

# PERMANENCY TIMELINE FOR CHILDREN IN OUT-OF-HOME PLACEMENT

(Timeline Shows the latest date for each event)

## CHIPS Proceeding

0	3	13	28	30	53	63	103	123	180	193	283	335*	365* (Permanency Proceeding Commenced)
Child Removed From Home	Petition Served <sup>1</sup> & EPC Hearing <sup>3</sup> & Attorneys Appear	Admit Deny Hearing <sup>4</sup> (ADH)	Sched. Order Filed <sup>5</sup>	Out of Home Place. Plan Filed <sup>6</sup>	Pretrial Hearing <sup>7</sup>	Trial <sup>8</sup>	Disp. Rev. Hearing if Adj. & Disp. at ADH <sup>9</sup>	Adjud. Dispo. Order <sup>10</sup>	Perm. Progress Review Hearing <sup>11</sup>	Disp. Rev. Hearing <sup>9</sup>	Disp. Rev. Hearing <sup>9</sup>	Perm. Petition Filed	

→ If child not removed from home: Protective Services Case Plan must be filed with petition<sup>2</sup>  
 GAL and SW reports must be filed and served at least 5 days prior to each hearing<sup>35</sup>

**Preferred permanency<sup>13</sup>:** If child cannot be returned home, preferred permanent placement is with a relative either through adoption or transfer of permanent legal and physical custody

## Permanency Proceeding<sup>13</sup>

**\*Only three exceptions<sup>15</sup>:** The Admit/Deny Hearing (ADH) on the permanency petition may be continued beyond month 12 ONLY if: (1) the child is on a trial home visit (THV) at the time the permanency petition is required to be filed, and then the ADH may be continued for the remaining length of the THV (a THV may last no more than 6-months); or (2) the child is in protective supervision with the parent from whom the child was removed at the time the permanency petition is to be filed; or (3) at least one other CHIPS petition has been filed within the last 5 years and the child has been in out-of-home placement for 365 days on those prior petition(s), then agency may argue a compelling reason exists and court allows CHIPS proceeding for up to 6 months before commencing permanency proceeding.

### Termination of Parental Rights (TPR) (leading to adoption)

335	365	415	425	485	575
TPR Petition Filed <sup>14</sup>	Admit/Deny Hearing <sup>15</sup>	Pretrial Hearing <sup>16</sup>	Trial Starts <sup>17</sup>	Findings & Decision Filed <sup>18</sup>	Post-TPR Review Hearing <sup>19</sup>

### Guardianship to Commissioner – Consent to Adopt (CTA) (leading to adoption)

335	365	415	425	485	575
Consent to Adopt Filed <sup>20</sup>				Findings & Decision Filed <sup>21</sup>	90-Day Review Hearing <sup>22</sup>

### Transfer of Permanent Legal and Physical Custody to a Relative (TPLPC)

335	365	415	425	485	575
TPLPC Petition Filed <sup>23</sup>	Admit/Deny Hearing <sup>24</sup>	Pretrial Hearing <sup>25</sup>	Trial Starts <sup>26</sup>	Findings & Decision Filed <sup>27</sup>	Post-TPLPC Review Hearing <sup>28</sup>

### Permanent Custody to Agency for Placement in Foster Care (PCA)

335	365	415	425	485	575
PCA Petition Filed <sup>29</sup>	Admit/Deny Hearing <sup>30</sup>	Pretrial Hearing <sup>31</sup>	Trial Starts <sup>32</sup>	Findings & Decision Filed <sup>33</sup>	Annual Review Hearing <sup>34</sup>

### Temporary Legal Custody to Agency for Specified Period of Time (TCA)

335	365	415	425	485	575
TCA Petition Filed <sup>29</sup>	Admit/Deny Hearing <sup>30</sup>	Pretrial Hearing <sup>31</sup>	Trial Starts <sup>32</sup>	Findings & Decision Filed <sup>33</sup>	Annual Review Hearing <sup>34</sup>

