



MINNESOTA  
JUDICIAL BRANCH

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# 8<sup>th</sup> Judicial District CHIPS Specialization Pilot Evaluation

8<sup>th</sup> Judicial District

Court Services Division, State Court Administrator's Office

May 26, 2021

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- The Honorable Dwayne Knutsen, Chief Judge
- The Honorable Stephanie Beckman, Assistant Chief Judge
- The Honorable Jennifer Fischer
- The Honorable Rodney Hanson
- The Honorable Laurence Stratton
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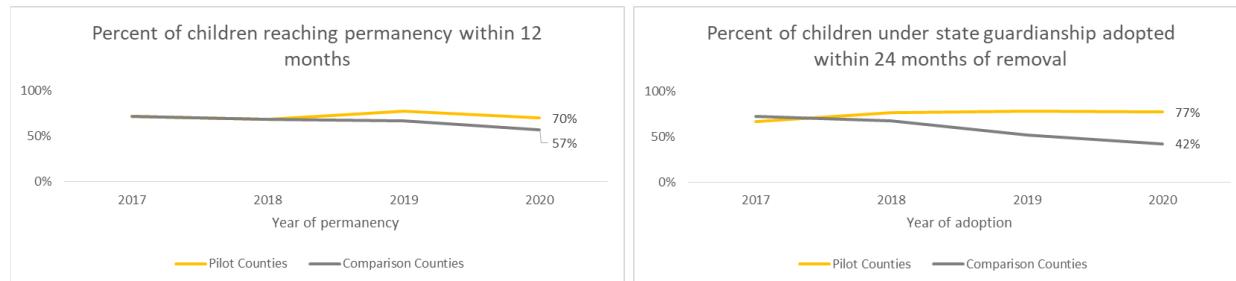
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### EXECUTIVE SUMMARY

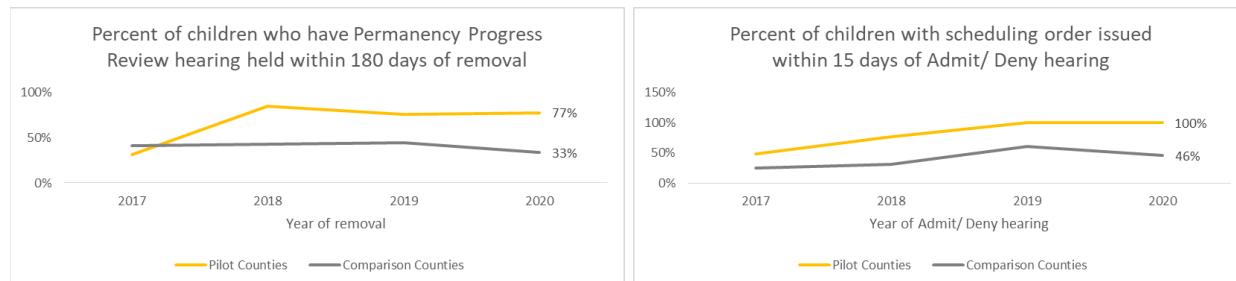
The 8<sup>th</sup> Judicial District CHIPS Specialization Pilot, implemented 2018 through 2020, involved both judicial and court staff specialization. Its goals were to improve time to permanency, ensure compliance with state and federal statutes and rules, and implement CHIPS proceedings best practices. This evaluation provides both a quantitative and qualitative review of its impact with respect to those goals.

Key findings include:

- Judicial Branch performance measures<sup>1</sup> appear to be positively impacted by specialization.



- The largest apparent impacts from this pilot are in measures of holding timely hearings and issuing timely orders after those hearings. The timely filing of stakeholder documents, over which the court has less influence, showed less positive change.



<sup>1</sup> See Judicial Branch Policy 505.1 Timing Objectives for Case Dispositions.

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- Feedback from participating judges, judicial staff, and court administration staff indicate greater confidence in handling these complex cases through specialization.

Key limitations with the specialization model include:

- Judges and judicial staff report emotional strain from working only on CHIPS cases. Pilot participants suggest moderating the specialization model to include part-time work in other case types.
- Feedback from both internal and external participants provides limited indications that the specialization model improves child outcomes. Process improvements are more apparent.

### **INTRODUCTION**

The 8<sup>th</sup> Judicial District CHIPS Specialization Pilot was a joint venture between the 8<sup>th</sup> Judicial District and the Children's Justice Initiative (CJI). The project's goals included:

- Improving time to permanency;
- Ensuring compliance with state and federal statutes and rules, including the timely filing and content of court orders; and
- Implementing best practices for the CHIPS judge and court administration staff to improve efficiencies and outcomes for children and families.

Specialization was expected to impact these goals through increased familiarity with the complex requirements of these cases. For judges and judicial staff, child protection cases require extensive knowledge of multiple federal and state statutes and rules. For court staff, these cases require extensive and precise recordkeeping in MNCIS. Specialization should allow both judges and staff to become more familiar with all requirements.

The pilot was initially scheduled for two years, from January 2018 through December 2019, and included one judge presiding over child protection and state ward adoption cases in five counties: Kandiyohi, Meeker, Renville, Swift, and Yellow Medicine. The two-year timeframe was based on the belief that this was the minimum necessary to achieve measurable performance. To gather more robust data, the pilot team decided to extend the pilot through calendar year 2020 and expand the scope by including a second judge and two additional counties: Chippewa and Lac qui Parle.

### **MEASURES**

These evaluation goal statements and measures were established at the beginning of the pilot planning process:

1. Performance measures, as stated in Judicial Branch Policy 505.1 Timing Objectives for Case Dispositions, will improve.
  - a. Length of Time to Permanency
  - b. Length of Time to Adoption
2. Key hearings will be held on time.
  - a. Emergency Protective Care (EPC) Hearing within 72 hours of removal
  - b. Admit/Deny on CHIPS petition within 10 days of EPC (unless an Indian child)
  - c. Intermediate Disposition Hearing at least every 90 days following adjudication
  - d. Permanency Progress Review Hearing within 180 days of removal
  - e. Admit/Deny on permanency petition within 365 days of removal
3. Stakeholder documents will be filed on time.
  - a. Out-of-home placement plan within 30 days of removal
  - b. Protective services case plan filed at time of petition if child is not removed
  - c. Guardian Ad Litem (GAL) and social worker reports to the court at least five days prior to hearing
  - d. Permanency petition within 335 days of removal
4. Court orders will be filed on time.
  - a. Scheduling order within 15 days of CHIPS Admit/Deny Hearing
  - b. Hearing orders within 15 days of hearing
  - c. Trial orders within 15 days of conclusion of last witness (unless extended for 15 days)

### **METHODOLOGY**

#### **TIMEFRAME**

For all measures, results from 2017 are provided as a pre-pilot baseline period. The pilot officially began in January 2018 and concluded December 2020.

Each measure has a lag period during which no results will be observed, ranging from virtually no lag period (for example, was the guardian ad litem report filed at least five days prior to a hearing) to lengthy lag periods (for example, was the permanency petition filed within 335 days of the child being out of home). The relevant lag period is discussed for each measure.

#### **PILOT COUNTIES**

The pilot counties (see Table 1) were selected by the 8<sup>th</sup> Judicial District to represent a full-time judicial caseload with minimized travel time for the judge involved. The pilot counties are clustered in the south and central portion of the district, and include the largest county in the district (Kandiyohi).

The pilot expanded to two participating judges in January 2020, when two additional counties were added.

**Table 1. Pilot counties**

| <b>2017 (Baseline)</b> | <b>2018</b>     | <b>2019</b>     | <b>2020</b>                          |
|------------------------|-----------------|-----------------|--------------------------------------|
| Kandiyohi              | Kandiyohi       | Kandiyohi       | Chippewa*                            |
| Meeker                 | Meeker          | Meeker          | Kandiyohi                            |
| Renville               | Renville        | Renville        | Lac qui Parle*                       |
| Swift                  | Swift           | Swift           | Meeker                               |
| Yellow Medicine        | Yellow Medicine | Yellow Medicine | Renville<br>Swift<br>Yellow Medicine |

\*Chippewa and Lac qui Parle are comparison counties in 2017, 2018, and 2019.

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### **COMPARISON COUNTIES**

The pilot counties were chosen as a practical administrative area rather than randomly assigned into the pilot. Therefore, this evaluation does not have an “apples to apples” control group against which the impact of this model can be measured.

Instead, this evaluation approximates the impact of the specialization model through comparison with a set of otherwise similar rural counties. Rural counties face unique challenges with child protection cases, which the pilot is designed to address. Many of these challenges stem from a low volume of child protection cases, leading to a lower level of familiarity with their associated requirements. The comparison group (see Table 2) consists of the 8<sup>th</sup> District counties not involved in the pilot as well as three 7<sup>th</sup> District counties selected based on their typical volume of CHIPS cases.

By observing outcomes in the pilot and comparison counties during the baseline year (2017) and through the pilot years (2018 to 2020), this evaluation identifies trends suggestive of the pilot’s impact. Pilot county performance which improves during the pilot project years is suggestive of a positive pilot impact. This could manifest as improved pilot county performance compared to stable comparison county performance or stable pilot county performance relative to declining comparison county performance. The latter is suggestive of a positive pilot impact in counteracting negative trends elsewhere in the region.

Quantitative results on these measures are paired with qualitative information to add context to data findings (see [\*Qualitative Results\*](#)).

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**Table 2. Comparison Counties**

| <b>2017 (Baseline)</b> | <b>2018</b>   | <b>2019</b>   | <b>2020</b> |
|------------------------|---------------|---------------|-------------|
| Benton*                | Benton*       | Benton*       | Benton*     |
| Big Stone              | Big Stone     | Big Stone     | Big Stone   |
| Chippewa               | Chippewa      | Chippewa      | Grant       |
| Grant                  | Grant         | Grant         | Morrison*   |
| Lac qui Parle          | Lac qui Parle | Lac qui Parle | Pope        |
| Morrison*              | Morrison*     | Morrison*     | Stevens     |
| Pope                   | Pope          | Pope          | Traverse    |
| Stevens                | Stevens       | Stevens       | Wadena*     |
| Traverse               | Traverse      | Traverse      | Wilkin      |
| Wadena*                | Wadena*       | Wadena*       |             |
| Wilkin                 | Wilkin        | Wilkin        |             |

\*Benton, Morrison, and Wadena are located in the 7<sup>th</sup> Judicial District.

Chippewa and Lac qui Parle counties are in a unique position of moving from the comparison to the pilot county group in 2020. Results for all measures were individually examined as to whether this change in the pilot county group composition was impacting 2020 results, with no impact found.

