

RULE 60. REVIEW OF CHILDREN IN VOLUNTARY FOSTER CARE FOR TREATMENT**Rule 60.01. Generally**

Subd. 1. Scope of Rule. This rule governs review of all voluntary foster care for treatment placements made pursuant to Minnesota Statutes, section 260D.01.

Subd. 2. Jurisdiction. The court assumes jurisdiction to review a voluntary foster care placement of a child pursuant to Minnesota Statutes, section 260D.01, upon the filing of a report by the responsible social services agency or licensed child-placing agency pursuant to Minnesota Statutes, section 260D.06.

Subd. 3. Court File Required. Upon the filing of a report under this rule, the court administrator shall open a voluntary foster care for treatment file.

Rule 60.02. Report by Agency

The agency shall file a report with the contents and within the timeline required by Minnesota Statutes, section 260D.06.

Rule 60.03. Court Review and Determinations Based on Court Report

Upon the filing of a report under Rule 60.02, the court shall review the report and make determinations within ten days of filing, as required by Minnesota Statutes, section 260D.06. The court administrator shall serve copies of the order, and notices of required permanency review, as required by Minnesota Statutes, section 260D.06, subdivision 2, paragraphs (h) to (i), and additionally upon an Indian child's tribe. Any hearing required by Minnesota Statutes, section 260D.06, subdivision 2, paragraph (j), shall be held within 10 days of the court's determinations.

Rule 60.04 Court Review of Agency Determination Under Section 260D.07

If judicial approval is required of an agency's determination that there are compelling reasons to continue a child in a voluntary foster care arrangement, the agency shall file a "Petition for Permanency Review Regarding a Child in Voluntary Foster Care for Treatment" as provided in Minnesota Statutes, section 260D.07. The petition shall be drafted, filed, processed, and reviewed as provided in Minnesota Statutes, section 260D.07, except:

(a) the petition shall be under oath or under penalty of perjury pursuant to Minnesota Statutes, section 358.116; and

(b) the court administrator shall serve the notice of hearing and petition through the E-Filing System or by personal service, U.S. mail, e-mail, or other electronic means agreed upon in writing by the person to be served, or as otherwise directed by the court upon the persons listed in Minnesota Statutes, section 260D.07, paragraph (e).

The court shall give the notice of continued review requirements, and conduct annual review, as provided in Minnesota Statutes, section 260D.08.

Rule 60.05. Review of Voluntary Foster Care After Adjudication Under Chapter 260C

When an agency and a parent agree to enter into a voluntary foster care arrangement under Minnesota Statutes, section 260D.09, the agency shall file the motion and petition required under Minnesota Statutes, section 260D.09, paragraph (b). The petition shall be drafted, filed, processed, and reviewed as provided in Minnesota Statutes, section 260D.09, except:

(a) the petition shall be under oath or under penalty of perjury pursuant to Minnesota Statutes, section 358.116; and

(b) the court administrator shall serve the notice of hearing and petition through the E-Filing System or by personal service, U.S. mail, e-mail, or other electronic means agreed upon in writing by the person to be served, or as otherwise directed by the court upon the persons listed in Minnesota Statutes, section 260D.07, paragraph (e).

2019 Advisory Committee Comment

Rule 60 is amended in 2019 as part of a revision of the Rules of Juvenile Protection Procedure, and was formerly codified as Rule 43. The amendments remove language that duplicates statutory provisions. Instead, the amended rule cites the applicable statutes.