## CHIPS Proceeding

- 1 **Summons and Petition:** Petition must be filed at or before EPC hearing ([RJPP 42.07](#)) and Petition and Summons to Admit/Deny hearing must be served at or before EPC hearing or at least 3 days prior to Admit/Deny Hearing, whichever is earlier ([RJPP 44.02, subd. 3](#)). At the request of a party, the EPC hearing shall not be held if summons and petition not served at least 3 days before the hearing.
- 2 **Protective Services Case Plan** (used when child not removed from home): When child is not in foster care, the [protective](#) services plan must be filed with the CHIPS petition and served on the parties unless the agency includes in the petition a statement explaining why it has not been possible to develop the plan. ([RJPP 26.04\(b\)](#); [Minn. Stat. § 260E.26](#); [Minn. Stat. § 260C.201, subd. 6\(b\)](#))
- 3 **EPC:** Must be commenced within 72 hours of child's removal from home, excluding Sat., Sun., and legal holidays ([RJPP 42.01, subd. 1](#); [Minn. Stat. § 260C.178, subd. 1\(a\)](#)). Court appointed attorneys must appear at EPC or ADH, whichever is earlier ([Minn. Stat. § 260C.163, subd. 3](#); [RJPP 36.01](#)). Indigent parents/children have a right to counsel at EPC (detention) hearing ([Minn. Stat. § 260C.176, subd. 3\(7\)](#)).
- 4 **Admit/Deny Hearing (ADH):** If child removed from home, ADH must be commenced within 10 days of EPC hearing; ADH may be combined with EPC if all agree ([RJPP 46.02, subd. 1](#)). If child not removed from home, ADH no sooner than 3 days and no later than 20 days after filing of the petition ([RJPP 46.02, subd. 2\(a\)](#)). If Indian child, no ADH shall commence until copies of all ICWA Notices and return receipts filed in court file and at least 10 days after receipt of Petitioner's "ICWA Notice" by the child's parents, Indian custodian, tribe(s), and BIA Regional Director, who may request up to 20 additional days to prepare for ADH ([RJPP 46.02, subd. 2\(a\)](#); [RJPP 30.01, subd. 3](#); [Fed. Regs. 25 CFR § 23.111\(e\)](#); [Minn. Stat. § 260.761, subd. 3](#)). Court appointed attorneys must appear at EPC or ADH, whichever is earlier ([Minn. Stat. § 260C.163, subd. 3](#); [RJPP 36.01](#)).
- 5 **Scheduling Order:** Must be issued in every CHIPS case within 15 days of ADH and must include dates for permanency progress review hearing, filing of permanency petition, and ADH on Permanency Petition ([RJPP 6.02](#)).
- 6 **Out of Home Placement Plan** (used when child removed from home): Must be filed by social services agency within 30 days of filing or CHIPS petition or within 30 days of child's court-ordered placement or voluntary placement agreement ([RJPP 26.02, subd. 2](#); [Minn. Stat. § 260C.178, subd. 7\(a\)](#); [Minn. Stat. § 260C.212, subd 1\(a\)](#)).
- 7 **Pretrial:** Held at least 10 days prior to trial ([RJPP 48.01](#)).
- 8 **Trial:** Commenced within 60 days of EPC or Admit/Deny, whichever is earlier; should be held over consecutive days; must be completed within 30 days of commencement ([RJPP 49.01, subd. 1](#)).
- 9 **Disposition Review Hearing:** When disposition is legal custody to agency, review hearing at least every 90 days following disposition ([RJPP 51.03](#)); when disposition is protective supervision, review hearing at least every 6 months following disposition ([RJPP 51.03](#)); when disposition is trial home visit, review hearing at least every 90 days ([RJPP 43, subd. 7](#)).
- 10 **Findings/Adjudication Order:** Issued within 15 days of conclusion of testimony, incl. briefs and proposed orders; may extend 15 days if in interests of justice and in child's best interests ([RJPP 49.04, subd. 1](#); [RJPP 50.01](#)).
- 11 **Disposition Order:** Preferably issued on same day as adjudication decision, but no later than 10 days from adjudication decision ([RJPP 51.02](#)).
- 12 **Permanency Progress Review Hearing (PPRH):** For every child in foster care or care of nonresident parent, must be commenced no later than 6 months after court-ordered placement ([Minn. Stat. § 260C.204\(a\)](#)).

## Permanency Proceedings

- 13 **Preferred permanency option for child who cannot return home:** Preference is permanent placement with a relative through adoption or transfer of permanent legal and custody ([Minn. Stat. 260C.513\(a\)](#)).

### Termination of Parental Rights (TPR) Proceeding

- 14 **TPR Petition:** TPR or permanency petition must be filed at or prior to time child is court ordered into foster care or home of noncustodial parent for 11 months (*\*See below "Limited Exceptions"*) ([Minn. Stat. § 260C.505\(a\)](#)).
- 15 **Admit/Deny Hearing (ADH):** For child who remains in court-ordered foster care or in care of noncustodial parent, ADH must be held not later than 12 months after court-ordered placement ([Minn. Stat. § 260C.507](#)). (*\*See below "Limited Exceptions" to extend timeline*)
- 16 **Pretrial Hearing:** Held at least 10 days prior to trial ([RJPP 57.01](#)).
- 17 **Trial:** Commenced within 60 days of the first scheduled ADH; should be held over consecutive days; must be completed within 30 days of commencement ([RJPP 58.01, subd. 1](#); [Minn. Stat. § 260C.509](#)).
- 18 **Findings and Decision:** Issued within 15 days of conclusion of testimony, incl. briefs and proposed orders; may extend 15 days if in interests of justice and in child's best interests ([RJPP 58.04\(a\)](#); [Minn. Stat. § 260C.517\(b\)](#)).
- 19 **Post-TPR Review Hearing:** At least every 90 days following TPR decision until adoption finalized ([Minn. Stat. § 260C.519\(4\)](#); [Minn. Stat. § 260C.607\(a\)](#)).

