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Minnesota's Child Protection Appeals Process: Can We Do Better

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 MINNESOTA’S CHILD PROTECTION APPEALS PROCESS: CAN WE DO BETTER?

Justice Helen Meyer† and Robert Cary††

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“The standard appellate process is slow. For a child in foster care, a lengthy appellate process can often mean months or years in limbo, without hope of achieving permanence, to the obvious detriment of the child involved.”

INTRODUCTION

The purpose of this article is to propose an expedited appellate process for child protection appeals in Minnesota in those cases where parental rights have been terminated at the district court. An expedited process would allow children to achieve permanency within the timelines established by federal law and by standards set by two important professional groups, the American Bar Association (ABA) and the National Council of Juvenile and Family Court Judges (NCJFCJ). Importantly, the proposed process would not disturb the timelines in current juvenile protection proceedings at the district court, thereby ensuring that termination decisions continue to be thoughtfully made by district court judges. The proposed process does not require statutory changes but would require appellate rule changes and minor administrative adjustments.

In the past four years, 2134 Minnesota children have come under state guardianship as a result of court terminations of parental rights (TPR). Upon the latest removal from home, a


Minnesota child will spend an average of 745 days in foster care before she is discharged to adoption. Long periods of time in foster care contravene federal mandates and have detrimental effects on a child’s development. A recent study from Chapin Hall, a policy research center at the University of Chicago, followed 732 long-term foster care children from the Midwest. The study interviewed the participants at ages nineteen, twenty-one, twenty-three or twenty-four, and twenty-six. The results were not encouraging. By age twenty-four less than half were employed and only six percent had two- or four-year degrees. Nearly sixty percent of the males had been convicted of a crime and almost a quarter of them were homeless at some point after leaving foster care.

In addition to the adverse socioeconomic effects of prolonged foster care on children, studies now show that prolonged foster care can permanently damage a child’s brain function. The

4. See DHS 2012 REPORT, supra note 3, § IV, at 19 (stating that in 2012, the median length of stay in foster care was 24.5 months).


8. Id.


11. See COURTNEY ET AL., supra note 7; Heldman, supra note 6, at 1010–12.

absence of a responsive relationship (normal parent-child relationship) activates the body’s stress response systems and triggers the release of cortisol.\textsuperscript{13} Frequent activation of cortisol can alter the function of a child’s brain\textsuperscript{14}:

![Extreme Neglect Diminishes Brain Power](image)

**Figure 1\textsuperscript{15}**


\textsuperscript{14}. Id. at 2–3 (“[L]ong-term elevations in cortisol levels can alter the function of a number of neural systems, and even change the architecture of regions in the brain that are essential for learning and memory.”).

Undergoing repeated stress response can cause “stress-related disorders affecting both mental (e.g., depression, anxiety disorders, alcoholism, drug abuse) and physical (e.g., cardiovascular disease, diabetes, stroke) health.”\textsuperscript{16} Furthermore, the longer the length of stay in foster care, the more likely it is that the child experiences multiple placement settings—effectively ensuring that no responsive relationships will be formed and, instead, only increasing the child’s stress responses.\textsuperscript{17} Indeed, the biological effects of being deprived of a responsive relationship are so detrimental that it has prompted one author to claim that “deprivation or neglect can cause more harm to a young child’s development than overt physical abuse.”\textsuperscript{18}

![Risk Factors for Adult Depression are Embedded in Adverse Childhood Experiences](image)

Figure 2\textsuperscript{19}


\textsuperscript{17} DHS 2012 REPORT, supra note 3, § II, at 16 (“[A]s children were in care longer, the likelihood that they experienced multiple placement settings increased. For children who were in care for 12 or fewer months, the vast majority lived in only one or two different homes or facilities (87 percent). Children in care for two years or more were more likely to move multiple times.”).

\textsuperscript{18} Working Paper 12, supra note 12, at 2.

\textsuperscript{19} Nat’l Scientific Council on the Developing Child, supra note 15 (demonstrating a correlation between stress-inducing adverse childhood experiences).
As the latest research demonstrates, reducing the amount of time to permanency is an urgent consideration for government officials charged with the care and well-being of Minnesota children involuntarily removed from their family homes. The courts should adopt procedures, informed by the most recent child welfare research, that seek to reduce as much as possible the amount of time spent in foster care. One strategy for reducing the amount of time that children spend in foster care is to consider reducing the long time period for the appeal of child protection cases.

