaining the right to representation pursuant to RJPP 25; and 5. A statement that failure to appear may result in: <ol style="list-style-type: none"> (a) The child being removed from home pursuant to a child in need of protection or services petition; (b) The parent's parental rights being permanently severed pursuant to a termination of parental rights petition; (c) Permanent transfer of the child's legal and physical custody to a relative; (d) A finding that the statutory grounds set forth in the petition have been proved; and (e) An order granting the relief requested. <p>B. CHILD IN NEED OF PROTECTION OR SERVICES MATTERS. In addition to the content requirements set forth above in section A, in any child in need of protection or services matter the summons shall also contain or have attached a statement that:</p> <ol style="list-style-type: none"> 1. If the person summoned fails to appear, the court may conduct the hearing in the person's absence; and 	<p>RJPP 32.02, subd. 4(a)</p> <p>RJPP 32.02, subd. 4(b)</p>

	GENERAL PROCEDURE	AUTHORITY
	<p>9.06 Content of Summons (continued)</p> <p>2. A possible consequence of the hearing is that the child may be removed from the home of the parent or legal custodian and placed in foster care, and such removal may lead to other proceedings for permanent out-of-home placement of the child or termination of parental rights.</p> <p>C. TERMINATION OF PARENTAL RIGHTS MATTERS. In addition to the content requirements set forth above in section A, in any termination of parental rights matter the summons shall also contain or have attached a statement that if the person summoned fails to appear the court may conduct the hearing in the person's absence and the court may proceed by default which may result in termination of the person's parental rights.</p> <p>D. PERMANENT PLACEMENT MATTERS. In addition to the content requirements set above in section A, in any permanent placement matter the summons shall also contain or have attached a statement that if the person summoned fails to appear the court may conduct the hearing in the person's absence and the court may proceed by default which may result in an order granting the relief requested in the petition.</p> <p><i>Comment: The Summons forms located on CourtNet comply with the Rules content requirements, including stating the consequences of failure to appear.</i></p>	<p>RJPP 32.02, subd. 4(b)</p> <p>RJPP 32.02, subd. 4(c)</p> <p>RJPP 32.02, subd. 4(d)</p>
9.07	<p>PERSONS TO BE SERVED SUMMONS AND METHOD OF SERVICE</p> <p>A. PERSONS TO BE SERVED. If the Admit/Deny Hearing is the first hearing in the matter, and if the Summons and Petition have not already been served, the court administrator shall serve the Summons and Petition upon each party identified in RJPP 21 and upon any other person whose presence the court deems necessary to a determination concerning the best interests of the child. Pursuant to RJPP 21, parties are:</p> <ol style="list-style-type: none"> 1. The child, regardless of age, if the petition alleges the child to be a <u>truant, runaway</u> or engaged in child prostitution (otherwise the child is a participant and only receives notice of the hearing and the petition); 2. The child's guardian ad litem; 3. The child's legal custodian (defined in Chapter 3.34); 4. In the case of an Indian child, the child's parents, the child's Indian custodian and Indian tribe through the tribal representative; 5. The petitioner; 6. Any person who intervenes as a party pursuant to RJPP 23; 7. Any person or agency joined as a party pursuant to RJPP 24, including the school district if joined in a <u>truancy</u> matter; 8. Any other person, including a child, who is deemed by the court to be important to a resolution that is in the best interests of the child. 9. In a <u>truancy</u>, the child's school may be joined as a party. 	<p>RJPP 32.02, subd. 2</p> <p>RJPP 21.01 (identifies parties)</p>

GENERAL PROCEDURE	AUTHORITY
<p>9.07 Persons to be served (continued)</p> <p>B. METHOD OF SERVICE.</p> <p>1. Generally -- CHIPS, TPR, Other Permanency. Unless the court orders service by publication, the summons and petition shall be personally served upon the child's parent or legal custodian, and personally or by U.S. mail upon all other parties and attorneys.</p> <p>2. Habitual Truant, Runaway, and Prostitution Matters.</p> <p>(a) Generally. When the sole allegation is that the child is a habitual <u>truant</u>, a <u>runaway</u>, or engaged in prostitution, initial service may be made as follows:</p> <p>(1) the court may send notice and a copy of the petition or notice to appear by U.S. mail to the legal custodian, the person with custody or control of the child, and each party and participant; or</p> <p>(2) a peace officer may issue a notice to appear or a citation.</p> <p>(b) Failure to Appear. If the child or the child's parent or legal custodian or the person with custody or control of the child fails to appear in response to the initial service, the court shall order such person to be personally served with a summons.</p> <p>3. Voluntary Placement – Service by Mail. In all cases involving a voluntary placement of a child pursuant to RJPP 44, the summons shall be served by U.S. mail upon the parent or legal custodian.</p> <p>C. WAIVER. Service is waived by voluntary appearance in court or by a written waiver of service filed with the court.</p> <p>D. FAILURE TO APPEAR. If any person personally served with a summons or subpoena fails, without reasonable cause, to appear or bring the child if ordered to do so, or if the court has reason to believe the person is avoiding personal service, the court may sua sponte or upon the motion of a party or the county attorney pursuant to RJPP 15 proceed against the person for contempt of court or the court may issue a warrant for the person's arrest, or both. When it appears to the court that service will be ineffectual, or that the welfare of the child requires that the child be immediately brought into the custody of the court, the court may issue a warrant for immediate custody of the child.</p> <p><i>Comment: Pursuant to Minn. Stat. § 260C.181, subd. 3, a child taken into custody by reason of having been adjudicated in need of protection or services, including a child who is a <u>truant</u> or <u>runaway</u>, and including a child who has been conditionally released by the court without adjudication, "may be placed only in a shelter care facility." " Shelter care facility" means a "physically unrestricting facility." Thus, a child who fails to appear may be taken into custody, but may not be held in secure detention.</i></p>	<p>RJPP 32.02, subd. 3(a)</p> <p>RJPP 32.02, subd. 3(b)(1)</p> <p>RJPP 32.02, subd. 3(c)</p> <p>RJPP 32.02, subd. 6</p> <p>RJPP 32.02, subd. 7</p> <p>RJPP 15 (specifies process for serving and filing motions)</p>

