

**RULE 27. REPORTS TO THE COURT****Rule 27.01. Social Services Court Reports - Generally**

**Subd. 1. Periodic Reports Required.** The responsible social services agency shall submit periodic certified reports to the court regarding the child and family. Whenever possible and appropriate, the agency may combine required reporting provisions under this rule into a single report.

**Subd. 2. Timing of Filing and Service.** The agency shall file the report with the court and serve it upon all parties at least five days prior to the hearing at which the report is to be considered.

**Subd. 3. Supplementation of Report.** Reports may be supplemented at or before the hearing either orally or in writing.

**Subd. 4. Certificate of Distribution.** Each report shall contain or have attached the certificate of distribution required under Rule 16.05, subd. 2.

**Subd. 5. Report Content.** Each report shall include a statement certifying the content as true based upon personal observation, first-hand knowledge, or information and belief, and shall:

- (a) be captioned in the name of the case and include the court file number;
- (b) include the following demographic information:
  - (1) the name of the person submitting the report;
  - (2) the date of the report;
  - (3) the date of the hearing at which the report is to be considered;
  - (4) the child's name and date of birth and, in the case of an Indian child, the tribe in which the child is enrolled or eligible for membership;
  - (5) a statement about whether the child is an Indian child and whether the Indian Child Welfare Act applies;
  - (6) the names of both of the child's parents or the child's legal custodian; and
  - (7) the dates of birth of the child's parents if they are minors;
- (c) include the date the case was most recently opened for services in the responsible social services agency;
- (d) include the date and a brief description of the nature of all other previous case openings for this child and the child's siblings with the responsible social services agency and, if known, case openings for this child and the child's siblings with any other social services agency responsible for providing public child welfare or child protection services;
- (e) identify progress made on the out-of-home placement plan or case plan;
- (f) address the safety, permanency, and well-being of the child, including the child's:
  - (1) educational readiness, stability, and achievement; and
  - (2) physical and mental health; and
- (g) request orders related to:
  - (1) the child's need for protection or services;

- (2) implementing requirements of the out-of-home placement plan or case plan; and
- (3) the health, safety, and welfare of the child.

**Subd. 6. Reports Regarding Siblings.** The agency may submit in a single document reports regarding siblings who are subjects of the same juvenile protection matter.

**Subd. 7. Information from Collateral Sources.** The agency may submit written information from collateral sources, including, but not limited to, physical and mental health assessments, parenting assessments, or information about the delivery of services or any other relevant information regarding the child's safety, health, or welfare in support of the report or as a supplement to the report.

### **Rule 27.02. Social Services Court Report - Child in Foster Care**

**Subd. 1. Content.** In addition to the requirements of Rule 27.01, each certified report regarding a child in foster care shall include:

- (a) the child's placement history, including:
  - (1) the date the child was removed from the home and the agency's legal authority for removal;
  - (2) the date the child was ordered placed in foster care, if the child has been ordered in foster care;
  - (3) the total length of time the child has been in foster care, including all cumulative time in foster care the child may have experienced within the previous five years;
  - (4) the number of times, if any, the child reentered foster care prior to age 21;
  - (5) the number of foster care placements the child has been in prior to age 21;
  - (6) if the child's foster care home has changed since the last court hearing:
    - (i) the reason for the change in foster care home; and
    - (ii) how the child's new foster care home meets the child's best interests under Minnesota Statutes, section 260C.212, subdivision 2, paragraphs (a) and (b), or, in the case of an Indian child, how the placement complies with placement preferences established in 25 U.S.C. section 1915; and
  - (7) if the child is not placed with siblings who are in placement, the efforts the agency has made to place the siblings together; and
- (b) services under the out-of-home placement plan, including, as appropriate to the stage of the matter:
  - (1) a description of the agency's efforts to implement the out-of-home placement plan; and
  - (2) the parent's progress in complying with the out-of-home placement plan, including anything the parent has done to alleviate the child's need for protection or services; and
- (c) a description of:
  - (1) the case worker visits required under Minnesota Statutes, section 260C.212, subdivision 4a, that occurred since the last court hearing; and

(2) as applicable, the quality and frequency of visitation between the child and the child's:

- (i) parents or custodian;
- (ii) siblings; and
- (iii) relatives; and

(d) when the child is age fourteen or older, progress in implementing each of the elements of the child's independent living plan required under Minnesota Statutes, section 260C.212, subdivision 1, paragraph (b), clause (12), and the agency's continued efforts to identify and make the most legally-permanent placement that is in the child's best interest.

