

Rule 4. Time; Timeline**4.01 Computation of Time**

Unless otherwise provided by statute, the day of the act or event from which the designated period of time begins to run shall not be included in the computation of time. The last day of the period shall be included, unless it is a Saturday, Sunday, or legal holiday, in which event the period runs until the end of the next day that is not a Saturday, Sunday, or legal holiday. When a period of time prescribed or allowed is three (3) days or less, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation. As used in these rules, "legal holiday" includes New Year's Day, Martin Luther King's Birthday, Washington's Birthday (Presidents' Day), Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, the day after Thanksgiving Day, Christmas Day, and any other day designated as a holiday by the President, Congress of the United States, or by the State.

4.02 Additional Time After Service by U.S. Mail or Other Means

Whenever a person has the right or is required to do an act within a prescribed period after service of a notice or other document and the notice or other document is served by U.S. mail, three (3) days shall be added to the prescribed period. If service is made by any means other than U.S. mail and accomplished after 5:00 p.m. local time on the day of service, one (1) additional day shall be added to the prescribed period.

(Amended effective January 1, 2004; amended effective July 1, 2015.)

4.03 Timeline**Subdivision 1. Child in Need of Protection or Services Matters.**

(a) **Emergency Protective Care Hearing.** If a child has been removed from the home of the parent or legal custodian pursuant to Rule 28.01, the court shall hold an emergency protective care hearing with seventy-two (72) hours of the child's removal pursuant to Rule 30.01.

(b) **Admit/Deny Hearing.** Pursuant to Rule 34.02, subdivision 1(a), when the child is removed from home by court order, an admit/deny hearing shall be held within ten (10) days of the date of the emergency protective care hearing. Pursuant to Rule 34.02, subdivision 2(a), when the child is not removed from home by court order, an admit/deny hearing shall be held no sooner than three (3) days, and no later than twenty (20) days after the parties have been served with the summons and petition.

(1) **Parent's, Indian Custodian's, or Tribe's Identity Known.** In matters governed by the Indian Child Welfare Act, 25 U.S.C. section 1901 et seq., the admit/deny hearing on a petition requesting the foster care placement of an Indian child, the permanent placement of an Indian child, or the termination of parental rights to an Indian child shall not be held until at least ten (10) days after receipt of the notice required under Rule 32.06, 25 U.S.C. section 1912(a), and Minnesota Statutes, section 260.761, subdivision 3. The parent, Indian custodian, or child's tribe shall, upon request, be granted up to twenty (20) additional days from receipt of the notice to prepare for the admit/deny hearing.

(2) **Parent's, Indian Custodian's, or Child's Tribe's Identity Unknown.** If the identity or location of the parent, Indian custodian, or child's tribe cannot be determined, the notice required under Rule 32.06, 25 U.S.C. section 1912(a), and Minnesota Statutes, section 260.761, subdivision 3, shall be sent to the Secretary of the Interior who shall have fifteen (15) days to provide the requisite notice to the parent or Indian custodian and the tribe. The admit/deny hearing shall be held at least twenty-five (25) days after receipt of the notice by the Secretary. The parent, Indian

custodian, or child's tribe shall, upon request, be granted up to twenty (20) additional days from receipt of the notice to prepare for the admit/deny hearing.

(c) **Scheduling Order.** Pursuant to Rule 6.02, the court shall issue a scheduling order at the admit/deny hearing held pursuant to Rule 34 or within fifteen (15) days of the admit/deny hearing.

(d) **Pretrial Hearing.** Pursuant to Rule 36.01, the court shall convene a pretrial hearing at least ten (10) days prior to trial.

(e) **Trial.** Pursuant to Rule 39.02, subdivision 1(a), when the statutory grounds set forth in the petition are denied, a trial regarding a child in need of protection or services matter shall commence within sixty (60) days from the date of the emergency protective care hearing or the admit/deny hearing, whichever is earlier, and testimony shall be concluded within thirty (30) days from the date of commencement of the trial and whenever possible should be over consecutive days.

(f) **Findings/Adjudication.** Pursuant to Rule 39.05, subdivision 1, within fifteen (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 statutory grounds set forth in the petition have been proved. The court may extend the period for issuing an order for an additional fifteen (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.

(g) **Disposition.** Pursuant to Rule 41.02, to the extent practicable, the court shall conduct a disposition hearing and enter a disposition order the same day it makes a finding that the statutory grounds set forth in the petition have been proved. In the event disposition is not ordered at the same time as the adjudication, the disposition order shall be issued within ten (10) days of the date the court finds the statutory grounds set forth in the petition have been proved.