	GENERAL PROCEDURE	AUTHORITY
9.08	<p>TIMING OF SERVICE OF NOTICE OF HEARING UPON PARTICIPANTS</p> <p>The notice of hearing must be delivered at the close of each hearing or mailed at least five (5) days before the date of the next hearing, or ten (10) days before the date of the next hearing if mailed to an address outside of the state.</p>	RJPP 32.04
9.09	<p>CONTENT OF NOTICE OF HEARING</p> <p>A notice of Hearing shall contain or have attached:</p> <ol style="list-style-type: none"> 1. A copy of the petition, but only if it is the initial hearing or the person has intervened or been joined as a party and previously has not been served with a copy of the petition; 2. A statement of the time and place of the hearing; 3. A statement describing the purpose of the hearing; 4. A statement explaining the right to representation pursuant to RJPP 61; 5. A statement explaining intervention as of right and permissive intervention pursuant to RJPP 23; 6. A statement pursuant to RJPP 18.01 that failure to appear may result in: <ol style="list-style-type: none"> (a) The child being removed from home pursuant to a child in need of protection or services petition; (b) The parent's parental rights being permanently severed pursuant to a termination of parental rights petition; (c) Permanent transfer of the child's legal and physical custody to a relative; (d) A finding that the statutory grounds set forth in the petition have been proved; and (e) An order granting the relief requested; and 7. A statement that it is the responsibility of the individual to notify the court administrator of any change of address. <p><i>Comment: The Notice of Hearing forms located on CourtNet comply with the Rules content requirements, including stating the consequences of failure to appear.</i></p>	RJPP 32.03, subd. 3
9.10	<p>PERSONS TO BE SERVED NOTICE OF HEARING AND METHOD OF SERVICE</p> <p>A. PERSONS TO BE SERVED. If the initial hearing is an Admit/Deny Hearing, the court administrator shall serve a notice and petition upon all participants identified in RJPP 22, the county attorney, any attorney representing a party in the matter, and the child through the child's attorney, if represented, or the child's physical custodian. Pursuant to RJPP 22, unless already a party or unless otherwise specified by the court, participants are:</p> <ol style="list-style-type: none"> 1. The child (except in a matter alleging the child to be a <u>truant</u>, <u>runaway</u>, or engaged in prostitution in which case the child is a party regardless of age); 2. Any parent who is not a legal custodian and any alleged, adjudicated, or presumed father; 3. The responsible social services agency, when the responsible social services agency is not the petitioner; 	<p>RJPP 32.03, subd. 2(b)</p> <p>RJPP 22.01 (specifies participants)</p>

	GENERAL PROCEDURE	AUTHORITY
	<p>9.12 Failure to Appear – Default (continued)</p> <ol style="list-style-type: none"> 1. Receive evidence in support of the petition and, if proved by the applicable standard of proof, enter the relief requested in the petition as to that parent, legal custodian, or Indian custodian; or 2. Reschedule the hearing. <p>B. EXCEPTION FOR FAILURE TO APPEAR – DENIAL WITHOUT APPEARANCE. A written denial or denial on the record may be entered by counsel for a party without the personal appearance of the party. A parent, legal custodian, or Indian custodian is not subject to default proceedings if the party enters a written denial or an on-the-record denial through counsel without the party’s personal appearance.</p> <p>C. PROPER SUMMONS OR NOTICE OF HEARING REQUIRED. A default order may not be entered if the Summons or Notice of Hearing:</p> <ol style="list-style-type: none"> 1. Was not properly and timely served, or 2. Does not comply with the content requirements of RJPP 32.02, subd. 4; RJPP 32.03, subd. 3; or RJPP 32.04, which require that the Summons or Notice of Hearing state the consequences of failure to appear. <p><i>Comment: The Summons and Notice of Hearing forms located on CourtNet comply with the content requirements specified in RJPP 32.02, 32.03, and 32.04, including the consequences of failure to appear.</i></p> <p>D. DEFAULT ORDER. If the person is in default, and the petition is proved by the applicable standard of proof (see Chapter 24), the court may issue an order granting the relief requested as to that parent, legal custodian, or Indian custodian.</p>	<p>parental rights appropriate where parent fails to present a reasonable excuse for failure to personally appear at pretrial hearing)</p> <p>RJPP 35.02</p> <ul style="list-style-type: none"> • RJPP 18.01 • RJPP 32.02, subd. 4 (Summons content) • RJPP 32.03 and RJPP 32.04 (Notice of Hearing content) <p>RJPP 18.01</p>
	HEARING PROCEDURE	
9.13	<p>IDENTIFICATION OF FILE NAME AND NUMBER AND PERSONS PRESENT</p> <p>At the commencement of the hearing, the court shall on the record:</p> <ol style="list-style-type: none"> 1. State the case name and file number. 2. Ask all parties, participants, and attorneys present to identify themselves for the record. 3. Determine whether it is in the child’s best interests to be present or to be excluded from the hearing. In cases where the child’s behavior is the underlying cause of the petition, the child must be present to admit or deny the statutory grounds stated in the petition. 4. Inquire whether there is anyone in the audience who wishes to be identified because of an interest regarding the child or family. 5. State that this is an Admit/Deny Hearing and that the purpose of the hearing is to determine whether the parent, legal custodian, or child if appropriate, admits or denies the statutory grounds and factual allegations set forth in the petition. 	<p>See RJPP 34.03</p> <p>Minn. Stat. § 260C.163, subd. 7</p> <p>RJPP 34.01</p>

	GENERAL PROCEDURE	AUTHORITY
9.14	<p>INITIAL PROCEDURES IF NOT PREVIOUSLY DETERMINED AT PRIOR HEARING</p> <p>If this is the first hearing in the case, or if not previously determined at a prior hearing, the court shall:</p> <ol style="list-style-type: none"> 1. Verify the name, date of birth, race, and current address of the child who is the subject of the matter, unless stating the information would endanger the child or seriously risk disruption of the current placement. 2. Determine whether the child is an Indian child and, if so, determine whether the child’s parent or Indian custodian and Indian tribe have been served by the petitioner with the ICWA notice by registered letter, return receipt requested, and that the return receipt is in the court file, and whether they have been served with notice of the hearing. 3. Determine whether all required persons have been informed of the time and place of the hearing and what further efforts, if any, must be taken to notify all parties and participants as rapidly as possible of the pendency of the matter and the date and time of the next hearing. 4. Determine whether any other persons, including relatives, should be included as a parties or participants and notified of the date and time of the next hearing. 5. Determine whether all parties and participants have been served a copy of the petition and, if not, whether the person waives service. Unless a party otherwise consents to do so, a party may not be required to admit or deny the statutory allegations of the petition if the party did not receive possession of the petition at least three (3) days before the hearing. 6. Inquire about the address or location of any party, participant, or other person who is not present at the hearing. 7. Advise any child or the child’s parent or legal custodian who appears in court and is unrepresented of the right to representation pursuant to RJPP 25. 8. Determine whether the child and the child’s parent or legal custodian understand the statutory grounds and the factual allegations set forth in the petition and, if not, provide an explanation. 9. Explain the purpose of the hearing and the possible transfer of custody of the child from the parent or legal custodian to another, when such transfer is permitted by law and the permanency requirements of Minnesota Statutes § 260C.201, subd. 11. 10. If the Admit/Deny Hearing is the first hearing in the juvenile protection matter, and if the court knows or has reason to know that the child is an Indian child, determine whether notice has been sent pursuant to Rule 32.06; 25 U.S.C. § 1912(a); and Minnesota Statutes § 260.761, subd. 3. 11. If the district court finds from review of the petition or other information that an Indian child is a ward of tribal court, pursuant to Rule 48.02, subd. 1, adjourn the hearing to consult with the tribal court regarding the safe and expeditious return of the child to the jurisdiction of the tribe and dismiss the juvenile protection matter. 	RJPP 34.03, subd. 1

