

**RULE 52. PERMANENCY OR TERMINATION OF PARENTAL RIGHTS PROCEEDINGS
TIMELINE****Rule 52.01. Petitioner Timelines**

Subd. 1. Permanency or Termination of Parental Rights – Generally. Pursuant to Minnesota Statutes, section 260C.505, a permanency or termination of parental rights petition must be filed at or prior to the time the child has been in foster care or in the care of a noncustodial or nonresident parent for 11 months. A party other than the responsible social services agency may file a petition to transfer permanent legal and physical custody to a relative, but the petition must be filed not later than the date required by Minnesota Statutes, section 260C.515, subdivision 4, clause (6).

Subd. 2. Permanency or Termination of Parental Rights – Expedited Manner. If the expedited petition provisions of Minnesota Statutes, section 260C.503, subdivision 2, apply, the county attorney shall file the permanency or termination of parental rights petition in a manner that permits the court to complete service at least 10 days before the admit/deny hearing scheduled pursuant to Rule 52.02, subd. 2.

Rule 52.02. Court Timelines

Subd. 1. Admit/Deny Hearing. An admit/deny hearing shall be held not less than 10 days after service of the summons and petition upon the parties. In a permanency or termination of parental rights matter ordered under Rule 43, subd. 9(b), the admit/deny hearing shall be held within 10 days of the filing of the petition. Additionally, the admit/deny hearing shall be held within the timelines required by Minnesota Statutes, section 260C.507. In matters governed by the Indian Child Welfare Act, an admit/deny hearing shall not be held until the provisions of Rule 30.01, subd. 3, are met.

Subd. 2. Scheduling Order. The court shall issue a scheduling order at the admit/deny hearing, or within 15 days of the admit/deny hearing. The scheduling order shall comply with the requirements of Rule 6.

Subd. 3. Pretrial Hearing. The court shall convene a pretrial hearing at least 10 days prior to trial.

Subd. 4. Trial. If the statutory grounds set forth in the petition are denied, a trial regarding a permanency or termination of parental rights matter shall commence within 60 days of the first admit/deny hearing. A trial required by Minnesota Statutes, section 260C.204, paragraph (d), clauses (2) and (3), following a permanency progress review hearing shall be commenced within 60 days of the filing of the petition required by that statute. Testimony shall be concluded within 30 days from the commencement of the trial, and whenever possible should be over consecutive days. Continuances and adjournments shall comply with Rule 5.01, subd. 2.

Subd. 5. Findings/Adjudication. Within 15 days of the conclusion of the testimony, during which time the court may require simultaneous written arguments to be filed and served, the court shall issue its findings and order regarding whether one or more of the statutory grounds set forth in the petition have or have not been proved. The court may extend the period for issuing an order for an additional 15 days if the court finds that an extension of time is required in the interests of justice and the best interests of the child.

Subd. 6. Disposition. To the extent practicable, the court shall conduct a disposition hearing and enter a disposition order the same day it makes a finding that one or more statutory grounds set forth in the petition have been proved. In the event disposition is not ordered at the same time as adjudication, the disposition order shall be issued within 10 days of the date the court finds one or more statutory grounds set forth in the petition have been proved.

2019 Advisory Committee Comment

Rule 52 is amended in 2019 as part of a revision of the Rules of Juvenile Protection Procedure. The rule was formerly codified as Rule 4.03, subd. 3, Rule 33.05, subd. 2, Rule 41, and Rule 42.01, subd. 6. The amendment is intended to make it easier for judges, attorneys, and other individuals involved with a permanency or termination of parental rights matter to identify the applicable timelines. Timing provisions that apply to juvenile protection matters in general are located in Rules 4 and 5.