



The Ramsey County

Children's Justice Initiative Team

PARTNER HANDBOOK



Acknowledgments

The Ramsey County Children's Justice Initiative Partner's Handbook was created through the collaborative effort of many members of our team. It was designed with the hope that the information contained in the handbook will provide guidance to both current and future Ramsey County CJI members. I would like to extend a very big thank you to all who have contributed to this effort.

**Ann E. Ploetz,
Assistant Ramsey County Attorney
Chair, CJI Team Partner Handbook Subcommittee
July, 2009**

People who have contributed to this handbook include:

**Ann Ahlstrom, Children's Justice Initiative
Antuana Belton, Ramsey County Guardian ad Litem Program
Linda Benson, RCCHSD, Children and Family Services
Jennifer Buskirk, RCCHSD, Children and Family Services
Richard Coleman, RCCHSD, Children and Family Services
Tina Curry, RCCHSD, Children and Family Services
Muriel Gubasta, State of Minnesota, Office of Ombudsperson For Families
Anne Gueinzius, Children's Law Center of Minnesota
Susan Halpern, Ramsey County Juvenile Court Operation Supervisor
Evalyn Hubler, RCCHSD, Children and Family Services
Gayle Kittleson, RCCHSD, Children and Family Services
Terry Kjellgren, RCCHSD, Children and Family Services
Janine Moore, RCCHSD, Children and Family Services
Ann Miller, RCCHSD, Children and Family Services
The Honorable Judge Rosanne Nathanson, Ramsey County District Court
Judy Peterson, Ramsey County Guardian ad Litem Program
Noreen Phillips, Ramsey County Public Defender's Office
James Street, Southern Minnesota Regional Legal Services, Inc.
The Honorable Judge Judith Tilsen, Ramsey County District Court**

This *Ramsey County CJI Partner Handbook* was funded by the Children’s Justice Initiative (CJI) through Grant No. 08-01-MNSCIP awarded under the provisions for state Court Improvement Program grants of Section 438 of the Social Security Act; section 7401 of the Deficit Reduction Act of 2005 (Public Law 109-171); the Safe and Timely Interstate Placement of Foster Children Act of 2006 (Public Law 109-239); the Child and Family Services Improvement Act of 2006 (Public Law 109-288); ACYF-CB-PI-03-04; ACYF-CB-PI-06-05; and ACYF-CB-PI-07-03.

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Ramsey County Children’s Justice Initiative
Ramsey County Juvenile Family Justice Center
Court Administration
25 West 7th Street
St. Paul, MN 55102

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INTRODUCTION

1. Introduction

1.01 GENERAL OVERVIEW

This handbook was created by and for the Ramsey County Children's Justice Initiative (CJI) partners. In Ramsey County, the CJI partners include representatives from the following agencies or organizations:

- Ramsey County Juvenile Court (Judicial and Court Administration)
- Parent's attorney panel member
- Ramsey County Attorney's Office
- Children's Law Center of Minnesota
- Ramsey County Guardian ad Litem program
- Ramsey County Community Human Services Department (RCCHSD)
- Southern Minnesota Regional Legal Services (SMRLS), attorney for ICWA parents
- Minnesota Department of Human Services
- Minnesota Supreme Court - CJI

Ramsey County CJI team partners recognize that we each have our specific individual role to fill within the juvenile court child protection system. Similar to other courts (i.e., Delinquency, Adult Criminal, Family and Civil), the court process in Juvenile Child Protection Court is, by design, an adversarial one. The purpose of an adversarial court process is to make sure that all points of view have an equal opportunity to be fully heard, that the decision-making process is free from undue bias and unfair influence, and that the power of the government not go unchecked. It is because of these important principles that all partners must maintain our specific individual roles.

Accordingly, those of us who have been working in the Ramsey County child protection court system also recognize that many of the issues in and characteristics of, child protection cases are often not justly resolved within the pure adversarial court model. We know that there is one overarching goal in the cases we handle, common to all of our individual disciplines: to achieve what is in the best interest of the child while protecting individual rights.

In Ramsey County, the CJI partners have a long history and tradition of collaborating with one another, recognizing that we all share this common goal despite the different roles we must perform. In this way, the Ramsey County CJI partners are, by definition, a team:

"The purpose of assembling a team is to accomplish bigger goals than any that would be possible for the individual working alone."

In a team, members recognize their independence and understand both personal and team goals are best accomplished with mutual support. Time is not wasted struggling over ‘turf’ or attempting personal gain at the expense of others.”¹

We know how complex the work we do is when intervening in the lives of families who are in trouble for one reason or another. To effectively do the best job possible for the children and families we work with, in this complex and constantly evolving area, we must rely on each other as partners, educating each other and collaborating with one another.

“Through the eyes of the child”

1.02 MINNESOTA CHILDREN’S JUSTICE INITIATIVE (CJI)

The Minnesota Children’s Justice Initiative is the result of a collaborative effort between the Minnesota Judicial Branch and the Minnesota Department of Human Services.

“The mission of the CJI is to ensure that, in a fair and timely manner, abused and neglected children involved in the juvenile protection court system have safe, stable, permanent families first through reunification with parents if that is appropriate, or through some other permanent placement option.

The purpose of the (CJI) project is for (the) Minnesota Supreme Court and (the) Minnesota Department of Human Services to work closely with the juvenile courts, social services agencies, county attorneys, public defenders, court administrators, guardians ad litem, and other key stakeholders in each of Minnesota’s 87 counties to improve the processing of child protection cases and the outcomes for abused and neglected children. When identifying and implementing improvements, the project’s goal is for all stakeholders to operate “through the eyes of the child.”

The specific goals of the CJI are to ensure that the:

- 1. Child is safe, protected from abuse and neglect, and maintained in the child’s own home whenever possible;*
- 2. Child lives in a permanent and stable home;*

¹ “10 Ways to Distinguish between a Team and a Group”, by Australian Business Limited and Australian Commonwealth ITR Department, adapted by Dean Prebble and Prof. Howard Frederick, Ten3NZLtd.

3. *Child's well-being and sense of time are the focus of practice and procedure; and*
4. *Proceedings are conducted in a fair manner with strong judicial oversight.*²

In 2005, the Judicial Counsel established the goals of the CJI as Minnesota Judicial Branch goals. In 2007, the Judicial Counsel amended the policy to provide that:

*Each district and its county CJI judges accept shared responsibility for monitoring and improving performance on federal and judicial branch child welfare measures and are encouraged to develop and implement local plans to improve such performance.*³

Consistent with this policy, the Judicial Branch works closely with the Department of Human Services to ensure collaboration of efforts that address improvement on federal child welfare measures. State CJI can assist county CJI teams with accessing and understanding data related to established child welfare measures from Federal AFCARS (Adoption and Foster Care Automated Reporting System), SSIS (Social Services Information System) and MNCIS (Minnesota Court Information System). State CJI staff can also serve as a resource to local CJI teams when the team has identified potential policy or procedural barriers the team wants to work on in order to improve outcomes for children and families.

The Ramsey County CJI team is the local team that was created as a result of the statewide CJI project. The Ramsey County Children's Justice Initiative (CJI) team has been active since April 2001.

1.03 RAMSEY COUNTY CJI TEAM MISSION

To continually seek to advance our collaborative efforts in order to improve the lives of abused and neglected children in Ramsey County by seeking timely, child-centered, culturally appropriate solutions.

1.04 RAMSEY COUNTY CJI TEAM MEETINGS

CJI team meetings are not the venue to discuss specific cases. The CJI meetings are led by the county's lead CJI judge and consequently discussions about specific cases are not appropriate or allowed. Topics for discussion during CJI meetings are broad and varied including: discussions of system-wide issues affecting

² *Minnesota Judges Juvenile Protection Benchbook*, Minnesota State Court Administrator's Office, Court Services Division, 105 Minnesota Judicial Center, 25 Rev. Dr. Martin Luther King Jr. Blvd., St. Paul, Minnesota 555155, 651-297-7587, p. 1-4 through 1-5 (December 2004).

³ Children's Justice Policy, effective October 21, 2005, revised October 18, 2007

the efficiency of the court system; staffing or resource issues; development of policies affecting all of the stake-holders and the development and implementation of initiatives that the team wants to pursue. In short all kinds of topics are appropriate for CJI meetings EXCEPT specific case discussions.

1.05 PURPOSE OF THIS HANDBOOK

This handbook was created because the Ramsey County CJI partners recognize the need to work collaboratively with each other in order to most effectively pursue our common purpose: working to obtain what is ultimately in the child's best interest while protecting individual rights. To accomplish this, we must each understand where and how our involvement, or our role, fits into the whole. Equally important is that we recognize that our collective work will continue into the future even though the individual faces of those doing the work will change over time. Consequently, the purpose of this manual is twofold:

1. To set forth the individual partner agency roles, objectives and details of operation in order to educate all team partners about the other's work. In this way, by assisting CJI members to understand the entire Ramsey County child protection system, and understand where other team members fit into the whole picture, we will be able to more effectively work together as a team; and
2. To create a manual that documents information to assist future partners in the Ramsey County Child Protection system. The manual will describe our respective roles, our expectations of each other and how we have arrived at where we are in our work, including our efforts to coordinate our work. As a team of partners, we share much institutional knowledge that must be documented for future CJI team members in order that the team not lose traction in the progress of our collaboration and initiatives as new members come on board.

For many years, both the history and practice principles of the Ramsey County juvenile protection system have been passed on to the newcomers of the CJI Partner organizations through an "oral tradition". In an effort to maintain all of our institutional knowledge, and to keep pushing towards achieving our team's shared goals and initiatives, we have decided to supplement our oral practice of passing information along with this written document.

1.06 HANDBOOK ORGANIZATION

Each chapter of the Handbook details the role and function of one of the CJI partners. The handbook starts out with a chapter on the Court, divided between Court Administration and the Judiciary. Separate chapters then follow describing the role of the: county attorney, parent's attorney, ICWA parent's attorney, child's attorney, Ramsey County Community Human Services - Children and Family Services Division

and Guardian ad litem. In addition to these partner organizations, there is also a chapter on the Office of the Ombudsperson for Families. This chapter is included in recognition of the Ombudsperson's role within the Ramsey County child protection system. The last chapter details initiatives that the Ramsey County CJI team has collaborated on. The Appendix includes charts and additional material referenced in the Handbook.