	GENERAL PROCEDURE	AUTHORITY
9.15	<p>GENERAL RIGHTS ADVISORY</p> <p>A. INQUIRE ABOUT VIEWING OF VIDEO. Inquire whether the parties and participants have viewed the video entitled “<i>In the Best Interests of Your Child.</i>” This video is intended to replace the need for the court to discuss in detail the “General Rights and Procedures Advisory” set forth below and, instead, allow the court to go into detail about any right or procedure that a party may not fully understand.</p> <p><i>Comment: Contact State CJI Staff at 651-297-7587 if your court has not received a copy of the video.</i></p> <p>B. INQUIRE ABOUT UNDERSTANDING OF BASIC RIGHTS AND PROCEDURES. The court shall on the record inquire about whether they parties and participants understand the basic rights. For parties and participants who have not viewed the video, or who state that they do not understand the rights, the court shall on the record advise all parties, participants, and attorneys present of the following:</p> <ol style="list-style-type: none"> 1. The purpose of the hearing: To determine whether the pertinent parties wish to admit or deny the statutory allegations stated in the petition. 2. The possible consequences of failure to appear at hearings: <ol style="list-style-type: none"> (a) A finding that the petition has been proved, (b) An order adjudicating the child in need of protection or services, (c) An order removing the child from the parent’s care, including an order terminating the parent’s rights or transferring permanent legal and physical custody of the child to another, and (d) Arrest and/or contempt of court. 3. The Possible Consequences of Child Protection Proceeding: Failure to comply with the court’s orders and to make progress on a case plan ordered or approved by the court may result in the permanent removal of the child from the parent’s care, including an order terminating the parent’s rights or transferring permanent legal and physical custody of the child to another. 4. The Right to Representation: The right to representation if any child or child’s parent or legal custodian appears in court and is not represented by counsel. <ol style="list-style-type: none"> (a) Right to Representation Generally: Every party and participant has the right to be represented by counsel in every juvenile protection matter, including through appeal, if any. This right attaches no later than when the party or participant first appears in court. This does not mean the person has the right to court-appointed counsel. 	<p>See RJPP 34.03</p> <ul style="list-style-type: none"> • RJPP 21.02 • RJPP 22.02 <p>RJPP 34.01</p> <ul style="list-style-type: none"> • RJPP 34.03, subd. 1(h) • RJPP 32.02, subd. 4(a)(5) • RJPP 18.10 (default) • RJPP 32.02, subd. 7 (contempt or warrant for arrest) <p>Minn. Stat. § 260C.201 (permanency decision may include permanent removal of child)</p> <p>RJPP 25</p> <p>RJPP 25.01</p>

	GENERAL PROCEDURE	AUTHORITY
	<p>9.15 General Rights Advisory (continued)</p> <p>(b) Right to Representation – Child: The child is entitled to counsel as follows:</p> <ol style="list-style-type: none"> (1) Except in proceedings where the sole basis for the petition is habitual <u>truancy</u>, if the child desires counsel but is financially unable to employ one, the court shall appoint counsel to represent the child who is ten (10) years of age or older and may appoint counsel to represent a child under age ten (10) in any case in which the court determines that such appointment is appropriate. (2) In any proceeding where the sole basis for the petition is habitual <u>truancy</u>, the child does not have the right to appointment of a public defender or other counsel at public expense. However, before any out-of-home placement can be ordered, including foster care or inpatient treatment, the court shall appoint a public defender or other counsel at public expense to represent the child. (3) In any juvenile protection matter involving an Indian child, the court in its discretion may appoint counsel for an Indian child upon a finding that such appointment is in the best interests of the child. (4) Counsel for the child shall not serve as the child’s guardian ad litem. <p>(c) Right to Representation – Parent or Legal Custodian:</p> <ol style="list-style-type: none"> (1) Except in proceedings where the sole basis for the petition is <u>truancy</u>, if the child’s parent or legal custodian desires counsel but is financially unable to employ one, the court shall appoint counsel to represent the parent or legal custodian in any juvenile protection matter in which the court determines that such appointment is appropriate. (2) In any proceeding where the sole basis for the petition is <u>truancy</u>, the parent or legal custodian does not have the right to appointment of a public defender or other counsel at public expense. (3) In any juvenile protection matter involving an Indian child, if the child’s parent or Indian custodian is unable to afford it, the court shall appoint counsel to represent the parent or Indian custodian. <p>(d) Right to Representation – Guardian Ad Litem: The court may appoint separate counsel for the guardian ad litem if necessary. A public defender may not be appointed as counsel for a guardian ad litem.</p>	<ul style="list-style-type: none"> • RJPP 26.05 (GAL) • Minn. Stat. § 260C.163, subd. 5 (GAL) • RJPP 25.03 (attorney) • Minn. Stat. § 260C.163, subd. 3 (attorney) • Minn. Stat. § 260C.331, subds. 5 and 6