### **CUSTOM DATA REPORTS AND DATA QUALITY**

Results for most of the evaluation measures are pulled using custom data reports created for this evaluation. These reports use data fields in Minnesota Court Information System (MNCIS) to determine whether the measure is met in each instance. Importantly, these reports are not able to distinguish data quality problems from problems in actually meeting the measure. In other words, the results are only as good as the quality of data in MNCIS. The discussion of each measure notes which unique data elements are key to accuracy for that measure.

This evaluation does not include measures which have significant known data quality issues, most notably in recording attorney and guardian ad litem presence at Emergency Protective Care hearings. The State Court Administrator's Office is currently undertaking an effort to improve the quality of this data.

Specialization among court administration staff is expected to improve data quality (for example, using specific rather than generic MNCIS case events). Feedback from participating



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court staff support this hypothesis (see [\*Final feedback from court participants\*](#)), as do results from established data quality reports. For example, historical results are available back to July 2018 for a data quality report which lists cases where there has been a state ward for adoption judgment but no subsequent adoption case opened and no future hearing scheduled. From July 2018 to December 2020, the comparison counties had 356 data quality report errors, compared to just 76 in the pilot counties. As with all data quality reports, courts strive for zero data quality errors.

### **FILE REVIEW**

Custom data reports capture the majority of these measures. However, two measures required a file review process, because they could not be fully specified through data elements:

- Scheduling order within 15 days of CHIPS Admit/Deny Hearing
- Trial orders within 15 days of conclusion of last witness (unless extended for 15 days)

Due to resource constraints, staff reviewed a representative sample of files rather than all files in the evaluation timeframe for the scheduling order measure. For the trial order measure, staff reviewed all files rather than a sample.

### **QUALITATIVE DATA COLLECTION**

To supplement the analysis of quantitative data gathered from MNCIS, two surveys provide qualitative indications of the pilot's impact. A midpoint survey of justice partners involved in the pilot, including county attorneys, social workers, guardians ad litem, and attorneys, was conducted in mid-2019. Final internal feedback from judges, judicial staff, and court administration staff was gathered in late 2020. This qualitative information illustrates challenges and successes of implementation and is presented in the [\*Qualitative Results\*](#) section.

### **DEFINITIONS**

Specialization refers to the assignment of cases and case work such that judges and/or court administration staff focus on a certain type of work for a period of time.

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Throughout this evaluation, children rather than court cases are counted. This is to account for differences in local practice where separate petitions may be filed for siblings. For some measures, children may be counted more than once (such as once per hearing on their case). The discussion of each measure notes whether this is the case.

The phrases “removal from the home” and “removal from the care of the parent(s)” are equivalent and used interchangeably in this report. The latter phrase acknowledges families experiencing homelessness.

A child’s removal from the care of the parent(s) is captured in MNCIS through the entry of interim placements. Interim placements of foster care, group home, protective supervision with the non-custodial parent, and trial home visits are all considered out-of-home placements or removals for the purpose of counting out-of-home days. Interim placements on all child protection cases involving the child during the five years preceding the filing of the current petition are included in the child’s total out-of-home days.

Throughout the discussion of quantitative results, statistically significant results at a standard 95% confidence level are noted.

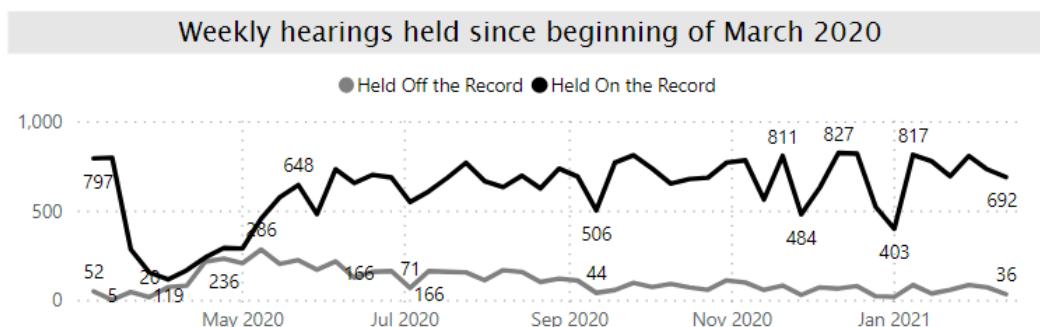
### **A NOTE ON COVID-19**

The COVID-19 pandemic significantly impacted court operations beginning in March 2020. Lower-priority matters were continued, and many higher priority matters went forward under new protocols using remote hearing technology to limit in-person activity in courthouses.

Statewide, the greatest impact on CHIPS and CHIPS – Permanency cases occurred within the first two months of the governor’s Emergency Executive Order 20-01 declaring a peacetime emergency. The volume of hearings for these cases occurring in April was only about 20 percent of the typical hearing volume. However, by the end of May, hearing volume returned to a typical level, as shown in the following chart from the Minnesota Judicial Branch Pandemic

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Response Dashboard for statewide CHIPS and CHIPS – Permanency cases:



Unlike other case areas, such as criminal, CHIPS, and CHIPS – Permanency cases never developed a significant caseload backlog due to the pandemic.

Given the relatively rapid adjustment to new protocols, the impact of the COVID-19 pandemic on the results in this evaluation are believed to be minimal. Importantly, the pandemic should equally impact both the pilot and comparison counties, highlighting the importance of looking at pilot county performance relative to performance in similarly situated counties.

### **QUANTITATIVE RESULTS**

#### **PERFORMANCE MEASURES WILL IMPROVE**

##### **Length of Time to Permanency**

Through Policy 505.1 Timing Objectives for Case Dispositions, the Minnesota Judicial Branch has adopted a statewide goal of 90% of children on CHIPS petitions reaching permanency within 12 months of removal from the home and 99% within 18 months.

Of all children reaching permanency in a year, this measure calculates the percent who were out of home for 12 months or fewer or 18 months or fewer, respectively. Because this measure is retrospective, the results for 2018 do not reflect the full impact of the pilot, as many of the steps along the path to permanency occurred before it began.

The definition of permanency used by the Minnesota Judicial Branch in this performance measure includes trial home visits and protective supervision with the custodial parent following removal from the care of the parent. Because these interim dispositions are included, children may reach permanency more than once during the life of their case. If so, they are included in these results only once per year.

These results suggest the pilot had small but positive impacts on this measure (see Table 3 and Figures 1 and 2). Pilot county performance towards the 18-month benchmark is statistically significantly improved in 2019 compared to 2017, although performance declines slightly the next year. Meanwhile, performance over this period towards the 18-month benchmark in the comparison counties is not significantly changed. In addition, pilot county performance toward the 12-month benchmark is statistically significantly better than in the comparison counties by 2020, suggesting that the pilot may be counteracting negative trends in performance in the region.

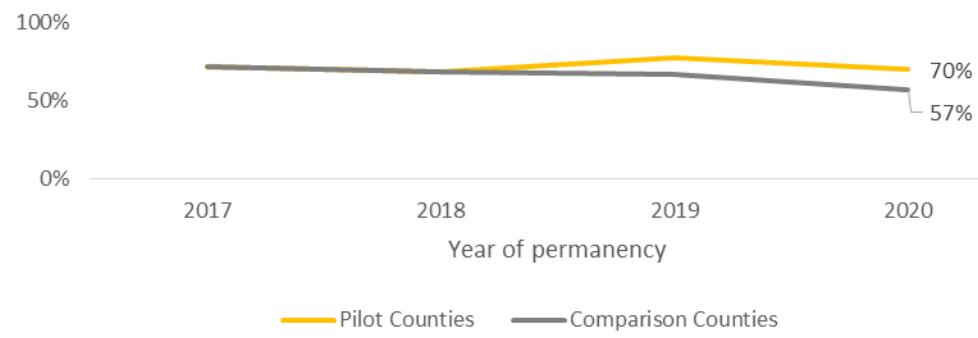
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**Table 3. Length of Time to Permanency, 2017 to 2020**

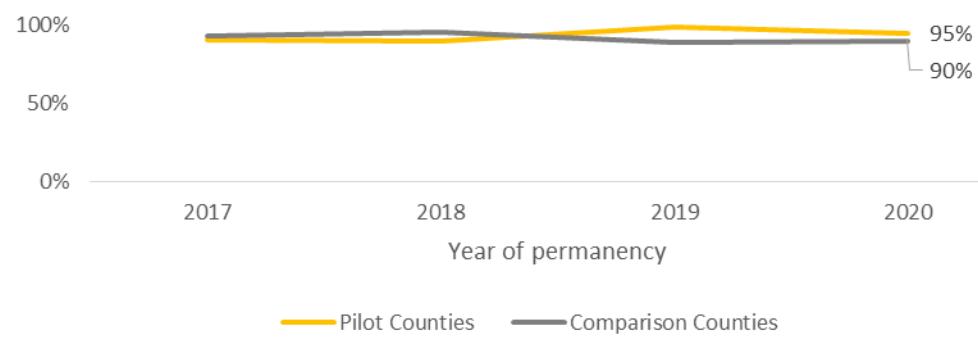
|  | 2017 | 2018 | 2019 | 2020 |
|--|------|------|------|------|
| <b>Pilot Counties</b>                                    |      |      |      |      |
| Number of children reaching permanency                   | 116  | 133  | 161  | 221  |
| Percent of children reaching permanency within 12 months | 72%  | 68%  | 78%  | 70%  |
| Percent of children reaching permanency within 18 months | 91%  | 89%  | 98%  | 95%  |
| <b>Comparison Counties</b>                               |      |      |      |      |
| Number of children reaching permanency                   | 172  | 164  | 215  | 167  |
| Percent of children reaching permanency within 12 months | 72%  | 69%  | 67%  | 57%  |
| Percent of children reaching permanency within 18 months | 93%  | 95%  | 88%  | 90%  |

*Source: Length of Time to Permanency Report*

**Figure 1. Percent of children reaching permanency within 12 months**



**Figure 2. Percent of children reaching permanency within 18 months**



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### **Length of Time to Adoption**

Through Policy 505.1 Timing Objectives for Case Dispositions, the Minnesota Judicial Branch has adopted a statewide goal of 60% of all children under state guardianship should have finalized adoptions within 24 months from removal from the care of the parent.

