

Glossary

ADJUDICATION: Determination by the court that the child is a child in need of protection or services (CHIPS). It is usually made after admissions by the appropriate parties or a trial with sufficient proof provided. The court can withhold adjudication for one 90-day period and dismiss without adjudication at the end of 90 days if both parent and child have complied with the terms of the 90-day continuance.

ADOPTION: The creation of parental rights and responsibilities by juvenile court after the termination of parental rights and responsibilities of the birth parents or any other person holding legal rights to the child. Children become available for adoption in Minnesota through one of two routes: (1). Parental rights are terminated by the court due to abuse, neglect, or CHIPS adjudication without resolving the reasons for the adjudication or (2). Parental rights are terminated by the parents consent. In either case, guardianship and legal custody are given to the Minnesota Commissioner of Human Services who is then responsible to find a permanent family for the child. In these cases, the county social service agency is delegated the responsibility to find an adoptive home for the child.

ADOPTION STUDY: While many individuals within the child welfare system still refer to the process of assessing a family for the purposes of adoption or foster care a homestudy, the more appropriate term is family assessment. The process generally involves several contacts between the family and the social worker, an on-site visit to the family home, and interviews with all family members, including the children. In addition, the state of Minnesota requires an assessment of physical health, a criminal background check, clearance from the Minnesota Bureau of Criminal Apprehension, and submission of fingerprints. The family assessment must be completed by a representative of a licensed child placing agency or county social service agency. The finished product is a written document that is presented to the court or other parties as the basis for approval or denial as a prospective adoptive parent. In Minnesota, the adoption study must be completed in accordance to the Adoption Study Format (DHS 3821). An approved adoption study does not mean the prospective parents have the ability to meet the needs of a specific child.

ADOPTIVE SEARCH: A process by which adoptees, adoptive parents, or birth parents secure information about each other and the circumstances surrounding the adoptive process. In Minnesota, this information must be non-identifying unless the party or parties have legally consented to the release of private information.

APPEAL: The legal process by which a party who has lost his/her case at trial level (district court) petitions a higher court for review of the case, claiming that a lower court erred in its judgment. Following a decision by the court to terminate parental rights, the parent has thirty (30) days to file an appeal with the Minnesota Court of Appeals, requesting a reversal of the lower court's decision. Children placed with an adoptive family during the appeal process are said to be in a legal-risk. This implies that the child could be returned to the birth family based on the court's decision. A case appealed from the trial court must be reviewed by the Minnesota Court of Appeals but the Minnesota Supreme Court exercises discretion whether to hear a requested appeal.

ASSESSMENT: Authority to interview the child, the person or persons responsible for the child's care, the alleged perpetrator, and any other person with knowledge of the abuse or neglect for the purpose of gathering the facts, assessing the risk to the child, and formulating a plan.

CASE PLAN (Child's Out-of-Home Placement Plan or Child Protective Services Plan): A written document developed by social services and the child (if age appropriate), the child's parents, guardian or custodian in consultation with foster or kinship parents and the guardian ad litem and tribal representative, if the child is an American Indian. The case plan is filed with the court which may order the plan as is or modify it. The following items must be addressed in the plan: assessments, services, timeframes, visitation arrangements, contact with the caseworker and the foster or kinship care provider, actions to be taken by the parents, including financial support (as applicable), child, if appropriate, and agency, and date for return home or permanency.

CHILD IN NEED OF PROTECTION OR SERVICES (CHIPS): A child-focused legal proceeding for children who are alleged to be abused, neglected, without proper parental care, abandoned, a runaway or truant, engaged in prostitution, delinquent or petty offender either under age 10 or mentally incompetent, or diagnosed as failure-to-thrive. Other CHIPS provisions include behavior, condition, or environment that is injurious or dangerous to child or others, or the parent, for good cause, requests to be relieved of the child's care and custody.

CONCURRENT PERMANENCY PLANNING: A planning process that includes attempting to reunify children with their parents at the same time creating an alternative permanent placement plan with the goals of achieving early permanency for children, decreasing lengthy stays in foster care, reducing the number of moves children experience in foster care, and developing a group of families who will work toward reunification and also serve as a permanent family, if necessary.

CONCURRENT PERMANENCY PLANNING RESOURCE FAMILY: A family who takes a child in for foster care, works with the agency and primary family to reunite the child with his/her family, and, if this fails, is willing to provide a permanent home for the child, preferably through adoption or transfer of permanent and legal custody.

CULTURE: A system of values, beliefs, attitudes, traditions, standards of behavior that governs the organization of people into groups and assures the survival and well-being of members.

DISPOSITION: It is the phase of the court process, which follows the adjudication and focuses on the issue of custody, the best interest of the child and contents of a case plan.