THE COURT

2. The Court

2.01 COURT ADMINISTRATION - - INTRODUCTION

- **The “Vision”** of the Minnesota Judicial Branch is that: *“The general public and those who use the court system will refer to it as accessible, fair, consistent, responsive, free of discrimination, independent, and well managed.”*
- **The “Mission”** of the courts is: *“To provide justice through a system that assures equal access for fair and timely resolution of cases and controversies.”*
- **The “Strategic Plan”** for the judicial branch includes three long-term, enduring goals for the court system: *(1) access to justice; (2) administering justice for effective results; and (3) public trust, accountability and impartiality.*

At the state level, the Judicial Branch is a separate, but co-equal branch of government with the Executive Branch (Governor) and the Legislative Branch (state senators and representatives). The courts interpret and apply the laws written by the Legislature and signed into law by the Governor. In this way, the three branches make up the balance of power that protects citizens from unchecked government authority and protects individual rights guaranteed by the United States Constitution.

The business of the courts is the business of life. From the time an individual is born to the time they die the courts play a role in birth, marriage, custody of children, real estate, probate, and everything in between. The courts resolve conflict, address crime, and protect individual rights. Marriages are made and dissolved in court. For purposes of protection, children are taken away from their families, some are reunited, and some children are not. Custody, permanency, guardianship, and adoption are some of the issues facing those who work in Juvenile Court in the area of Child Protection.

- **District Court:** The more than 2 million cases that are processed by the state court system begin at the District Court. The District Courts are located in courthouses in each of the state’s 87 counties, where more than 280 judges serve. The district courts are organized into 10 judicial districts in Minnesota. Ramsey County is the Second Judicial District.
- **Court of Appeals:** The Court of Appeals reviews a District Court decision if one of the parties feels the case was decided improperly and files an appeal. The 19 Court of Appeals judges sit in three-judge panels to hear oral arguments in St. Paul and in cities across the state.

- **Supreme Court:** The state's highest court has seven justices who hear appeals as a group from cases decided by the Court of Appeals, the Workers' Compensation Court of Appeals, and the Tax Court. The Supreme Court also automatically reviews all first-degree murder convictions and legislative election disputes.
- **Juvenile Court:** Ramsey County Juvenile Court has jurisdiction over matters involving persons under nineteen years of age who have been charged with a delinquent act, status or traffic violation, certification to adult court and matters involving child protection, termination of parental rights, adoption, and parental notifications.

Child Protection matters are handled in Special Courts in the Juvenile Court Division at the Ramsey County Juvenile & Family Justice Center, 25 West Seventh Street, St. Paul, Minnesota.

2.02 PURPOSE OF JUVENILE COURT

The purpose of juvenile court is to provide safety for children and services for families to assist them in resolving the problems that may be causing risk of harm to their children.

2.03 RAMSEY COUNTY JUVENILE COURT

The Ramsey County Juvenile Court processes Child Protection and Delinquency matters including the following types of cases and offenses:

- Adoption;
- Children in Need of Protection or Services;
- Educational Neglect;
- Parental Notification regarding abortions;
- Termination of Parental Rights and other permanency hearings;
- Child in Voluntary Foster Care for Treatment due to their status as emotionally disturbed or developmentally disabled;
- Runaway;
- Truancy;
- Felony, gross misdemeanor, misdemeanor, petty misdemeanor, status and traffic offenses

2.04 PETITION TYPES

The Ramsey County Child Protection Court handles the following types of petitions:

- **Children In Need of Protection or Services (CHIPS):** These petitions are filed when there are allegations of physical and/or sexual abuse, neglect, or

educational neglect against a parent or custodian, or allegations of truancy or runaway against a child. While truancy and runaway cases are contained in the CHIPS portion of the statute, in Ramsey County these cases are handled on the delinquency court calendars. CHIPS petitions alleging:

- Physical and/or Sexual Abuse and/or Neglect (**CHIPS**): filed by the Ramsey County Community Human Services Department (RCCHSD) and approved by the county attorney, regarding suspected abuse or neglect of a child. A CHIPS adjudication may ultimately lead to the filing of a permanency petition;
- Educational Neglect (**CHIPS**): are filed by the RCCHSD and approved by the county attorney, regarding a child who is under twelve years old and is not attending school regularly;
- Truancy (**CHIPS**): may be filed on behalf of the school by the Ramsey County Attorney's Office if a child is between the ages of 12 and 17 and is not regularly attending his or her designated school;
- Runaway (**CHIPS**): are generated when a parent or legal custodian contacts the police after their child has left home without parental permission;
- **Child in Voluntary Foster Care for Treatment:** filed by RCCHSD and approved by the county attorney. The sole reason for this petition is that a child is in foster care due to the child's emotional disturbance, developmental disability or related condition; in this special category of cases, voluntary foster care procedure is followed to provide the RCCHSD with the legal authority to place the child in foster care and to access funding streams for the voluntary placement.
- **Termination of Parental Rights (TPR):** filed by the RCCHSD and approved by the county attorney. This may be voluntary or involuntary, and is a permanency option.
- **Transfer of Legal and Physical Custody:** filed by the RCCHSD and approved by the county attorney. This may be voluntary or involuntary and is a permanency option.
- **Long Term Foster Care (LTFC):** filed by the RCCHSD and approved by the county attorney. This may be voluntary or involuntary and is a permanency option.
- **Adoption:** Ramsey County Juvenile Court handles all Ramsey County adoptions. The petitioners must be residents of Ramsey County unless adopting a child who is a Ward of the State of Minnesota under the

Guardianship of the Commissioner of the Minnesota Department of Human Services and the Ramsey County Community Human Services Department. There is a wide variety of types of adoptions including Step-Parent, Co-Parent, Agency, Inter-Country and Adult.

2.05 COURT INVOLVEMENT IN CHILD PROTECTION CASES

- A CHIPS court case starts with the filing of a CHIPS petition alleging that a child is in need of protection or services. The RCCHSD is the petitioner in most of the cases that are petitioned to court.
- The CHIPS petition alleges the statutory basis for filing a CHIPS petition and states the facts that support the legal basis.
- People In the Courtroom during a juvenile protection matter Include:
 - **The Judge:** presides over all juvenile protection hearings. It is the judge's responsibility to require that all parties to the matter follow the applicable rules and procedures in order to ensure that a just result is achieved. There is no right to a jury trial in juvenile protection matters so the judge is also the finder of fact.
 - **The Court Reporter:** records everything said in the courtroom verbatim creating an official record of the proceedings. Everyone in the courtroom must speak clearly and loudly enough for the court reporter to hear. Only one person may speak at a time. A word-for-word record, or transcript, is made by the court reporter. If a case is appealed to a higher court, the transcript is used to review what happened in the trial court.
 - **The Court Clerk:** takes notes during the hearing as needed, schedules the next hearing, and may prepare orders at the direction of the judge.
 - **Juvenile Family Justice Center (JFJC) Court Staff:** supports the judicial staff in processing cases. The court staff is responsible for distributing necessary information between numerous professionals and child protection agencies.
 - **The County Attorney:** has a dual representation role in the child protection arena. The county attorney represents the RCCHSD and advocates their position. Additionally, the county attorney is responsible by statute, to advance the public's interest in the welfare of children. The county attorney will request specific findings of the court, which are required for the RCCHSD to receive Federal reimbursement for applicable services and/or placements.

- **The Parent's Attorney:** represents the parent/party/respondent against whom a CHIPS proceeding is filed. As of the time when this Handbook was drafted in 2009, Ramsey County has temporarily contracted with a panel of parent's attorneys arranged under a contract with the court and paid by the county. Parents or legal custodians who are parties to a petition have the right to an attorney. If a parent who is entitled to an attorney cannot afford one, the court will appoint an attorney from this panel to represent them.
- **The Child Protection Worker (RCCHSD):** becomes involved in a family's life after a report to child protection is made, an assessment is completed, and a determination made that child protection services are appropriate and necessary. Most of the cases that a child protection worker is involved in are handled on a voluntary basis and do not end up in court. The child protection worker gathers information about their client families, develops a case plan designed to resolve the problems causing risk of harm, and works with the family until permanency is accomplished through reunification, long term foster care, transfer of custody or termination of parental rights. For cases that are in court, the child protection worker prepares court reports to provide information to the court about how the child and parents are progressing on their case plans, what services the RCCHSD is providing to the family and what the plan for the family is. The child protection worker is present in court during trials to testify and to provide information to the county attorney. In addition to being present during trials, the child protection worker is present at all other court hearings regarding their client.
- **The Guardian Ad Litem (GAL):** is appointed by the court to represent the maltreated child's best interests in a Juvenile or Family Court proceeding. A Guardian Ad Litem (GAL) gathers information about the children and family and makes independent recommendations to the judge about what they believe is in the children's best interests.
- **Deputy/Bailiff:** is in attendance during some court hearings.
- **Child's Parent(s) or Legal Custodian(s)** and people having an interest in the matter appear for hearings.
- **The Child(ren):** may be present in the courtroom, depending upon the age and the circumstances of the hearing.
- **Child's Attorney - Children's Law Center of Minnesota (CLC):** Child/ren may be represented by an attorney, depending upon the

child's age and other factors considered by the judge. They are present in the courtroom to represent the child/ren's position.

- **Other Case Participants:** Other people who may be present in the courtroom and participate include: non-custodial parents, foster care parents, grandparents and other relatives, and Indian Tribal representatives if the matter involves Indian children.
- **Audience members:** Child protection hearings are open to the public

The law requires courts to make timely decisions for abused or neglected children. Combating delays in juvenile court, where there are many stages to the litigation and many participants in the process, can be more difficult than in other courts. Yet efforts to speed litigation in child welfare can be successful. There are great variances in court delays from jurisdiction to jurisdiction, and while differences in caseloads can be the cause, docketing practices and case flow management have their effect. Some courts have successfully used case flow management to reduce delays in child welfare litigation. To do so, however, the courts have had to make timely litigation a high priority.

Minnesota Judges Juvenile Protection Benchbook, Minnesota State Court Administrator's Office, Court Services Division, 105 Minnesota Judicial Center, 25 Rev. Dr. Martin Luther King Jr. Blvd., St. Paul, Minnesota 555155, 651-297-7587, p. 6-6 (December 2004).

2.06 RAMSEY COUNTY JUVENILE COURT ADMINISTRATION OPERATION

Staff:

- **Judges:** There are six judges that comprise the Juvenile/Family Court bench. They are chambered at the JFJC. Three of the six judges are assigned to hear CHIPS matters. CHIPS cases are blocked to judges under the "One Judge, One Family" directive which means that all CHIPS and Family Court matters related to the same family be scheduled before one judge who will then know the history of the family from a broader perspective.
- **Court Administration Staff:**
 - **Supervisor:** supervises juvenile court staff and is the CJI Project Administrator;

- **Senior Court Clerk:** prepares calendars; gathers the child protection worker court report and the guardian ad litem court report for the judge in advance of the court calendar; calls cases into court during the court session; takes notes; initiates files, service of process and court notices; prepares writs and arranges for interpreters needed at court hearings; enters data into MNCIS during court hearings; handles subsequent filing resulting from the hearing and tracks court orders.
- **Court clerks:** are responsible for CHIPS, permanency, adoption services, parental notification, voluntary foster care for treatment cases, state ward matters; truancy and delinquency cases, JFJC records; file rooms; background checks; requests for records, documents, and information; ordering supplies for JFJC staff; pulling files; and Court of Appeals issues.
- **Judge's Law Clerks:** prepare some of the CHIPS court orders as a result of the hearings. County attorney staff prepare some of the more complex orders.

