



Juvenile Protection and Services

The Law

Steps in Juvenile Protection and Services Process (nondelinquency)

1. **Police/Child Protection called**-the police or child protection/social service agency receives a report of suspected child abuse or neglect.
2. **Child removed.** If the child is in danger of imminent harm, police officers can remove a child from the home without a court order. If the child is not in immediate danger, social services can remove the child by asking the court for an order for emergency custody.
3. **Emergency Hold Hearing.** If the juvenile is removed from the home, within 72 hours of removal, the court must hold an emergency protective care hearing to determine whether the juvenile should remain in out-of-home placement or whether the juvenile can safely be returned home. The following people are present at the Emergency Hold Hearing:
 - judge/referee
 - county attorney
 - guardian ad litem
 - juvenile's parent(s) and their attorney(s)
 - social worker
4. **Child in Need of Protective Services (CHIPS) Petition.** When social services investigates a case and believes that there is probable cause to suspect child abuse or neglect, a CHIPS Petition is filed with the court. It details the specific allegations of abuse or neglect. Copies are provided to guardian ad litem offices, county attorney, parents and their attorney.
5. **Arraignment Hearing.** At this hearing, the parents admit or deny the allegations in the CHIPS Petition. If the parents admit the allegations, the case goes to the next step-the Dispositional Hearing. If the parents deny the allegations, the case goes to the settlement discussion.
6. **Settlement Discussion.** During this step, the child protection worker, county attorney, guardian ad litem, parents and their attorney, and the child and child's attorney try to work out an agreement about what should happen to the juvenile. If they can agree, the case goes to the Dispositional Hearing. If they cannot agree, the case goes to Pre-Trial Conference
7. **Pre-Trial Conference.** During this step, the parties bring pre-trial motions, identify issues for trial, identify witnesses and set the trial date.
8. **Trial.** The county attorney must prove by clear and convincing evidence that the allegations in the Petition are true and that the juvenile is in need of protection or



services. If the court finds that the county attorney has presented enough evidence, it will find the juvenile in need of protection or services and the case will go to the Dispositional Hearing step. If the county attorney does not present enough evidence, the case is dismissed and the juvenile is returned home.

9. ***Dispositional Hearing.*** The purpose of the Dispositional Hearing is to determine the protection or services that are needed by the juvenile. If the juvenile is at risk of harm and has not already been removed from the home, the court may order removal. Some common dispositions include chemical dependency evaluations, psychological assessments, parent education, random urine analysis, substance abuse treatment, sexual offender treatment, counseling, no contact between parent and juvenile, supervised visitation, or unsupervised visitation.
10. ***Dispositional Review Hearing.*** Within 90 days of Disposition Hearing, a review hearing is held to make sure that the court order is being carried out.
11. ***Permanency Hearing.*** If a juvenile has not been returned home within 12 months of an out-of-home placement, Minnesota law requires that a permanency plan be developed. Options include transfer of permanent and physical custody to a relative, long-term foster care for child over age 12 (or child under 12 who is placed in long-term care with sibling over age 12), or termination of parental rights.

The County Attorney files a motion for transfer of custody or long-term foster care, or a petition to terminate parental rights. The court will decide what is in the best interests of the juvenile. If the case involves a petition to terminate parental rights, the case will go through arraignment, pre-trial conference, and trial, unless the parent voluntarily agrees to terminate parental rights.

An order for long-term foster care does not terminate parental rights and does not prevent contact between the juvenile and the parent.

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Activity: Ordering

A child is removed from her home because she was being abused and neglected by her drug addict mother.

Arrange the following statements in the order they would occur.

- _____ A police officer comes to the house and removes the child.
- _____ A trial is held on the CHIPS petition.
- _____ A hearing is held to determine what will happen to the child.
- _____ A report is filed with the police by a neighbor who is concerned about the safety of the child.
- _____ The judge decides to place the child in a group foster care home.
- _____ The County Attorney files a petition to terminate parental rights.
- _____ Within 72 hours, a hearing is held to review the case and decide if the child should remain out of the house during the rest of the process.
- _____ The mother is sent a summons to appear in court.
- _____ A lawyer and guardian ad litem are appointed by the judge.
- _____ Social services investigates the case and files a CHIPS petition.