

Court Procedures

Permanency Timeline:

When a child is placed out of the home of their primary caregiver, Olmsted County Health, Housing and Human Services (HHH) monitors this time. In order to place a child in foster care, we need to have custody of that child. We can be given custody of the child if the parent signs a Voluntary Placement Agreement or by having the police take custody of the child.

- **Voluntary Placement Agreement Signed:** When the parent signs a voluntary placement agreement, it gives us time to file a petition with the court.
 - Sometimes the children are returned to the care of their parent and a petition is not filed.
 - If the children do not return to the care of their parent, we file a petition with the court. We need to be in front of a Judge on or before the children have been out of their parent's care for 90 days.
- **Calculating the permanency timeline:**
 - We allow up to 60 days of voluntary placement that does not count toward the permanency timeline.
 - We determine the permanency timeline and continue to monitor parent's progress toward case plan goals, child's well-being; etc. When the children have been out of their parent's care for 6 months (not including the first 60 days of voluntary placement), we inform the court of our intent for permanency.
 - Maximum permanency is due when children have been out of their parent's care for one year. We need to file a permanency petition with the court by 11 months of placement. Permanency may be achieved by filing a termination of parental rights, a transfer of physical and legal custody, or another agreed upon permanency petition.
- **Police Custody:** If the police take police protective custody of a child and the parents do not sign a Voluntary Placement Agreement, we need to file an emergency petition and be in front of a Judge by 72 hours (we file petition within 1 day/24 hours, parents served on day 2, hearing takes place on day 3 (within 72 hours).

Hearings:

1. **Admit/Deny Hearing:** If parents admit to the statutes in the petition, then we move right to the pre-trial hearing. If they deny, then a settlement agreement/PPP is scheduled.
 - ADMIT – If parents admit to the statutes in the petition, then we move right to the **pre-trial**.
 - DENY – If the parents deny the statutes in the petition, then a Parallel Protection Process (PPP/settlement agreement) is scheduled. This meeting does not occur in the courtroom. Typically the following persons attend the PPP: parents, parent's attorneys, guardian ad litem, social worker, and the county attorney. Parents can invite other support people (i.e. relatives and friends) to the PPP. During the PPP, we work to get the parents to settle and admit to the statutes in the petition, thereby avoiding a trial.
2. **Pre-trial:** If parents admit to the petition (either at the admit/deny hearing or at the PPP), they do it formally in front of the Judge at this hearing. If they deny, the Judge is informed of this and there will be a trial.
3. **Dispositional hearing:** Case plan is approved. This hearing is sometimes avoided if a case plan is approved at the pre-trial hearing.
4. **Trial:** A trial only occurs if the parent or parents deny/a settlement is not reached.
5. **Review hearing:** These are typically every three months to give the court an update on the family and children. These hearings can be more frequent and a party can request one prior to an already scheduled hearing if they believe there are grounds to have one (if there are concerns they believe need to be reported to the court).
6. **Permanency progress review hearing:** We notify the court of our intent for permanency within six months of the child/children being placed out of the home of their primary caregiver. We may continue with reunifications efforts or inform the court that we are choosing to file for permanency (terminate parental rights, transfer custody or other agreed upon permanency petition) at this hearing.

If we file for permanency, these hearings start over again. The only one that would not occur for a permanency petition would be the PPP.