Calendars:

- **When:** Child protection calendar sessions are all day Tuesdays and Thursdays. The Tuesday morning and all day Thursday sessions are for child protection cases. The Tuesday afternoon calendar is for Post-TPR ward review cases;
- **Size:** Calendars are limited currently to eighteen families per session;
- **Where:** Most CHIPS calendars are heard in Courtroom 4B in the Ramsey County Juvenile Family Justice Center (JFJC). Partner agencies including the county attorney, parent's attorney, and RCCHSD, have offices near the courtroom on the fourth floor. The guardian ad litem office is located on the 2nd floor of the JFJC.
- **Types of petitions on a typical calendar include:** CHIPS, Child in Voluntary Foster Care for Treatment; Termination of Parental Rights (TPR), Long Term Foster Care (LTFC), Transfer of Legal Custody, Educational Neglect and Post TPR/State Ward Matters;

2.07 CHILD PROTECTION HEARINGS

Types of hearings on the various types of petitions and the acronyms that appear on the calendar include the following:

- Emergency Protective Care Hearing (EPC);

- Admit/Deny Hearing (A/D);
- Pretrial Hearing (PRE);
- Trial (Crt Trl);
- Disposition Hearing (Dispo);
- Review Hearing (RVW);
- Permanent Placement Determination Hearing (PPD);
- Ward Reviews/Post TPR

At a Typical Hearing:

- Interested parties and observers are seated in the courtroom before the hearing is scheduled to begin. Everyone stands as the judge enters the courtroom and remains standing until the judge is seated;
- The judge asks parties to introduce themselves beginning with the county attorney;
- The county attorney outlines why the matter is before the court;
- Each party may make statements during the proceedings of information they would like the Judge to consider. Questions are asked and answered. After everyone has been heard, the judge states his/her order before concluding the hearing.

2.10 THE ROLE OF THE JUDGE

The role of the judge in juvenile protection court is different than any other judicial assignment. The judges are not there to hand down sentences or to sit in judgment of families. The Minnesota Juvenile Judges Bench Book gives the following historical perspective.

As recently as the 1970's, juvenile court judges were expected only to determine whether a child had been abused or neglected and, if so, whether the child needed to be removed from the home or placed in foster care under court or agency supervision. Children were often being removed from homes unnecessarily and children who could not be safely returned home lingered in temporary care for years. These children endured multiple placements and often aged out of the child welfare system without family ties and with inadequate skills to function as adults. Court involvement in these cases often was only a "rubber stamp" for agency recommendations and plans.

During the 1980's, with the implementation of the Adoption Assistance and Child Welfare Act of 1980, juvenile court judges became responsible for ensuring that a safe, stable permanent home is secured for each abused or neglected child coming before the court. The law required courts to evaluate the reasonableness of services provided to preserve families, to hold periodic review

*hearings in foster care cases, to adhere to deadlines for permanency planning decisions, and to comply with procedural safeguards concerning placement and visitation.*⁴

*As a result of these changes in federal and state law, juvenile court judges must now take a far more active role in decision-making in abuse and neglect cases. More complex issues are now decided in each case, more hearings are held, and many more persons are involved. Juvenile and family court judges are the gatekeepers of our nation's foster care system. They must ultimately decide whether a family in crisis will be broken apart and children placed in foster care or whether placement can be safely prevented through the reasonable efforts of the social service system. If reasonable efforts to preserve or reunify families are not evaluated and ensured through effective and timely judicial reviews, then children and families may be unnecessarily harmed.*⁵

A judge's role is to see to it that appropriate time lines are met, that reasonable and appropriate services are offered and to oversee the case as a whole. The judge may have input into development of the case plan as they must review and approve the case plan after it is developed.

The judge receives reports from the social worker and the Guardian ad litem before every review hearing at least five (5) days before the hearing. These reports contain updates on the children and parents generally, and specifically address progress on the case plan. The judge will have read these reports prior to the hearing. The judge may have additional questions or request clarification during the hearing. The judge's role includes resolving disputes in the event that the parties disagree on any recommendation.

Many judges feel it is important to communicate with the families in court regarding their progress. There may be nothing more motivating to a parent in crisis than having a judge congratulate them on their progress on their case plan or encourage them to do a little more.

⁴ *Adoption and Permanency Guidelines: Improving Court Practice in Child Abuse & Neglect Cases*, National Council of Juvenile and Family Court Judges, Reno, Nevada, p. 2 (Fall 2000) (hereinafter *Permanency Guidelines*) (as cited in *Minnesota Judges Juvenile Protection Benchbook*, Minnesota State Court Administrator's Office, Court Services Division, 105 Minnesota Judicial Center, 25 Rev. Dr. Martin Luther King Jr. Blvd., St. Paul, Minnesota 55155, 651-297-7587, p. 1-3 (December 2004).

⁵ *Resource Guidelines: Improving Court Practice in Child Abuse & Neglect Cases*, National Council of Juvenile and Family Court Judges, Reno, Nevada, p. 10 (Spring 1995) (hereinafter *Resource Guidelines*) (as cited in *Minnesota Judges Juvenile Protection Benchbook*, Minnesota State Court Administrator's Office, Court services Division, 105 Minnesota Judicial Center, 25 rev. Dr. Martin Luther King Jr. Blvd., St. Paul, Minnesota, 55155, 651-297-7587, p. 1-4 (December 2004).

2.11 PROPER/IMPROPER COMMUNICATION WITH A JUDGE

Now that the judges are more involved with the people who appear in court, there is a tendency for people to want to contact the judge directly to discuss issues regarding a family. Contact about a particular case with a judge is not allowed unless the other parties are present or have notice and opportunity to be present and have waived that right. There are exceptions to this rule when an emergency exists or for other *ex parte* proceedings. The safe way to proceed is for any party to talk to the court clerk or law clerk and ask the clerk to communicate with the judge.

Child welfare cases impose a special obligation on juvenile and family court judges to oversee case progress. Case oversight includes two requisites: state fulfillment of its responsibilities and parental cooperation with the state.

The oversight obligation of judges in child welfare cases is necessary because special circumstances apply:

1. Court involvement in child welfare cases occurs simultaneously with agency efforts to assist the family;
2. The law assigns to the juvenile court a series of interrelated and complex decisions that shape the course of state intervention and determine the future of the child and family; and
3. Because of the multitude of persons dealing with the child and family, there is increased potential for the delay and error.

Unlike most litigation, child abuse and neglect cases deal with an ongoing and changing situation. In a criminal case, by contrast, the trial usually deals with whether specific criminal acts took place at a specified time and place. But in a child welfare case, the court must focus on agency casework and parental behavior over an extended period of time. In making a decision, the court must take into account the agency's plan to help the family and anticipated changes in parental behavior. At the same time, the court must consider the evolving circumstances and needs of each child.

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2.12 WHAT JUDGES EXPECT

The child protection workers in the courtroom are represented by the county attorney. The guardian ad litem may appear with or without an attorney. The parents and children may or may not be represented. The judges expect attorneys to present their client's position to the court. The court expects candor with the court in all matters

⁶ *Minnesota Judges Juvenile Protection Benchbook*, Minnesota State Court Administrator's Office, Court Services Division, 105 Minnesota Judicial Center, 25 rev. Dr. Martin Luther King Jr. Blvd., St. Paul, Minnesota, 55155, 651-297-7587, p. 6-6 (December 2004).

and expects polite and professional presentation of positions when there is a disagreement regarding recommendations. The judges are aware that there may have been extended discussion outside of the courtroom, some of it heated. When the parties come into the courtroom, each position should be stated clearly. The judge may ask questions for clarification. The judge will settle disputes regarding recommendations to the best of his/her ability.

2.13 JUDGES' "PET PEEVES" OR WHAT NOT TO DO:

- Do not argue with a Judge's ruling.
- Do not attack another person's professionalism, even if you disagree.
- Do not speak while another person is speaking. A judge will want to hear from everyone, but making a record requires only one speaker at a time.
- Recite reasons to support your recommendation/position.

2.20 ROLE OF THE RAMSEY COUNTY CJI JUDGE WITH THE CJI TEAM

The Minnesota Children's Justice Initiative provides that the county designate one of the judges in the county as the Lead CJI judge for that county. This lead CJI judge is assigned the leadership responsibilities for the county CJI team. Consequently, the Ramsey County CJI judge has the responsibility of setting a meeting schedule for the team, setting the agenda for CJI Team meetings, leading team meetings, ensuring that minutes are taken of the meetings, communicating team initiatives and proposed policies to the larger county bench and participating in state-wide CJI activities. The CJI judge also takes the leadership role in ensuring that case-specific discussions not occur during CJI meetings.



THE COUNTY ATTORNEY

3. The County Attorney

3.01 THE ROLE OF THE COUNTY ATTORNEY IN THE CHILD PROTECTION SYSTEM

The Assistant County Attorney (ACA) has a somewhat unique and complicated role in the Juvenile Protection Court. Often times, judges who are new to the child protection assignment, will look to the ACA as if they are a criminal prosecutor, simply acting on behalf of the state, without recognizing that the ACA represents the RCCHSD much as a private attorney represents a client, but also with significant differences. The role of an ACA is both unique and complicated because of the county attorney's statutorily defined role:

“County attorney. Except in adoption proceedings, the county attorney shall present the evidence upon request of the court. In representing the agency, the county attorney shall also have the responsibility for advancing the public interest in the welfare of the child.”⁷

The above seemingly simple two sentences create a very complex representation relationship. An ACA is at the same time, on the same case, both an attorney with a specific client (RCCHSD) whose interest the ACA must advocate for in court proceedings and a “prosecutor” with an independent responsibility to “advance the public interest in the welfare of the child.”

This representation relationship may create a dilemma in a specific case if the RCCHSD believes a certain course of action is in the child's best interest and the ACA believes a different course of action is consistent with advancing the public's interest in the welfare of the child. Fortunately, in Ramsey County, this historically has not been a common or insurmountable issue and has been resolved on a case by case basis. There is a strong commitment by both the Ramsey County Attorney's Office and the RCCHSD, when differing opinions arise, to try and understand the other's position, and to reach an agreement about the appropriate course of action to advocate before stepping into the courtroom.