(h) **Review of Legal Custody.** When the disposition is transfer of legal custody to the responsible social services agency pursuant to Rule 41.06, the court shall conduct a review hearing at least every ninety (90) days to review whether foster care is necessary and continues to be appropriate or whether the child should be returned to the home of the parent or legal custodian from whom the child was removed. Any party or the county attorney may request a review hearing before ninety (90) days.

(i) **Review of Protective Supervision.** When the disposition is protective supervision pursuant to Rule 41.06, subdivision 1, the court shall review the disposition in court at least every six (6) months from the date of the disposition.

Subd. 2. Permanent Placement Matters - Notice of Timeline for Permanency Proceedings. In the case of a child who is alleged or found to be to be in need of protection or services and ordered into foster care or the home of a noncustodial or nonresident parent, and where reasonable efforts for reunification are required, pursuant to Rule 42.01, subdivision 1, the court in its first order placing the child in foster care or the home of a noncustodial or nonresident parent shall set the date or deadline for the admit/deny hearing commencing permanent placement determination proceedings and the permanency progress review hearing. Pursuant to Rule 42.01, subdivision 5, not later than when the court sets the date or deadline for the admit/deny hearing commencing the permanent placement determination proceedings and the permanency progress review hearing, the court shall notify the parties and participants of the following requirements:

(a) **Requirement of Six (6) Month Permanency Progress Review Hearing.** Pursuant to Rule 42.01, subdivision 5(a), and Minnesota Statutes, section 260C.204, the court shall conduct a

permanency progress review hearing not later than six (6) months after the child is placed in foster care or in the home of a noncustodial or nonresident parent to review the progress of the case, the parent's progress on the out-of-home placement plan, and the provision of services.

(b) **Requirement of Twelve (12) Month Hearing.** Pursuant to Rule 42.01, subdivision 5(b), and Minnesota Statutes, section 260C.503, the court shall commence permanent placement determination proceedings to determine the permanent status of the child not later than twelve (12) months after the child is placed in foster care or in the home of a noncustodial or nonresident parent.

Subd. 3. Termination of Parental Rights and Other Permanent Placement Matters at Twelve (12) Months.

(a) **Admit/Deny Hearing.** Pursuant to Rule 34.02, subdivision 1(b), an admit/deny hearing shall be held not less than ten (10) days after service of the summons and petition upon the parties.

(1) **Parent's, Indian Custodian's, or Child's Tribe's Identity Known.** In matters governed by the Indian Child Welfare Act, 25 U.S.C. section 1901 et seq., the admit/deny hearing on a petition requesting the foster care placement of an Indian child, the permanent placement of an Indian child, or the termination of parental rights to an Indian child shall not be held until at least ten (10) days after receipt of the notice required under Rule 32.06, 25 U.S.C. section 1912(a), and Minnesota Statutes, section 260.761, subdivision 3. The parent, Indian custodian, or child's tribe shall, upon request, be granted up to twenty (20) additional days from receipt of the notice to prepare for the admit/deny hearing.

(2) **Parent's, Indian Custodian's, or Child's Tribe's Identity Unknown.** If the identity or location of the parent, Indian custodian, or child's tribe cannot be determined, the notice required under Rule 32.06, 25 U.S.C. section 1912(a), and Minnesota Statutes, section 260.761, subdivision 3, shall be sent to the Secretary of the Interior who shall have fifteen (15) days to provide the requisite notice to the parent or Indian custodian and the tribe. The admit/deny hearing shall be held at least twenty-five (25) days after receipt of the notice by the Secretary. The parent, Indian custodian, or child's tribe shall, upon request, be granted up to twenty (20) additional days from receipt of the notice to prepare for the admit/deny hearing.

(b) **Pretrial Hearing.** Pursuant to Rule 36.01, the court shall convene a pretrial hearing at least ten (10) days prior to trial.

(c) **Trial.** Pursuant to Rule 39.02, subdivision 1(c), a trial regarding a termination of parental rights matter or other permanent placement matter shall commence within sixty (60) days of the first scheduled admit/deny hearing and testimony shall be concluded within thirty (30) days from the date of commencement of the trial and whenever possible should be over consecutive days.

(d) **Findings/Adjudication.** Pursuant to Rule 39.05, subdivision 1, within fifteen (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 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 fifteen (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.

(e) Post-Permanency Review Hearings.

(1) If the court orders termination of parental rights and adoption as the permanency plan, pursuant to Rule 42.08, subdivision 5, the court shall conduct a review hearing ninety (90) days from the date of the termination of parental rights order is filed, and at least every ninety (90) days thereafter, for the purpose of reviewing the progress towards finalization of the adoption.