**Subd. 2. Requested Court Action.** The report shall include recommendations to the court for:

(a) modification of the out-of-home placement plan or for actions the parents or legal custodian must take to make changes necessary to alleviate the child's need for protection or services; and

(b) orders necessary for the child's safety, permanency, and well-being, including any orders necessary to promote the child's:

- (1) educational readiness, stability, and achievement;
- (2) physical and mental health; and
- (3) welfare and best interests.

**Subd. 3. Reports Under Minnesota Statutes, Chapter 260D.** Reports under Minnesota Statutes, chapter 260D, must meet the requirements of Minnesota Statutes, section 260D.06.

**Subd. 4. Notice of Change in Foster Care Placement.** If the child's foster care placement changes, the agency shall file with the court and serve upon all parties a notice of change of foster care placement, including the date of placement, and name and address of the new foster care placement, as soon as possible but no later than five days after the change in placement.

**Rule 27.03. Social Services Court Report - Reasonable Efforts to Identify and Locate Both Parents of the Child**

If both parents of the child have not been identified and located at the time of the first review hearing under Rule 51.03 the agency shall report to the court regarding the diligent efforts required of the agency to identify and locate the parents pursuant to Minnesota Statutes, section 260C.150, subdivision 3. The agency shall continue to report to the court, on a schedule set by the court, until:

(a) both parents of the child are identified and located; or

(b) the court finds the agency has made diligent efforts to identify and locate the parent as required under Minnesota Statutes, sections 260.012, 260C.178, 260C.201, and 260C.301, subdivision 8, regarding any parent who remains unknown or cannot be located. The court may also find that further reasonable efforts for reunification with the parent who cannot be identified or located would be futile.

**Rule 27.04. Social Services Court Report - Due Diligence to Identify and Notify Relatives.**

**Subd. 1. Timing.**

(a) Within three months of the child's placement, the agency shall report to the court regarding the agency's due diligence to identify and notify relatives under Minnesota Statutes, section

260C.221, and, in the case of an Indian child, describe the agency's active efforts to meet the placement preferences of 25 U.S.C. section 1915.

(b) If the court orders continued efforts to identify and locate relatives, the agency shall periodically report on its continuing efforts on a schedule set by the court.

(c) If an Indian child is not placed according to the placement preferences of 25 U.S.C. section 1915, the agency shall periodically report on its efforts to meet the placement preferences until the court makes a finding of good cause under 25 U.S.C. section 1915.

### **Subd. 2. Content.**

(a) **Identification and notice to relatives.** The report shall include information about identification and notice to relatives, including:

(1) a description of the procedures the agency used to identify relatives, including the names of persons who were asked to provide information about the child's relatives and the use of any internet or other resource to identify and locate relatives;

(2) the names of all identified relatives and how the person is related or known to the child or child's family;

(3) whether the agency has an address or other contact information for the relative and the results of using the address or contact information, if any; and

(4) whether the relative was sent the notice and information required under Minnesota Statutes, section 260C.221, paragraph (a), and the nature of any resulting contact from the relative back to the agency.

(b) **Consideration of relatives for placement.** The report shall include information about how the agency considered relatives for placement, including:

(1) whether identified relatives were considered for placement under Minnesota Statutes, section 260C.212, subdivision 2, paragraphs (a) and (b), and the result of that consideration;

(2) a description of the process the agency used to consider relatives for placement, including who was consulted, whether the agency used family group decision-making or a family conference, or any other process to assist with consideration of relatives;

(3) in the case of an Indian child, the efforts the agency made to work with the child's tribe to identify relatives and the results of those efforts;

(4) a copy of or reference to the documentation from the out-of-home placement plan regarding how the relative with whom the child is placed meets the placement factors at Minnesota Statutes, section 260C.212, subdivision 2, paragraph b, or, if placement is not with a relative, why a relative placement was not appropriate; and

(5) what future consideration for placement of the child will be given to relatives.

