Guardian Ad Litem Program

Important Notice: This handbook is a reference resource only and does not constitute legal advice. Laws, agency contacts, and program structures change frequently. Always verify current information with your GAL supervisor, the Minnesota Judicial Branch GAL Program, or legal counsel before relying on it in any proceeding. GAL volunteers are officers of the court and must follow their program's official guidance.

1. Program Overview

Minnesota's Guardian Ad Litem program is administered directly by the **Minnesota Judicial Branch** through the State Court Administrator's Office — one of the only states with a fully court-operated GAL program. The state child welfare agency is the **Minnesota Department of Human Services (DHS)**, which oversees child protection through county-administered human services departments. Dependency proceedings are governed by **Minnesota Statutes Chapter 260C** (Children in Need of Protection or Services — CHIPS).

State Child Welfare Agency	Minnesota DHS (county-administered)
GAL Program Structure	Minnesota Judicial Branch (Court Program)
Primary Governing Code	Minn. Stat. Chapter 260C
Court of Jurisdiction	Juvenile Court (District Court)
GAL Appointment Statute	Minn. Stat. § 260C.163, subd. 5
Judicial Districts	10 districts statewide

2. Legal Foundation

Minnesota's child protection framework is rooted in Chapter 260C of the Minnesota Statutes and the Minnesota Rules of Juvenile Protection Procedure. Minnesota also enacted the **Minnesota Indian Family Preservation Act (MIFPA)**, Minn. Stat. §§ 260.751–260.835, which provides tribal protections that exceed federal ICWA.

Minn. Stat. § 260C.163, subd. 5

Guardian Ad Litem — Appointment & Duties

Requires the court to appoint a GAL in every CHIPS proceeding involving an out-of-home placement or TPR. The GAL advocates for the child's best interests, conducts an independent investigation, and provides written reports and oral recommendations to the court.

Minn. Stat. §§ 260C.001–260C.637

Child in Need of Protection or Services (CHIPS)

Governs the full CHIPS lifecycle — from emergency protective care through permanency and TPR. Defines a child in need of protection or services, establishes placement standards, requires reasonable efforts findings, and mandates permanency hearings within ASFA timelines.

Minn. Stat. §§ 260.751–260.835

Minnesota Indian Family Preservation Act (MIFPA)

Minnesota's state Indian child welfare law — goes beyond federal ICWA. MIFPA requires active efforts findings at every hearing stage (not just TPR), tribal placement preferences, and tribal notification duties enforceable in Minnesota courts independent of federal ICWA.

Minn. Stat. § 260C.212

Out-of-Home Placement Plans

Requires a case plan for every child removed from home addressing the child's needs, services for the family, and the permanency goal. GALs must review the plan and report on its adequacy at each hearing.

Minn. R. Juv. Prot. P. 17

Minnesota Rules of Juvenile Protection Procedure

Governs the procedural conduct of all CHIPS and TPR proceedings. Rule 17 specifically addresses the GAL's role, access to records, duties to the court, and participation rights at each stage of the proceeding.

3. Your Role as a Minnesota GAL

A Minnesota GAL serves as an independent officer of the court, trained and supervised by the Judicial Branch. Your reports carry direct institutional credibility and are held to a formal court standard of thoroughness.

■ Investigate

Review case plans, school records, medical history, and prior court orders. Interview the child, foster caregiver, parents (as appropriate), caseworker, teachers, and therapists. Conduct in-person visits at least monthly.

■ Advocate

Present best-interest findings in written reports and oral recommendations at each hearing. Request services the child is not receiving. Challenge the county when reasonable or active efforts are deficient. Advocate for MIFPA compliance when applicable.

■ Connect

Identify and coordinate services — therapy, tutoring, healthcare, cultural programming. In Minnesota, many resources are county-specific; know your county's services.

■ Report

Prepare written reports before every hearing. File with the court and serve all parties. Attend all hearings and testify under oath. Your supervisor reviews reports before filing — work closely with them on complex or contested matters.

> **Court-Employed Supervision:** Your GAL supervisor is a court employee who reviews your reports before they are filed. This institutional backing strengthens your advocacy voice but also means your work is held to a formal court standard. Work closely with your supervisor on report language, especially in contested hearings or cases approaching TPR.

4. The Multidisciplinary Team

County Child Protection Worker

County social worker responsible for the case plan, placement, and service referrals. Minnesota child protection is county-administered — Hennepin, Ramsey, and other counties operate their own departments under DHS oversight.

County Attorney

Represents the county agency — presents petitions and legal positions. Represents the county's interests, not the child's.

Parent's Attorney

Appointed counsel for biological parent(s). Represents the parent's legal interests — reunification and parental rights — not the child's best interests.

Child's Attorney

In complex or contested cases, the court may appoint a separate attorney for the child's expressed wishes. Distinct from the GAL who determines best interests independently.