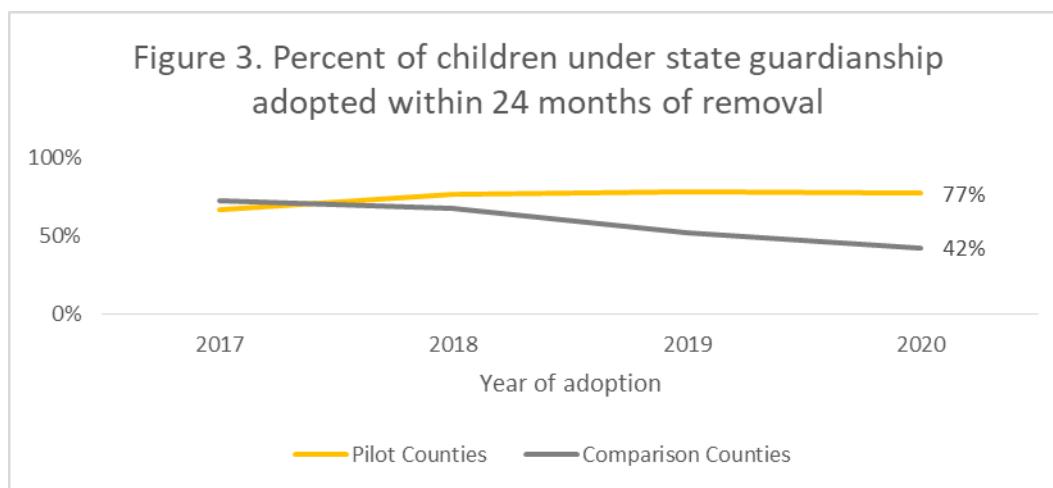
Of all children under state guardianship achieving a finalized adoption in a year, this measure calculates the percent who were out of home for 24 months or fewer. Because this measure is retrospective, the results for 2018 and 2019 do not reflect the full impact of the pilot, as many of the steps along the path to these adoptions occurred before the pilot began.

These results indicate that the pilot is positively impacting performance on this measure, with pilot county performance increasing by 10 percentage points in 2020 compared to 2017 (see Table 4 and Figure 3). Results in the comparison counties fall over this period, suggesting that the pilot may be counteracting negative timeliness trends elsewhere in the region. Pilot county performance in 2020 is statistically significantly higher than comparison county performance.

**Table 4. Length of Time to Adoption, 2017 to 2020**

|   | 2017 | 2018 | 2019 | 2020 |
|---|------|------|------|------|
| <b>Pilot Counties</b>                                   |      |      |      |      |
| Number of children adopted                              | 27   | 21   | 32   | 39   |
| Percent of children adopted within 24 months of removal | 67%  | 76%  | 78%  | 77%  |
| <b>Comparison Counties</b>                              |      |      |      |      |
| Number of children adopted                              | 58   | 49   | 56   | 38   |
| Percent of children adopted within 24 months of removal | 72%  | 67%  | 52%  | 42%  |

*Source: Length of Time to Adoption Report*



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### **KEY HEARINGS WILL BE HELD ON TIME**

#### **Emergency Protective Care (EPC) hearing within three days of removal**

An Emergency Protective Care (EPC) hearing must be held within three days of the child's emergency removal from the home, not including holidays and weekends.<sup>2</sup> This measure includes children in CHIPS cases that were initiated with an EPC hearing who have been out of the home for three or more days.

Because of a lack of data that distinguishes emergency removals from out-of-home placements which do not require an EPC hearing (such as voluntary placements), this measure examines only the timeliness of the EPC hearing, not whether an EPC hearing was held at all. These results rely on the accurate use of the EPC hearing code in MNCIS, as required in CAP 320.25 Juvenile Protection – Hearings, as well as accuracy in recording placements on the case, as required in CAP 320.15 Juvenile Protection – Placements.<sup>3</sup>

Performance on this measure in the pilot counties is already high in the baseline period (91% in 2017), but does increase eight percentage points by 2020, a statistically significant increase (see Table 5 and Figure 4). Performance in the comparison counties is high throughout this period (95% or greater each year).

**Table 5. Percent of children who have EPC hearing held within three days of removal**

|  | 2017 | 2018 | 2019 | 2020 |
|--|------|------|------|------|
| <b>Pilot Counties</b>  |      |      |      |      |
| Number of children with initiating EPC hearing                       | 91   | 94   | 141  | 175  |
| Of those, percent with EPC hearing held within three days of removal | 91%  | 100% | 96%  | 99%  |
| <b>Comparison Counties</b>   |      |      |      |      |
| Number of children with initiating EPC hearing                       | 141  | 136  | 149  | 91   |
| Of those, percent with EPC hearing held within three days of removal | 96%  | 100% | 95%  | 97%  |

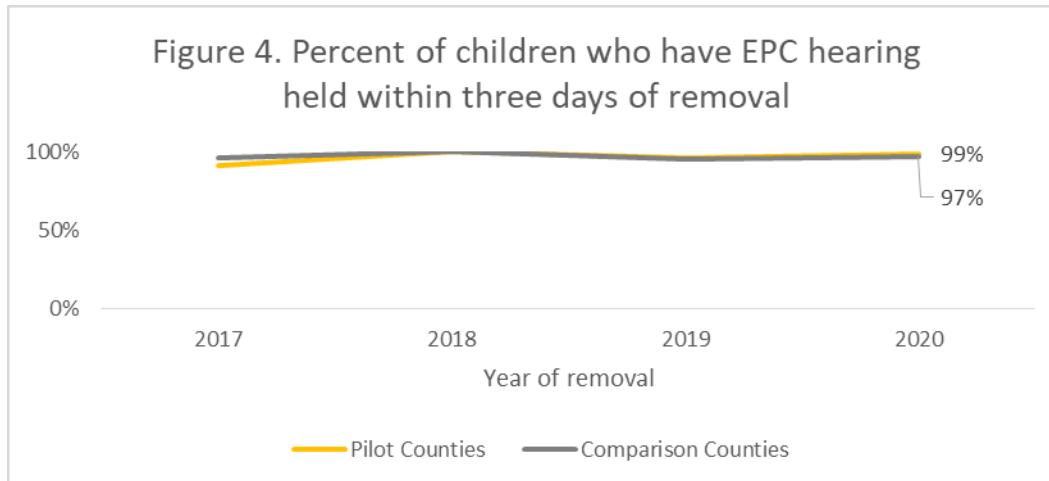
*Source: MNCIS data*

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<sup>2</sup> See Minn. Stat. §260C.178 subd. 1.

<sup>3</sup> Court Administration Processes (CAPs) provide direction for court administration staff in recordkeeping in MNCIS.

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### Admit/Deny on CHIPS petition within 10 days of EPC

An Admit/Deny hearing must be held within 10 business days of the EPC hearing.<sup>4</sup> These two hearings may also be combined into a single hearing. Whether the Admit/Deny occurs at the EPC hearing or at a separate Admit/Deny hearing, Admit and/or Deny events for each parent are recorded on the case, as required in CAP 320.25 Juvenile Protection – Hearings. These results depend on the use of either the Admit/Deny hearing code or the Admit and/or Deny events.

All children in CHIPS cases initiated with an EPC hearing are included in this measure. Due to a lack of data, these results cannot account for any timeline extension requested if the Indian Child Welfare Act (ICWA) applies in the case. Therefore, ICWA cases are not included in these results. Cases dismissed or transferred to another county are also not included in this measure.

The pilot counties show a high level of success on this measure from the baseline period (94% in 2017), although performance drops 10 percentage points in 2019 before increasing to 98% in 2020 (see Table 6 and Figure 5). Comparison counties show a high level of success in the period 2017 to 2019, with declining success in 2020. Pilot county performance in 2020 is statistically significantly higher than in the comparison counties.

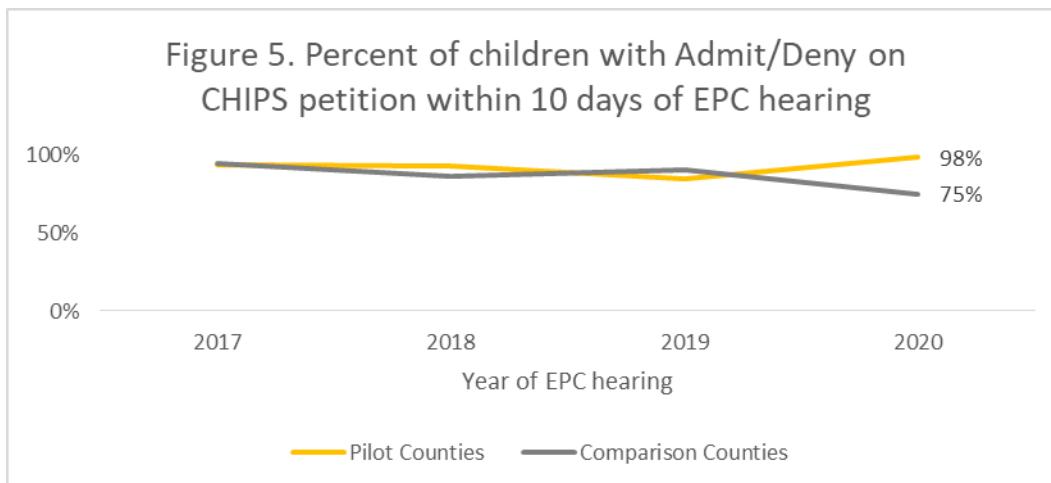
<sup>4</sup> See Minnesota Rules of Juvenile Protection Procedure (RJPP) 46.02 subd. 1

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**Table 6. Percent of children with Admit/Deny on CHIPS petition within 10 business days of EPC hearing**

|   | 2017 | 2018 | 2019 | 2020 |
|---|------|------|------|------|
| <b>Pilot Counties</b>                                     |      |      |      |      |
| Number of children with initiating EPC hearing            | 81   | 93   | 138  | 164  |
| Of those, percent with Admit/Deny within 10 business days | 94%  | 92%  | 84%  | 98%  |
| <b>Comparison Counties</b>                                |      |      |      |      |
| Number of children with initiating EPC hearing            | 132  | 134  | 147  | 87   |
| Of those, percent with Admit/Deny within 10 business days | 94%  | 86%  | 90%  | 75%  |

Source: MNCIS data



### Intermediate disposition hearing at least every 90 days following adjudication

Intermediate disposition hearings (IDH) must occur at least every 90 calendar days following the child's adjudication.<sup>5</sup> These results show whether an IDH occurred within the first 90 calendar days following adjudication.