DETENTION HEARING: May be the first court hearing held in a CHIPS case. Usually the county attorney files a petition with juvenile court asking for emergency custody of a child who is already detained or could be detained. The reasons for detention (emergency protective care) are either the child is one whose health or welfare would otherwise be immediately endangered or, would not remain in the care and control of the person to whose lawful custody the child would be released, or would endanger self or others, or not return for a court hearing.

DOMESTIC CHILD ABUSE: Any non-accidental physical injury or sexual abuse to a minor family or household member by an adult family or household member.

MN Statutes 2003 Chap 260C, Subd. 15 Emotional maltreatment: The consistent, deliberate infliction of mental harm on a child by a person responsible for the child's care that has an observable, sustained, and adverse effect on the child's physical, mental, or emotional development. Emotional maltreatment does not include reasonable training or discipline administered by the person responsible for the child's care or the reasonable exercise of authority by that person.

FAILURE TO THRIVE SYNDROME: A serious medical condition usually seen in children under one year of age. The child's height, weight, and motor development fall significantly short of the average growth rates of normally developing children or even though within average have very significantly and quickly decreased. In the majority of cases, no medical cause can be found in children with this syndrome. The syndrome appears to be caused by a disturbed parent/child relationship which results in the parent being unable to meet his/her child's emotional needs, including, most often, failure to feed the infant.

FINALIZATION/LEGALIZATION: Court hearing at which the juvenile court terminates custody by the agency or Department of Human Services and awards full custody, including all rights and responsibilities, to the adoptive family. Under Minnesota law, finalization can take place after the child has resided with the prospective adoptive family for 90 days.

FOSTER HOME STUDY: The foster home study is more accurately known as the foster home licensing study. This study includes a background study for all household members age 13 and above; an on-site inspection of the residence; in-person interviews with all family members and other adults living in the home; and social history information for all household members. Social history information includes learning about the education; employment; financial condition; military service; marital history; child development awareness; disciplinary beliefs; involuntary termination of parental rights; strengths and weaknesses of household relationships; and any disabilities or dependencies and related services, which may include hospitalizations.

GUARDIAN AD LITEM (GAL): A special guardian appointed by the court to advocate the best interest of the child. A GAL is appointed in all CHIPS cases except truancy and runaway where appointment is discretionary. A GAL may also be appointed in other cases as deemed appropriate by the court.

GUARDIANSHIP AND LEGAL CUSTODY: A legal status created by the court, granted to the Minnesota Commissioner of Human Services, a relative, or other individual following the termination of parental rights. This gives the commissioner, relative or other individual full authority and responsibility to provide a permanent, safe, and nurturing family for the child.

LEGAL CUSTODY: Legal custody to the local social services agency means the right to care, custody and control of the child.

LEGAL RISK PLACEMENT: An adoptive placement in which the child is not yet legally free for adoption, but is placed in an adoptive placement pending an appeal to a higher court of a termination of parental rights order; or, a situation where the parental rights are very likely to be terminated, but a final determination has not yet been made. Prospective adoptive parents have the right to be informed of this circumstance prior to placement of the child in their home.

LIFEBOOK: An album or equivalent document complete with photographs, letters, written memories and other significant information about the child's biological family and other significant people and events in the child's life.

MALTREATMENT: A general term that includes physical and sexual abuse, neglect, and mental injury.

MENTAL INJURY: An injury to the child's psychological capacity or emotional stability resulting in an observable or substantial impairment in the child's ability to function within a normal range of performance and behavior with due regard for the child's culture.

MINIMUM COMMUNITY STANDARDS: Community standards are developed by juvenile court and the county agency with input from other community sources. These state the minimum level of acceptable child care practices in that particular community. The standards should take into account cultural norms and practices, as well as accurate information about child development. The standards are used to make decisions about what constitutes sufficient risk to warrant Child Protective Services agency involvement. Standards may also affect placement decisions. This is not the same standard as "best interest of the child."

NEGLECT: A legal term defined in Minnesota Statutes 626.556 which refers to a child whose parents fail to provide necessary food, clothing, shelter, medical care, education or supervision, or to protect him/her from dangerous conditions when reasonably able to do so; prenatal exposure of the child to a controlled substance; subjects the child to domestic violence in the home or behavior which results in emotional harm; or engages in chronic and severe use of alcohol or a controlled substance that affects the child's basic needs and safety.

OPEN ADOPTION: The practice of providing information to a child's birth parents, adoptive parents, and/or the child as the child matures. Most adoptions in the United States have some degree of openness, from very little written information to full disclosure and face to face contact before, during and after the adoption. A communication or contact agreement between the parties is not enforceable unless it is written into an adoption decree. Minnesota law allows adoptive parents to enter into contact agreements with the child's birth relative (parent, stepparent, grandparent, brother, sister, uncle, or aunt through blood, marriage, adoption) or former foster parent of the minor adoptee.