I. FEDERAL PERMANENCY TIMELINES

The 1980 version of the Adoption and Safe Families Act (“Act”) was updated by Congress in 1997 by the addition of fixed timelines for permanency proceedings. The Act required states to initiate court proceedings to free a child for adoption once the child had been waiting in foster care for fifteen of the previous twenty-two months, with some exceptions.

The federal timeline in cases where reunification efforts are underway requires a permanency hearing at twelve months from the child being placed out of the home, the filing of a TPR petition by fifteen months, and a termination hearing as soon as possible. In cases where a judicial officer determines that reasonable efforts of reunification will not be made, the permanency hearing is to occur within thirty days and the TPR petition should be filed as soon as possible, especially when adoption is the goal for the child.

experiences and the risk of heart disease later in life).

20. Meeting federal timelines is also an important source of federal funding. For example, see 42 U.S.C. § 679b (2006 & Supp. 2011) for a discussion of “adoption incentive payments.”
24. Id. § 671(a)(15)(E)(i)–(ii).
The purpose of the timelines in the Act is rational and clearly articulated: reduce the time that children spend in foster care. This purpose is reinforced by the regulations adopted by the Children’s Bureau, the agency that conducts Federal Child and Family Services Reviews (CFSR), which mandates adoptions to be finalized within twenty-four months (730 days) of the child’s removal from home.

II. FEDERAL AND STATE COMPLIANCE (THE REALITY)

To date, the Act has helped the cause of child welfare by significantly reducing the number of children in Minnesota who languish in foster care without hope of finding a permanent home. This was accomplished by changes that were made to key procedural requirements at the trial court level. In addition, state agencies are encouraged to move quickly by being provided incentive payments for successful adoptions and technical assistance in the adoption process. Again, it is important to remember that the Act changes applied primarily at the trial level.

Minnesota is largely in compliance with the federal timelines for the trial court process. Briefly, a juvenile protection proceeding, also known as a CHIPS proceeding, is a collaborative process between a number of stakeholders, including the court, parents, lawyers, social workers, and guardians ad litem. At the district court level, the goal is to aggressively work with parents and create a plan for reunification. After the parents attend an admit/deny hearing, a case plan is worked up detailing the responsibilities of each parent.

25. See id. § 671(a)(15)(C); Susan C. Wawrose, “Can We Go Home Now?": Expeiding Adoption and Termination of Parental Rights Appeals in Ohio State Courts, 4 J. APP. PRAC. & PROCESS 257, 260 (2002) (“Congress enacted [the Act] in order to reduce the number of children in foster care by doubling the number of adoptions, measured annually, by 2002.”).

26. Rules Committee Report, supra note 5, at 6-7 (detailing how Minnesota is falling behind the Federal Child and Family Services Review mandating that adoptions be finalized within twenty-four months of removal).

27. Wawrose, supra note 25, at 260.

28. See 42 U.S.C. § 673b(d)(1) (providing that states receive $4000 for each foster child adopted beyond a base number of foster-child adoptions established for that state); see also Marsh, supra note 22, at § 17.05[1] (discussing state adoptive incentive payments).

The case plan acts as a roadmap to the child’s timely and safe return home with the main components being:

1. Identification of safety risks to the child (e.g., the underlying issues that caused the CHIPS case to be filed for this child);
2. Tasks related to the safety issues that the parents must complete (e.g., parent education, anger management, psychological evaluation, etc.);
3. Behavioral changes the parents must demonstrate and sustain (e.g., appropriate discipline methods, safety plans if the parents know they are going to relapse, etc.); and
4. The efforts the agency must make to help the parents meet the goals of the case plan (e.g., arranging for visitation, arranging for transportation, etc.).

To comply with the federal standard, a review hearing is held after six months in order to evaluate the parents’ progress on the case plan. At that hearing the judge can direct the county to file a permanency petition if the parents are not complying with the case plan, or the judge can reward the parents’ efforts with a six-month continuance during which the parents return to court every ninety days. Again, the process at this point is designed to be much more collaborative than punitive. The county is required to file a permanency petition after eleven months and the length of the entire CHIPS proceeding is capped at 365 days.