Guardian Ad Litem (You)

Independent court volunteer investigating circumstances and reporting best-interest recommendations. Your independence from the county and parents is the cornerstone of your role.

GAL Supervisor

Court-employed supervisor who reviews your reports, provides training and consultation, and communicates with the court on program matters. Your first call when issues arise.

Foster / Kinship Caregiver

The licensed or kinship placement providing daily care. Primary source of day-to-day information about the child's adjustment, health, and school performance.

District Court Judge

Makes all findings, issues all orders, and approves case plans. In Hennepin and Ramsey Counties, dedicated juvenile court judges handle high-volume dependency dockets year-round.

5. The CHIPS Court Process

Minnesota's CHIPS proceedings under Chapter 260C follow a structured sequence from emergency protective care through permanency. Review hearings occur every 90 days for children in out-of-home placement.

1

Emergency Protective Care & Removal

County removes child based on imminent danger. EPC order filed ex parte or within 24 hours. CHIPS petition filed within 48 hours (excluding weekends/holidays).

2

EPC Hearing

Held within 72 hours of removal. Court determines whether EPC continues. Parents have right to appear. Court may appoint GAL at this stage.

3

CHIPS Petition & GAL Appointment

County files CHIPS petition under § 260C.141. Court appoints GAL under § 260C.163, subd. 5. Review petition and begin initial contact with the child promptly.

4

Admit/Deny Hearing

Parents admit or deny petition allegations. If denial — case proceeds to Evidentiary Hearing. If admitted — case proceeds directly to Disposition. GAL files initial report.

5

Disposition Hearing

Court approves case plan and disposition order addressing placement, services, and permanency goal. Held within 30 days of adjudication. GAL advocates for child-specific services and MIFPA-compliant placement if applicable.

6

Review Hearings (Every 90 Days)

Minnesota requires 90-day review hearings for children in out-of-home care. GAL files written report at each review assessing reasonable/active efforts, well-being, and permanency progress.

7

Permanency Hearing (Within 12 Months)

Court determines permanency outcome: reunification, adoption, guardianship, or PPLA. GAL advocates for the plan that best serves the child's long-term interests.

8

TPR & Post-Permanency

County or prospective adoptive parent may file TPR petition. GAL continues to advocate through TPR and post-TPR reviews until adoption finalization.

6. Hearing Types & GAL Responsibilities

Hearing	Timing	GAL Focus
EPC Hearing	Within 72 hrs	Confirm appointment; assess safety; begin MIFPA/ICWA inquiry
Admit/Deny Hearing	Within 10 days	File initial report; assess out-of-home need; raise MIFPA concerns
Evidentiary Hearing	Within 60 days	Present evidence; cross-examine witnesses; support or challenge petition
Disposition Hearing	Within 30 days	Recommend services, placement, case plan; flag MIFPA placement preferences
Review Hearing	Every 90 days	File report; assess reasonable/active efforts; update court on progress
Permanency Hearing	Within 12 months	Advocate for best long-term permanency outcome; MIFPA compliance
TPR Hearing	Per county petition	Support or oppose TPR; report on attachment and prospective placement
Post-TPR Review	Every 90 days	Monitor adoption progress; flag delays in adoptive placement

7. ICWA & MIFPA in Minnesota

Minnesota has **11 federally recognized tribal nations** within its borders. Minnesota's **Minnesota Indian Family Preservation Act (MIFPA)**, Minn. Stat. §§ 260.751–260.835, goes beyond federal ICWA and is enforceable in all Minnesota courts. Active efforts findings are required at every hearing stage when MIFPA applies.

> **MIFPA Exceeds Federal ICWA:** MIFPA requires active efforts findings at every hearing — not just TPR. Placement preferences favor Indian extended family, tribal member homes, and tribally licensed homes. Minnesota courts apply MIFPA independently of whether federal ICWA is formally triggered.

Mandatory ICWA/MIFPA Inquiry Checklist:

✓ Ask both biological parents about Native American or Alaska Native ancestry at the EPC hearing — document on the record

✓ If any tribal ancestry is indicated, the county must notify the relevant tribe(s) by certified mail within 10 days — follow up

✓ The tribe — not the family, county, or GAL — determines tribal membership eligibility

✓ When MIFPA applies, placement preferences shift to: Indian extended family, tribal member homes, other Indian families

✓ Active efforts standard (more demanding than reasonable efforts) applies from removal through every stage

✓ Tribes have the right to intervene — support and facilitate tribal participation in hearings

Key Minnesota Tribal Nations:

• Red Lake Nation (closed reservation — Red Lake Tribal Court has strong jurisdictional interests)

• White Earth Nation (large Ojibwe nation with active Twin Cities court presence)

• Leech Lake Band of Ojibwe (active ICWA program with Hennepin/Ramsey involvement)

• Mille Lacs Band of Ojibwe (monitors central and metro Minnesota cases)

• Fond du Lac Band of Lake Superior Chippewa

• Bois Forte Band of Chippewa · Grand Portage Band

• Prairie Island Indian Community · Shakopee Mdewakanton Sioux Community

• Upper Sioux Community · Lower Sioux Indian Community

8. Education Rights of Foster Youth

Minnesota foster children face significant educational disruption. Key federal and state laws protect educational stability and school of origin rights.