(2) If the court orders transfer of permanent legal and physical custody to a relative, pursuant to Rule 42.07, subdivisions 3 and 7, the court may order further in-court review hearings at such intervals as it determines to be in the best interests of the child to ensure that the appropriate services are being delivered to the child and permanent legal physical custodian or that conditions ordered by the court relating to the care and custody of the child are met.

(3) If the court orders permanent custody to the agency, pursuant to Rule 42.12, subdivision 3, the court shall review the matter in court at least every twelve (12) months to consider whether long-term foster care continues to be the best permanent plan for the child.

(4) If the court orders temporary custody to the agency, pursuant to Rule 42.13, subdivision 3, not later than twelve (12) months after the child was ordered into foster care for a specified period of time the matter shall be returned to court for a review of the appropriateness of continuing the child in foster care and of the responsible social service agency's reasonable efforts to finalize a permanent plan for the child.

(f) Review When Child Removed from Permanent Placement Within One (1) Year. Pursuant to Rule 42.15, subdivision 1, if a child is removed from a permanent placement disposition within one year after the placement was made:

(1) the child shall be returned to the foster home where the child was placed immediately preceding the permanent placement; or

(2) the court shall conduct a hearing within ten (10) days after the child is removed from the permanent placement to determine where the child is to be placed.

Subd. 4. Hearing for Child on a Trial Home Visit. Pursuant to Rule 42.01, subdivision 2, when the child has been ordered on a trial home visit which continues at the time the court is required to commence permanent placement determination proceedings under Rule 42.01, within twelve (12) months of the date a child is placed in foster care the court shall hold a hearing pursuant to Rule 42.13 to determine the continued status of the child.

Subd. 5. Cases Where Reasonable Efforts For Reunification Are Not Required. Pursuant to Rule 42.01, subdivision 6, when the court finds that the petition states a prima facie case that at least one of the circumstances under Minnesota Statutes, section 260.012, paragraph (a), and Rule 30.09, subdivision 3, exists where reasonable efforts for reunification are not required, the court shall order that an admit/deny hearing under Rule 34 be conducted within thirty (30) days and a trial be conducted within ninety (90) days of its prima facie finding. Unless a permanency or termination of parental rights petition under Rule 33 has already been filed, the county attorney requesting the prima facie determination shall file a permanency or termination of parental rights petition that permits the completion of service by the court at least ten (10) days prior to the admit/deny hearing.

(Amended effective January 1, 2004; amended effective January 1, 2007; amended effective August 1, 2009; amended effective July 1, 2014.)

1999 Advisory Committee Comment (amended 2003, 2009)

The timeline set forth in Rule 4.03 is intended as an overall guide for juvenile protection matters and is based upon the requirements of Minnesota Statutes, sections 260C.176; 260C.201, subdivisions 10 and 11; 260C.178, subdivision 6; the Indian Child Welfare Act, 25 U.S.C. sections 1901 to 1963; and the Adoption and Safe Families Act of 1997, 42 U.S.C. sections 601, 603, 622, 629, 653, 675, 670-679, and 1320. Specific time requirements are set forth in each individual rule.

Rule 4.03, subdivision 1, sets forth the timeline for child in need of protection or services matters. The following timeline is an example of how a case would proceed if it related to a non-Indian child who has been removed from the child's home:

<i>Day</i>	<i>Event</i>
<i>1</i>	<i>Child removed from home</i>
<i>3</i>	<i>Emergency Protective Care Hearing</i>
<i>3-13</i>	<i>Admit/Deny Hearing</i>
<i>14-53</i>	<i>Pretrial Hearing</i>
<i>63</i>	<i>Trial</i>
<i>79</i>	<i>Findings/Adjudication</i>
<i>79-88</i>	<i>Disposition Hearing</i>
<i>168-178</i>	<i>Disposition Review Hearing</i>
<i>180</i>	<i>Permanency Progress Review Hearing</i>
<i>258-268</i>	<i>Disposition Review Hearing</i>
<i>335</i>	<i>Permanency Petition Filed</i>
<i>348-358</i>	<i>Disposition Review Hearing</i>
<i>365</i>	<i>Admit/Deny Hearing on Permanency Petition</i>
<i>455+</i>	<i>Post-Permanency Review Hearings (if appropriate)</i>

4.04 Sanctions for Violation

The court may impose sanctions upon any county attorney, party, or counsel for a party who willfully fails to follow the timelines set forth in these rules.

4.05 Application of Timing Provisions

The timing provisions set forth in this rule are subject to the continuance provisions of Rule 5 and any other timing provisions set forth in each specific rule.

(Amended effective August 1, 2009.)