

**CHAPTER 18**
**POST-PERMANENCY REVIEW HEARINGS**
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	<b>PROCEDURE</b>	<b>AUTHORITY</b>
	<b>TPR REVIEW HEARINGS</b>	
18.01	<p><b>TIMING</b></p> <p>If the court terminates parental rights, the court shall schedule a review hearing 90 days from the date the TPR order is filed with the court, and at least every 90 days thereafter</p>	<ul style="list-style-type: none"> <li>• RJPP 42.08, subd. 5</li> <li>• Minn. Stat. § 260C.201, subd. 11(f)(3)</li> </ul>
18.02	<p><b>PURPOSE</b></p> <p>The purpose of the post-TPR review hearing is to review:</p> <ol style="list-style-type: none"> <li>1. The progress being made toward an adoptive placement;</li> <li>2. The specific recruitment efforts the agency has made to find an adoptive family or other permanent living arrangement for the child; and</li> <li>3. The efforts the agency has taken to finalize the adoption or other permanency plan.</li> </ol>	<ul style="list-style-type: none"> <li>• RJPP 42.08, subd. 5</li> <li>• Minn. Stat. § 260C.201, subd. 11(f)(3)</li> <li>• Minn. Stat. § 260C.317, subd. 3(b)</li> </ul>
18.03	<p><b>REPORTS TO THE COURT AND ISSUES TO BE ADDRESSED AT HEARING</b></p> <p>Not later than 5 days before the review hearing, the responsible social services agency shall file with the court and provide submit a report which addresses the following issues:</p> <ol style="list-style-type: none"> <li>1. Where the child currently resides, the length of time the child has resided in the current placement, the number of other placements the child has experienced, and whether the current foster care provider is willing to adopt the child;</li> <li>2. Whether the responsible social services agency has made adequate efforts to identify, locate, and place the child with a relative willing to adopt the child and, if the child is an <b>Indian</b> child, the agency's plan to meet the adoptive placement preferences of 25 U.S.C. § 1915;</li> <li>3. If the child has siblings in out-of-home placement or previously placed for adoption, whether the child is placed with the siblings. If the child is not placed with siblings, whether the agency: <ol style="list-style-type: none"> <li>a. Must make further efforts to place the child with siblings; or</li> <li>b. Obtain the consent of the Commissioner of Human Services to separate the child from siblings for adoption under Minn. Stat. § 259.24 and Minnesota Rule 9560.0450, subd. 2; and</li> <li>c. Has developed a visitation plan for the siblings or, if no visitation plan exists, the reason why;</li> </ol> </li> <li>4. The efforts the agency has made to identify non-relative adoptive resources for the child including utilizing the State of Minnesota Adoption Registry and other strategies for identifying potential adoptive homes for the child; and</li> <li>5. If an adoptive home has been identified whether: <ol style="list-style-type: none"> <li>a. Placement has been made in the home;</li> <li>b. A preadoptive placement agreement has been signed;</li> <li>c. The child qualifies for adoption assistance payments, and if so, the status of the adoption assistance agreement;</li> <li>d. An adoption petition has been filed;</li> <li>e. An adoption finalization hearing has been scheduled; and</li> <li>f. There are barriers to adoption and how those barriers might be removed.</li> </ol> </li> </ol>	RJPP 42.08, subd. 5

	<b>PROCEDURE</b>	<b>AUTHORITY</b>
18.04	<p><b>FINDINGS AND DECISION – FREQUENCY OF HEARINGS</b></p> <p>At least every 12 months for as long as the child continues in out-of-home placement, and for as long as adoption remains the permanent plan, the court shall enter a finding regarding whether the responsible social services agency has made reasonable efforts to finalize the adoption.</p>	<ul style="list-style-type: none"> <li>• RJPP 42.08, subd. 5(f)</li> <li>• Minn. Stat. § 260C.317, subd. 3(c)</li> </ul>
18.05	<p><b>HEARING IF ADOPTION NOT FINALIZED</b></p> <p>If the adoptive placement was made more than 12 months prior to the review hearing and no hearing to finalize the adoption has been scheduled, a hearing under Minn. Stat. § 259.22, subd. 4, must be scheduled.</p>	<ul style="list-style-type: none"> <li>• RJPP 42.08, subd. 5(g)</li> <li>• Minn. Stat. § 260C.201, subd. 11(f)(3)</li> </ul>
18.06	<p><b>ORDER</b></p> <p>The court shall file its order within 10 days of the conclusion of the hearing.</p>	RJPP 10.01
18.07	<p><b>NOTICE OF SUBSEQUENT HEARINGS</b></p> <p>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"> <li>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),</li> <li>2. Mailed at least five (5) days before the date of the next hearing, or</li> <li>3. Mailed ten (10) days before the date of the hearing if mailed to an address outside the state.</li> </ol> <p><i><b>Comment:</b> The Notice of Subsequent Hearing form located on CourtNet complies with the above content requirements: <a href="http://courtnet.courts.state.mn.us/courtnetforms/Default.aspx?category=43#category7">http://courtnet.courts.state.mn.us/courtnetforms/Default.aspx?category=43#category7</a></i></p>	RJPP 32.04
<b>LONG TERM FOSTER CARE REVIEW HEARINGS</b>		
18.08	<p><b>TIMING AND FREQUENCY</b></p> <p><b>A. TIMING.</b> If the Court orders the child placed in long term foster care, the court shall conduct a permanency review hearing at least every 12 months from the date permanency was ordered.</p> <p><b>B. FREQUENCY.</b> Such annual reviews shall continue for as long as the child remains in long term foster care. The Court shall retain jurisdiction through the child’s minority, unless the court extends jurisdiction to age 21 as permitted under Minn. Stat. § 260C.193, subd. 6, which provides that jurisdiction of the court shall continue until the individual becomes 21 years of age if the court determines it is in the best interest of the individual to do so.</p>	<ul style="list-style-type: none"> <li>• RJPP 42.11, subd. 4(a)</li> <li>• Minn. Stat. § 260C.201, subd. 11(g)</li> <li>• Minn. Stat. § 260C.317, subd. 3(d)</li> </ul>
18.09	<p><b>PURPOSE</b></p> <p>The purpose of the review hearing is to determine the future status of the child using the review requirements of Minn. Stat. § 260C.201, subd. 11(g), and to consider whether long term foster care continues to be the best permanent plan for the child or whether another permanent plan is better for the child.</p>	<ul style="list-style-type: none"> <li>• RJPP 42.11, subd. 4</li> <li>• Minn. Stat. § 260C.201, subd. 11(g)</li> </ul>