(c) **Engagement in planning.** The report shall include a description of how the agency will engage relatives in continued support for the child and family and involvement in permanency planning for the child as required under Minnesota Statutes, section 260C.221.

### **Subd. 3. Requested Findings; Plan for Active Efforts; Orders.**

(a) **Reasonable Efforts.** Pursuant to Minnesota Statutes, section 260C.221, paragraph (f), the agency may request a finding that the agency has made reasonable efforts to identify and notify relatives.

(b) **Active Efforts.** In the case of an Indian child, if the child's placement is not according to the preferences of 25 U.S.C. section 1915, the agency shall report its plan for continued efforts to place the child according to the preferences or request a finding of good cause under 25 U.S.C. section 1915.

(c) **Orders.** When appropriate to assist the agency in its duties for reasonable and active efforts, the agency may ask the court for orders that assist in the identification and location of relatives.

#### **Rule 27.05. Social Services Court Report - Permanency Progress Review Hearing**

##### **Subd. 1. Content.**

(a) **Progress towards permanency.** In addition to the requirements of Rules 27.01 and 27.02 regarding the permanency progress review hearing, the report shall address the elements in Minnesota Statutes, section 260C.204, paragraph (a).

(b) **Concurrent efforts on adoption and referrals under the Interstate Compact on the Placement of Children.** As appropriate, the report shall also address any concurrent reasonable efforts required under Minnesota Statutes, section 260C.605 and information on any referrals that have been made or will be made under Minnesota Statutes, section 260.851, the Interstate Compact on the Placement of Children.

**Subd. 2. Requested Court Order Regarding Permanency Progress.** The report shall include a request for appropriate orders under Minnesota Statutes, section 260C.204, paragraph (c) to:

- (a) return the child home;
- (b) continue reasonable efforts for reunification or active efforts to prevent the breakup of the Indian family; or
- (c) plan for the legally permanent placement of the child away from the parent, identify permanency resource homes that will be the legally permanent home if the child cannot return to the parent, and file a permanency petition under Minnesota Statutes, section 260C.204, paragraph (d), clause (2) or (3).

#### **Rule 27.06. Social Services Court Report - Child on Trial Home Visit**

**Subd. 1. Timing and Content.** In addition to the requirements of Rules 27.01 and 27.02, when a hearing is required under Minnesota Statutes, section 260C.503, subdivision 3, paragraph (c), because the child is on a trial home visit at the time for a required permanency hearing, the agency shall serve and file a report regarding the child's and parent's progress during the trial home visit and the agency's reasonable efforts to finalize the child's safe and permanent return to the care of the parent. When a trial home visit is terminated, the agency shall report to the court as required under Minnesota Statutes, section 260C.201, subdivision 1, paragraph (a), clause (3), items (v) and (vi).

**Subd. 2. Requested Court Orders.** The report shall include recommendations, if any, for modification to the services and supports in place, and for any orders necessary for the safety, protection, well-being, or best interests of the child during the trial home visit. The agency shall also recommend whether the trial home visit should continue as provided in Minnesota Statutes, section 260C.201, subdivision 1, paragraph (a), clause (3).

**Rule 27.07. Social Services Court Report - Child Under State Guardianship**

**Subd. 1. Timing.** When a hearing is required under Minnesota Statutes, section 260C.607, to review the progress of the matter towards finalized adoption and the child's well-being, in addition to the requirements of Rules 27.01 and 27.02, and as appropriate to the stage of the matter, the agency shall file and serve a report addressing the elements of Minnesota Statutes, section 260C.607, subdivision 4.

**Subd. 2. Content.**

**(a) Information for Notice of Hearing.** In a document attached to the report, filed as a confidential document under Rule 8.04, subd. 2(o), the agency shall include the following information required for the court to provide notice of the hearing:

(1) the child's current address, if the child is age 10 and older;

(2) the names and addresses of each relative of the child who has responded to the agency's notice under Minnesota Statutes, section 260C.221, paragraph (g), indicating a willingness to provide an adoptive home for the child unless the relative has been previously ruled out by the court as a suitable foster parent or permanency resource for the child;

(3) the name and address of the current foster or adopting parent of the child;

(4) the name and address of any foster or adopting parents of siblings of the child; and

(5) the name and address of an Indian child's tribe.