> **Minn. Stat. § 120A.22 / ESSA Foster Care Provisions**
>
> **School Stability for Children in Foster Care**
>
> Requires school districts and county child protection to collaborate on school stability. School of origin must be maintained when in the child's best interests. Transportation must be arranged even if placement crosses district lines.

Key Education Advocacy Checklist:

- ✓ Obtain report card, attendance records, and discipline records at every review hearing
- ✓ Ask whether the child has an active IEP or 504 Plan — IDEA rights follow the child across district lines
- ✓ Each district has a Foster Care Liaison — contact directly for enrollment or school-of-origin disputes
- ✓ Northstar Care tuition waiver: eligible foster youth may attend Minnesota public colleges/universities tuition-free through age 25
- ✓ Advocate against out-of-school suspensions or expulsions — foster children face disproportionate discipline
- ✓ Report chronic absenteeism (10+ days) in your court report — it's a proxy indicator for placement instability

Extended Foster Care (Ages 18–21):

Minnesota's Extended Foster Care program (Minn. Stat. § 260C.451) allows youth to remain in foster care through age 21 if enrolled in school, post-secondary education, or employed. The **Northstar Care for Children** program provides tuition benefits for foster youth through age 25. Advocate for EFC enrollment well before the youth's 18th birthday.

9. Courtroom Practice

Before the Hearing

File your written report AND serve all parties at least 5 business days before the hearing. Review the prior order for compliance gaps. Contact the county caseworker for factual updates. Prepare the child for what to expect at the hearing.

During the Hearing

Address the judge as 'Your Honor.' Present your report concisely — Hennepin and Ramsey judges have heavy dockets and value specific, fact-based reporting. Request cross-examination of witnesses when warranted. Confirm MIFPA active efforts finding is on the record if applicable.

After the Hearing

Obtain a copy of the signed order. Review for any tasks assigned to the county, parents, or GAL. Explain the outcome to the child in age-appropriate terms. Update your case file.

If You Disagree With the Order

Note your objection on the record before the hearing ends. Contact your GAL supervisor immediately — appeals must be filed within 30 days for most final orders in Minnesota. Document your reasoning and preserve all case notes before the appeal deadline.

10. Local Resources — Twin Cities Metro

Hennepin County GAL Program (4th Judicial District) — mncourts.gov/guardianadlitem | (612) 348-3073

Ramsey County GAL Program (2nd Judicial District) — mncourts.gov | (651) 266-8200

Hennepin County Human Services & Public Health — Child Protection: (612) 348-3552

Ramsey County Community Human Services — Child Protection: (651) 266-4500

Native American Community Clinic (NACC) — (612) 872-8086 | nativecommunityclinic.org

Minneapolis American Indian Center — (612) 879-1700 | maicnet.org

Children's Minnesota (Pediatric Hospital) — childrensmn.org | (612) 813-6100

Mid-Minnesota Legal Aid — (612) 540-4800 | mnlegalaid.org

11. Mental Health Resources

MN Dept. of Human Services — Mental Health — mn.gov/dhs/mental-health | 1-800-657-3739

Children's Minnesota Behavioral Health — childrensmn.org/behavioral-health

Washburn Center for Children — (612) 871-1454 | washburn.org

TF-CBT Providers (Statewide DHS Network) — tfcbt.org/members — request TF-CBT specifically

Crisis Text Line — Text HOME to 741741 (24/7)

988 Suicide & Crisis Lifeline — Dial or text 988 (24/7)

12. Housing, Statewide & Federal Resources

Northstar Care for Children — mn.gov/dhs/northstar — foster care payments & tuition benefits

Extended Foster Care (Ages 18–21) — mn.gov/dhs — EFC enrollment before 18th birthday

Avenues for Homeless Youth — (612) 522-1690 | avenuesforhomelessyouth.org

Youthprise — youthprise.org | (612) 808-0221

MN CASA Association — mncasa.org

MN Guardian Ad Litem Program — mncourts.gov/guardianadlitem | (651) 297-7578

Southern MN Regional Legal Services — smrls.org | (651) 222-4731

MN Court Improvement Project — mncourts.gov/court-improvement

Child Welfare Information Gateway — childwelfare.gov

National CASA/GAL Association — casaforchildren.org

NCTSN — nctsn.org

SAMHSA Helpline — 1-800-662-4357 (24/7, free, confidential)

HHS Children's Bureau Region V — acf.hhs.gov/cb/region/region-5 (Chicago)

BIA Midwest Regional Office — (612) 725-4500 | bia.gov/regional-offices/midwest

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