3.02 THE CHILD PROTECTION UNIT OF THE RAMSEY COUNTY ATTORNEY'S OFFICE

The child protection unit of the Ramsey County Attorney's Office is comprised of approximately four and a half full time attorneys, two full time paralegals, two part time law clerks and one secretary. There is a strong team-like cohesiveness to the unit, which allows the unit to handle the volume of work that exists, in an efficient manner. All of the attorneys share the caseload with the exception of cases that are at the pretrial and trial stages. Cases that are set for pretrial and trial are assigned to a specific attorney. A shared caseload approach was developed because of the

⁷ Minn. Stat. 260C.163

impossibility for an individual attorney to handle one-fourth of the entire open caseload, with all of the resulting hearings. This approach necessitates weekly CHIPS Unit attorney meetings and case staffings to make sure important case information is shared between all of the attorneys so that the attorney handling the upcoming hearing is fully prepared.

3.03 RESPONSIBILITIES OF AN ASSISTANT COUNTY ATTORNEY IN THE CHILD PROTECTION UNIT

An ACA has responsibility to:

- Represent RCCHSD in all Children in Need of Protection or Services (CHIPS), Permanency Hearings including Termination of Parental Rights (TPR), Long Term Foster Care (LTFC), Transfer of Permanent Legal and Physical Custody (TPLPC) and some Adoption cases. The specific hearings that an ACA attends include: Emergency Protective Care, Admit/Deny, Pretrial, Trial, Motions, Review and Post-TPR hearings.
- Advance the public's interest in the welfare of the child;
- Serve as a member of the Ramsey County Child Safety Advisory Team;
- Serve as a member of the Ramsey County Child Mortality Team;
- Serve as a member of the State Mortality Team;
- Provide case consultation and client advice to the RCCHSD for cases that are currently in court as well as cases that are active in child protection or child welfare but not open in court;
- Provide advice as needed to RCCHSD regarding maltreatment screening, intake, immigration, Indian Child Welfare Act (ICWA), Data Practices, legislation, Federal IV-E requirements, permanency and appellate issues;
- Assist RCCHSD in the development of protocols and policies;
- Provide ongoing training to the social workers in the RCCHSD regarding child protection law, new social worker training, legislative updates, courtroom testimony, and trial preparation;
- Participate in providing community training as requested;
- Participate in committee work, including the Children's Justice Initiative, the Racial Disparities Steering Committee, DHS and Supreme Court committees, the Minnesota County Attorneys Association, etc.;

- Assist the court by preparing specified court orders;

3.04 OTHER RESPONSIBILITIES OF AN ASSISTANT COUNTY ATTORNEY IN CHILD PROTECTION CASES

A. Assist the Court and RCCHSD in Ensuring Continued Funding for Out-of-Home Placements

“Prolonged litigation and lengthy out-of-home placements have a negative impact not only in terms of unhealthy development for abused and neglected children, but also in terms of the financial cost to society in general and the State of Minnesota in particular.”⁸ As an example of these costs, in the year 2000, there were 21,610 out-of-home placements that occurred, totaling 2,929,766 days.⁹ The cost to counties in Minnesota for these days of out-of-home care totaled \$156,151,674.¹⁰ Pursuant to Title IV-E of the Social Security Act, approximately 50% of these foster care placement costs can be reimbursed to counties by the federal government. In addition, the county receives case-related administrative costs under Title IV-E.¹¹

In order for a county to obtain federal reimbursement for foster care and case-related administrative costs, the court must make the required findings at specific stages of the CHIPS case as mandated in Title IV-E. Given the potentially severe financial consequences to the County and the State for not obtaining these judicial determinations, the County Attorney’s Office works diligently to assist the Community Human Services Department to both understand what their responsibilities under Title IV-E are and to articulate in their court reports how the requirements have been met. In this way the required judicial determinations related to “reasonable efforts,” “best interests,” “contrary to the welfare” and “reasonable efforts to finalize the permanent plan for the child” can be made in a timely fashion and the county can receive its allotted federal reimbursement.

B. Assist RCCHSD and the Court in Meeting Permanency Requirements

Federal and state laws mandate that it is in children’s best interests for families to quickly resolve the problems causing risk of harm to children; if the risk of harm cannot be resolved after services have been provided, children must be provided with an

⁸ *Minnesota Judges Juvenile Protection Benchbook*, Minnesota State Court Administrator’s Office, Court Services Division, 105 Minnesota Judicial Center, 25 Rev. Dr. Martin Luther King Jr. Blvd., St. Paul, Minnesota, 55155, 651-297-7587, p. 1-5 (December 2004).

⁹ Minnesota’s Child Welfare Report for 2000: Report to the 2002 Minnesota Legislature, Minnesota Department of Human services, p. 16 (April 2002), cited in *Minnesota Judges Juvenile Protection Benchbook*, Minnesota State Court Administrator’s Office, Court Services Division, 105 Minnesota Judicial Center, 25 Rev. Dr. Martin Luther King Jr. Blvd., St. Paul, Minnesota, p. 1-5 (December 2004).

¹⁰ *Id.*

¹¹ *Id.*

alternative permanent home within six to twelve months of their out-of-home placement, depending on the child's age and other circumstances. The ACA plays a role in monitoring individual cases that come before the court in an effort to meet these permanency requirements. The ACA advises RCCHSD about permanency requirements and options and works with the court to insure that hearings needed to achieve permanency requirements are set on a timely basis.

The Need to Make Timely Decisions in Child Abuse and Neglect Litigation

Court delays can be a major obstacle to achieving permanency for abused and neglected children. Even when the pace of litigation is tightly managed, decision-making in child abuse and neglect cases can extend for many months. When juvenile or family court proceedings are allowed to proceed at the pace of other civil litigation, children spend years of their childhood awaiting agency and court decisions concerning their future.

Children have a very different sense of time from adults. Short periods of time for adults seem interminable for children, and extended periods of uncertainty exacerbate childhood anxiety. When litigation proceeds at what attorneys and judges regard as a normal pace, children often perceive the proceedings as extending for vast and infinite periods.

The passage of time is magnified for children in both anxiety levels and direct effect. Three years is not a terribly long period of time for an adult. For a six-year-old, it is half a lifetime, for a three-year-old, it is the formative stage for trust and security, and for a nine-year-old, it can mean the difference between finding an adoptive family and failing to gain performance because of age. If too much time is spent in foster care during these formative years, lifetime problems can be created.

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C. Serve as a Member of the Ramsey County Child Safety Advisory Team

The Ramsey County Child Safety Advisory Team (CSAT), formerly known as the Ramsey County Child Abuse Team, is a multi-disciplinary team that was formed in September 1969. The purpose of the Ramsey County CSAT is to protect children from abuse and neglect by:

¹² Pat O'Brien, Youth Homelessness and the Lack of Adoption Planning for Older Foster Children: Are they Related?, Adoptalk Newsletter, North American council on Adoptable Children, 1821 University Avenue, suite N-498, St. Paul, Minnesota 55104, (612)644-3036 (as cited in *Minnesota Judges Juvenile Protection Benchbook*, Minnesota State Court Administrator's Office, Court Services Division, 105 Minnesota Judicial Center, 25 Rev. Dr. Martin Luther King Jr. Blvd., St. Paul, Minnesota 555155, 651-297-7587, p. 1-3 (December 2004).

- Providing a mechanism for a multidisciplinary discussion of difficult and complex child protection or child welfare cases;
- Developing plans for the coordination of community resources which support and protect children from abuse or neglect; and
- Identifying and suggesting resolutions of systems barriers to the protection and well being of children.¹³

Any CSAT team member can ask to have a case staffed at the CSAT. The staffings are used to provide a multi-disciplinary perspective to complex or difficult issues CSAT team members are dealing with in their work with children and families. As part of its work, the CSAT also identifies both the need for periodic education forums and “experts” to provide the identified trainings. The CSAT provides support to child protection workers, assists in the development of treatment plans for families, and continues to articulate the message that the safety of children is the responsibility of the whole community, not just the child protection agency.¹⁴

The Ramsey County CSAT is composed of individuals from the following agencies: the Midwest Children’s Resource Center (MCRC); the St. Paul Police Department; the Ramsey County Sheriff’s Office; the Suburban Police Departments of Ramsey County; the Ramsey County Attorney’s Office; the Ramsey County Human Services Department – Child Protection; Ramsey County Mental Health; Ramsey County Community Corrections (Adult and Juvenile); Children’s Mental Health Unit of the RCCHSD; Chemical Health Unit of the RCCHSD; Sexual Offense Services of Ramsey County; Saint Paul/Ramsey County Department of Public Health; St. Paul School District; Mounds View School District; North Saint Paul-Maplewood-Oakdale School District; Roseville Area School District; White Bear Lake Area School District; and the Ramsey County Guardian ad Litem program.

¹³ History of the Ramsey County Child Safety Advisory Team, Becky Montgomery (March 12, 2002).

¹⁴ *Id.*



THE PARENT'S ATTORNEY

4. The Parent's Attorney

4.01 GENERAL PRINCIPLES

Child Protection matters are governed by the Rules of Juvenile Protection Procedure and Minnesota Statutes §260C. The statutory and constitutional principles, applicable to defending a criminal client or delinquency client, such as “proof beyond a reasonable doubt, the right to a jury trial and the right against self-incrimination, to name just a few, do not apply in this arena.

4.02 THE RAMSEY COUNTY PARENT'S ATTORNEY PANEL

Prior to 2008, the Ramsey County Public Defender's Office was appointed to represent parents who could not afford an attorney in juvenile protection matters. In 2008, the State Public Defenders Office determined that public defenders were not legally mandated to represent parents in juvenile protection matters. Based on this determination and in response to budget restrictions, the Public Defender's Office terminated their representation of parents in juvenile protection cases throughout the State of Minnesota. Despite this decision of the State Public Defenders Office, the juvenile protection statute and rules, clearly provide that parents who are parties to a juvenile protection matter have the right to counsel; party-parents who cannot afford an attorney, will have one appointed to represent them by the court. Consequently, Ramsey County Special Courts Administration has, as of the time of the 2009 drafting of this Handbook, temporarily contracted with a panel of private attorneys to represent party-parents who cannot afford an attorney in juvenile protection matters.¹⁵

4.03 RIGHTS OF PARENTS

In child protection matters, parents, **who are parties**¹⁶ to a matter, have the following rights; the right to:

- receive notice of the date and time of all hearings;
- be represented by an attorney;
- be present at all hearings;
- conduct discovery;
- bring motions before the judge;
- participate in settlement discussions and agreements;
- subpoena witnesses to come to court to testify;
- make an argument before the judge in support of or against the petition;
- present evidence supporting their case through witnesses or written documents;

¹⁵ As of the 2009 drafting of this Handbook, there is proposed legislation before the Minnesota Legislature to attempt to resolve the state-wide funding issues on a more permanent basis.