	GENERAL PROCEDURE	AUTHORITY
	<p>9.15 General Rights Advisory (continued)</p> <p>(e) Reimbursement: When an attorney or a guardian ad litem is appointed for a child or a child’s parent or legal custodian, the court may inquire into the ability of the parent or legal custodian to pay for the person’s services and, after giving the parent or legal custodian a reasonable opportunity to be heard, may order the parent or legal custodian to pay the such fees.</p> <p>5. Basic procedural rights of a party, including the right to:</p> <p>(a) Notice of all hearings;</p> <p>(b) Legal representation;</p> <p>(c) Be present at all hearings unless excluded;</p> <p>(d) Conduct discovery, including copies of social services file;</p> <p>(e) Bring motions before the court;</p> <p>(f) Participate in settlement agreements;</p> <p>(g) Subpoena witnesses to testify on the person’s behalf;</p> <p>(h) Cross-examine other parties’ witnesses;</p> <p>(i) Make argument in support of or against the petition;</p> <p>(j) Present evidence;</p> <p>(k) Request review of the referee’s findings and recommended order, where applicable;</p> <p>(l) Request review of the court’s disposition upon a showing of a substantial change of circumstances or that the previous disposition was inappropriate;</p> <p>(m) Bring post-trial motions;</p> <p>(n) Appeal from final orders of the court.</p> <p>6. Basic procedural rights of a participant, including the right to:</p> <p>(a) Notice of all hearings;</p> <p>(b) A copy of the petition;</p> <p>(c) Be present at all hearings, unless excluded; and</p> <p>(d) Offer information at the discretion of the court.</p> <p>7. The expedited permanency timeline. If the child has been ordered into out-of-home placement and has not been returned home:</p> <p>(a) For a child under age 8, a Permanency Progress Review Hearing must be commenced within 180 days of the child’s court-ordered removal from home. The purpose of the hearing is to determine whether the parent or legal custodian has maintained regular contact with the child and is complying with the case plan, and whether it is safe for the child to be returned home.</p>	<ul style="list-style-type: none"> • RJPP 26.05 (GAL) • RJPP 25.03 (attorney) • Minn. Stat. § 260C.163, subd. 5 (GAL) • Minn. Stat. § 260C.153, subd. 3 (attorney) • Minn. Stat. § 260c.331, subds. 5, 6 <p>RJPP 21.02</p> <p>RJPP 22.02, subd. 1</p> <ul style="list-style-type: none"> • Minn. Stat. § 260C.201, subd. 11a • RJPP 42.01, subd. 5(a)

	GENERAL PROCEDURE	AUTHORITY
	<p>9.15 General Rights Advisory (continued)</p> <p>(1) If the parent is complying with the case plan <u>and</u> maintaining regular contact with the child as required in the case plan, and if the court determines that the child would benefit from continuing this relationship, the court may either:</p> <p>(i) Return the child home, if the conditions that led to the out-of-home placement have been sufficiently mitigated that it is safe and in the child’s best interests to be returned home; or</p> <p>(ii) Continue the matter up to a total of six additional months, at which time the court must conduct a Permanent Placement Determination Hearing if the child has not been safely returned home.</p> <p>(2) If the parent is not complying with the case plan <u>or</u> not maintaining regular contact with the child as required in the case plan, the court may order the responsible social services agency to file a petition for the child’s permanent placement away from the parent.</p> <p>(b) If the child, regardless of age, remains in out-of-home placement, a Permanent Placement Determination Hearing must be commenced within 365 days of the child’s court-ordered removal from home. The purpose of the hearing is to review the parent’s or legal custodian’s progress on the case plan and the services provided by the agency. The court shall determine whether the child can be safely returned home or, if not, order permanent placement consistent with the child’s best interests, including terminating the parent’s rights or permanently transferring the child’s legal and physical custody to a relative.</p>	<ul style="list-style-type: none"> • RJPP 42.01, subd. 5(b) • Minn. Stat. § 260C.201, subd. 11(a)
9.16	<p>UNDERSTANDING OF STATUTORY GROUNDS AND FACTUAL ALLEGATIONS</p> <p>At the beginning of the hearing, the court on its own may explain, or may ask the county attorney to explain, the following:</p> <ol style="list-style-type: none"> 1. The reasons why the child was taken into emergency protective care; and 2. The substance of the statutory grounds and supporting factual allegations set forth in the petition. <p>The court should determine whether the child and the child’s parent or legal custodian understand the statutory grounds and the factual allegations set forth in the petition and, if not, provide an explanation.</p>	RJPP 34.03, subd. 1(g)
9.17	<p>MOTIONS</p> <p>A. SUFFICIENCY OF PETITION AND JURISDICTION. The court shall hear any motions addressed to the sufficiency of the petition or jurisdiction of the court without requiring any person to admit or deny the statutory grounds set forth in the petition prior to making a finding on the motion. The court should ask for any such motions before asking for the admission or denial.</p>	RJPP 34.03, subd. 5

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	<p>9.17 Motions (continued)</p> <p>B. PRIVATE PETITION. Any party has the right to contest the basis of a petition filed by an individual who is not a county attorney or an agent of the commissioner of human services.</p> <p>C. INTERVENTION. The court should determine whether there are any motions to intervene.</p>	<p>RJPP 35.01, subd. 3</p> <p>RJPP 23.03 (automatic and permissive intervention)</p>
9.18	<p>DETERMINATIONS IN CHIPS MATTERS</p> <p>In each child in need of protection or services matter the court shall determine whether the petition states a prima facie showing that a juvenile protection matter exists and that the child is the subject of the matter, unless the prima facie determination was made at the emergency protective care hearing. The court shall dismiss the petition if it finds that the petition fails to establish a prima facie showing that a juvenile protection matter exists and that the child is the subject of the matter.</p>	<p>RJPP 34.03, subd. 2</p>
9.19	<p>DETERMINATIONS IN TERMINATION OF PARENTAL RIGHTS MATTERS</p> <p>A. PRIMA FACIE DETERMINATION SUPPORTING TPR. In each termination of parental rights matter the court shall determine whether the petition states a prima facie case in support of termination of parental rights under the statutory grounds stated in the petition.</p> <p>B. PRIMA FACIE DETERMINATION REGARDING REASONABLE/ACTIVE EFFORTS TO REUNIFY. When the petition alleges that reasonable efforts, or active efforts in the case of an Indian child, have been made to reunify the child with the parent or legal custodian, the court shall enter a separate finding regarding whether the factual allegations contained in the petition state a prima facie case that the agency has provided reasonable efforts, or active efforts in the case of an Indian child, to reunify the child and the parent or legal custodian. In the alternative, the court may enter a finding that reasonable efforts, or active efforts in the case of an Indian child, to reunify the child and the parent or legal custodian were not required under Minn. Stat. § 260.012(a).</p> <p>C. PRIMA FACIE CASE FOUND. If the court determines that the petition states a prima facie case in support of termination of parental rights, the court shall proceed to solicit an admission or denial to the statutory grounds stated in the petition (see section 9.21).</p> <p>D. PRIMA FACIE CASE NOT FOUND. If the court determines that the petition fails to state a prima facie case in support of termination of parental rights, the court shall:</p> <ol style="list-style-type: none"> 1. Return the child to the care of the parent or legal custodian; 	<p>RJPP 34.03, subd. 3(a)</p> <ul style="list-style-type: none"> • RJPP 34.03, subd. 3(b) • Minn. Stat. § 260.012(a) (requires reasonable efforts, or active efforts if Indian child, to prevent placement or reunify if placed) <p>RJPP 34.03, subd. 3(c)</p> <p>RJPP 34.03, subd. 3(c)</p>

