

**9560.0615 CRITERIA FOR RETURN OF CHILD TO HOME.****Subpart 1. Return or release of non-Indian child.**

A. For a child removed from the home of a parent or guardian and placed in foster care pursuant to court order, the local agency must seek a court order to end its custody and return the child to the parent or guardian under the following circumstances:

(1) if the child was removed because of an emergency as described in part 9560.0221, subpart 2, item A, and the conditions that resulted in the need for foster care have been corrected sufficiently to ensure the child's safety with the parent or guardian; or

(2) if the child was removed because of a nonemergency situation as described in part 9560.0221, subpart 2, item B, and the conditions that led to the out-of-home placement have been mitigated.

B. For a child in foster care pursuant to a voluntary placement agreement, the local agency must return the child to the parent or guardian as soon as possible and no later than 24 hours after receipt of a written and dated request from the parent or guardian unless, because of child protection concerns, the local agency secures legal authority to continue placement outside the home of the parent or guardian.

C. A local agency may seek a court order to end its custody of a child so that the child can be released into the care of a relative if the child could be safely maintained in the relative's home without formal legal authority and the relative is willing to care for the child without formal legal authority. Before releasing the child into the relative's care, the local agency must give the relative information orally and in writing about the rights and responsibilities of a relative and child in various formal and informal relationships.

**Subp. 2. Return of Indian child.**

A. An Indian child in foster care who was removed because of an emergency must be returned to the parent or custodian when the placement is no longer necessary to prevent imminent physical damage or harm.

B. An Indian child who was removed because of a nonemergency circumstance must be returned to the parent or custodian when the agency determines that restoring custody to the parent or custodian is not likely to result in serious emotional or physical harm to the child.

C. An Indian child in voluntary placement must be returned to the parent or custodian as soon as possible and no later than 24 hours after the agency receives a written and dated statement complying with the requirements of Minnesota Statutes, section 260.755, subdivision 5.

**Statutory Authority:** *MS s 257.071; 257.072; 260C.212; 260C.215*

**History:** *20 SR 2778; L 1999 c 139 art 4 s 2*

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