**(b) Progress towards Finalized Adoption.** The report shall describe the agency's reasonable efforts to finalize the child's adoption as required in Minnesota Statutes, section 260C.605, including:

(1) the steps taken to identify and place the child in a home that will timely commit to adopt the child, including:

(i) the status of any relative search under Minnesota Statutes, section 260C.221;

(ii) whether any relative of the child has expressed interest in adopting the child, and, if so, the agency's consideration of the relative according to the requirements of Minnesota Statutes, section 260C.212, subdivisions 2, paragraphs (a) and (b);

(iii) the progress of any study required under Minnesota Statutes, section 260.851, the Interstate Compact on the Placement of Children;

(iv) whether child-specific recruitment efforts are necessary and, if so, the nature and timing of those efforts; and

(2) if the child is placed with a prospective adoptive home, expected dates for the following:

(i) completion of the adoption study required under Minnesota Statutes, section 260C.611;

(ii) the execution of the adoption placement agreement;

(iii) the required notice under Minnesota Statutes, section 260C.613, subdivision 1, paragraph (c);

(iv) the execution of an agreement regarding adoption assistance under Minnesota Statutes, chapter 259A, or Northstar Adoption Assistance under Minnesota Statutes, chapter 256N, including the specific reasons for any delay in executing the agreement;

(v) the filing of the adoption petition; and

(vi) the final hearing on the adoption petition.

(c) **Child Well-Being.** In addition to reporting on the agency's efforts to finalize adoption, the report shall address the child's well-being, including:

(1) how the child's placement is meeting the child's best interests;

(2) the quality and frequency of visitation and contact between the child and siblings and, if applicable, relatives;

(3) how the agency is meeting the child's medical, mental, and dental health needs;

(4) how the agency is planning for the child's education pursuant to Minnesota Statutes, section 260C.607, subdivision 4, paragraph (a), clause (2); and

(5) when the child is age 14 or older, progress in implementing each of the elements of the child's independent living plan required under Minnesota Statutes, section 260C.212, subdivision 1, paragraph (b), clause (12), while the agency continues to make reasonable efforts to finalize an adoption for the child.

**Subd. 3. Requested Findings and Orders.** The agency may request findings pursuant to Minnesota Statutes, section 260C.607, that the agency is making reasonable efforts to finalize the adoption of the child as appropriate to the stage of the case and may request any order that will assist in achieving a finalized adoption for the child.

**Subd. 4. Adoption Placement Agreement.**

(a) **Notice of Agreement.** When the agency has a fully executed adoption placement agreement under Minnesota Statutes, section 260C.613, subdivision 1, the agency shall report to the court that the adoptive placement has been made and the adoption placement agreement regarding the child is fully executed. The agency shall file and serve on the parties entitled to notice under Minnesota Statutes, section 260C.607, subdivision 2, a copy of the court report together with notice that there is a fully executed adoption placement agreement. The notice shall include a statement that if a relative or foster parent is requesting adoptive placement of the child, the relative or foster parent has 30 days after receiving the notice to file a motion for an order for adoption placement of the child under Minnesota Statutes, section 260C.607, subdivision 6.

(b) **Notice of Termination of Agreement.** In the event an adoption placement agreement terminates, the agency shall report that the agreement and adoptive placement have terminated. The agency shall file and serve a copy of the report upon the parties entitled to notice under Minnesota Statutes, section 260C.607, subdivision 2, and shall send a copy of the report to the Commissioner of Human Services by U.S. mail.

**Subd. 5. Report upon Finalized Adoption.** When the adoption of a child who is under the guardianship of the commissioner has been finalized, the agency shall file and serve a report stating:

(a) the date the adoption was finalized;

(b) the state and county where the adoption was finalized; and

(c) the name of the judge who finalized the adoption.

**Rule 27.08. Social Services Court Report - Child Not in Foster Care**

In addition to the requirements of Rule 27.01, a certified report for a child not in foster care shall include the following:

(a) the child's residence and whether the child's residence has changed since the last court hearing;

(b) as applicable, a description of:

(1) the services provided to the child and parent and the agency's efforts to implement the case plan; and

(2) the parents' or legal custodian's and child's progress in complying with the plan, including anything the parents or legal custodian, and child, if appropriate, have done to alleviate the child's need for protection or services; and

(c) recommendations to the court for modification of the plan or for actions the parent or legal custodian must take to provide adequate protection or services for the child.