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	<p>9.19 Determinations in CHIPS Matters (continued)</p> <ol style="list-style-type: none"> 2. Give the petitioner ten (10) days to file an amended petition or supplementary information if the petitioner represents there are additional facts which, if presented to the court, would establish a prima facie case in support of termination of parental rights; 3. Give the petitioner ten (10) days to file a child in need of protection or services petition; or 4. Dismiss the petition. 	
9.20	<p>DETERMINATIONS ON OTHER PERMANENCY MATTERS</p> <p>A. PRIMA FACIE DETERMINATION SUPPORTING PERMANENCY PETITION. In each permanent placement matter the court shall review the facts set forth in the petition, consider such argument as the parties may make, and determine whether the petition states a prima facie case in support of one or more of the permanent placement options.</p> <p>B. PRIMA FACIE DETERMINATION REGARDING REASONABLE/ACTIVE EFFORTS TO REUNIFY. When the petition seeking permanent placement of the child away from the parent or legal custodian requires a determination by the court that reasonable efforts, or active efforts in the case of an Indian child, have been made to reunify the child with the parent or legal custodian, the court shall enter a separate finding regarding whether the factual allegations in the petition state a prima facie case that the agency has provided reasonable efforts, or active efforts in the case of an Indian child, to reunify the child and the parent or legal custodian. In the alternative, the court may enter a finding that reasonable efforts, or active efforts in the case of an Indian child, were not required under Minn. Stat. § 260.012.</p> <p>C. PRIMA FACIE CASE FOUND. If the court determines that the petition states a prima facie case, the court shall proceed pursuant to solicit an admission or denial to the statutory grounds stated in the petition (see section 9.22).</p> <p>D. PRIMA FACIE CASE NOT FOUND. If the court determines that the petition fails to state a prima facie case, the court may:</p> <ol style="list-style-type: none"> 1. Return the child to the care of the parent; 2. Give the petitioner ten (10) days to file an amended petition or supplementary information if the petitioner represents there are additional facts which, if presented to the court, would establish a prima facie case; or 3. Dismiss the petition. 	<p>RJPP 34.03, subd. 4(a)</p> <ul style="list-style-type: none"> • RJPP 34.03, subd. 4(b) • Minn. Stat. § 260.012 (requires reasonable efforts or active efforts if Indian child, to prevent placement or to reunify if child was placed) <p>RJPP 34.03, subd. 4(c)</p> <p>RJPP 34.03, subd. 4(c)</p>
9.21	<p>PERSONS REQUIRED TO ENTER ADMISSION OR DENIAL</p> <p>The court shall ask the following persons to enter an admission or denial to the petition:</p> <p>A. PARENT OR LEGAL CUSTODIAN.</p> <ol style="list-style-type: none"> 1. Generally. Unless the child's parent or legal custodian is the petitioner, a parent or legal custodian who is a party shall admit or deny the statutory grounds set forth in the petition 	<p>RJPP 35.01, subd. 1(a)</p>

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	<p>or remain silent. If the parent or legal custodian denies the statutory grounds set forth in the petition or remains silent, or if the court refuses to accept an admission, the court shall enter a denial of the petition on the record.</p> <p>2. Termination of Parental Rights and Permanent Placement Matters. In a termination of parental rights matter, only the child's parent or legal custodian are required to admit or deny the petition.</p> <p>3. Permanent Placement Matters. In a permanent placement matter, only the legal custodian of the child who is not the petitioner is required to admit or deny the petition. A party who is not required to admit or deny the petition may object to the entry of the proposed permanent placement order if that party has filed a petition pursuant to Rule 33. When there is a petition for transfer of permanent legal and physical custody to a relative who is not represented by counsel, the court may not enter an order granting the transfer of custody unless there is testimony from the proposed custodian establishing that the proposed custodian understands:</p> <ol style="list-style-type: none"> the legal consequences of a transfer of permanent legal and physical custody; the nature and amount of financial support and services that will be available to help care for the child; how the custody order can be modified; and any other permanent placement options available for the subject child. <p>B. CHILD. The child shall not be required to admit or deny the petition, except in matters where the sole allegation is that the child's behavior is the basis for the petition.</p> <p><i>Comment: RJPP 21.01, subd. 2, provides that the child is a party only in cases where the allegation is that the child is an habitual <u>truant</u> – this is a typo that occurred during final revisions to the rules. In reality, the intent is for the child to be a party in all cases where the petition alleges the child's behavior to be the basis of the petition (i.e., <u>truancy</u>, <u>runaway</u>, child engaged in prostitution, or delinquent under age 10). Thus, if the child is not already a party, it is best practice to join the child as a party in all cases where the child is required to admit or deny the petition.</i></p>	<p>RJPP 35.01, subd. 1(b)</p> <p>RJPP 35.01, subd. 1(c)</p> <p>RJPP 35.01, subd. 2(a), (b)</p> <p>RJPP 21.01 (specifies parties)</p>
9.22	<p>PROCEDURES, FINDINGS, AND ORDER IF DENIAL ENTERED</p> <p>A. DENIAL WITHOUT APPEARANCE. A written denial or a denial on the record of the statutory grounds set forth in a petition may be entered by counsel without the personal appearance of the person represented by counsel.</p> <p>B. FURTHER PROCEEDINGS AFTER DENIAL. When a denial by any party is entered, the court shall schedule a Pretrial Conference and/or Trial, the dates of which shall be included in a scheduling order which shall be issued at the conclusion of, or with five (5) days of, the Admit/Deny Hearing.</p>	<p>RJPP 35.02, subd. 1</p> <ul style="list-style-type: none"> RJPP 35.02, subd. 2 RJPP 6.02, subd. 1 (scheduling order)

