

RULE 41. PROCEDURES DURING PERIOD OF EMERGENCY PROTECTIVE CARE**Rule 41.01. Release from Emergency Protective Care****Subd. 1. Child Taken Into Emergency Protective Care Pursuant to Court Order.**

(a) **Release Prohibited.** A child taken into emergency protective care pursuant to a court order shall be held for 72 hours unless the court issues an order authorizing release.

(b) **Release Required.** A child taken into emergency protective care pursuant to a court order shall not be held in emergency protective care for more than 72 hours unless an emergency protective care hearing has commenced and the court has ordered continued protective care.

Subd. 2. Child Taken Into Emergency Protective Care Without Court Order.

(a) **Release Required.** A child taken into emergency protective care without a court order shall be released within 72 hours except as provided by Minnesota Statutes, section 260C.176, subdivision 2, paragraph (b).

(b) **Discretionary Release.** When a peace officer has taken a child into emergency protective care without a court order, the child may be released at any time prior to the emergency protective care hearing as permitted by Minnesota Statutes, section 260C.176, subdivision 1.

Rule 41.02. Discretionary Release by Court; Custodial Conditions

The court at any time before an emergency protective care hearing may release a child and may:

(a) place restrictions on the child's travel, associations, or place of abode during the period of the child's release; and

(b) impose any other conditions upon the child or the child's parent or legal custodian deemed reasonably necessary and consistent with criteria for protecting the child.

Any conditions terminate after 72 hours unless a hearing has commenced pursuant to Rule 42 and the court has ordered continuation of the condition.

Rule 41.03. Release to Custody of Parent or Other Suitable Person

A child released from emergency protective care shall be released to the custody of the child's parent, legal custodian, or other suitable person.

Rule 41.04. Reports

Subd. 1. Report by Peace Officer. Any report required by Minnesota Statutes, section 260C.176, subdivision 4, shall be filed with the court on or before the first court day following placement of the child.

Subd. 2. Report by Supervisor of Shelter Care Facility. Any report required by Minnesota Statutes, section 260C.176, subdivision 6, shall be filed with the court on or before the first court day following placement.

2019 Advisory Committee Comment

Rule 41 is amended in 2019 as part of a revision of the Rules of Juvenile Protection Procedure. The rule was formerly codified as Rule 29. The amendments are intended to eliminate redundant language and statutory conflicts.