¹⁶ Whether a parent has party status depends on the parent's legal status (i.e., custodial, alleged or adjudicated) and whether the matter is a CHIPS or a TPR petition. See Rules 21 and 22, MN RJP.

- question or cross-examine witnesses called by other people involved in this case;
- request review of the judge's or referee's decision.

4.04 THE ROLE OF THE PARENT'S ATTORNEY IN JUVENILE PROTECTION MATTERS

The Parent's Attorney's role in juvenile protection cases is to:

- Present the legal case on behalf of the parent;
- Protect the legal interest of the parent;
- Conduct an independent assessment of the legal case against the parent;
- Help their client understand his/her legal rights;
- Defend the allegations of abuse or neglect brought against the parent;
- Advocate for services to be incorporated into any dispositional orders which are in their client's best interest;
- Monitor the parent's progress on the case plan

4.05 LEGAL FRAMEWORK

The law related to child protection matters is based in:

- Federal and state constitutional law;
- Federal statutes;
- Minnesota statutes;
- Minnesota administrative rules;
- Federal and state case law;
- Minnesota rules of court; and
- Administrative policy.

Specific applicable state statutes are:

- Minnesota Statutes §626.556: Training; Investigation, Apprehension; Reports;
- Minnesota Statutes §260: Juveniles;
- Minnesota Statutes §260C: Child Protection;
- Minnesota Statutes §245A: Human Services Licensing;
- Minnesota Statutes §518.18: Marriage Dissolution;
- Minnesota Statutes §259: Adoption

While the State is responsible for protecting and providing services to its children, it is federal law that often shapes the requirements by tying them to funding. See the following:

- Titles IV-B and IV-E of the Social Security Act;

- Child Abuse Prevention and Treatment Act - 1974;
- Adoption Assistance and Child Welfare Act;
- Adoption and Safe Families Act

4.06 SOUTHERN MINNESOTA REGIONAL LEGAL SERVICES, INC. (SMRLS)

SMRLS is a non-profit law office which provides free legal services to low income people who have civil cases in Ramsey County. Its mission is:

To provide a full range of high quality services to low-income persons and eligible client groups in civil matters, in a respectful manner which enables clients to (1) enforce their legal rights; (2) obtain effective access to the courts, administrative agencies and forums which constitute our system of justice; (3) maintain freedom from hunger, homelessness, sickness and abuse; (4) empower persons and assure equal opportunity, thus, helping people to help themselves and become economically self-reliant, to the extent their individual abilities and circumstances permit.

SMRLS, through a diverse, respectful and fair working environment, and legal assistance and community activities, shall promote and respect the dignity of low-income persons and shall seek new and effective solutions to the critical and common legal problems of low-income persons which arise in a broad community context.

SMRLS has a partnership with Ain Dah Yung (Our Home) where SMRLS represents parents, and sometimes children, in Juvenile and Family Court to ensure compliance with the Indian Child Welfare Act (ICWA) where the ICWA applies. SMRLS and Ain Dah Yung believe that when the ICWA is applied appropriately, Indian children receive better results in court.

SMRLS provides free representation to clients who meet SMRLS income and asset requirements and otherwise meet SMRLS eligibility requirements. SMRLS attorneys handle cases on behalf of eligible clients in Juvenile Protection Court. This representation includes counseling eligible clients considering a voluntary placement of their child or who might be at risk of having a CHIPS action filed against them, as well as representing clients after a petition has been filed in court.

SMRLS provides other legal services which can be a source for referral whether the ICWA applies or not. These include:

- Housing;
- Public benefits, including applications for SSI disability and sanctions;
- Family law including a focus on behalf of victims of domestic abuse and custody actions on behalf of primary caretakers;

- Education law including advocacy for special education services
- Immigration law; and
- A variety of cases through a volunteer attorney program.



THE CHILD'S ATTORNEY

5. The Children's Attorney - Children's Law Center of Minnesota

5.01 INTRODUCTION

Children's Law Center of Minnesota (CLC) is a 501(c)(3) nonprofit organization whose mission is to promote the rights and interests of Minnesota's children in the judicial, child welfare, health care and education systems. CLC is an independent nonprofit organization that is not affiliated or funded by any state or county agency or organization. CLC began operation in 1995 and has a long history of working with Ramsey County. In 1996, Ramsey County court staff, child protection staff, assistant county attorneys, and the juvenile public defender helped CLC to develop its first training program and served as faculty at CLC's first program to train volunteer attorneys to represent children. CLC has been providing legal representation of children in child protection proceedings in Ramsey County foster care since 1997.

CLC carries out its mission in three ways: (1) by providing direct representation for children in discrete projects; (2) by advocating and participating in state-wide efforts to improve and reform the child protection and juvenile justice systems; and (3) by training volunteer lawyers and other child advocates to represent children.

CLC actively participates on state-wide committees such as the Children's Justice Initiative, the Juvenile Justice Advisory Committee, and the CHIPS Public Defender Workgroup, among others, and nationally on the American Bar Association Section of Children's Rights Litigation Committee Working Group that encourages lawyers nationwide to do pro bono work for children. CLC is also a founding member of the National Children's Law Network (NCLN), which is made up of eight member organizations nationwide. NCLN's goals include the improvement of the quality of counsel and representation provided to children, the identification of concrete outcomes and measures for children, and education advocacy to ensure that court-involved children are in school, in the appropriate school placement and are on track to complete their high school education. From 1996 to 1998, CLC provided technical support and research assistance to the Ramsey County District Court as it implemented a pilot project to combine juvenile and family court functions.

CLC has extensive experience with children who have been abused physically and/or sexually, and/or neglected, and who have come to the attention of the county and the courts because a report of abuse or neglect was made and there was a subsequent investigation in which maltreatment was determined. Children have rights and legal protections, and they need someone to speak on their behalf to protect and promote these important rights and interests. The services that CLC provides center on the rights of children to have a voice in their own future and to be secure in their person and environment.

5.02 CLC REPRESENTATION

Children in Minnesota child protection matters have the right to counsel. Specifically, the child “has the right to effective assistance of counsel in connection with a proceeding in juvenile court.”¹⁷ Except in proceedings where the sole basis for the petition is habitual truancy, if the child desires counsel but is financially unable to employ it, the court shall appoint counsel to represent a child who is ten (10) years of age or older and may appoint counsel to represent a child under age ten (10) in any case in which the court determines that such appointment is appropriate.¹⁸ CLC’s representation of children, unlike the public defender’s office, is not limited by age. In fact, CLC can represent children of any age and in other counties has represented children as young as three (3) years old.

The court on its own may appoint counsel for the child, or may do so upon the request of any party or participant and such appointment of counsel shall occur as soon as practicable after the request is made. Minn. R. Juv. Pro. 25.02 subd. 1(d)(2007). Thus, any party or participant can request an attorney for any child in a child protection or state ward matter.

5.03 CLC IN RAMSEY COUNTY JUVENILE COURT

Currently, CLC represents children in Ramsey County Juvenile Court either through court appointment or the child’s direct request to CLC for representation. The court issues a separate order appointing CLC to represent the child/ren. Upon receipt of the Court’s appointment order, CLC opens a case and decides which staff or volunteer attorney will be assigned to the case. CLC utilizes a multidisciplinary social worker-attorney team approach to provide representation. CLC’s policy of having the same attorney-staff social worker team throughout the case provides clients with continuity of representation and thereby helps build a trusting relationship with the child client. CLC is a client directed practice. CLC’s policy and practice adhere to the American Bar Association (ABA) Standards of Practice For Lawyers Who Represent Children in Abuse & Neglect Cases approved by the American Bar Association House of Delegates February 5, 1996.

After the case is assigned, the staff or volunteer attorney and CLC social worker meet the child in a setting familiar to the child. The attorney explains the attorney’s role, the confidential nature of the relationship and the attorney-client privilege. Before meeting the child or shortly thereafter, the CLC attorney reviews the court and social services files. The attorney also attends court hearings, relevant meetings and continues to work with the child to develop their relationship and thereby ascertains the child’s wishes. Additionally, CLC staff provides a consulting and guiding role to all volunteer attorneys to openly discuss any questions or concerns that may arise during the course of their representation.

¹⁷ Minn. Stat. Sec. 260C.163 subd. 3(a) (2008).

¹⁸ Minn. Stat. Sec. 260C.163, subd.3 (b) (2008); Minn.R.Juv. Prot.P. 25.02, subd. 1 (a).

A child may also contact CLC directly and request representation. This request for representation may arise from a number of issues, including an existing CHIPS court matter, or it may require CLC to file a CHIPS petition on behalf of the child. In these circumstances, CLC staff assess the child's request, including whether a report has been made to social services. CLC then determines whether it will accept the case. If Children's Law Center accepts the case, then the aforementioned CLC multidisciplinary process would again apply to CLC's representation of the child requesting counsel.

5.04 ROLE AS ADVOCATE AND COUNSELOR

An attorney representing a child client has the same role and responsibilities as an attorney representing an adult. The child's attorney advocates for his or her client's wishes. As part of advocating for the child's wishes, an attorney must counsel his or her individual client regarding the child's legal position and requests. The attorney listens to the child, gathers information from all the parties, explains the child's options and possible and/or likely outcomes to the child, and follows the child's directions. The child's attorney is an attorney "who provides legal services for a child and who owes the **same** duties of undivided loyalty, confidentiality and competent representation to the child as is due an adult client."¹⁹ (emphasis added).

Consistent with ABA standards of practice, the child's attorney should:

- *Obtain copies of all pleadings and relevant notices;*
- *Participate in depositions, negotiations, discovery, pretrial conferences, and hearings;*
- *Inform other parties and their representatives that he or she is representing the child and expects reasonable notification prior to case conferences, changes in placement, and other changes of circumstances affecting the child and the child's family;*
- *Attempt to reduce case delays and ensure that the court recognizes the need to speedily promote permanency for the child;*
- *Counsel the child concerning the subject matter of the litigation, the child's rights, the court system, the proceedings, the lawyer's role and what to expect in the legal process;*
- *Develop a theory and strategy of the case to implement at hearings, including factual and legal issues; and*

¹⁹ A.B.A. Standards of Practice for Lawyers Who Represent Children in Abuse and Neglect Cases. A-1. (February 5, 1996)

- *Identify appropriate family and professional resources for the child.*²⁰

The attorney's role as counselor to his or her client continues as the child's circumstances change and as the attorney-client relationship evolves. Since CLC attorneys represent their clients for the life of the child's court case, often the attorneys will represent the same clients for several years. During this time period the attorney will see the child through the child's growth and development stages, placement changes and other significant life changes.