All children adjudicated in need of protection or services, as indicated by the Adjudicated event in MNCIS, are included in this measure. Entry of the Adjudicated event is required in CAP 320.25 Juvenile Protection – Hearings. Cases dismissed or transferred to another county are not included in this measure. These results depend on the use of the specific IDH hearing code in

<sup>5</sup> See RJPP 51.03



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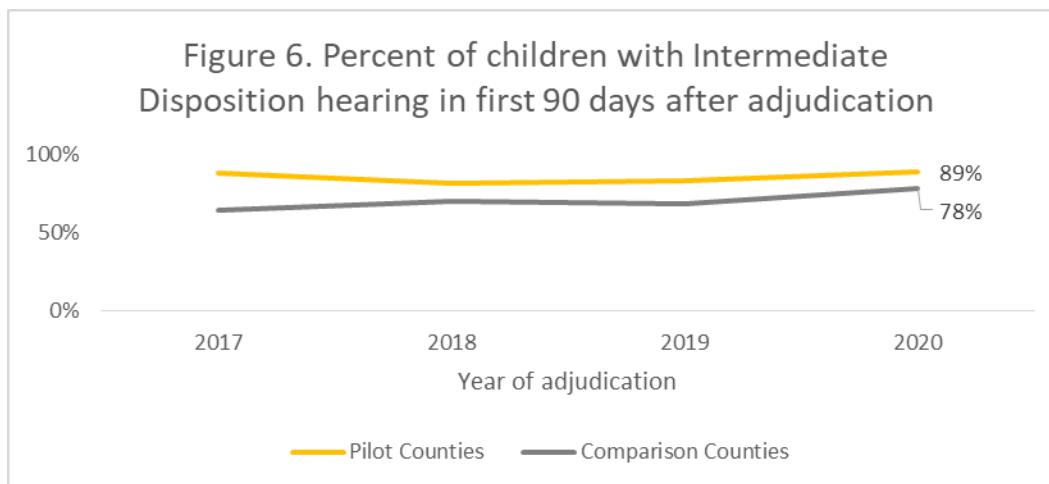
MNCIS. Because of the 90-day lag in this measure, data for 2020 only includes children adjudicated through October of that year.

The pilot counties perform highly on this measure back to the baseline period (2017), seeing little change in the performance through the pilot period (see Table 7 and Figure 6). Performance in the comparison counties changes little until an increase in 2020.

**Table 7. Percent of children with Intermediate Disposition hearing in first 90 days after adjudication**

|   | <b>2017</b> | <b>2018</b> | <b>2019</b> | <b>2020</b> |
|---|-------------|-------------|-------------|-------------|
| <b>Pilot Counties</b>                       |             |             |             |             |
| Number of children adjudicated              | 103         | 166         | 160         | 200         |
| Of those, percent with IDH in first 90 days | 85%         | 80%         | 83%         | 89%         |
| <b>Comparison Counties</b>                  |             |             |             |             |
| Number of children adjudicated              | 187         | 175         | 197         | 78          |
| Of those, percent with IDH in first 90 days | 65%         | 69%         | 69%         | 78%         |

*Source: MNCIS data*



### **Permanency Progress Review Hearing within 180 days of removal**

Children who are removed from home must have a Permanency Progress Review (PPR) Hearing within 180 out-of-home days of removal.<sup>6</sup>

<sup>6</sup> See Minn. Stat. §260C.204.

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The number of days spent out of home includes any out-of-home placements on any prior child protection petitions, if the prior petition was filed within five years of the current CHIPS petition. Days spent in a trial home visit, in addition to foster care placements and protective supervision with the non-custodial parent, count toward the child's out-of-home days.

These results exclude pending cases, defined as children out of home for fewer than 180 days. These results depend on the use of the specific PPR hearing code in MNCIS, as required in CAP 320.25 Juvenile Protection – Hearings, as well as accuracy in recording placements on the case, as required in CAP 320.15 Juvenile Protection – Placements.

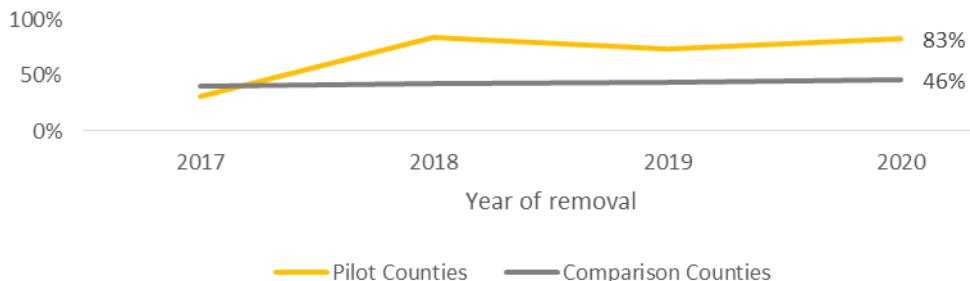
The pilot counties show strong improvement on this measure, more than doubling their success rate compared to the baseline period (32% in 2017), a statistically significant increase (see Table 8 and Figure 7). Performance in the comparison counties shows little change over this period.

**Table 8. Percent of children who have PPR Hearing held within 180 days of removal**

|  | 2017 | 2018 | 2019 | 2020 |
|--|------|------|------|------|
| <b>Pilot Counties</b>  |      |      |      |      |
| Number of children out of home for 180 days or more                | 82   | 88   | 126  | 117  |
| Of those, percent with PPR Hearing held within 180 days of removal | 32%  | 84%  | 75%  | 83%  |
| <b>Comparison Counties</b>   |      |      |      |      |
| Number of children out of home for 180 days or more                | 130  | 127  | 127  | 61   |
| Of those, percent with PPR Hearing held within 180 days of removal | 40%  | 43%  | 44%  | 46%  |

*Source: MNCIS data*

**Figure 7. Percent of children who have Permanency Progress Review Hearing held within 180 days of removal**



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### **Admit/Deny on permanency petition within 365 days of removal**

Children who are removed from home must have an Admit/Deny hearing (ADH) on a permanency petition within 365 out-of-home days of removal.<sup>7</sup> All children in a CHIPS or CHIPS – Permanency case who have been out of home for more than 365 days are included in this measure.

Days spent in a trial home visit, in addition to foster care placements and protective supervision with the non-custodial parent, count toward the child's out-of-home days. The number of days spent out of home includes any out-of-home placements on any prior child protection petitions filed within five years of the current CHIPS petition. These results exclude pending cases, defined as children out of home for fewer than 365 days. Due to this lengthy lag time, results for children removed in 2020 are not yet available.

Exceptions to the timeline when a child has spent 365 days or more on a prior CHIPS petition are accounted for in these results through a manual file review. These results depend on the use of the Admit/Deny hearing code and Admit and Deny event codes in MNCIS as required in CAP 320.25 Juvenile Protection – Hearings, as well as accuracy in recording placements on the case as required in CAP 320.15 Juvenile Protection – Placements.

These results show improved performance among the pilot counties, increasing the success rate by nine percentage points in 2019 compared to 2017 (see Table 9 and Figure 8). Based on an informal file review of a sample of cases not meeting this measure, many cases fail this measure because a permanency petition was not filed on time. See also, [Permanency petition within 335 days of removal.](#)

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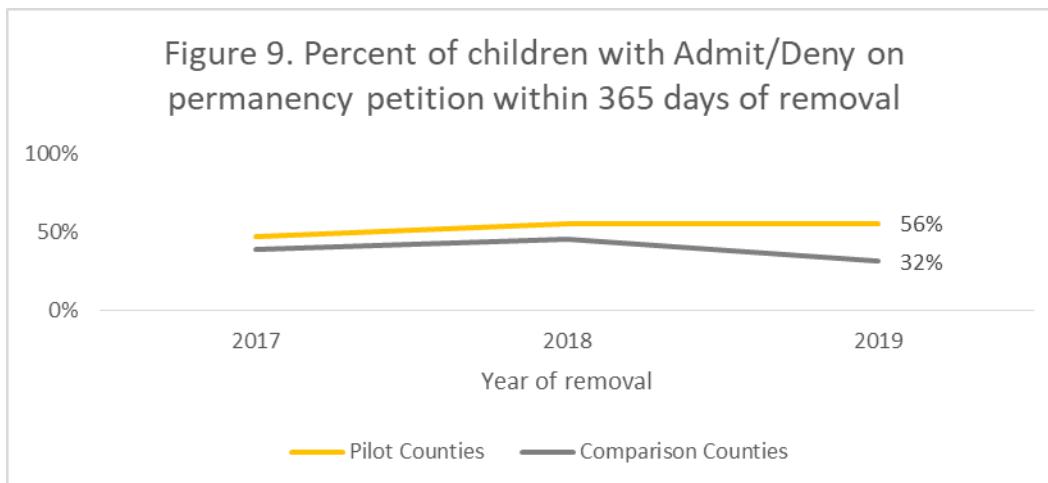
<sup>7</sup> See Minn. Stat. §260C.507.

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**Table 9. Percent of children with Admit/Deny on permanency petition within 365 days of removal**

|   | 2017 | 2018 | 2019 |
|---|------|------|------|
| <b>Pilot Counties</b>   |      |      |      |
| Number of children out of home for 365 days or more                                 | 59   | 52   | 72   |
| Of those, percent with Admit/Deny on permanency petition within 365 days of removal | 47%  | 56%  | 56%  |
| <b>Comparison Counties</b>  |      |      |      |
| Number of children out of home for 365 days or more                                 | 75   | 55   | 76   |
| Of those, percent with Admit/Deny on permanency petition within 365 days of removal | 39%  | 45%  | 32%  |

Source: MNCIS data and file review



### STAKEHOLDER DOCUMENTS WILL BE FILED ON TIME

#### Out-of-home placement plan within 30 days of removal

The social services agency involved in the case is required to file an out-of-home placement plan within 30 out-of-home days of the child's removal.<sup>8</sup> Placement plans are identified through the "Case Plan - Out of Home Placement - CHIPS" event code in MNCIS, which these results depend upon, in addition to accurate recording of placement information as required in CAP 320.15 Juvenile Protection – Placements.

<sup>8</sup> See RJPP 26.02 subd. 2.

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The number of days spent out of home includes any out-of-home placements on any prior CHIPS petition, if that petition was filed within five years of the current CHIPS petition. Although children may be removed more than once during the life of their case, children appear in these results only once, for their first removal. These results exclude pending cases, defined as children out of home for fewer than 30 days. These results measure only timeliness, rather than whether a case plan is filed at all.

Performance in the pilot counties remains low (32% or lower) throughout the pilot period, and 2020 performance (11%) is lower than in the baseline period (18% in 2017, see Table 10 and Figure 9). Performance in the comparison counties increases over this period, reaching 63% by 2020, statistically higher than in 2017 and higher than pilot county performance.