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<p>9.21 Procedures, Findings, and Order if Denial Entered (continued)</p> <p>C. FINDINGS AND DETERMINATIONS TO BE INCLUDED IN ORDER FOLLOWING DENIAL. If a denial is entered, the court shall determine the following, which shall be included in the order:</p> <ol style="list-style-type: none"> 1. The names of all parties, participants, and attorneys who appeared at the hearing. 2. The names of all parties served with the Summons and Petition at least three (3) days before the hearing, including any who failed to appear despite proper service. 3. The names of all parties not served with the Summons and Petition at least three (3) days before the hearing, but who nevertheless agree to proceed with the Admit/Deny Hearing. 4. The names of all parties who were entitled to be served but who were not served, and direct immediate service, including service by publication if necessary. 5. The names of all participants and attorneys who were entitled to be served with a Notice of the Hearing and a copy of the Petition, but who were not served, and direct immediate service. 6. The parents' names, addresses, and dates of birth. 7. The father's legal status as of the date of the hearing as either alleged, adjudicated, presumed, custodial, or unknown. 8. Whether paternity must be established for any father, and order paternity testing if appropriate. 9. Whether the child is an Indian child and, if so, whether the child's parent or Indian custodian and Indian tribe were notified of the hearing by registered mail, return receipt requested, and whether the return receipt is located in the court file. 10. The names of all persons who entered a denial to the petition. 11. The actual date of the child's removal from home, if the child was removed from home by the responsible social services agency or law enforcement. 12. The child's placement, including whether the child shall: <ol style="list-style-type: none"> (a) Continue in out-of-home placement; (b) Return home with conditions in place to assure the safety of the child or others; (c) Return home with reasonable conditions of release; or (d) Return home with no conditions. 13. The date by which the out-of-home placement plan or child protective services case plan will be served and filed, and who will participate in the development of such plan. 14. The conditions, if any, to be imposed upon the parent, legal custodian, or a party. 15. The services, examinations, or evaluations, if any, to be provided to the child and by whom and the date the report shall be served and filed. 	<ul style="list-style-type: none"> • See generally RJPP 34 and RJPP 35 • RJPP 10 (requires all orders to be reduced to writing)

	GENERAL PROCEDURE	AUTHORITY
	<p>9.21 Procedures, Findings, and Order if Denial Entered (continued)</p> <p>16. The services, examinations, or evaluations, if any, to be provided to the child's parent and by whom and the date the report shall be served and filed (the court may order such services if the parent agrees to accept such services despite a denial or if the court grants another party's discovery motion).</p> <p>17. The terms of parental and sibling visitation pending further proceedings.</p> <p>18. Scheduling information for completion of discovery, and exchange of witness lists and exhibit lists.</p> <p>19. The date, time, and place of the Pretrial Conference and Trial.</p> <p>20. The parent's responsibility for costs of care (see definition in Chapter 3.14) pursuant to Minn. Stat. § 260C.331, subd. 1.</p> <p>21. A statement that if the child is under 8 years of age at the time the petition is filed, a Permanency Progress Review Hearing must be commenced within six (6) months of the child's court-ordered removal if the child remains in out-of-home placement; and a statement that if the child, regardless of age, remains in out-of-home placement, a Permanent Placement Determination Hearing must be commenced within twelve (12) months of the child's court-ordered removal if the child has not been returned home.</p> <p>22. A statement that, unless otherwise modified by this order, all previous orders shall remain in full force and effect.</p>	See generally RJPP 34 and RJPP 35
9.23	<p>PROCEDURES, FINDINGS, AND ORDER IF ADMISSION ENTERED</p> <p>A. ADMISSION UNDER OATH. Any admission must be made under oath. The court should inquire whether there will be an admission or denial and, if there is to be an admission, place the party under oath.</p> <p>B. ADMISSION WITHOUT APPEARANCE. Upon approval of the court, a written admission of the statutory grounds set forth in the petition, made under oath by the admitting party, may be entered by counsel for that party without the personal appearance of the admitting party. The admission must be submitted at or before the hearing. If a written admission is submitted, the hearing must still take place so that the court may make the necessary findings and orders.</p> <p>C. QUESTIONING OF PERSON MAKING ADMISSION. Before accepting an admission regarding a CHIPS petition, the court shall determine on the record or by written document signed by the person admitting and the person's counsel, if represented, whether the person admitting acknowledges:</p> <ol style="list-style-type: none"> 1. An understanding of: <ol style="list-style-type: none"> (a) the nature of the statutory grounds set forth in the petition; 	<p>RJPP 35.03, subd. 1</p> <p>RJPP 35.03, subd. 2</p> <p>RJPP 35.03, subd. 3</p>

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<p>9.23 Procedures, Findings, and Order if Admission Entered (continued)</p> <ul style="list-style-type: none"> (b) if unrepresented, the right to representation pursuant to RJPP 25; (c) the right to a trial; (d) the right to testify; and (e) the right to subpoena witnesses. <ol style="list-style-type: none"> 2. An understanding that the facts being admitted establish the statutory grounds set forth in the petition. 3. An understanding that a possible effect of a finding that the statutory grounds are proved may be the permanent removal of the child from the parent’s care, including transfer of legal custody of the child to another or termination of parental rights to the child. 4. An understanding that, if the child is not returned home, a hearing to review progress on the case plan will be held within 6 months of the date of the child’s out-of-home placement if the child was under 8 years of age at the time of the filing of the petition, and hearing to determine the permanent placement of the child will be held within 12 months of the date of the child’s out-of-home placement if the child was 8 years or older at the time of the filing of the petition. <p>D. FACTUAL BASIS FOR ADMISSION REQUIRED. The court shall refuse to accept an admission unless there is a factual basis for the admission.</p> <p>E. FULL OR PARTIAL ADMISSION. A party may admit all of the statutory grounds set forth in the petition. Pursuant to a settlement agreement, a person may admit some, but not all, of the statutory grounds set forth in the petition.</p> <p>F. WITHDRAWAL OF ADMISSION. After filing a motion with the court:</p> <ol style="list-style-type: none"> 1. An admission may be withdrawn at any time upon a showing that withdrawal is necessary to correct a manifest injustice; or 2. The court may allow a withdrawal of an admission before a finding on the petition for any fair and just reason. <p>G. ACCEPTANCE OR NON-ACCEPTANCE OF ADMISSION. At the time of the admission, the court shall make a finding that:</p> <ol style="list-style-type: none"> 1. The admission has been accepted and the statutory grounds admitted have been proved; 2. The admission has been conditionally accepted pending the court’s approval of a settlement agreement pursuant to RJPP 19; or 3. The admission has not been accepted. 	<p>RJPP 35.03, subd. 3</p> <p>RJPP 35.03, subd. 4</p> <p>RJPP 35.03, subd. 4(a), (b)</p> <p>RJPP 35.03, subd. 5</p> <p>RJPP 35.03, subd. 6</p> <p>RJPP 35.03, subd. 7</p>