### Guardianship and Legal Custody to Commissioner of Human Services

- 20 **Consent to Adopt by an identified adoptive home:** Must be filed at or prior to time child is court ordered into foster care or home of noncustodial parent for 11 months; prospective adoptive parent identified by agency has agreed to adopt child and court accepts parent's voluntary consent to adoption ([Minn. Stat. § 260C.515, subd. 3](#)). Consent irrevocable upon acceptance by court, unless child is Indian child in which case consent may be withdrawn for any reason at any time prior to entry of final adoption decree ([Minn. Stat. § 260C.629, subd. 1](#)). Acceptance of consent does not terminate parental rights, but does vest with commissioner of human services all legal authority regarding child, including guardianship and legal custody of child as if child were a state ward after a TPR.
- 21 **Findings and Decision:** Within 15 days of the consent (may extend 15 days for good cause), court must issue findings and order transferring guardianship and legal custody ([RJPP 58.04](#)).
- 22 **Post-Consent Review Hearing:** At least every 90 days following consent until adoption finalized ([Minn. Stat. § 260C.515, subd.3](#)).

### Transfer of Permanent Legal and Physical Custody to a Relative (TPLPC) Proceeding

- 23 **TPLPC Petition:** Permanency petition must be filed at or prior to time child is court ordered into foster care or home of noncustodial parent for 11 months (*\*See below "Limited Exceptions"*) ([Minn. Stat. § 260C.505\(a\)](#)).
- 24 **Admit/Deny Hearing:** For child who remains in court-ordered foster care or in care of noncustodial parent, ADH must be held not later than 12 months after court-ordered placement ([Minn. Stat. § 260C.507](#)). (*\*See below "Limited Exceptions" to extend timeline*)
- 25 **Pretrial Hearing:** Held at least 10 days prior to trial ([RJPP 57.01](#)).
- 26 **Trial:** Commenced within 60 days of the first scheduled ADH; should be held over consecutive days; must be completed within 30 days of commencement ([RJPP 58.01, subd. 1](#); [Minn. Stat. § 260C.509](#)).
- 27 **Findings and Decision:** Issued within 15 days of conclusion of testimony, incl. briefs and proposed orders; may extend 15 days if in interests of justice and in child's best interests ([RJPP 58.04\(a\)](#); [Minn. Stat. § 260C.517\(b\)](#)).
- 28 **Post-TPLPC Review Hearing:** Not required unless judge orders; however, best practice to hold hearings 30 – 90 days to ensure smooth transition and needs of child are being met ([Minn. Stat. § 260C.521, subd. 2](#)).

### Permanency Custody to Agency for Placement in Foster Care (PCA) and Temporary Custody to Agency for Specified Period of Time Proceedings (TCASPT)

- 29 **PCA or TCASPT Petition:** Permanency petition must be filed at or prior to time child is court ordered into foster care or home of noncustodial parent for 11 months (*\*See below "Limited Exceptions"*) ([Minn. Stat. § 260C.505\(a\)](#)).
- 30 **Admit/Deny Hearing:** For child who remains in court-ordered foster care or in care of noncustodial parent, ADH must be held not later than 12 months after court-ordered placement ([Minn. Stat. § 260C.507](#)). (*\*See below "Limited Exceptions" to extend timeline*)
- 31 **Pretrial Hearing:** Held at least 10 days prior to trial ([RJPP 57.01](#)).
- 32 **Trial:** Commenced within 60 days of the first scheduled ADH; should be held over consecutive days; must be completed within 30 days of commencement ([RJPP 58.01, subd. 1](#); [Minn. Stat. § 260C.509](#)).
- 33 **Findings and Decision:** Issued within 15 days of conclusion of testimony, incl. briefs and proposed orders; may extend 15 days if in interests of justice and in child's best interests ([RJPP 58.04\(a\)](#); [Minn. Stat. § 260C.517\(b\)](#)).
- 34 **Post-PCA Review Hearing:** Held at least annually until child discharged from foster care; best practice is more frequent hearings for older youth age 17+ who are about to be discharged from foster care to ensure a smooth transition and an understanding of details of adult life from checking accounts, to rent, to groceries, to basic necessities ([Minn. Stat. § 260C.521, subd.1\(a\)](#)).
- 35 **GAL and Social worker reports:** Must be filed with court and served on all parties at least 5 days prior to each hearing. (Social workers – [RJPP 27.01, subd. 2](#); GALs – [RJPP 27.11, subd. 2](#)).

*\*Limited Exceptions to Extend Timing of Admit/Deny Hearing on Permanency Petition:* Child in protective supervision with parent from whom removed, or child in trial home visit, or child already in foster care 365+ days on prior CHIPS petitions in last five years and court approves compelling reasons to extend date for permanency ADH up to six months ([Minn. Stat. 260C.503, subd. 3\(b\)\(2\) and \(c\)](#)).