PARTIES: A party is a person with a legal right to participate in the legal action. A party has the right to notice of any hearing and may present evidence, cross-examine witnesses, make motions and arguments and appeal the court's final order. In a CHIPS case, the parties include children over 12, legal parents or guardians, guardians ad litem, and any other individual who appears to the court to be proper or necessary to the court proceedings. Social Services is almost always a party because they are usually the petitioner. Indigent children and parents can have a court-appointed attorney.

PERMANENT LEGAL AND PHYSICAL CUSTODY: The right to determine the child's physical residence and includes responsibility for the protection, education, care and control of the child and decision making on behalf of the child. Decision making includes the right to determine the child's religious training and medical care. It also includes financial responsibility for the care of the child. This is one of the permanency options and is usually used with relatives.

Handout # 1

PERMANENT PLACEMENT: A legal status created by the court after a permanency hearing when the court determines it is in the best interest of the child to be in a permanent placement. Dispositions available to the court after a permanency hearing are: (1). Permanent legal and physical custody to a relative, (2). Continuation of the case for termination of parental rights and adoption, and (3). When 1 and 2 are not appropriate, long term foster care (usually just for those children 12 and over) gives the agency or relative full authority and responsibility to provide a permanent, safe, and nurturing family for the child.

PHYSICAL ABUSE: A legal term defined in Minnesota Statutes 626.556 which refers to any non-accidental physical or mental or threatened injury to a child.

POST ADOPTION SERVICES: Services offered to an adoptive family following legalization of the adoptive placement. Many adoptive families of children with special needs require continued support and services from the agency. Examples of these services are information and referral, education, group counseling, respite care, residential treatment, parental support groups, and advocacy. In Minnesota, families and children may receive post adoption services through the county social services agency, the Minnesota Adoption Support and Preservation program.

PRE-PLACEMENT VISITS: In either non-emergency foster care or adoption placements, a series of visits are made by the child to the prospective home, in order to prepare the child for the eventual move and lessen the trauma to the child.

PRE-TRIAL CONFERENCE: An informal conference scheduled at the discretion of the judge at least 10 days before a trial after an initial hearing on a petition. Its purpose is to reach settlement, if possible, or at least narrow the issues in the court process and establish a process for determining the remaining issues. The court will also decide whether the child will need to testify and, if so, under what protective conditions. In some instances the case is settled at this point and court involvement may end or, at the very least, a trial is avoided.

PRIMARY FAMILY/BIRTH FAMILY: The persons with whom the social services system is working to reunify a child. This may include birth parents, extended family members, or others with whom the child has strong prior attachments. The child's family should help determine who is included in their "family", and the child welfare system should respect this determination.

REFEREE: The referee assigned by a chief judge of a judicial district to hear cases on the judge's behalf. A party or the county attorney may object to a case being assigned to a referee. A decision by a referee is finalized when the judge signs the referee's recommended order. In Minnesota, usually only larger counties (Hennepin and Ramsey) have referees.

REFEREE'S WRITTEN FINDINGS AND RECOMMENDED ORDER: The decision of a referee following a court hearing. The recommended order is effective upon signing by the referee, unless stayed, reversed, or modified by the judge upon review. No hearing is held when the court reviews a referee's written findings and recommended order, except upon order by the court for good cause shown.

SERVICE OF PROCESS: Service of process is the delivery of legal documents (usually summons, notice or subpoena) to a person who is a party to a legal action, have a right to be heard, or are otherwise ordered by the court to receive process. Service must furnish reasonable notice to the person of the pending legal action so they have the opportunity to prepare for the action. Every party to a CHIPS case must receive either a summons or notice and also a copy of the petition.

SEXUAL ABUSE: The subjection of a child by a person responsible for the child's care, by a person who has a significant relationship to the child or by a person in a position of authority, to any act which constitutes a violation of criminal sexual conduct in the first degree, criminal sexual conduct in the second degree, criminal sexual conduct in the third degree, criminal sexual conduct in the fourth degree or criminal sexual conduct in the fifth degree. Sexual abuse also includes any act which involves a minor which constitutes a violation of prostitution offenses under sections Sexual abuse includes threatened sexual abuse.

TEMPORARY CUSTODY: A legal status created by court order in a CHIPS case, which grants a the county social service agency the right and responsibility to provide physical care and control of a child: to determine where a child shall live; to protect, train, and discipline the child; to provide food, clothing, shelter, education, and medical care. This status may be terminated any time by the court.

TERMINATION OF PARENTAL RIGHTS: A legal proceeding whereby all rights, powers, privileges, immunities, duties, and obligations, including any rights to custody, control, visitation, or support are terminated between the child and parent.

VOLUNTARY PLACEMENT AGREEMENT (VPA): A voluntary agreement between the county social services agency and the parents, under which the county accepts legal responsibility for a child without court involvement, for a relatively brief and specified period of time.