**Table 10. Percent of children with placement plan filed within 30 days of removal**

|   | 2017 | 2018 | 2019 | 2020 |
|---|------|------|------|------|
| <b>Pilot Counties</b>   |      |      |      |      |
| Number of children out of home for 30 days or more                    | 87   | 95   | 126  | 83   |
| Of those, percent with placement plan filed within 30 days of removal | 18%  | 32%  | 16%  | 11%  |
| <b>Comparison Counties</b>  |      |      |      |      |
| Number of children out of home for 30 days or more                    | 141  | 128  | 140  | 56   |
| Of those, percent with placement plan filed within 30 days of removal | 35%  | 28%  | 35%  | 63%  |

*Source: MNCIS data*

**Figure 9. Percent of children removed from home with out of home placement plan filed within 30 days of removal**



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### **Protective services case plan filed at time of petition if child not removed**

The social services agency involved in the case is required to file a protective services case plan at the time of the CHIPS petition filing if the child is not removed from home.<sup>9</sup>

These results include all children on CHIPS cases who are not initially removed from the home and who have a protective services case plan entered on their case. These results measure only timeliness rather than whether a case plan is filed at all. Protective services plans are identified through the unique event code “Case Plan – Protective Services – CHIPS” in MNCIS, which these results depend upon, in addition to accurate recording of placement information as required in CAP 320.15 Juvenile Protection – Placements.

Performance in the pilot counties improves to 34% in 2020 from 3% in 2017, a statistically significant increase, while performance in the comparison counties never exceeds 9% (see Table 11 and Figure 10).

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<sup>9</sup> See RJPP 26.04.

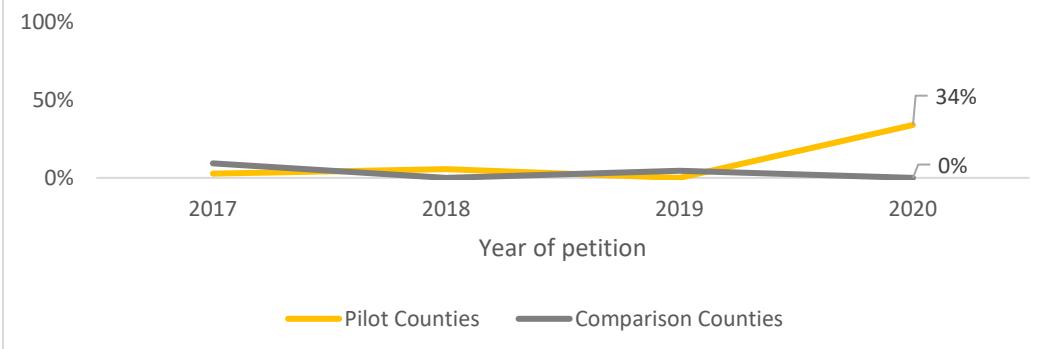
## 8<sup>th</sup> Judicial District CHIPS Specialization Pilot Evaluation

**Table 11. Percent of children with protective services case plan filed with CHIPS petition**

|   | 2017 | 2018 | 2019 | 2020 |
|---|------|------|------|------|
| <b>Pilot Counties</b>   |      |      |      |      |
| Number of children not removed at time of CHIPS petition filing | 38   | 54   | 32   | 62   |
| Of those, percent with case plan filed with petition            | 3%   | 6%   | 0%   | 34%  |
| <b>Comparison Counties</b>                                      |      |      |      |      |
| Number of children not removed at time of CHIPS petition filing | 43   | 47   | 65   | 49   |
| Of those, percent with case plan filed with petition            | 9%   | 0%   | 5%   | 0%   |

Source: MNCIS data

Figure 10. Percent of children not removed from home with a protective services case plan filed with petition



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### **Guardian ad litem and social worker reports filed with the court at least five days prior to hearing**

Guardian ad litem (GAL) and social worker reports are due to the court at least five calendar days prior to each hearing at which the report is to be considered.<sup>10</sup> Prior to a rule change in September 2019, GAL and social worker reports were due to the court five *business* days prior to each hearing. These results account for that rule change.

These results measure only timeliness, not whether a case plan is filed at all. Eligible hearings included in these results are Intermediate Disposition hearings preceded by the specific case event codes “Report of Guardian Ad Litem – CHIPS” and/or “Report of Social Worker – CHIPS” in MNCIS. Only Intermediate Disposition hearings are included because they are the most common hearings where these reports are reviewed.

Each child in a CHIPS case is counted once per eligible hearing on their case, and therefore, may be counted more than once in these results.

Pilot county performance in GAL reports filed on time increased 39 percentage points in 2020 over the baseline period (2017), a statistically significant increase (see Table 12 and Figure 11). Performance in the comparison counties also increases significantly by 2020.

Pilot county performance in social worker reports filed on time also increases significantly by 2020, from 31% to 78% (see Table 13 and Figure 12). This improved performance is closely mirrored in the comparison counties. Generally increasing performance may point to an impact of the rule change rather than the pilot.

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<sup>10</sup> See RJPP 27.11 subd. 2 and 27.01 subd. 2.

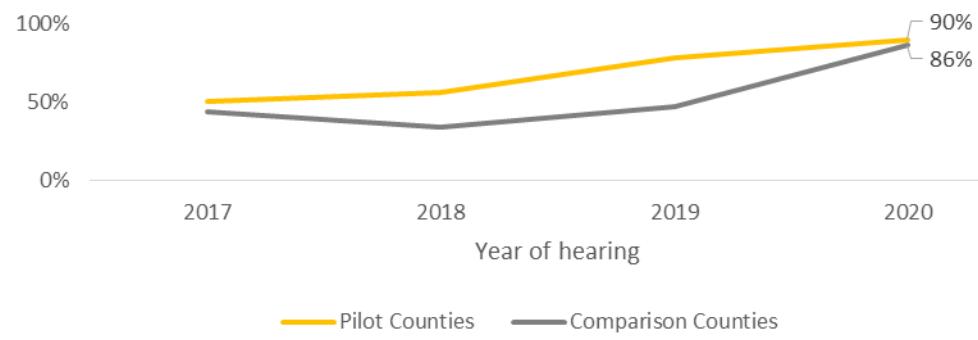
## 8<sup>th</sup> Judicial District CHIPS Specialization Pilot Evaluation

**Table 12. Percent of children with GAL report filed five days prior to hearing**

|   | 2017 | 2018 | 2019 | 2020 |
|---|------|------|------|------|
| <b>Pilot Counties</b>   |      |      |      |      |
| Number of children with eligible Intermediate Disposition hearing | 224  | 573  | 687  | 847  |
| Of those, percent with GAL report filed five days before hearing  | 51%  | 57%  | 78%  | 90%  |
| <b>Comparison Counties</b>  |      |      |      |      |
| Number of children with eligible Intermediate Disposition hearing | 704  | 696  | 679  | 629  |
| Of those, percent with GAL report filed five days before hearing  | 44%  | 34%  | 48%  | 86%  |

Source: MNCIS data

**Figure 11. Percent of children with GAL report filed five days before Intermediate Disposition hearing**

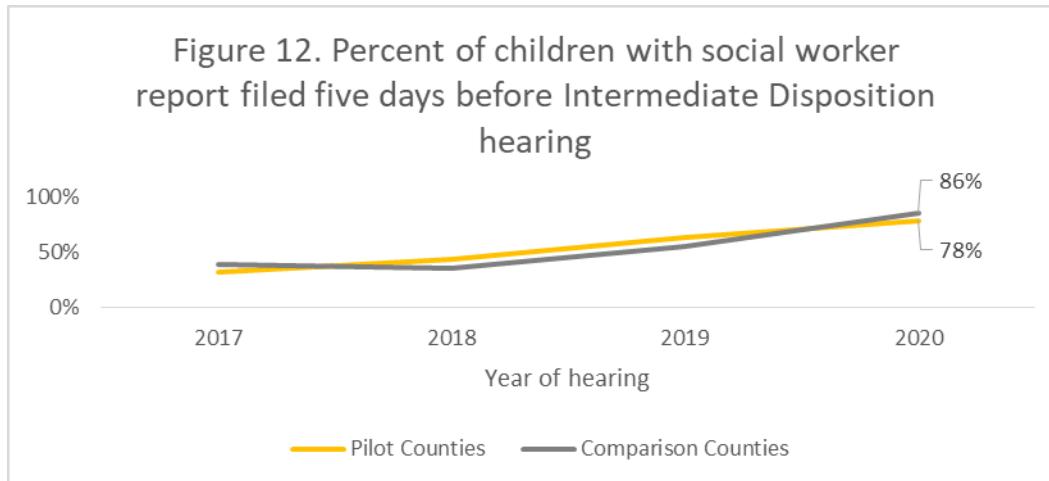


**Table 13. Percent of children with social worker report filed five days prior to hearing**

|  | 2017 | 2018 | 2019 | 2020 |
|--|------|------|------|------|
| <b>Pilot Counties</b>  |      |      |      |      |
| Number of children with eligible Intermediate Disposition hearing          | 243  | 592  | 706  | 830  |
| Of those, percent with social worker report filed five days before hearing | 31%  | 43%  | 63%  | 78%  |
| <b>Comparison Counties</b>   |      |      |      |      |
| Number of children with eligible Intermediate Disposition hearing          | 703  | 733  | 767  | 649  |
| Of those, percent with social worker report filed five days before hearing | 39%  | 35%  | 56%  | 86%  |

Source: MNCIS data





### Permanency petition within 335 days of removal

The county attorney involved in the case is required to file a permanency petition within 335 days of the child's removal from home.<sup>11</sup> All children on CHIPS and CHIPS – Permanency cases who have spent 335 days or more out of home are included in this measure.

The number of days spent out of home includes any out-of-home placements on any prior child protection petitions, if that petition was filed within five years of the current CHIPS petition.

Days spent in a trial home visit, in addition to foster care placements and protective supervision with the non-custodial parent, count toward the child's out-of-home days.

Exceptions to the timeline when a child has spent 365 days or more on a prior CHIPS petition are accounted for in these results through a manual file review. These results depend on accurately recording the child's placements, as required in CAP 320.15 Juvenile Protection – Placements, and accurately recording a permanency petition event in MNCIS as required in CAP 320.20 Juvenile Protection – Case Initiation.

These results exclude pending cases, defined as children out of home for fewer than 335 days. Due to this lengthy lag time, results for children removed in 2020 are not yet available.

<sup>11</sup> See Minn. Stat. §260C.505.

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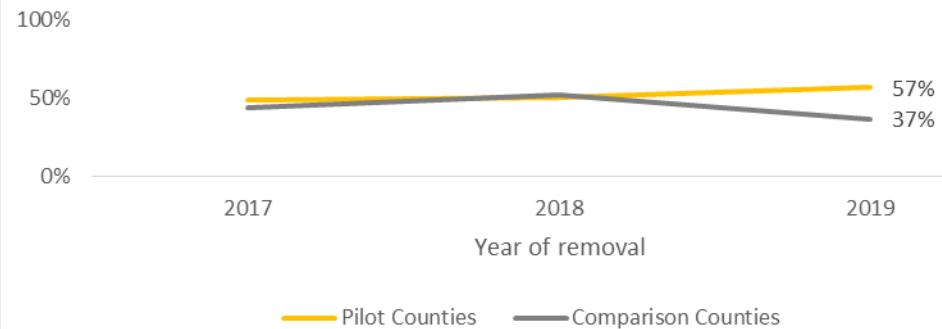
Performance in the pilot counties increases eight percentage points in 2019 compared to the baseline period (49% in 2017, see Table 14 and Figure 13). Pilot county performance in 2019 is significantly higher than in the comparison counties, which sees lower-than-baseline performance in 2019.

