

260C.151 SUMMONS; NOTICE.

Subdivision 1. **Issuance of summons.** After a petition has been filed and unless the parties hereinafter named voluntarily appear, the court shall set a time for a hearing and shall issue a summons requiring the person who has custody or control of the child to appear with the child before the court at a time and place stated. The summons shall have a copy of the petition attached, and shall advise the parties of the right to counsel and of the consequences of failure to obey the summons. The court shall give docket priority to any child in need of protection or services or neglected and in foster care, that contains allegations of child abuse over any other case. As used in this subdivision, "child abuse" has the meaning given it in section 630.36, subdivision 2.

Subd. 2. **Notice.** After a petition has been filed alleging a child to be in need of protection or services and unless the persons named in clauses (1) to (4) voluntarily appear or are summoned according to subdivision 1, the court shall issue a notice to:

- (1) an adjudicated or presumed father of the child;
- (2) an alleged father of the child;
- (3) a noncustodial mother; and
- (4) a grandparent with the right to participate under section 260C.163, subdivision 2.

Subd. 3. **Notice of pendency of case.** The court shall have notice of the pendency of the case and of the time and place of the hearing served upon a parent, guardian, or spouse of the child, who has not been summoned as provided in subdivision 1. For an Indian child, notice of all proceedings must comply with the Indian Child Welfare Act of 1978, United States Code, title 25, section 1901, et seq., and section 260.765.

Subd. 4. **Termination of parental rights.** If a petition alleging a child's need for protection or services, or a petition to terminate parental rights is initiated by a person other than a representative of the Department of Human Services or responsible social services agency, the court administrator shall notify the responsible social services agency of the pendency of the case and of the time and place appointed.

Subd. 5. **Issuance of subpoena.** The court may issue a subpoena requiring the appearance of any other person whose presence, in the opinion of the court, is necessary.

Subd. 6. **Immediate custody.** If the court makes individualized, explicit findings, based on the notarized petition or sworn affidavit, that there are reasonable grounds to believe the child is in surroundings or conditions which endanger the child's health, safety, or welfare that require that responsibility for the child's care and custody be immediately assumed by the responsible social services agency and that continuation of the child in the custody of the parent or guardian

is contrary to the child's welfare, the court may order that the officer serving the summons take the child into immediate custody for placement of the child in foster care. In ordering that responsibility for the care, custody, and control of the child be assumed by the responsible social services agency, the court is ordering emergency protective care as that term is defined in the juvenile court rules.

History: *1999 c 139 art 3 s 9; art 4 s 2; 1999 c 245 art 8 s 49; 2001 c 178 art 1 s 12,44; 2005 c 159 art 2 s 14*