The authors recommend that the rules for Minnesota’s CHIPS proceedings remain unchanged. The proceedings provide an opportunity for parents to make behavioral changes in the home and regain custody of the child. The burden is appropriately placed on the county to expend reasonable efforts at family reunification. Importantly, the CHIPS proceeding is a collaborative process aimed at working with parents in order to find the best solution for the child. If a parent is able to demonstrate that real change has

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31. See MINN. STAT. § 260C.212.
32. Id. § 260C.204(a). Under the Act, federal law requires a review hearing to be held within twelve months from the date of removal. 42 U.S.C. § 675(5)(c). Minnesota’s six-month requirement ensures that this standard is met.
33. See MINN. STAT. § 260C.204(c).
34. Id. § 260C.505(a).
taken place, then the court should not hesitate in awarding reunification. The current process provides parents a fair opportunity to make such a demonstration.

Further shortening the CHIPS timeline may place an unfair burden on parents to accomplish their case plan. The current timeline allows parents six months to show the court they are making progress on their case plan. At that point, the judge can either direct the county to file a permanency petition or extend the case for another six months and give parents further opportunity to make progress on the case plan. This flexibility is crucial to ensure that the CHIPS proceeding remains a collaborative process. In the interest of preserving that flexibility, it is the authors’ opinion that the timelines of the CHIPS proceeding should remain untouched. Reducing the length of time to permanency must be accomplished in other ways.

III. APPEALS CONTRIBUTE TO DELAY IN LENGTH OF TIME TO PERMANENCY

In the interest of reducing the length of time to permanency, the Minnesota Supreme Court Juvenile Protection Rules Committee recommended appellate rule changes in 2008. The 2008 amendments reduced the decision-making time for TPR cases in both the Minnesota Court of Appeals and the Minnesota Supreme Court. The maximum time from conclusion of a TPR trial to issuance of a court of appeals decision was reduced from 337 to 255 days, while the maximum time from TPR trial to a Minnesota Supreme Court decision went from 522 to 425 days. Despite the 2008 rule changes, Minnesota still lags behind the nationally recommended best practices. One obvious reason is Minnesota’s lengthy appellate process.

The American Bar Association (ABA) and National Council of Juvenile and Family Court Judges (NCJFCJ) have set forth appellate standards that balance the state’s interests in timely permanency for children with the parents’ interests in the care and custody of

35. See generally RULES COMMITTEE REPORT, supra note 5 (recommending changes at both the trial court and appellate court level).
36. Id. at 8.
37. Id.
38. Id. app. B at 105 (illustrating the NCJFCJ standard as 215 days, the ABA standard as 240 days, and the amended Minnesota standard as 290 days).
their children. The ABA recommends that the total appellate process take a maximum of 240 days, while the NCJFCJ recommends the process take a maximum of 215 days.\textsuperscript{39} Bear in mind that these are recommendations for the time it takes from a conclusion of a TPR trial to issuance of the final appellate decision. While these best practices timelines set aside 215–240 days for the entire appellate procedure, Minnesota’s current appellate timeline sets aside 255 days just for the intermediate appellate decision with the final appellate decision being made within 425 days.\textsuperscript{40}

In 2007, the Children’s Bureau of the Federal Administration for Children and Families conducted a CFSR in Minnesota. Following a review of Minnesota juvenile protection cases from April 2006 to September 2007, a final report was issued detailing areas of “strength” and “areas needing improvement.”\textsuperscript{41} The timeliness of Minnesota’s adoptions was specifically identified as an “area needing improvement.”\textsuperscript{42} The report stated:

[D]iligent efforts were made [by DHS] to achieve adoptions in a timely manner in 43 percent of the cases. This percentage is less than the 90 percent or higher required for a rating of Strength. In the State’s 2001 CFSR, this item was also rated as an [area needing improvement].\textsuperscript{43}

The report further cites the appellate process as a contributing factor in Minnesota’s delay:

[A]lthough the State has a process in place for filing termination of parental rights (TPR) for children who have been in foster care, in both the Statewide Assessment and the on-site review, concerns were identified with timely filing or achievement of TPR. These delays were attributed for the most part to court practices, such as delays in scheduling, continuances, appeals, and problems with establishing paternity.\textsuperscript{44}

As a result of the CFSR, Minnesota’s Department of Human Services was required to develop a Program Improvement Plan to

\textsuperscript{39.} Id.
\textsuperscript{40.} Id. at 8.
\textsuperscript{42.} Id.
\textsuperscript{43.} Id.
\textsuperscript{44.} RULES COMMITTEE REPORT, supra note 5, app. D at 111; see U.S. DEP’T OF HEALTH & HUMAN SERVS., supra note 41, at 5.
address the areas of concern. Failure to timely achieve the targets in the Improvement Plan could result in a financial penalty to the state of up to $9.2 million.  