**Table 14. Percent of children with permanency petition filed within 335 days**

|  | 2017 | 2018 | 2019 |
|--|------|------|------|
| <b>Pilot Counties</b>  |      |      |      |
| Number of children out of home for 335 days or more              | 61   | 59   | 79   |
| Of those, percent with permanency petition filed within 335 days | 49%  | 51%  | 57%  |
| <b>Comparison Counties</b>                                       |      |      |      |
| Number of children out of home for 335 days or more              | 84   | 69   | 84   |
| Of those, percent with permanency petition filed within 335 days | 44%  | 52%  | 37%  |

*Source: MNCIS data and file review*

**Figure 13. Percent of children with permanency petition filed within 335 days of removal**



### **COURT ORDERS WILL BE FILED ON TIME**

#### **Scheduling order within 15 days of CHIPS Admit/Deny hearing**

Scheduling orders, found in Rule 6 of the Rules of Juvenile Protection Procedure, contain dates for key future hearings and are required to be issued within 15 days of the Admit/Deny Hearing.<sup>12</sup>

<sup>12</sup> See RJPP 6.02 subd. 1.

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Because this order can be either a stand-alone order (for which there would be a MNCIS case event) or embedded in the order from the Admit/Deny hearing, staff completed a case file review based on a sample of the Admit/Deny hearings in this period. The sample size was chosen to maximize confidence in the results, subject to limitations in available staff resources for a case file review. The chosen sample criteria provides a margin of error of 5 percentage points with a 90% level of confidence; therefore, differences of at least 10 percentage points are unlikely to be the result of chance in pulling the random sample for review.

These results count children once per Admit/Deny hearing held on their case.

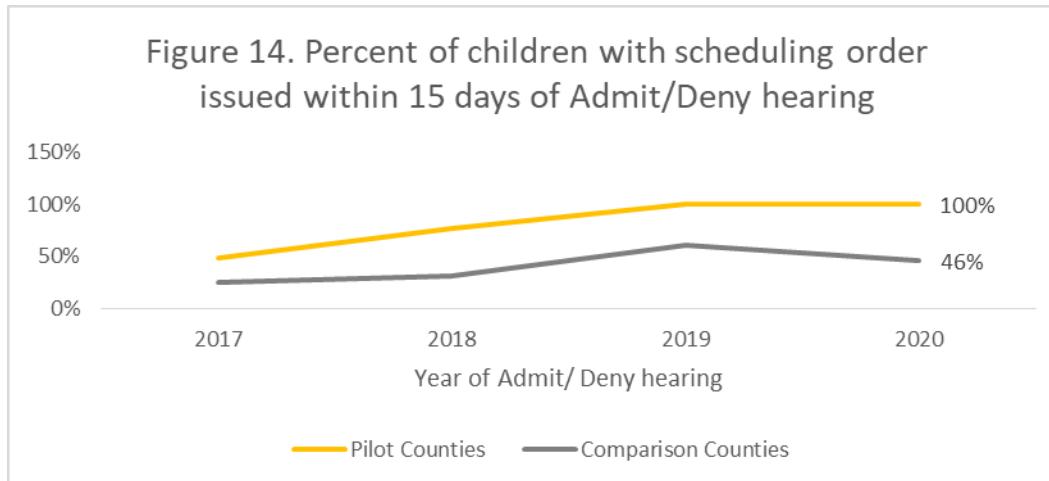
The pilot counties show statistically significantly improved performance in issuing a scheduling order within 15 days of the Admit/Deny hearing, from 48% in 2017 to 100% in 2020 (see Table 15 and Figure 14). The comparison counties also show statistically significantly improved performance over this timeframe, although they do not reach the level of compliance reached in the pilot counties.

Staff also reviewed the 2020 sample for whether the filed orders contained all required elements: 97% of the timely filed orders in the pilot counties contained all required elements, compared to 37% of the timely filed orders in the comparison counties.

**Table 15. Percent of children with scheduling order issued within 15 days**

|  | <b>2017</b> | <b>2018</b> | <b>2019</b> | <b>2020</b> |
|--|-------------|-------------|-------------|-------------|
| <b>Pilot Counties</b>                                |             |             |             |             |
| Number of children with Admit/Deny hearing           | 156         | 175         | 157         | 192         |
| Sample reviewed                                      | 99          | 107         | 99          | 110         |
| Percent with a scheduling order filed within 15 days | 48%         | 77%         | 100%        | 100%        |
| <b>Comparison Counties</b>                           |             |             |             |             |
| Number of children with Admit/Deny hearing           | 185         | 177         | 212         | 147         |
| Sample reviewed                                      | 110         | 106         | 117         | 94          |
| Percent with a scheduling order filed within 15 days | 25%         | 31%         | 61%         | 46%         |

*Source: MNCIS data and file review*



### Hearing orders within 15 days of hearing

Hearing orders must be issued within 15 business days of the hearing.<sup>13</sup> These results include the following hearings on CHIPS and CHIPS – Permanency cases: Admit/Deny Hearing, Adjudicatory Hearing, Emergency Protective Care Hearing, Intermediate Disposition Hearing, Pre-trial, Review Hearing, Permanency Progress Review Hearing, Review Post – Permanency. These results depend on specific event codes used to identify the hearing order resulting from those hearings. Success is measured by whether the order event is entered within five business days of the hearing. Children are counted once per hearing on their case.

Performance in the pilot counties improves dramatically within the first year of the pilot, with the success rate increasing to 94% from 64% in the baseline period, a statistically significant increase (see Table 16 and Figure 15). Performance in the comparison counties also increases over this period, but to a lesser extent. Across pilot and comparison counties, in 76% of instances where a hearing order was not issued on time, no hearing order appears for that hearing at all.

<sup>13</sup> See RJPP 9.01.

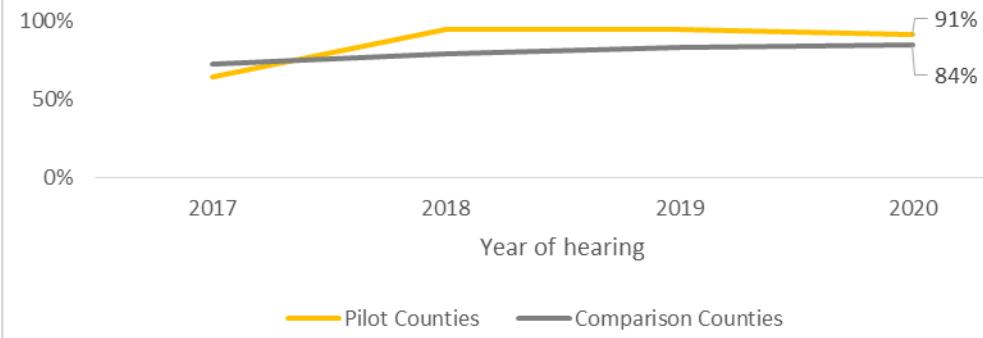
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**Table 16. Percent of children with hearing order issued within 15 business days**

|  | 2017  | 2018  | 2019  | 2020  |
|--|-------|-------|-------|-------|
| <b>Pilot Counties</b>  |       |       |       |       |
| Number of children, per hearing                                    | 1,280 | 1,721 | 1,760 | 2,361 |
| Of those, percent with hearing order filed within 15 business days | 64%   | 94%   | 94%   | 91%   |
| <b>Comparison Counties</b>   |       |       |       |       |
| Number of children, per hearing                                    | 1,772 | 1,981 | 2,420 | 1,793 |
| Of those, percent with hearing order filed within 15 business days | 72%   | 78%   | 83%   | 84%   |

Source: MNCIS data

**Figure 15. Percent of children with hearing order filed within 15 business days of hearing on their case**



### Trial orders within 15 days of conclusion of last witness (unless extended for 15 days)

Trial orders must be issued within 15 days of the conclusion of the last witness, but that timeline can be extended for 15 days.<sup>14</sup> Because of a lack of data on when trials conclude and whether the extension was used, this measure requires a staff file review. Staff reviewed all CHIPS and CHIPS – Permanency case files which had a Court Trial hearing at any point on the case.

Performance on this measure in the pilot counties reaches 92% by 2020, up from 60% in the baseline period, a statistically significant increase (see Table 17 and Figure 16). Over this same timeframe, performance in the comparison counties is falling. Staff also reviewed for whether

<sup>14</sup> See RJPP 9.01.

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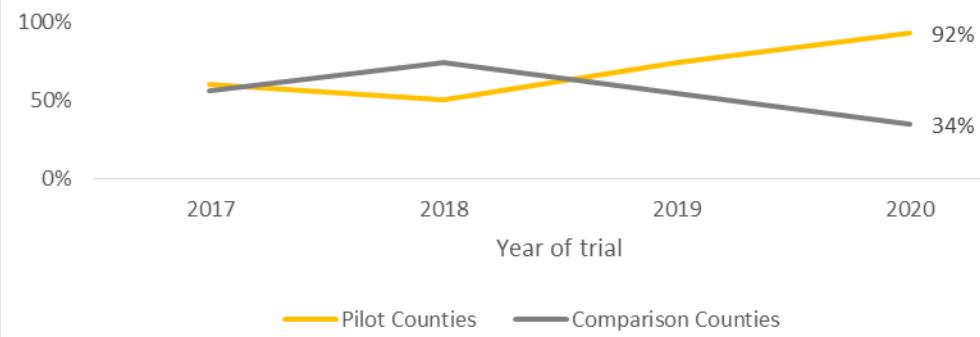
trials concluded within 30 days; essentially all trials in the pilot and comparison counties meet this additional measure.

**Table 17. Percent of children with trial order issued within 15 days of the trial**

|   | 2017 | 2018 | 2019 | 2020 |
|---|------|------|------|------|
| <b>Pilot Counties</b>   |      |      |      |      |
| Number of children whose case went to trial                             | 35   | 22   | 31   | 66   |
| Of those, percent with a trial order issued within 15 days of the trial | 60%  | 50%  | 74%  | 92%  |
| <b>Comparison Counties</b>  |      |      |      |      |
| Number of children whose case went to trial                             | 34   | 42   | 52   | 29   |
| Of those, percent with a trial order issued within 15 days of the trial | 56%  | 74%  | 54%  | 34%  |

*Source: MNCIS data and file review*

**Figure 16. Percent of children who have a trial order issued within 15 days of the trial**



### **QUALITATIVE RESULTS**

#### **MIDPOINT FEEDBACK FROM PARTICIPATING JUSTICE PARTNERS**

##### **Survey Administration**

The survey was conducted online using the survey software of the Minnesota Judicial Branch. Eighth District Court Administration staff assembled the email addresses of partners working in the original pilot counties. These partners include social workers, county attorneys, GALS, parents' attorneys, children's attorneys, and foster parents.

