

**9560.0613 COURT REVIEW OF COURT-ORDERED PLACEMENTS.**

Subpart 1. **Request for court review of court-ordered placement.** For a child in court-ordered placement, the local agency must request the court for review six months after the initial placement. The agency must ensure that further reviews take place within each six-month period thereafter during the continuation of placement to determine whether continued out-of-home placement is necessary or whether the child should be returned home.

Subp. 2. **Filing for permanent placement determination by court.** The local agency must request the county attorney to file pleadings to establish the basis for a permanent placement determination in a manner that allows for court review no later than 12 months after a child is placed in a residential facility by court order. Alternatively, the agency may request filing of pleadings recommending a delay in the permanent placement determination because of a circumstance specified in Minnesota Statutes, section 260C.201, subdivision 11, paragraph (a). Pleadings to establish a basis for permanent placement determination must contain the following information:

A. the local agency's recommendations about the child's permanent placement and the reasons for those recommendations;

B. the local agency's efforts to reunify the family and prevent placement or, in the case of an Indian child, active efforts to reunite the child with the child's parent or custodian;

C. whether there is a substantial probability of the child being able to return home in the next six months;

D. a recommendation for a permanent plan; and

E. a recommendation whether to delay the permanent placement determination for six months because of a circumstance specified in Minnesota Statutes, section 260C.201, subdivision 11, paragraph (a).

A permanent placement determination is not required if a child is returned home or if a termination of parental rights petition is filed before the permanency planning determination.

Subp. 3. **Dispositional hearing required; child in long-term foster care.** When a child is placed in long-term foster care through a dispositional hearing and the order specifically states the name of the foster parent or parents, no further dispositional hearings are required unless the placement is terminated. Administrative reviews pursuant to Minnesota Statutes, section 260C.203, must continue while the child remains in the specific placement named in the court order.

Subp. 4. **Dispositional hearing required; child under guardianship.** Except as set forth in subpart 5, dispositional hearings for a child under the guardianship of the

commissioner or a licensed child-placing agency must occur every two years following the establishment of the guardianship. The dispositional hearing shall meet the requirements of Minnesota Statutes, section 260C.325, subdivision 4, paragraph (d).

Subp. 5. **Dispositional hearing not required.** A dispositional hearing is not required for a child under the guardianship of the commissioner or a licensed child-placing agency and in court-ordered long-term foster care or in an adoptive placement during the continuation of that specific long-term foster care or adoptive placement. The court order establishing long-term foster care must state the name of the long-term foster parent or parents.

Subp. 6. **Administrative review required.** Administrative review pursuant to United States Code, title 42, section 675(5)(B), and Minnesota Statutes, section 260C.203, must continue in the case of a child placed in court-ordered long-term foster care or a child under the guardianship of the commissioner or licensed child-placing agency. Additionally, administrative review must continue for a child in an adoptive placement until the court grants a decree of adoption. Court review may substitute for an administrative review as long as the administrative review requirements are met.

**Statutory Authority:** *MS s 257.071; 257.072; 260C.212; 260C.215*

**History:** *20 SR 2778; L 1999 c 139 art 4 s 2; L 2012 c 216 art 6 s 13*

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