**Rule 27.09. Social Services Court Report - Between Disposition Review Hearings**

Once disposition has been ordered pursuant to Minnesota Statutes, section 260C.201, and Rule 51, the responsible social services agency, through the county attorney, may ask the court for orders related to meeting the safety, protection, and best interests of the child based upon a certified report that states the factual basis for the request. Such reports shall be filed with the court, together with proof of service upon all parties, by the responsible social services agency. Within five days of service of the report, any party may request a hearing regarding the agency's report. Pending hearing, if any, upon two days' notice and based upon the report, the court may issue an order that is in the best interests of the child. Upon a finding that an emergency exists, the court may issue a temporary order that is in the best interests of the child.

**Rule 27.10. Objections to Agency's Report or Recommendations**

A party may object to the content or recommendations of the responsible social services agency's report by submitting a written objection either before or at the hearing at which the report is to be considered. The objection shall include a statement certifying the content as true based upon personal observation, first-hand knowledge, or information and belief. The certified objection shall be supported by a statement made under oath or penalty of perjury under Minnesota Statutes, section 358.116, stating the party's factual basis for the objection and may state other or additional facts on information and belief and argument that the court should consider in making its determinations or orders. An objection may also be supported by reports from collateral service providers or assessors. Objections to the agency's report and recommendations may also be stated on the record, but the court shall give the agency a reasonable opportunity to respond to the party's objection.

**27.11. Reports to the Court by Child's Guardian ad Litem**

**Subd. 1. Periodic Reports Required.** The guardian ad litem for the child shall submit periodic certified written reports to the court.

**Subd. 2. Timing of Filing and Service.** The guardian ad litem shall file the report with the court and serve it upon all parties at least five days prior to the hearing at which the report is to be considered.

**Subd. 3. Supplementation of Report.** Reports may be supplemented at or before the hearing either orally or in writing.

**Subd. 4. Certificate of Distribution.** Each report shall contain or have attached the certificate of distribution required under Rule 16.05, subd. 2.

**Subd. 5. Report Content.** Each report shall include a statement certifying the content as true based upon personal observation, first-hand knowledge, or information and belief, and shall:

- (a) be captioned in the name of the case and include the court file number;
- (b) include the following information:
  - (1) the name of the person submitting the report;
  - (2) the names of the child's parents or legal custodians;
  - (3) the date of the report;
  - (4) the date of the hearing at which the report is to be considered;
  - (5) the date the guardian ad litem was appointed by the court;
  - (6) a brief summary of the issues that brought the child and family into the court system;
  - (7) a list of the resources or persons contacted who provided information to the guardian ad litem since the date of the last court hearing;
  - (8) a list of the dates and types of contacts the guardian ad litem had with the child since the date of the last court hearing;
  - (9) a list of all documents relied upon when generating the court report;
  - (10) a summary of information gathered regarding the child and family since the date of the last hearing relevant to the pending hearing;
  - (11) a list of any issues of concern to the guardian ad litem about the child's or family's situation; and
  - (12) a list of recommendations designed to address the concerns and advocate for the best interests of the child.

**Subd. 6. Objections to Guardian Ad Litem's Report or Recommendations.** Any party may object to the content or recommendations of the guardian ad litem by submitting a written objection either before or at the hearing at which the report is to be considered. The objection shall include a statement certifying the content as true based upon personal observation, first-hand knowledge, or information and belief. The certified objection shall be supported by a statement made under oath or penalty of perjury under Minnesota Statutes, section 358.116, stating the party's factual basis for the objection and may state other or additional facts on information and belief and argument that the court should consider in making its determinations or orders. An objection may also be supported by reports from collateral service providers or assessors. Objections to the guardian ad litem's report and recommendations may also be stated on the record, but the court shall give the guardian ad litem a reasonable opportunity to respond to the party's objection.

(Amended effective January 1, 2024.)

***2019 Advisory Committee Comment***

*Rule 27 is amended in 2019 as part of a revision of the Rules of Juvenile Protection Procedure. The rule was formerly codified as Rule 38.*