Eighth District Chief Judge Dwayne Knutsen sent an email invitation with the link to the survey to 68 pilot partners asking them to participate. The survey was available from Monday, July 15, 2019 to Monday, July 29, 2019, with a reminder sent Wednesday, July 24, 2019. The survey consisted of 13 statements related to the planning and implementation of the pilot project and any changes in outcomes for children due to the pilot. Respondents selected their agreement level on a five-point scale of Strongly Agree to Strongly Disagree. There were opportunities to discuss strengths or weaknesses in the survey as well as an invitation for general comments, ideas, or suggestions.

Forty-eight (48) surveys were completed, for a completion rate of 71 percent.

##### **Survey Analysis Notes**

Survey results are presented in two sections: one reporting the levels of agreement for the 13 statements along with mean scores and one with comments from the four open-ended questions. The levels of agreement are combined into agree/strongly agree, neutral, and disagree/strongly disagree followed by the number of people who responded to each question. Those who selected NA (not applicable) are excluded from the numbers of responses.

Among all respondents, the highest level of agreement is over nine of ten (92%) who agree/strongly agree that "Notices of hearings are received in a timely manner" (see Table 18). Three statements have agreement levels above 80%: "I understood the goals and objectives of

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the CHIPS specialization Project when it started" (83%), "Hearings are appropriate in length" (81%), and "Hearings are substantive and thorough" (81%).

The statements with lower levels of agreement are mostly in the area of changes in outcomes for children based on the specialization project. The four statements about changes in outcomes (barriers to service reduced, improved time to permanency, improved safety of children, and improved well-being of children) all have below six in ten who agree/strongly agree. The statement about barriers to service being removed received 42% neither agree nor disagree and only 31% who agree/strongly agree.

Seven of ten (69%) respondents agree/strongly agree that their county allocates adequate calendar time for CHIPS hearings.

**Table 18. Judicial Partner Survey Results – Levels of Agreement and Mean Scores of 13 Statements**

| <b>Survey Section</b>                 | <b>Q#</b> | <b>Statement</b>  | <b>% Disagree/<br/>Strongly Disagree</b> | <b>% Neither</b> | <b>% Agree/<br/>Strongly Agree</b> | <b>N</b> |
|---------------------------------------|-----------|---|--|------------------|------------------------------------|----------|
| <b>Pilot Planning</b>                 | 1         | I understood the goals and objectives of the CHIPS Specialization Project when it started | 10.6                                     | 6.4              | 83.0                               | 47       |
|                                       | 2         | I felt I had all of the information I needed to begin working on this project             | 15.2                                     | 13.0             | 71.7                               | 46       |
| <b>Pilot Processes and Procedures</b> | 3         | Notices of hearings are received in a timely manner                                       | 2.1                                      | 6.4              | 91.5                               | 47       |
|                                       | 4         | Hearings are appropriate in length  | 12.8                                     | 6.4              | 80.9                               | 47       |
|                                       | 5         | My county allocates adequate calendar time for CHIPS hearings                             | 20.8                                     | 10.4             | 68.8                               | 48       |
|                                       | 6         | Hearings are substantive and thorough   | 12.8                                     | 6.4              | 80.9                               | 47       |
|                                       | 7         | All parties/participants know next steps as they leave the courtroom                      | 21.3                                     | 6.4              | 72.3                               | 47       |



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| Survey Section        | Q# | Statement  | % Disagree/<br>Strongly Disagree | % Neither | % Agree/<br>Strongly Agree | N  |
|-----------------------|----|--|----------------------------------|-----------|----------------------------|----|
|                       | 8  | Model order templates are used to improve consistency and compliance                   | 8.9                              | 13.3      | 77.8                       | 45 |
|                       | 9  | Specialized CHIPS staff in court administration are helpful and responsive to my needs | 15.2                             | 10.9      | 73.9                       | 46 |
| Outcomes for Children | 10 | Barriers to services have been reduced during the pilot                                | 27.1                             | 41.7      | 31.3                       | 48 |
|                       | 11 | The time it takes for children to reach permanency has improved during the pilot       | 22.2                             | 26.7      | 51.1                       | 45 |
|                       | 12 | The safety of children has improved during the pilot                                   | 17.0                             | 25.5      | 57.4                       | 47 |
|                       | 13 | The well-being of children has improved during the pilot                               | 17.0                             | 23.4      | 59.6                       | 47 |

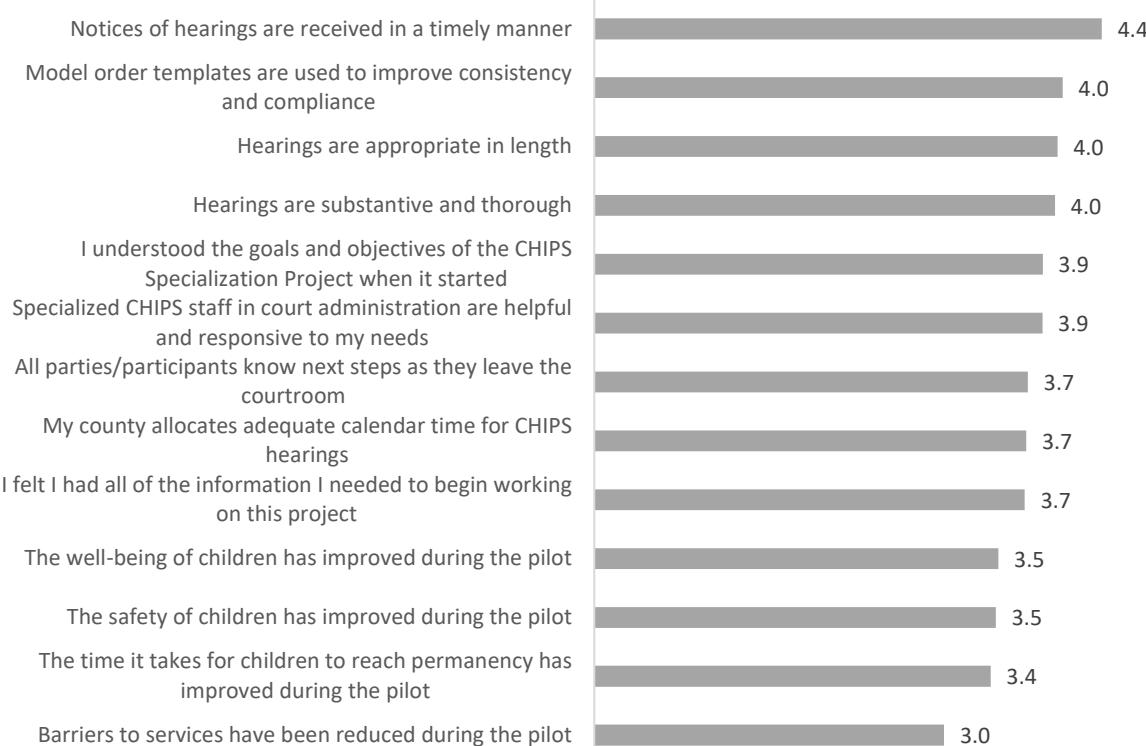
### Mean Scores of Survey Statements

The mean scores are calculated using 1 for strongly disagree and 5 for strongly agree. The scores range from a high of 4.4 for notices being received in a timely manner to a low of 3.0 for barriers to service being removed (see Figure 17).

Statements regarding hearings, notices, and model order templates have the highest mean scores. There are slightly lower scores (3.7) for parties/participants knowing the next steps as they leave the courtroom, that calendar time is adequately allocated, and that everyone had the information needed to begin the pilot.

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Figure 17. Mean Scores of Judicial Partner Survey Statements



### Survey Results – Comments

Several comments about the planning and preparation phases of the CHIPS Specialization Pilot indicated that it was “Well thought out and all partners for the project were part of the discussion.” However, there are also comments from those who described additional partners they would have wanted to be more involved in the planning: “Their input (social services and others) would have been helpful.”

Comments centered on the strengths of the pilot effort mentioned, “Working with one judge is helpful”, “The process has been going well”, and “It has been helpful having a judge that knows the timelines and expectations for CHIPS proceedings.” Some weaknesses mentioned included not having enough hearing time and the inability to stay on schedule due to longer hearings.

*“The specialization is highly beneficial for the child and the parents. There is consistency for the family knowing expectations and next steps.”*

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Regarding strengths or weaknesses in outcomes for children, most comments noted that there have not been noticeable improvements in time to permanency and barrier removal but that it may be unrealistic to accomplish those goals just

*"Court order templates have increased everyone's awareness of the timelines. Parents seem to be more aware of the timelines now than in the past. This can lead to some anxiety & frustration as most parents have a lot to do in a short time period."*

### **FINAL FEEDBACK FROM COURT PARTICIPANTS**

#### **Survey Administration**

The survey was conducted online using the survey software of the Minnesota Judicial Branch, with similar but slightly tailored questions to participating judges, district and court administration, and judicial staff.

Eighth District Chief Judge Dwayne Knutsen sent an email invitation with the survey links to 14 court participants, asking them to participate. The survey was available from Wednesday, November 4, 2020, to Wednesday, November 25, 2020, with a reminder sent Monday, November 23, 2020. Ten surveys were completed, for a completion rate of 71 percent.

The surveys consisted of five to six open-ended questions, depending on the respondent group, which are summarized into the following themes:

- What would make a judge a good fit for this model?
- What preparations are necessary before implementing this model?
- What would you want other districts to know before they adopt this model?
- Do child outcomes improve with this model?

#### **Survey Results**

Feedback from court participants in this pilot was generally positive. Respondent judges, law clerks, and court staff reported greater confidence in handling CHIPS matters through their experience in this model.

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Important considerations include the emotional toll that these types of cases can take on judges and judicial staff, especially when CHIPS cases comprise the entire work day. Rotating judges and their staff to other case types after 2 to 3 years or reducing the share of work that CHIPS cases comprise (e.g., 75% rather than 100% of a judge's caseload) are two suggested remedies to this heavy toll.