The attorney role is not the same as representing the child's best interests. In fact, Minnesota law specifically notes that counsel for the child **shall not** serve as the child's guardian ad litem. See Minn. Stat. Sec. 260C.163 subd.3(d) (emphasis added). Often the child's wishes coincide with and are the same as the child's best interests; however, sometimes the two are not the same. While the child's attorney may not always agree with his or her client's expressed wishes, he or she is bound by the Minnesota Rules of Professional Conduct and is to follow the client's expressed directive. The attorney's continuous role as trusted counselor is to provide and advise the child of his/her legal options and likely outcomes, and to this end the attorney maintains client confidences and is respectful and candid with his or her client.

5.05 CONFIDENTIALITY AND THE ATTORNEY-CLIENT PRIVILEGE

CLC attorneys have the same ethical obligations to their child clients as they do to their adult clients. When discussing the importance of the attorney-client privilege, the comment section of Rule 1.6 of Minnesota Rules of Professional Conduct notes:

A fundamental principle in the client-lawyer relationship is that, in the absence of the client's informed consent, the lawyer must not reveal information relating to representation....This contributes to the trust that is the hallmark of the client-lawyer relationship. The client is thereby encouraged to seek legal assistance and to communicate fully and frankly with the lawyer even as to embarrassing or legally damaging subject matter. The lawyer needs this information to represent the client effectively and, if necessary, to advise the client to refrain from wrongful conduct.²¹

Children in foster care have experienced much trauma in their lives. They have often been let down by the adults in their lives. Not surprisingly, they often have a very hard time trusting others. The core of the attorney-client relationship is trust and it is this trust that is the underpinning of the attorney-client privilege. CLC staff and volunteer attorneys representing children are mindful of their ethical obligations regarding attorney/client privilege.

²⁰ *Id* at B-1.

²¹ Minn. R. of Prof. Responsibility, Comment to Rule 1.6 (2005).

For the child to know that what is said to his or her attorney will not be shared with others, unless the child consents, is important and can give the child a sense of control and power in circumstances in which he or she often feels powerless. This is especially true when important decisions about the child and his or her life are being made without the child's input. Therefore, it is important for those working with CLC attorneys to understand that due to our ethical responsibilities we may not be authorized to divulge any client communications or impressions when asked by a party or the court.



**RAMSEY COUNTY
COMMUNITY HUMAN
SERVICES: CHILDREN AND
FAMILY SERVICES**

6. Children and Family Services Division of the RCCHSD

6.01 INTRODUCTION

Child Protection Services are a federal and state mandated social services program. The primary function of child protection case management is to provide timely, effective and culturally appropriate services to children and families to prevent the reoccurrence of child maltreatment (neglect, physical abuse, sexual abuse and mental abuse or injury). The areas of child safety, child well-being and permanence are broad areas with twenty-four specific performance indicators and target standards developed by the Federal government.

6.02 VISION AND VALUES

- **Vision:** Strong families with healthy children within a safe and stable environment
- **Core belief:** The best place to raise children is within their family and community
- **Focus of Special Concern:** African American and American Indian children are disproportionately represented in the CPS and in out-of-home placement.

6.03 KEY OPERATING PRINCIPLES

- Honor and respect the culture, experiences, history and values of the families served; to identify and build on the families' natural supports and traditions;
- Provide strength based interactions with birth families, children, youth and kin; a family's capacities, resources, skills and talents are built upon to help families achieve their goals;
- Be solution focused;
- Assure that cooperative, respectful relationships with families are developed;
- Develop community-based partnerships resulting in the building and extending of supports for families;
- Coordinate work across systems and programs in order to ensure that the services are accessible, and that the family receives the best services possible;

- Be responsive to emerging systemic, family and societal issues;
- Operate as an anti-racist institution and to look at how to provide meaningful and effective services for the changing demographics;
- Attract and maintain a diverse workforce; and
- Provide culturally competent services to constituents.

6.04 DEFINITIONS OF TERMS

- **Strength based practice:** identifies positive attributes in family functioning and capacity and incorporates these findings into tangible goals, tasks and behaviors that increase the family's ability to adequately maintain the well-being and safety of its members.
- **Family centered practice:** requires that the entire system of care seeks to engage the family systems in helping improve their ability to safely parent their children. The delivery of an individualized array of formal and informal supports that meet the children's needs requires an understanding of the importance that relatives and other kin play in planning for and ensuring child safety, permanence and well-being.

6.05 PRACTICE IMPLICATIONS OF THE RCCHSD PRINCIPLES

- Emphasizes early intervention and prevention services;
- Highlights importance of developing meaningful collaborative working relationships with cultural and ethnic communities to reduce disparities;
- Underscores importance of the need to review and understand decision point data to better understand and rectify the practice and policies that perpetuate disparate outcomes for families;
- Supports collaboration with local state and national entities on the issues of disproportionality in the child welfare system;
- Values training and cross training with system players to spread understanding of institutional and systemic racism and how they operate to result in disparate outcomes;
- Seeks to partner with local foundation communities to help fund the disparities work.

6.10 INTAKE

All reports of suspected child abuse or neglect are reported to the RCCHSD screeners according to Minnesota Statutes § 626.556. At the time that a report is made to the RCCHSD screeners, the screener evaluates the report to determine whether it fits within the Ramsey County Screening Criteria. (See *Appendix A - Screening Criteria*) Reports that meet the criteria are then transferred from the screeners to an intake worker. There are two different tracks for assessment, depending on the facts of the specific case: Family Assessment or Investigation. (See *Appendix B – RCCHSD Case Flow chart*)

All reports that are screened in regardless of whether the report follows the Family Assessment or the Investigation track, are cross-reported to the respective police jurisdiction in Ramsey County. These reports are then assigned to a child protection worker to assess or investigate. Within the RCCHSD Intake unit there is a Family Assessment unit and a Traditional Investigation unit.

- **Family Assessment (FA)** under Minnesota Statute § 626.556 Subd.2 (a) means: a comprehensive assessment of child safety, risk of subsequent child maltreatment, and family strengths and needs, applied to a child maltreatment report that does not allege substantial child endangerment.²² Family assessment does not include a determination as to whether child maltreatment occurred but does determine the need for services to address the safety of family members and the risk of subsequent maltreatment. These cases are typically low and moderate risk. When a Family Assessment (FA) is completed, three options are available:
 1. The family can voluntarily choose to be referred to a community-based agency for FA case management for up to 3 months. The case remains open in child protection;

²² “Substantial child endangerment” means a person responsible for a child’s care, and in the case of sexual abuse includes a person who has a significant relationship to the child as defined in section 609.341, or a person in a position of authority as defined in section 609.341, who by act or omission commits or attempts to commit an act against a child under their care that constitutes any of the following:
(1) egregious harm as defined in section 260C.007, subdivision 14;
(2) sexual abuse as defined in paragraph (d);
(3) abandonment under section 260C.301, subdivision 2;
(4) neglect as defined in paragraph (f), clause (2), that substantially endangers the child’s physical or mental health, including a growth delay, which may be referred to as failure to thrive, that has been diagnosed by a physician and is due to parental neglect;
(5) murder in the first, second, or third degree under section 609.185, 609.19, or 609.195;
(6) manslaughter in the first or second degree under section 609.20 or 609.205;
(7) assault in the first, second, or third degree under section 609.221, 609.222, or 609.223;
(8) solicitation, inducement, and promotion of prostitution under section 609.322;
(9) criminal sexual conduct under sections 609.342 to 609.3451;
(10) solicitation of children to engage in sexual conduct under section 609.352;
(11) malicious punishment or neglect or endangerment of a child under section 609.377 or 609.378;
(12) use of a minor in sexual performance under section 617.246; or
(13) parental behavior, status, or condition which mandates that the county attorney file a termination of parental rights petition under section 360C.301, subdivision 3, paragraph (a).

2. A family can decline FA case management services, but choose to receive services through Family Community Partnership (FCP). The case will be closed in child protection and the family will select a community-based vendor. Case management services will be offered for up to one year;
3. The family declines all services and the case is closed.

Response timeline: The face-to-face contact with the child and primary caregiver must occur within five (5) calendar days of the report to RCCHSD.

- **Investigation** under Minn. Stat. 626.556 Subd.2 (b) means: fact gathering related to the current safety of a child and the risk of subsequent maltreatment that determines whether child maltreatment occurred and whether child protective services are needed. An investigation must be used when reports involve substantial child endangerment, for reports of maltreatment in facilities, and other cases that are considered high risk. When an investigation is completed, the following options are available:
 - Maltreatment is determined, and it is determined that child protection services are needed. The family voluntarily accepts services and the case is referred to Child Protection Program for on-going case management;
 - Maltreatment is determined and it is determined that child protection services are needed, but the family is refusing services. The Agency consults with the county attorney to determine if there is sufficient evidence to warrant court intervention and a CHIPS petition is filed or the case is closed;
 - Maltreatment is not determined, but it is determined that child protection services are needed. The family voluntarily accepts on-going case management;
 - Maltreatment is not determined and it is determined that child protection services are not needed. The case is closed.

Response timelines: the face-to-face contact with the child and primary caregiver shall occur immediately upon receipt of the report to child protection if substantial child endangerment is alleged and within five calendar days for all other reports.

If information is further developed in the course of a Family Assessment case that leads the worker to conclude that there is reason to believe that substantial child endangerment or a serious threat to the child's safety exists, the case can be immediately switched to an Investigation case. Likewise, if during the course of an

investigation case, information is further developed that indicates that substantial child endangerment does not exist, the case can be switched to a Family Assessment case.

6.11 OTHER MISCELLANEOUS INTAKE CASES

- Intake requests by other counties or states that have determined maltreatment on a parent who then moves into Ramsey County. (In these cases supporting documentation from the referral source is required and the case must be classified as a high-risk case in order for Ramsey County to take it).
- Requests for courtesy interviews from other counties or states outside of the Metro County Agreement area, when an assessment is being conducted and the individual has moved to Ramsey County prior to the other county having the opportunity to interview him or her. If a criminal investigation is being done the request is sent to the appropriate police department.