	<b>PROCEDURE</b>	<b>AUTHORITY</b>
18.10	<p><b>DISRUPTION OF FOSTER CARE PLACEMENT</b></p> <p>If the long-term foster care placement disrupts, the responsible social services agency shall return the matter to court within ten (10) days of the disruption for review of the matter.</p>	RJPP 42.11, subd. 2
18.11	<p><b>ISSUES TO BE ADDRESSED AND FINDINGS</b></p> <p>The court shall review the child's out-of-home placement plan and the reasonableness of the agency's efforts to finalize the permanent plan for the child, including the agency's efforts to:</p> <ol style="list-style-type: none"> <li>1. ensure that long-term foster care continues to be the most appropriate legal arrangement for meeting the child's need for permanency and stability or, if not, to identify and attempt to finalize another permanent placement option under this chapter that would better serve the child's needs and best interests;</li> <li>2. identify a specific long-term foster home for the child, if one has not already been identified;</li> <li>3. support continued placement of the child in the identified home, if one has been identified;</li> <li>4. ensure appropriate services are provided to address the physical health, mental health, and educational needs of the child during the period of long-term foster care and also ensure appropriate services or assistance to maintain relationships with appropriate family members and the child's community; and</li> <li>5. plan for the child's independence upon the child's leaving long-term foster care living as required under Minn. Stat. § 260C.212, subd. 1</li> </ol>	<ul style="list-style-type: none"> <li>• RJPP 42.11, subd. 4(b)</li> <li>• Minn. Stat. § 260C.201, subd. 11(g)</li> </ul>
18.12	<p><b>ADDITIONAL REQUIREMENTS FOR YOUTH AGE 16 OR OLDER</b></p> <p>When the child is age sixteen (16) or older, the court shall review the agency's reasonable efforts to implement the independent living plan required under Minnesota Statutes § 260C.212, subd. 1(c)(8), and the provision of services to the child related to the well-being of the child as the child prepares to leave foster care. The court's review shall include the actual plans related to each item in the plan necessary to the child's future safety and well-being when the child is no longer in foster care. The court shall make findings regarding progress toward or accomplishment of the following goals:</p> <ol style="list-style-type: none"> <li>(1) the child has obtained a high school diploma or its equivalent;</li> <li>(2) the child has completed a driver's education course or has demonstrated the ability to use public transportation in the child's community;</li> <li>(3) the child is employed or enrolled in postsecondary education;</li> <li>(4) the child has applied for and obtained postsecondary education financial aid for which the child is eligible;</li> <li>(5) the child has health care coverage and health care providers to meet the child's physical and mental health needs;</li> <li>(6) the child has applied for and obtained disability income assistance for which the child is eligible;</li> <li>(7) the child has obtained affordable housing with necessary supports, which does not include a homeless shelter;</li> <li>(8) the child has saved sufficient funds to pay for the first month's rent and a damage deposit;</li> <li>(9) the child has an alternative affordable housing plan, which does not include a homeless shelter, if the original housing plan is</li> </ol>	<ul style="list-style-type: none"> <li>• RJPP 42.11, subd. 4(c)</li> <li>• Minn. Stat. 260C.212, subd. 1(c)(8)</li> </ul>