*"I would expect that a specialist judge, law clerk, and court reporter will only be able to specialize for a few years at most before burnout occurs."*

### **What would make a judge a good fit for this model?**

Respondents reported that judges specializing in CHIPS matters need not only a deep knowledge of applicable rules and statutes, but also knowledge of child development, attachment, and addiction issues. Judges also need to be highly organized with scheduling, compiling timely orders, and managing the courtroom. Respondents also expressed the importance of ensuring that judges specializing in CHIPS cases have strategies for processing and coping with the highly emotional nature of these case.

### **What preparations are necessary before implementing this model?**

Most respondents pointed to additional training as necessary before implementing this model. For judges, that includes training in the relevant statutes, rules, and case law, including the Indian Child Welfare Act (ICWA). Judicial and court staff noted that some amount of training at

the start of this work is key, whether an overview of CHIPS cases, how to use the order templates, or specific requirements regarding scheduling.

*"The specialized calendaring had an impact since it crossed county lines. The affected court administrators worked collaboratively throughout the pilot to create calendars for the judges, and it took great coordinated effort to accomplish a functioning schedule."*

Additionally, respondents note that this model requires upfront planning around judicial workload and calendaring at the district level, for which a dedicated team is beneficial. Judicial Weighted Caseload was noted as a helpful starting point when determining the participating counties for a single judge, or, conversely,



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how many judges would be needed to comprise a specialized team for the whole district.

Respondents noted several lessons learned in balancing the workload. These include considerations of having a back-up judge for the CHIPS work and rounding out a CHIPS judge's caseload with unassigned work on a master calendar to avoid competing with other high-priority case types. Respondents also commented that adequate planning for travel time is critical.

### **What would you want other districts to know before they adopt this model?**

Respondent judges, law clerks, and court staff reported that specialization led to greater confidence in handling CHIPS matters.

*"Rather than working on a variety of case types, I was able to focus on just CHIPS and adoption files. I liked this much better - I feel more comfortable with my work product and much more confident that I'm doing it correctly."*

Respondents noted additional benefits that this model generates through greater consistency for families and justice partners. For example, one respondent shared that including state ward adoption cases in this model was important because it allows the judge to follow children through the entire system.

One respondent noted that the creation of a specialization team (including the district administrator and/or deputy district administrator, judge, judge team, court administrator and/or court operations supervisor,

and specialized case

processing staff) was helpful for planning and coordination throughout the pilot. Including agency partners in these team meetings was also recommended.

For specialized court administration staff, extra communication with counterparts in other counties was also required, for example by adding comments to active cases.

*"It is the best model we have so far to educate judicial officers to be ready for difficult CHIPS/TPR decisions. From this point forward, I will feel confident picking up a CHIPS or TPR and know what I need to know to do justice."*

*- Judge Jennifer Fischer*

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Do child outcomes improve with this model?

At least one respondent indicated they saw a connection between the focus on statutory timelines and better outcomes for children. Another respondent noted that improvements in child outcomes are “hard to see when you are in the thick of it.” As also indicated through survey responses from judicial partners (see [Midpoint feedback from participating justice partners](#)), it may not be fair to expect court specialization to have a clear impact on child outcomes, despite the distinct improvements in case processing.

Multiple respondents stated that the model provided a bird’s eye view of the child protection system in their region, making apparent some of its weaknesses. One respondent commented that each county has its own county attorney and its own social service agency, leading to inconsistencies in how these cases are brought to the court. Further, they noted that families have access to different resources depending on which county they live in.

### **LESSONS LEARNED FROM COURT ADMINISTRATION**

Court administration in the 8<sup>th</sup> Judicial District compiled the following lessons learned on a range of topics, from creating a plan for back-up judges to the composition of local CJI teams.

#### **Back-Up Judges**

Implement a back-up strategy for planned and unplanned leaves of absence with the specialized judge team. The 8<sup>th</sup> Judicial District’s local county chambered judges provided back-up for this pilot.

*“With the strict adherence to the statutory timelines we have seen families reunited and stronger, or children finding loving permanent homes. We strive to keep children out of foster care as much as possible by either keeping them with family if safe, keeping them with relatives, and making permanency decisions for the children as soon as possible.”*

*- Judge Laurence Stratton*

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### **Case Assignments**

- Configure automatic judicial assignments within the case processing system (MNCIS) and eFiling system (eFS) for CHIPS matters to the specialized judge at the time of initiation in MNCIS or acceptance via eFS.
- Consider having the specialized judge handle master unassigned matters in conjunction with their assigned CHIPS caseload, if possible, rather than assigning non-CHIPS case types. It was determined that calendars were complicated when the specialized judge was also assigned to non-CHIPS case types (i.e. non-CHIPS cases were often ‘bumped’ on trial calendars due to the fact that CHIPS cases took priority).
- Assign the specialized CHIPS judge to the state ward adoption matters to allow the specialized judge to follow the children through the entire process.

### **Calendaring**

- Schedule Intermediate Review Hearings in 45-minute increments.
- Schedule post-permanency review hearings in blocked calendar sessions with approximately 20 cases per hour.
- Schedule post-permanency review blocks quarterly so hearings can be held every 90 days.
- Group each county that the specialized judge serves with the same court trial days. The week prior to the trial block, the 8<sup>th</sup> Judicial District judge team reviewed the cases that had not settled. Of the remaining cases, the judge would prioritize which case will be heard on which day.
- Summon parents 30 minutes prior to the scheduled start time of the initial hearing (EPC or Admit/Deny) to complete court paperwork, view the rights video, and consult with their attorney.
- Set aside routine EPC calendar blocks two days per week, similar to in-custody blocks, to accommodate the 72-hour hearing timelines. The 8<sup>th</sup> Judicial District found that a Tuesday/Thursday schedule worked best for the court and partner agencies.

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- Remote hearings saved the judicial team, GALs, and court-appointed attorneys significant travel time when working across multiple counties. The agency partners and county attorneys also experienced time savings due to less travel with remote hearings.

### **Courtroom Activity**

- Have a judicial team member or court administration staff schedule subsequent hearings and generate and distribute hearing notices at the conclusion of the hearing so that attorneys, agency partners, and parties have the next hearing date before leaving the courtroom.
- Have all individuals involved in the case (judge, judicial team members, attorneys, agency partners, and court administration staff) encourage parties to opt-in for eReminders.
- Have the law clerk attend hearings to assist with order preparation.
- For EPC hearings, have a judicial team member assist with serving the Summons, Petition, orders for appointment, and other documents on the parents and children as necessary.

### **Court Administration**

- Centralize case processing with specialized CHIPS court administration staff. Consider having the specialized CHIPS court administration staff also process state ward adoption cases. Pilot court administration staff preferred to work exclusively on CHIPS and state ward adoptions.
- Develop a communication plan with centralized court staff and the county attorneys for notification of incoming EPC requests using the EPC hearing contact form.
- Rotate coordinating and case processing duties for EPC matters among the centralized court administration staff members.
- eServe orders and notices on attorneys and agency partners when possible.
- Provide training for specialized court administration staff.
- Conduct periodic meetings with the specialized judicial team(s), court administrator(s), and specialized court administration staff to solicit and incorporate feedback.

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### **Orders**

- The specialized judicial team produced all orders following each hearing.
- The pilot judges used the template orders created by the CHIPS judicial pilot team. This was helpful to include necessary language in the orders and assisted with timely filing and distribution of the orders.

### **Attorneys**

- Having dedicated CHIPS attorney(s) from the county attorney's office and dedicated attorneys for parents is preferred. If the county or district does not utilize contract attorneys for parents, it is preferable to secure attorneys who are willing to devote a majority of their time as court-appointed attorneys in the specialized counties.
- Talk with the local county auditor or financial representative to develop a process for court-appointed attorney payments. For the process developed in the 8<sup>th</sup> Judicial District pilot counties, court administration sent a copy of the order appointing the attorney to the auditor's office and forwarded the invoice to the county for payment.

### **CJI Team**

- Have the specialized judge and judicial staff lead the local CJI team in the counties they serve.
- Include specialized court administration staff on CJI teams.
- Discuss desired outcomes of CHIPS specialization with the CJI team and provide periodic progress reports on the identified goals.

### **CONCLUSION**

The 8<sup>th</sup> Judicial District CHIPS Specialization Pilot demonstrated quantitative and qualitative successes. Based on the pilot experience, several lessons learned are presented for other districts to consider if they are contemplating similar specialization opportunities.

Key findings include:

- Judicial Branch performance measures appear to be positively impacted by specialization.
- The largest apparent impacts from this pilot are in measures of holding timely hearings and issuing timely orders after those hearings. The timely filing of stakeholder documents, over which the court has less influence, showed less positive change.
- Feedback from participating judges, judicial staff, and court administration staff indicate greater confidence in handling these complex cases through specialization.

Key limitations with the specialization model include:

- Judges and judicial staff report emotional strain from complete specialization in CHIPS. Pilot participants suggest moderating the specialization model to include part-time work in other case types.
- Feedback from both internal and external participants provides limited indications that the specialization model improves child outcomes. Process improvements are more apparent.

A multitude of lessons learned are contained in the [Final feedback from court participants](#) and [Lessons learned from court administration](#) sections, including key considerations for other districts embarking on specialization. From practical advice on using Judicial Weighted Caseload to reallocate caseloads across judges, to considerations of mental health among judges and staff on the front lines of this work, this pilot has resulted in an important set of knowledge for the Judicial Branch about CHIPS specialization. Additionally, this report contains many findings which may be relevant for specialization efforts in other lines of business.

### **CONSIDERATIONS OFFERED FOR OTHER JUDICIAL DISTRICTS**

Based upon the experience in the 8<sup>th</sup> Judicial District of a specialized judicial assignment for CHIPS cases in a multi-county judicial district, the following should be considered by other districts wishing to implement this model:

1. The District should engage justice partners early to discuss the purpose and goals of judicial and/ or staff specialization and obtain input on the implementation plan.
2. The District should consider forming a multi-disciplinary, multi-county workgroup that meets regularly to monitor progress of the specialization process and goals so revisions can be made as needed.
3. The District should facilitate training for judges, judicial staff, court administration staff, and all justice system partners prior to implementation. This includes training on relevant statutes and rules, permanency timeline, scheduling, the use of order templates, court administration processes, whether hearings will be held in person or remotely, and how to evaluate success.
4. The order templates that have been developed should be reviewed for possible usage following hearings.
5. Consideration should be given to having more than one specialized judge per assignment area for both backup and relief. The District should also consider whether to incorporate other case types into the specialized judges' caseloads to manage the emotional strain on judge teams of handling only CHIPS cases.
6. Specialization of court administration staff for CHIPS case processing should be considered when there is a specialized judicial CHIPS assignment.
7. There may be benefits to specialization of court administration case processing in CHIPS matters even if there is not a specialized judicial assignment based upon feedback and analysis.