GENERAL PROCEDURE	AUTHORITY
<p>9.23 Procedures, Findings, and Order if Admission Entered (continued)</p> <p>H. FURTHER PROCEEDINGS. If the court makes a finding that the admission is accepted and the statutory grounds admitted are proved, or that the admission is conditionally accepted pending the court’s approval of a settlement agreement, the court shall enter an order with respect to adjudication and proceed to disposition.</p> <p>I. ADJUDICATION OR WITHHOLDING OF ADJUDICATION IN CHIPS MATTERS.</p> <p>1. ADJUDICATION. If the court makes a finding that the statutory grounds set forth in the petition alleging a child to be in need of protection or services (CHIPS) are proved, the court shall:</p> <p>(a) Adjudicate the child as in need of protection or services (see Chapter 12) and proceed to disposition (see Chapter 13); or</p> <p>(b) Withhold adjudication of the child.</p> <p>2. WITHHOLDING ADJUDICATION. When it is in the best interests of the child to do so, in a CHIPS matter the court may withhold an adjudication that the child is 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 withholding of adjudication, the court may enter a disposition order (see Chapter 13). At a hearing, which shall be held within ninety (90) days following 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> <p>J. FINDINGS AND DETERMINATIONS TO BE INCLUDED IN ORDER FOLLOWING ADMISSION. If an admission is entered, the court shall determine the following, which shall be included in the order:</p> <p>1. The names of all parties, participants, and attorneys who appeared at the hearing.</p> <p>2. The names of all parties served with the Summons and Petition at least three (3) days before the hearing, including any who failed to appear despite proper service.</p> <p>3. The names of all parties not served with the Summons and Petition at least three (3) days before the hearing, but who nevertheless agree to proceed with the Admit/Deny Hearing.</p>	<p>RJPP 40.01</p> <ul style="list-style-type: none"> • RJPP 40.02 • Minn. Stat. § 260C.201, subd. 12 <p>RJPP 35</p>

GENERAL PROCEDURE	AUTHORITY
<p>9.23 Procedures, Findings, and Order if Admission Entered (continued)</p> <ol style="list-style-type: none"> 4. The names of all parties who were entitled to be served but who were not served, and direct immediate service, including service by publication if necessary. 5. The names of all participants and attorneys who were entitled to be served with a Notice of the Hearing and a copy of the Petition, but who were not served, and direct immediate service. 6. The parents' names, addresses and dates of birth. 7. The father's legal status as of the date of the hearing as either alleged, adjudicated, presumed, custodial, or unknown. 8. Whether paternity must be established for any father, and order paternity testing if appropriate. 9. Whether the child is an Indian child and, if so, whether the child's parent or Indian custodian and Indian tribe were notified of the hearing by registered mail, return receipt requested, and whether the return receipt is located in the court file. 10. The names of all persons who entered an admission or denial to the petition. 11. Whether the child is adjudicated as in need of protection or services or, if the court determines that it is in the best interests of the child to do so, whether adjudication is withheld for a period not to exceed ninety (90) days from the finding that the statutory grounds set forth in the petition have been proved. 12. The actual date of the child's removal from home, if the child was removed from home by the responsible social services agency or law enforcement. 13. The child's placement, including whether the child shall: <ol style="list-style-type: none"> (a) Continue in out-of-home placement; (b) Return home with conditions in place to assure the safety of the child or others; (c) Return home with reasonable conditions of release; or (d) Return home with no conditions. 14. The date by which the out-of-home placement plan or child protective services case plan will be served and filed, and who will participate in the development of such plan. 15. The conditions, if any, to be imposed upon the parent, legal custodian, or a party. 16. The services, examinations, or evaluations, if any, to be provided to the child and by whom and the date the report shall be served and filed. 17. The services, examinations, or evaluations, if any, to be provided to the child's parent and by whom and the date the report shall be served and filed – the court may order such services if the parent agrees to accept such services despite a denial or if the court grants another party's discovery motion. 	

	GENERAL PROCEDURE	AUTHORITY
	<p>9.23 Procedures, Findings, and Order if Admission Entered (continued)</p> <p>18. The terms of parental and sibling visitation pending further proceedings.</p> <p>19. Scheduling information for any discovery that may be appropriate.</p> <p><i>Comment: The best practice is to set the date before parties and participants leave the courtroom.</i></p> <p>20. The parent's responsibility for costs of care (see definition in Chapter 3.14) pursuant to Minn. Stat. § 260C.331, subd. 1.</p> <p>21. A statement that if the child is under 8 years of age at the time the petition is filed, a Permanency Progress Review Hearing must be commenced within six (6) months of the child's court-ordered removal if the child remains in out-of-home placement; and a statement that if the child, regardless of age, remains in out-of-home placement, a Permanent Placement Determination Hearing must be commenced within twelve (12) months of the child's court-ordered removal if the child has not been returned home.</p> <p>22. A statement that, unless otherwise modified by this order, all previous orders shall remain in full force and effect.</p>	
9.24	<p>ORDER</p> <p>A. ORAL ORDER REDUCED TO WRITTEN ORDER. Court orders may be written or stated on the record. An order stated on the record shall also be reduced to writing.</p> <p>B. TIMING OF ORDER. The order shall be filed with the court administrator within ten (10) days of the conclusion of the hearing. An additional fifteen (15) days An order shall remain in full force and effect until the first occurrence of one of the following:</p> <ol style="list-style-type: none"> 1. Issuance of an inconsistent order; 2. The order ends pursuant to the terms of the order; or 3. Jurisdiction of the juvenile court is terminated. <p>C. IMMEDIATE EFFECT OF ORAL ORDER. Unless otherwise ordered by the court, an order stated on the record shall be effective immediately.</p> <p>D. DELIVERY; MAILING. Court orders shall be:</p> <ol style="list-style-type: none"> 1. Delivered at the close of the hearing; or 2. Mailed by the court administrator to each party, the county attorney, and such other persons as the court may direct. <p>If a party is represented by counsel, delivery or service shall be upon counsel. If service of the summons was by publication and the person has not appeared either personally or through counsel, service of court orders upon the person is not required. Filing and mailing of the order by the court administrator must be accomplished within ten (10) days of the date the judicial officer delivers the order to the court administrator.</p>	<p>RJPP 10.01</p> <p>RJPP 10.01</p> <p>RJPP 10.02</p> <p>RJPP 10.03</p>