	PROCEDURE	AUTHORITY
	unworkable; (10) the child, if male, has registered for the Selective Service; and (11) the child has a permanent connection to a caring adult.	
18.13	<b>AGENCY RESPONSIBILITY FOR NOTICE WHEN CHILD IS 17</b> When the child is age seventeen (17), the responsible social services agency shall establish for the court that it has given the notice required under Minnesota Administrative Rules, part 9560.0660, regarding the right to continued access to services for children in foster care past age eighteen (18), including the right to appeal a denial of social services under Minnesota Statutes § 256.045. If the agency is unable to establish that the notice, including the right to appeal a denial of social services, has been given, the court shall order the agency to give it.	RJPP 42.11, subd. 4(d)
18.14	<b>ORDER</b> The court shall file its order within 10 days of the conclusion of the hearing.	RJPP 10.01
18.15	<b>MODIFYING AN ORDER FOR LONG-TERM FOSTER CARE FOR A CHILD WHO IS NOT A STATE WARD</b>  <b>A. Modification by Parent.</b> A parent may seek modification of an order for long-term foster care only upon motion and a showing by the parent of a substantial change in the parent's circumstances such that the parent could provide appropriate care for the child and that removal of the child from the child's permanent placement and the return to the parent's care would be in the best interest of the child.  <b>B. Modification by Agency.</b> The responsible social services agency may ask the court to vacate an order for long-term foster care upon a prima facie showing that there is a factual basis for the court to order another permanent placement under this rule and that the placement is in the child's best interests. If the agency's request is to terminate parental rights, the county attorney shall file a petition under Rule 33 and the court shall proceed under Rule 34. If the agency's request is transfer of permanent legal and physical custody to a relative, the county attorney may file a motion under Rule 15 to modify the permanency order establishing long-term foster care for the child. If a party entitled to notice of the motion opposes the transfer of permanent legal and physical custody to a fit and willing relative, the responsible social services agency and county attorney shall establish: <ol style="list-style-type: none"> <li>(1) that the relative is fit and willing; and</li> <li>(2) that the transfer is in the best interest of the child.</li> </ol>	RJPP 42.11, subd. 5(a)  RJPP 42.11, subd. 5(b)
18.16	<b>NOTICE OF SUBSEQUENT HEARINGS</b> 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: <ol style="list-style-type: none"> <li>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),</li> <li>2. Mailed at least five (5) days before the date of the next hearing, or</li> </ol>	RJPP 32.04

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	<p>3. Mailed ten (10) days before the date of the hearing if mailed to an address outside the state.</p> <p><b>Comment:</b> <i>The Notice of Subsequent Hearing form located on CourtNet complies with the above content requirements: <a href="http://courtnet.courts.state.mn.us/courtnetforms/Default.aspx?category=43#category7">http://courtnet.courts.state.mn.us/courtnetforms/Default.aspx?category=43#category7</a></i></p>	
<b>TRANSFER OF PERMANENT LEGAL AND PHYSICAL CUSTODY REVIEW HEARINGS</b>		
18.17	<p><b>FREQUENCY</b> If the court transfers permanent legal and physical custody to a relative, juvenile court jurisdiction is terminated unless specifically retained by the court in its order. If the court retains jurisdiction, the court may order further in-court hearings at such intervals as it determines to be in the best interests of the child.</p> <p><b>Best practice:</b> <i>Transfer of permanent legal and physical custody of the child to a relative may involve a period of transition when the child does not know the relative well or has not previously lived with the relative or if the child has special needs. Under such circumstances, it is best practice to maintain jurisdiction and order review hearings for a period of up to ninety (90) days to ensure that the transition is going as planned and the needs of the child are being met as planned.</i></p>	<ul style="list-style-type: none"> <li>• RJPP 42.07, subds. 2, 3</li> <li>• Minn. Stat. § 260C.201, subd. 11(f)(2)</li> </ul>
18.18	<p><b>PURPOSE AND FINDINGS</b> When the court orders transfer of permanent legal and physical custody, the court may maintain jurisdiction over the responsible social services agency, the parents or legal custodian of the child, the child, and the permanent legal and physical custodian for purposes of ensuring that:</p> <ul style="list-style-type: none"> <li>• appropriate services are being to the child and permanent legal custodian, or</li> <li>• conditions ordered by the court related to the care and custody of the child are met.</li> </ul>	<ul style="list-style-type: none"> <li>• RJPP 42.07, subd. 2</li> <li>• Minn. Stat. § 260C.201, subd. 11(f)(2)</li> </ul>
18.19	<p><b>FURTHER PROCEEDINGS IN FAMILY COURT</b> When juvenile court jurisdiction is terminated, the court shall include an order directing the juvenile court administrator to file the order with the family court. Any further proceedings for modification of the order transferring permanent legal and physical custody to a relative shall be brought in the family court of the county where the original order was filed. The review shall be pursuant to Minnesota Statutes § 518.18 and § 518.185. Notice of any family court proceedings shall be provided by the court administrator to the responsible social services agency which shall be a party to the family court proceeding pursuant to Minnesota Statutes § 260C.201, subd. 11(j).</p>	RJPP 42.07, subd. 4
18.20	<p><b>ORDER</b> The court shall file its order within 10 days of the conclusion of the hearing.</p>	RJPP 10.01
18.21	<p><b>NOTICE OF SUBSEQUENT HEARINGS</b> 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>	RJPP 32.04

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