IV. RECOMMENDATION

Under the current Minnesota practice, a final appellate decision is not completed until 425 days after the conclusion of the trial, twice as long as the timeline recommendation of the ABA of 210 days. The most obvious barrier to a much more timely appellate process is the existing two-level appeal system. The authors suggest that Minnesota come into conformity with the appellate timeline recommendations of the ABA and implement procedural and administrative changes by adopting a one-step appeal process. Under this proposal, a final appellate decision could be achieved within 210 days of the conclusion of the TPR trial.

In those cases where the district court has terminated parental rights, the Minnesota Supreme Court could grant immediate review on appeal and decide the appeal within 210 days. The court has statutory authority to grant accelerated review of any case pending before the court of appeals, so long as the case is of “such imperative public importance as to justify the deviation from normal appellate processes and to require immediate settlement in the supreme court.” The livelihood of the removed children in these situations should certainly be of “imperative public importance,” as the damaging effects of prolonged out-of-home care have been well documented. Importantly, the statutory mandate requires more timely appellate decision-making than Minnesota now delivers. Unlike the district court proceedings where the existing timelines are appropriate to allow the case plans to be developed and implemented, and to develop new facts, an appellate process is designed to simply review the correctness of the district court’s termination order.

In those cases where the supreme court is satisfied that the court of appeals is in the best position to decide the issues, the supreme court could allow the court of appeals to render a final decision. This change would not require significant rule or

45. RULES COMMITTEE REPORT, supra note 5, app. D at 110.
46. MINN. STAT. § 480A.10, subdiv. 2 (2012).
47. See Heldman, supra note 6, at 1010–11.
statutory changes as it is within the supreme court’s existing authority to take direct review of any case on appeal. While a one-step appellate process would require a change in appellate procedures, it would be well within the supreme court’s existing authority under Minnesota Statutes section 480A.10 and would have the welcome effect of cutting by half the length of the final decision on appeal.

Minnesota would potentially be a frontrunner in implementing a one-step appellate process, but a number of jurisdictions have already moved toward a more expedited appellate procedure in TPR cases. Recognizing the need for quicker resolution, Iowa implemented rule changes in 2002 for expediting TPR appeals. The main procedural change required counsel to submit fill-in-the-blank petitions aimed at raising issues, as opposed to lengthy briefs aimed at arguing issues. Ultimately, Iowa’s expedited appellate procedure reduced the time from juvenile court dispositional order to finalized appeal to about ninety days. While the 2002 amendments incorporated a number of specific changes, Iowa’s time standards were specifically designed to mirror the NCJFCJ best practices timelines. Iowa’s solution may differ from the one-step procedure proposed in this article; however, their judicial system should be commended for recognizing the pressing need for change and taking action to fix the problem.

48. Excluding those state jurisdictions without an intermediate appellate court.
50. Gayle Nelson Vogel, Expediting Dependency Appeals, 26 Child L. Prac. 139, 140 (2007). On July 1, 2003, Iowa expanded these rule changes to include all juvenile court dependency cases. Id.
51. Id. at 139.
52. Id.
53. See id. for a step-by-step layout of how Iowa’s expedited system works.
54. Id. at 139 n.1; see also NCJFCJ, supra note 1, at 40 (outlining the NCJFCJ’s proposed appellate timelines).
55. In re A.C., 415 N.W.2d 609, 615 (Iowa 1987) (stating that delaying resolution of termination cases is “decidedly antagonistic to the children’s best interests”).
56. Vogel, supra note 49, at 141.
Adopting a system similar to the one-step solution proposed here, Idaho allows parties to petition the Idaho Supreme Court to accept a permissive appeal following a TPR. While the Idaho Supreme Court will not accept an appeal unless “the best interest of a child would be served,” Idaho’s permissive appeals procedure at the very least provides an avenue for quick resolution of TPR appeals. Although its system may not be perfect, Idaho’s permissive appeals provision is exemplary of a growing recognition of the need to quicken the appellate procedure in TPR cases.

