

260C.71 COURT APPROVAL REQUIREMENTS.

Subdivision 1. **Judicial review.** When the responsible social services agency has legal authority to place a child at a qualified residential treatment facility under section 260C.007, subdivision 21a, and the child's assessment under section 260C.704 recommends placing the child in a qualified residential treatment facility, the agency shall place the child at a qualified residential facility. Within 60 days of placing the child at a qualified residential treatment facility, the agency must obtain a court order finding that the child's placement is appropriate and meets the child's individualized needs.

Subd. 2. **Qualified residential treatment program; agency report to court.** (a) The responsible social services agency shall file a written report with the court after receiving the qualified individual's assessment as specified in section 260C.704 prior to the child's placement or within 35 days of the date of the child's placement in a qualified residential treatment facility. The written report shall contain or have attached:

- (1) the child's name, date of birth, race, gender, and current address;
- (2) the names, races, dates of birth, residence, and post office address of the child's parents or legal custodian or guardian;
- (3) the name and address of the qualified residential treatment program, including a chief administrator of the facility;
- (4) a statement of the facts that necessitated the child's foster care placement;
- (5) the child's out-of-home placement plan under section 260C.212, subdivision 1, including the requirements in section 260C.708;
- (6) if the child is placed in an out-of-state qualified residential treatment program, the compelling reasons why the child's needs cannot be met by an in-state placement;
- (7) the qualified individual's assessment of the child under section 260C.704, paragraph (c), in a format approved by the commissioner;
- (8) if, at the time required for the report under this subdivision, the child's parent or legal guardian, a child who is ten years of age or older, the family and permanency team, or a tribe disagrees with the recommended qualified residential treatment program placement, information regarding the disagreement and to the extent possible, the basis for the disagreement in the report; and
- (9) any other information that the responsible social services agency, child's parent, legal custodian or guardian, child, or, in the case of an Indian child, tribe would like the court to consider.

(b) The agency shall file the written report under paragraph (a) with the court and serve on the parties a request for a hearing or a court order without a hearing.

(c) The agency must inform the child's parent or legal guardian and a child who is ten years of age or older of the court review requirements of this section and the child and child's parent's or legal guardian's right to submit information to the court:

- (1) the agency must inform the child's parent or legal guardian and a child who is ten years of age or older of the reporting date and the date by which the agency must receive information from the child and child's parent so that the agency is able to submit the report required by this subdivision to the court;

(2) the agency must inform the child's parent or legal guardian and a child who is ten years of age or older that the court will hold a hearing upon the request of the child or the child's parent; and

(3) the agency must inform the child's parent or legal guardian and a child who is ten years of age or older that they have the right to request a hearing and the right to present information to the court for the court's review under this subdivision.

Subd. 3. Court hearing. (a) The court shall hold a hearing when a party or a child who is ten years of age or older requests a hearing.

(b) In all other circumstances, the court has the discretion to hold a hearing or issue an order without a hearing.

Subd. 4. Court findings and order. (a) Within 60 days from the beginning of each placement in a qualified residential treatment program when the qualified individual's assessment of the child recommends placing the child in a qualified residential treatment program, the court must consider the qualified individual's assessment of the child under section 260C.704 and issue an order to:

(1) determine whether a family foster home can meet the child's needs, whether it is necessary and appropriate to place a child in a qualified residential treatment program that is the least restrictive environment possible, and whether the child's placement is consistent with the child's short and long term goals as specified in the permanency plan; and

(2) approve or disapprove of the child's placement.

(b) If the court disapproves of the child's placement in a qualified residential treatment program, the responsible social services agency shall: (1) remove the child from the qualified residential treatment program within 30 days of the court's order; and (2) make a plan for the child's placement that is consistent with the child's best interests under section 260C.212, subdivision 2.

Subd. 5. Court review and approval not required. When the responsible social services agency has legal authority to place a child under section 260C.007, subdivision 21a, and the qualified individual's assessment of the child does not recommend placing the child in a qualified residential treatment program, the court is not required to hold a hearing and the court is not required to issue an order. Pursuant to section 260C.704, paragraph (f), the responsible social services agency shall make a plan for the child's placement consistent with the child's best interests under section 260C.212, subdivision 2. The agency must file the agency's assessment determination for the child with the court at the next required hearing.

History: *1Sp2020 c 2 art 5 s 89; 2021 c 30 art 10 s 46*