6.12 INTAKE – CHILD WELFARE SERVICES

The Child Welfare Unit within Child Protection Intake receives the following types of referrals:

- requests for placement of children in need of care while the parent is in the hospital or in treatment and no responsible relative is available;
- requests by the RCCHSD Financial Services Department to approve a service plan and provide financial approval for children ages 16-18 living outside of the care of their parent(s);
- requests by the RCCHSD Financial Services Department to determine the relationship of: a non-adjudicated father who is caring for a child, or a caretaker who has questionable documentation of their relationship with the child;
- referrals for an intake assessment from Family or Domestic Abuse Court (i.e. regarding vacating a transfer of permanent and physical custody order or requesting a home study, etc.);
- requests for changes in the adoption subsidy amount;
- requests for a home study of parents when another state has custody and requests a home study through the Interstate Compact (ICPC);
- interstate referrals for relative or non-relative foster care;
- rule 20 referrals from Delinquency Court.

6.20 PROGRAM UNITS: INTRODUCTION

Ramsey County Human Services has four Child Protection Program units that serve families with high needs. The determination of whether a family meets this high needs category is based on risk and safety assessments completed by the Intake units. Child Protection Program employs about 45 child protection social workers with support from the unit supervisor, clerk and case aides. Within the child protection Program unit are specialized child protection workers including:

- African American culturally specific workers;
- Latino/Hispanic/Spanish speaking workers;
- Southeast Asian culturally specific workers;
- Hmong speaking workers,
- Special needs workers (parent or child has significant developmental delays or is medically fragile); and
- ICWA specialist workers.

At any given time about half of the families that are open in child protection program services are open in child protection court and/or have children in out-of-home placement. Court is the most serious intervention for a child and family. All cases that are open for program services are staffed with a supervisor before a petition is written. A child protection program worker normally has seven to fifteen families on their caseload at any given time. The number of children in each family varies greatly.

6.21 GOALS OF PROGRAM WORKERS

The over-arching goal of child protection program workers is to keep families and children safe by using the least invasive means possible, within the framework provided for in federal and state laws and rules. In providing services to their clients, RCCHSD child protection program workers concentrate on twenty-three federally mandated outcomes that describe and ensure child protection meets the child's needs for safety, permanency and well-being. In addition, cases involving American Indian families are governed by the Indian Child Welfare Act (ICWA), which provides further legal safeguards and best practices that must be followed. The program worker relies on the County Attorney's Office to provide legal guidance.

6.22 TYPES OF CASES PROGRAM UNITS HANDLE

Child protection program is an area where the most serious of child protection cases, needing ongoing services, are sent after child protection intake determines further intervention is needed. They may or may not go to child protection program with a maltreatment finding. Cases come from both the traditional investigation as well as the family assessment tracks of intake as described in the earlier Intake section of this handbook.

6.23 PROGRAM UNIT CASE FLOW

1. The program worker begins each case by reviewing the file and connecting with the intake worker who conducted the assessment. Depending on the family's needs the case will go to a child protection generalist worker or one of the specialized program workers previously described.
2. All program workers use a similar process in working with families. The exception to this is ICWA children where the ICWA specialist uses the same process but ensures that active efforts are provided to the family whether they are in court or not.
3. The program worker's role with a family may be less adversarial than the intake worker's role, and consequently a better level of cooperation may be possible once the case is in program. Using the *Family Centered Assessment Guide* to create comprehensive case planning helps with this.
4. Program workers are afforded more time to work with families than intake workers. Many times a program worker can work with a family using a strength based approach to provide safety, permanency and well-being without having to utilize court or an out-of-home placement.
5. Child protection program employs a number of contracts and resources to address issues such as parenting, mentoring, psychological, chemical health, domestic violence, and health issues. All services are as culturally appropriate and congruent with the family's needs as possible.

6.24 TOOLS WORKERS HAVE TO WORK WITH FAMILIES

A. Development of Case Plans

An important tool used to assist families is the case plan (in home or out-of-home). It is developed based on information gathered by the intake worker and an extensive interview process based on the *Family Centered Assessment Guide*. Tasks and objectives are included for each child in the family. Occasionally, not all of the children in a family are listed on a CHIPS petition, however, the CP Program worker always works with all children in the family. CP Program opens a case on the family not on individuals.

B. Other tools contained within the Social Services Information System (SSIS)

SSIS tools include:

- risk assessments,
- safety assessments,
- family needs and strengths assessments; and

- other strategic decision making tools.
- C. Other types of Screenings and Plans that are provided:
- all children are screened for mental health;
 - children are referred for developmental screening if maltreatment is found and the child is under 3 years of age;
 - all children who are 16 years old and older are provided with an independent living plan.

6.25 CLINICAL SUPERVISION OF CHILD PROTECTION PROGRAM WORKERS

Child protection program supervisors also conduct clinical supervision with each worker at least twice per month. Weekly or bi-weekly unit meetings are held to discuss cases and resources. Supervisors also review and sign every case plan and court report. Before a case can be closed in program the case is staffed with the worker's clinical supervisor and at team meetings. At the time of case closing most families are linked to services in the community to prevent them from coming back into the child protection system.

6.26 CHILD SAFETY ADVISORY TEAM (CSAT)

Difficult or complex cases may be staffed with the Child Safety Advisory Team (CSAT). *(Please see earlier description of this team under the County Attorney Section of this Handbook)*. This multi-disciplinary group has been a resource to the RCCHSD and other CSAT partners for over thirty years. Ramsey County was one of the first counties in the country to form a multi-disciplinary child abuse team. The process of staffing cases with the CSAT is statutorily prescribed and provides a unique opportunity for professionals involved in a case to devise a plan that will best meet the needs of an individual or family. Team members are each experts in their respective fields, across various disciplines and can discuss the facts of a particular case without obtaining releases of information. The statute specifically provides that the content of the meeting including what specific individuals said during the meeting is "not discoverable."

6.27 QUALITY ASSURANCE PRACTICES

A. Permanency Review Team (PRT)

The PRT is comprised of the child protection program manager, child protection court liaison, permanent connections unit supervisor, assistant county attorney, child protection intake supervisor, kinship unit worker, foster care social worker and Minnesota Permanency Demonstration Project liaison. The PRT meets with the child protection worker to review and approve the worker's permanency plan, other than reunification, for the family. The goal is to review **all** cases 90 days before the permanency admit/deny court date.

B. Random Case Review

Child protection program also conducts monthly quality assurance reviews of cases picked randomly from workers. Pairs from throughout the child welfare system review the case based on the twenty-three federal quality assurance items addressing safety, permanency, and well-being.

C. Supervision

Supervisors read and approve every court report drafted by a worker prior to it being sent to the court and parties.

D. Rule 5 Placement Committee

A Rule 5 placement committee was developed and implemented for children needing placement in a residential treatment facility with two purposes. One is to determine the clinical appropriateness of the placement and the second purpose is to insure that all required documentation is completed to obtain reimbursement from Medical Assistance and private insurance companies. The Rule 5 Placement Committee for children needing a structured placement other than a Rule 1 foster home is utilized and provides additional oversight of these cases.

E. Administrative Reviews

Child protection program and the community human services revenue unit review all cases involving a child in placement for which a court review has not been heard within the last six months. For example, long term foster care cases only require an annual court review, consequently an administrative review will occur six months after a court review in these cases.

6.28 KINSHIP SEARCH SERVICES

A. Mission Statement:

The mission of Kinship Search Services is to identify, locate and inform relatives that children within their family network are at risk for, or are currently in, out-of-home placement and solicit positive involvement from family and kin to support the child and parents.

B. Program Goal:

The goal of Kinship Search Services is to achieve permanency for children in safe protective homes with family or kin whenever possible, or to maintain a connection to family or kin if out-of-home placement is required.

C. The purpose and role of Kinship Search Services is to:

- identify and locate as many maternal and paternal relatives as possible;
- conduct criminal and social service background checks in order to identify relatives who may be eligible to provide out-of-home care;
- collect family photographs to be able to provide them to the child;
- collect the family health history for the child's benefit;
- notify family and kin of child protection involvement with the children;
- solicit and encourage family involvement;
- refer family or kin to the Family Group Decision Making (FGDM) Program when appropriate.

D. Kinship Searches are provided at the time of the:

- initial out-of-home placement; and
- filing of a permanency petition.

6.29 RCCHSD FAMILY GROUP DECISION-MAKING (FGDM)

The Family Group Decision Making Program is a joint effort of Ramsey County Community Human Services, Washington County Human Services and Lifetrack Resources, Inc.

A. Program Goal:

To provide family-centered, culturally-relevant, and strength-based decision making meetings with timeliness and neutrality.

B. Program Procedures & Operating Methods:

- Preparation Process: the family is given access to important information about the county's safety concerns as well as general information about what to expect from the county system.
- Family Case Planning Conference: county social workers and family members come together to exchange information and discuss the immediate next steps for county involvement with the family.

- Family Group Conference: family is asked to build on their strengths to address concerns for the child's safety and well-being. The family develops a care plan for the child during the private family time, when service providers are not present.

C. Types of Issues Addressed in a FGDM Conference:

- what will be done to prevent future harm to a child;
- where the child will live;
- how extended family and community will help the family carry out its plan; and
- what resources will be needed and available to support the family to care for and protect the child.

D. Who Should Attend a FGDM Conference:

- everyone who is important to the family system including parents, children, extended family, and friends who "feel like family";
- anyone who the child identifies as important; and
- anyone who could affect the decisions being made.

6.30 FOSTER CARE, SHELTER CARE AND LICENSING

Child foster care homes provide a family setting for children, who for a variety of reasons, are placed outside their parent's home. Some of the reasons that a child may enter foster care include: abuse or neglect, inadequate housing, parent's disability, illness or death, abandonment, incarceration, substance abuse, temporary absence or inability to cope. Children may also enter foster care due to their own behavior or due to a disability. Foster care is temporary. Foster parents are caring and stable people who can support and nurture the child. They help the child develop physically, mentally and socially and work with a team of professionals who are involved with the child and his or her family. Foster parents also mentor birth parents who are working toward reunification. They can help children transition back to their birth home, transition to a permanent home, or in some cases, become the child's permanent home. In Minnesota more than 70 percent of the children in out-of-home placement are in a foster home setting.

Foster parents come from all walks of life; they may be single or married, with or without children, renters or homeowners. To be licensed by the RCCHSD, the foster parent must: live in Ramsey County; be at least 21 years old; be financially stable and responsible; live in a home that meets fire-safety codes and have appropriate sleeping space. Individuals seeking to become foster care providers must complete an application, allow a complete criminal and social service background check on all

members of the household who are 13 years and older, provide three references and participate in a home study interview that includes all household members. Foster providers share a concern for children and a commitment to helping them through rough times. They provide critical care and nurturing to children in crisis.