As shown above, the need for expedited appeals in TPR cases has been established by the statutes and by best practices standards. But states have been slow to act. Implementing a one-step appellate process would put Minnesota at the forefront in effecting change. It would provide other jurisdictions with a novel solution to a well-recognized problem.

The expedited appellate procedure has served Iowa’s children and families well. In a climate of increasing juvenile caseloads and limited resources, the expedited process also has many side benefits. It allows juvenile court judges to close case files sooner, eliminating interim review hearings. It reduces social workers’ courtroom time, cases their reporting and allows them to also close their case files much sooner. It saves attorney time, and often witness time, in preparing for and participating in additional hearings. However, the primary benefit of the expedited appellate process is what the task force set out to accomplish—more timely permanency for children and families.

Id.

57. IDAHO APP. R. 12.1; see, e.g., Dep’t of Health & Welfare v. Doe, 209 P.3d 654, 655 (Idaho 2009); see also IDAHO APP. R. 12.2 (providing for expedited review).

58. See IDAHO APP. R. 12.1.

59. For example, extensive delays may still occur if neither party decides to pursue a permissive appeal. See, e.g., Elizabeth Brandt, Cautions Tales of Adoption: Addressing the Litigation Crisis at the Moment of Adoption, 4 WHITTIER J. CHILD & FAM. ADVOC. 187, 195 n.53 (2005) (discussing Roe Family Servs. v. Doe, 88 P.3d 749 (Idaho 2004), in which neither party appeared to take advantage of the permissive appeal provision and the final decision was pending for nineteen months).

60. Id. (“Many states adopted provisions such as Idaho’s as a partial response to the delay documented in cases such as the Baby Jessica case.”).
V. Obstacles to a One-Step Appellate Process?

A. Due Process

In *Santosky v. Kramer*,61 the Supreme Court of the United States held that state intervention to terminate parental rights “must be accomplished by procedures meeting the requisites of the Due Process Clause.”62 Further, the extent of due process that must be afforded the recipient is “influenced by the extent to which he may be ‘condemned to suffer grievous loss.’”63 The termination of parental rights is no doubt a grievous loss to parents, in that it legally ends their relationship with a child or children. Thus, the implementation of a truly expedited appeals process must satisfy due process.64 In child protection matters, the best interests of the child are paramount, and as such are a compelling governmental interest. When it is determined that parents are unfit to be party to a parent-child relationship, the TPR is necessary to protect the best interests of the child. Similarly, an expedited process is in the best interests of the child in that it provides permanency sooner.

While it is clear that trial court proceedings necessitate a due process analysis, the institution of an expedited appeals process also raises questions of due process. In short, would implementation of an expedited appeals timeline threaten due process? The short answer is no; it would not. “An essential principle of due process is that a deprivation of life, liberty, or property ‘be preceded by notice and opportunity for hearing

62. *Id.* at 753 (quoting *Lassiter v. Dep’t of Soc. Servs.*, 452 U.S. 18, 37 (1981) (Blackmun, J., dissenting)).
63. *Id.* at 758 (quoting *Goldberg v. Kelly*, 397 U.S. 254, 262–63 (1970)).
64. A due process analysis begins with a determination of whether or not the right at issue is a fundamental right. In *Troxel v. Granville*, 530 U.S. 57, 60 (2000), the United States Supreme Court recognized “the fundamental right of parents to rear their children.” *See also Santosky*, 455 U.S. at 745; *Prince v. Massachusetts*, 321 U.S. 158, 164 (1944); *Meyer v. Nebraska*, 262 U.S. 390, 399 (1928); *Pierce v. Soc’y of Sisters*, 268 U.S. 510, 534–35 (1925). The second step of the analysis asks whether the government has infringed that right. It is clear that where the government has terminated parental rights, it has directly and substantially interfered with that parent’s rights. Because the right to parent is fundamental, the infringement receives strict scrutiny and in order to pass constitutional muster, there must be a compelling governmental purpose in enacting the law. *Washington v. Glucksberg*, 521 U.S. 702, 720–21 (1997). Finally, the means chosen must be necessary to achieve the government’s compelling purpose. *Id.* at 721.
appropriate to the nature of the case. As a matter of practicality, parents being deprived of their parental rights have already received notice and a hearing on the matter. As party to that trial court proceeding, all parties can anticipate an appeal. Timely filing and proper service of an appeal, in no matter how short a time, necessarily satisfies due process, for “[t]he essential requirements of due process, and all that respondents seek . . . are notice and an opportunity to respond.”