	GENERAL PROCEDURE	AUTHORITY
	<p>9.24 Order (continued)</p> <p><i>Comment: While the Rule provides that service shall be upon counsel for a party, if represented, the best practice is to also provide a copy directly to the party to ensure it is timely received and to allow the parent to more quickly begin work on the case plan. The best practice is to distribute the order at the close of the hearing.</i></p>	
9.25	<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:</p> <ol style="list-style-type: none"> 1. Delivered at the close of the hearing (if written notice is delivered at the end of the hearing, later written notice is not required), 2. Mailed at least five (5) days before the date of the next hearing, or 3. Mailed fifteen (15) days before the date of the hearing if mailed to an address outside the state. 	RJPP 32.04
9.26	<p>NEXT HEARING – DISPOSITION HEARING OR DISPOSITION REVIEW HEARING</p> <p>If disposition was not ordered as part of the Admit/Deny Hearing (Chapter 13) , then the next hearing is the Disposition Hearing (Chapter 14). A disposition order must be issued within ten (10) days of the date the court finds that the statutory grounds have been proved. If disposition was ordered as part of the Admit/Deny Hearing, then the next hearing is a Disposition Review Hearing which must take place within the next ninety (90) days.</p>	

State of Minnesota
County _____

District Court
Judicial District: _____
Court File Number: _____
Case Type: <u>Juvenile</u>

In the Matter of the Welfare of the Child(ren) of:

Scheduling Order

_____ Parent Legal Custodian

_____ Parent Legal Custodian

Pursuant to Rule 6 of the Rules of Juvenile Protection Procedure, this Order establishes the following deadlines or specific dates for the proceedings in this matter:

1. Discovery (Rule 17)

- A. Inspection and copying of documents or other tangible evidence shall be completed by _____.
- B. By _____ the parties shall identify the names and addresses of all persons intended to be called as witnesses at trial, and shall allow all other parties to inspect and copy such witnesses' written or recorded statements, within the party's knowledge, relating to the case.
- C. By _____ the parties shall identify the names and addresses of all persons intended to be called as expert witnesses at trial, the subject matter about which each expert is expected to testify, and a summary of the grounds for each opinion to be offered.
- D. The following additional pretrial preparation and discovery is authorized and the reports from such discovery shall be completed and disclosed to the other parties by _____:
 - (i) physical examination of _____.
 - (ii) psychological examination of _____.
 - (iii) depositions of _____.

2. Case Plan (Rule 37)

- A. The case plan proposed by the responsible Social Services agency pursuant to Rule 37 shall be filed with the court and served upon the parties, or their legal counsel if represented, and the foster parent, if any, by _____ *(if the child is in out-of-home placement, the out-of-home placement plan must be filed no later than 30 days from the filing of the petition; if the child has not been removed from home, the case services plan must be filed at the time the petition is filed unless an exigent circumstance exists and the court orders it filed at a later date).*
- B. The court will review the proposed case plan and will approve or modify it not later than _____.
- C. The Court may modify the case plan if a parent or child files a Notice of Motion and Motion to Modify Case Plan by _____.

3. Pretrial Motions (Rule 15)

- A. All pretrial motions shall be filed and served by _____.
- B. A pretrial hearing on any such motions shall be held on _____.

4. **Pretrial Conference (Rule 36)**

- A. A Pretrial Conference shall be held on _____ (*at least 10 days before the date of the trial*).
- B. The parties and their legal counsel shall come to the Pretrial Conference prepared to determine whether a settlement of any or all issues has occurred or is possible, and to discuss the issues set forth in Juvenile Protection Rule 36.02.

5. **CHIPS Trial (Rule 39)**

- A. Trial in this matter shall begin on _____ (*must be commenced within 60 days from the date of the Emergency Protective Care Hearing or the Admit/Deny Hearing, whichever is earlier, and must be completed within 90 days of the denial of the statutory grounds.*)
- B. The trial shall not be continued or adjourned for more than one week unless the court finds that the continuance or adjournment is in the best interests of the child.
- C. The trial shall continue until completed; it is anticipated that at least _____ court business days are necessary to complete the trial.
- D. The trial shall be conducted pursuant to the procedure set forth in Rule 39.03.

6. **Disposition Hearing (Rule 41)**

- A. If the court adjudicates the child as is in need of protection or services, the disposition hearing shall be held on _____ (*the same day as adjudication, if possible, but not later than 10 days after the court issues its adjudicatory findings*).
- B. Pre-disposition reports shall be filed with the court and served upon the parties by _____ (*at least 48 hours prior to the date of the disposition hearing*).

7. **Disposition Review Hearings (Rule 41.06)**

- A. If the child continues in out-of-home placement, an in-court disposition review hearing shall be held at least every 90 days from the date of disposition to the date of the permanency hearing, including on the following date(s): _____; _____; and _____ (*at least every 90 days from the date of disposition to the date of the permanency hearing*).
- B. If the child is returned to the care of the parent(s) under protective supervision, an in-court disposition review hearings shall be held at least every 6 months from the date of disposition to the date of the permanency hearing, including the following date(s): _____ and _____ (*at least every 6 months from the date of disposition to the date of the permanency hearing*).

8. **Permanency Progress Review Hearing (Rule 42)**

- For a child under age 8 at the time the petition was filed, the court shall commence a Permanency Progress Review Hearing for the child (and the child's siblings) to review the parent's progress on the out-of-home placement plan and provision of services by the agency no later than _____ (*within 6 months of the date of the child's court ordered out-of-home placement*), unless the child is returned home or unless a petition to terminate parental rights or other permanency petition has been filed.

9. **Permanency Petition and Permanent Placement Determination Hearing (Rule 42)**

For any child, regardless of age, who has not returned home:

- A permanency petition shall be filed no later than _____ (*11 months from the date of the court-ordered out of home placement*); and

- A Permanent Placement Determination Hearing (an Admit/Deny Hearing on the permanency petition) shall be commenced no later than _____
(within 12 months from the date of the court-ordered out of home placement).

10. **Permanency Trial (Rule 39)**

If a denial to the Permanency Petition is entered,

- A. A Pretrial Hearing regarding the Permanency Petition shall be held on _____
_____ *(at least 10 days before the date of the trial on the permanency petition)*
- B. A Trial regarding the Permanency Petition shall be commenced on _____
_____ *(within 60 days of the first scheduled Admit/Deny Hearing).*
- C. The trial shall not be continued or adjourned for more than one week unless the court finds that the continuance or adjournment is in the best interests of the child.
- D. The trial shall continue be completed within 30 days of commencement; it is anticipated that at least _____ court business days are necessary to complete the trial.
- E. The trial shall be conducted pursuant to the procedure set forth in Rule 39.03.

11. **Other Provisions:**

- _____

- _____

- _____

11. **Amendment of Scheduling Order**

This Order is subject to revision as necessary to serve the best interests of the child and the interests of justice, so long as the permanency timelines are not delayed.

IT IS SO ORDERED.

Date: _____

By The Court:

District Court Judge