Compliance with due process in expedited appeals is also assured by the appointment of counsel for the parents. While TPR matters are not criminal matters governed by the Sixth Amendment’s right to the assistance of counsel, the Supreme Court has stated “the appointment of counsel for indigent parents in termination proceedings [is] to be answered in the first instance by the trial court, subject, of course, to appellate review.” Further, the Lassiter Court argued that appointment would be due when warranted by the type, character, and difficulty of the case. Recognizing the challenge of an appeal to a TPR proceeding, wherein a parent’s rights may be reinstated or the termination affirmed, due process necessitates the appointment of counsel for indigent parents.

B. Equal Protection

Shortening the appeals process may lead to challenges based on the Equal Protection Clause. Such a challenge would argue that the expedited system subjects a parent to a shortened appellate system, while the appellants of other criminal and civil cases do not face the same accelerated procedure. Ultimately, as was the case with potential due process concerns, these challenges are unfounded.

The Supreme Court of Iowa, having implemented a procedure similar to the one proposed here, has already upheld the

66. Id. at 546. The State’s attorney could, and arguably should, make note of the expedited appeals process that may be commenced following a termination finding on the record during the termination proceeding.
69. See IOWA R. APP. P. 201–205.
The plaintiff in *In re C.M.* was a mother who argued that an equal protection violation existed because "permit[ting] the victim of a broken contract to fully participate in an appeal . . . while prohibiting a mother seeking to preserve her right to be a part of her child’s life from doing the same is not a logical nor legitimate distinction and serves no legitimate state purpose." While the court discussed what standard of scrutiny would apply, it ultimately determined that the point was moot because the appellate procedure would survive even if the more stringent strict scrutiny standard was required.

Accelerating the appeals of TPR cases is a narrowly tailored process that serves a compelling governmental interest. The state’s interest in ensuring proper care and treatment for children subjected to a termination proceeding is certainly a compelling interest. The very motivation behind the Act was aimed at emphasizing the need for obtaining a home for a child as soon as possible. Courts have recognized that lengthy delays of termination cases are “decidedly antagonistic to the children’s best interests.”

Additionally, a one-step appeals process would be narrowly tailored to the state’s compelling interest. The speedy resolution of appeals impacts the state’s ability to achieve permanency quickly while not compromising the reviewing court’s ability to evaluate whether termination is appropriate. While eliminating the intermediate stage certainly accelerates the appellate process, the

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70. See *In re C.M.*, 652 N.W.2d 204, 212 (Iowa 2002).
71. Id. at 209–10.
72. Id. at 210 (citations omitted).
   
   [A] rational basis standard would govern. That is because the right to appeal is not a fundamental right, nor even a constitutional right . . . . One could argue that the classification impacts a parent’s fundamental right to the care, custody, and control of his or her child. . . . We find it unnecessary to decide which level of scrutiny applies, because even if the more stringent test is required, that test is met.

74. *In re A.C.*, 415 N.W.2d 609, 615 (Iowa 1987).
75. See supra Part III.
76. Under our proposed “one-step” process, this reviewing court would be the Minnesota Supreme Court.
appellant still receives a full and fair review from the Minnesota Supreme Court. Receiving an appeal at an intermediate stage should not be a prerequisite to satisfying the equal protection clause.\footnote{Holding otherwise would certainly have a profound impact on states that do not have an intermediate appellate stage.}

CONCLUSION

Minnesota’s current appellate process is simply too slow in dealing with TPR cases. A TPR appeal under the current procedure may take up to 425 days before a final decision is reached. If the district court proceedings take a full year to achieve a permanency order, then a child is facing a period of 790 days of foster care. While the CHIPS timeline should remain untouched, significant progress in reducing days in foster care could be made by adopting a one-step appellate procedure. By doing so, Minnesota could bring the current 425-day procedure closer to the 215- to 240-day best practices timeline recommended by the NCJFCJ and the ABA. The groundwork for such a strategy has already been laid by a number of other states and Minnesota now has an opportunity to be a national leader in reforms to reduce the time for an appeal. Children suffering the long-term effects of foster care need us to take this action now.