6.31 DIFFERENT HOMES FOR DIFFERENT NEEDS

Within the foster care system, there are several types of foster care. Each plays an important role in the continuum of care for children in need of placement, including:

- Traditional Foster Care: These families or individuals care for a wide variety of children who are treated as family members;
- Relative/Kin Foster Care: These homes are licensed to provide care for a specific child with whom they already have a significant relationship. Families interested in providing relative/kinship care begin the process by letting the child's social worker know they are available. The child's social worker may make an emergency placement and complete referral materials for child foster care. The Ramsey County Child Foster Care Unit has intake procedures and workers to assist and expedite the licensing process. Relative/Kin providers who are licensed meet the standards of a traditional home. After the completion of the process the home has a foster care license. In the past, an emergency license was issued, workers may now make an emergency placement and the home is required to complete the licensing process with child foster care;
- Respite Care: Respite care is a program that relieves birth parents and foster parents from the demands of caring for a child with high needs. Respite care helps prevent burnout and can be valuable in helping children continue to live in their own home. It is arranged specifically to meet the needs of the child and families involved and is often for one or two weekends per month;
- Foster-Adoptive Resource Homes: a program in which foster parents commit to caring for the child and assisting and supporting reunification with the birth family while simultaneously committing to provide a legal, permanent home for the child if the child cannot return to the parent(s);
- Rule 1 Foster Homes are licensed directly by the county. A referral to the Child Foster Care Unit is needed to use these homes;
- Rule 4 Foster Homes are licensed by private agencies. Some of the agencies offer therapeutic foster care. Agencies receive an administrative fee in addition to the room and board and difficulty of care (DOC) payments for the provider. A referral must be made to the Ramsey County Human Services foster care unit in order to make a placement in a Rule 4 home. There must be a showing that there are no other placement options licensed

by the county, able to meet the child/ren's needs, before a Rule 4 placement will be authorized;

6.32 CHILDREN'S EMERGENCY SHELTER SERVICES

The Ramsey County Emergency Shelter Program is designed to meet the needs of children in crisis who are unable to remain with their primary caretaker. Ramsey County has shelter facilities that receive children and adolescents at any time of the day or night. Shelter homes are for emergency short-term placement, usually less than 30 days. RCCHSD has designed two types of shelters to best meet the needs of children who require emergency shelter care:

- Family Shelters: for children 0-18 years of age who can be served with a family home. Family Shelter Providers are skilled foster parents who have demonstrated the ability to provide exceptional physical and emotional care to the children placed with them. All family shelter providers are fully screened and licensed by the State of Minnesota;
- Staffed Shelters: for children 6-17 years of age who have needs that cannot be met in a family home. Staff shelters employ 24-hour childcare professionals. Bush Children's Center is for children ages 6-11. Arlington House and Brown House are for children ages 11-18. Ain-Dah-Yung is a staffed shelter, serving children age 6-18 who are Native American.

It is the role of the social worker to explain the short-term nature and purpose of a shelter placement to the child. Social workers who are assigned to the specific case conduct an investigation to determine if the child will be allowed to go home, remain in shelter through a voluntary placement agreement signed by the caretaker, or whether a CHIPS petition should be filed in court. Social workers assist shelter providers by making necessary medical appointments and arranging transportation to medical appointments, school or court. Social workers also set up a visitation plan for the child and parent. Visitation occurs outside of the shelter home. Shelters require 24-hour notice before visitation.

The focus of shelter services is to provide immediate services and protection to children and families who are experiencing a crisis in their lives. It is essential for police officers and social workers to share all pertinent information with the shelter providers to ensure appropriate care.

6.33 THE ADAM WALSH ACT

The federal Adam Walsh Child Protection Act of 2006 is aimed at strengthening laws to protect children from sexual exploitation and violent crime. As part of the effort to protect children, the Minnesota legislature increased background study requirements for child foster care providers. Duties for background checks were transferred from the

county and private agencies to the state for child foster care. The requirements imposed on the County as a result of this act include:

- Completing an FBI fingerprint record check on all individuals studied in relation to licensed child foster care or adoption;
- Reviewing substantiated child maltreatment findings available through the Social Service Information System (SSIS) for all 87 counties for all individuals studied;
- Completing a review of another states data system for any individual who has lived in another state in the last 5 years;
- Completing the background study before placement.

6.40 COURT UNIT/COURT LIAISON WORKER

Ramsey County Human Services employs a two member Court Unit. The Court Unit serves the: Child Protection Maltreatment Assessment Unit, Family Assessment Unit, Welfare Unit, Program Units, Permanent Connections Unit, Children’s Mental Health Units and Children’s Developmental Disabilities Units. The employees in this unit are called “court workers”. The units within RCCHSD that the court unit interfaces with include:

A. Child Protection Maltreatment, Family Assessment and Child Welfare Units:

- These Units are typically referred to as the Intake Units. During the course of investigations or assessments, child protection workers routinely communicate with court workers regarding: criminal background checks, questions of paternity and custodial rights, the necessity of filing emergency protective care petitions or CHIPS petitions, the timing of the filing of petitions, questions about ICWA procedures and ways to resolve cases safely without court intervention.
- The Court Unit needs to be immediately accessible to the intake child protection workers. If a child is in placement due to a police hold, there are less than seventy-two (72) hours to decide whether the child can safely return home or if the child must stay in alternative care. If the decision is made that the child needs to be placed outside of the home then a determination must be made whether it is appropriate to offer the parent(s) a voluntary placement agreement or whether RCCHSD will file an emergency protective care petition
- The intake units inform the Court Unit on a daily basis and often several times a day, of children who are in placement under 72 hour protective holds. Alerting a court worker of the potential need to draft and file an

Emergency Protective Care (EPC) petition is important to ensure that the process runs smoothly. The Court Unit checks in with the juvenile court child protection clerk at the beginning of each day to make him or her aware that an EPC Petition may be necessary.

- If an EPC Petition is necessary, the intake child protection worker provides the court worker with the information necessary to draft the petition, including providing copies of the detention report, police reports, Midwest Children's Resource Center evaluations of physical or sexual abuse and the intake worker's case documentation. The petition is drafted and faxed to juvenile court for a signature by a judge authorizing EPC pending a hearing. The judge's signature page is faxed back to the Court Unit, which then forwards the entire petition to the intake worker to document the legal authority to continue the child in out-of-home placement. A copy of the petition is also faxed to the county attorney's office in preparation for the hearing.
- A non-emergency CHIPS petition may also be requested by the intake worker. Examples of when an intake worker may request a CHIPS petition be drafted but not request EPC include:
 - When the intake worker's investigation is complete and the child remains in alternative care under a voluntary placement agreement, or
 - if the family needs the extra influence of juvenile court to maintain compliance with services, the intake worker may request a non-emergency CHIPS petition. The court worker is provided with required information along with the exact date of placement so that the petition can be drafted, filed and a hearing date set prior to the expiration of the 90 day voluntary placement agreement.

B. Child Protection Program Units

- There are four child protection program units. Program workers can request that a CHIPS petition (either non-emergency or with an emergency protective care request) be drafted by a court worker.
- The RCCHSD court unit assists program workers with the timely filing of: court reports for review and permanency progress review hearings and court ordered case plans. The court unit distributes RCCHSD court reports to all parties prior to review hearings.
- A member of the RCCHSD court unit attends the monthly Permanency Review Team (PRT) meetings. As cases move towards permanency the case is staffed with the PRT, a multidisciplinary Ramsey County team, to

determine the appropriate permanency plan for the child. The court unit is then responsible for the timely drafting and filing of the permanency petition prior to the permanent placement admit/deny hearing. The county attorney's office drafts transfer of permanent physical and legal custody petitions.

- The RCCHSD court unit communicates with the juvenile court child protection clerk and other court personnel daily, regarding the status of agency court summaries for every calendar. Every effort is made to ensure that all agency paperwork is filed and that the calendar runs smoothly.

C. Permanent Connections Unit:

- The RCCHSD court unit serves the Permanent Connections Unit. Court summaries are required from staff for every post-termination of parental rights and long-term foster care hearing. The reports are filed or served with or on the: adoption clerk, Guardian ad Litem program, Children's Law Center, ICWA personnel and other parties by the RCCHSD court unit.
- The court unit communicates with the adoption clerk and other court personnel daily, regarding the status of agency court summaries for every calendar. Every effort is made to ensure that all agency paperwork is filed and that the calendar runs smoothly.

D. Children's Mental Health and Children's Developmental Disabilities Units:

- The RCCHSD court unit serves the Children's Mental Health and Children's Developmental Disabilities Units of the RCCHSD. These units work with families and their special needs children, who have severe mental health, physical and/or developmental disabilities. The RCCHSD court unit's role with respect to these cases is as follows:
 - When the family makes the difficult decision that their child can no longer be cared for in the family home with support services, an Emotional Disability/Developmental Disability (ED/DD) voluntary placement begins. If the child remains in alternative care 5 ½ months after the voluntary placement begins, the social worker must submit a court summary outlining why the placement is necessary, how the placement is meeting the child's needs and what efforts the Agency and the parents are making to support the placement. A non-appearance court review of this case is required at this time and this report is submitted for the court's review and authorization to continue the voluntary placement. The RCCHSD court worker also drafts and submits a proposed court order with the report to the court.

- At the twelfth month of an ED/DD voluntary placement, the RCCHSD court worker contacts the social worker to determine if the child remains in alternative care. If so, a juvenile protection petition for *Permanency Review Regarding a Child in Voluntary Foster Care for Treatment* must be drafted and filed by the 13th month by the RCCHSD court worker.
- If the child has returned home, notice is sent by the RCCHSD court worker to the juvenile protection court supervisor, who drafts a proposed order discharging the case from further review.

E. Other Court Unit Responsibilities:

- The court serves all court orders on RCCHSD through the RCCHSD court unit by e-mail and/or paper copy. The RCCHSD court unit forwards the orders to the appropriate units for distribution to assigned social workers. The orders are also provided to the RCCHSD Revenue Unit for IV-E tracking. A copy of all court orders is also kept with each client file in the Court Unit.
- The RCCHSD court unit also generates a monthly court calendar which is distributed to the child protection units, the Permanent Connections unit, the children's mental health units and the children's developmental disabilities unit. This calendar tracks all hearings for the month with dates that court reports and court ordered case plans are due to the RCCHSD court unit, so that they can be timely filed and/or served on the court and all parties.

6.50 RCCHSD PERMANENT CONNECTIONS UNIT

A. Introduction

- The Permanent Connections (PC) Unit of the RCCHSD provides services to children who are under the guardianship and legal custody of the Minnesota Commissioner of Human Services and who are the financial responsibility of Ramsey County.
- The purpose of state guardianship is for the Commissioner of Human Services to carry out its responsibility to act and care for children in need of protection or services who are committed to the guardianship of the Commissioner. The Minnesota Commissioner of Human Services delegates to counties many of its responsibilities to act and care for a child under state guardianship; thus, services are delivered at the county level.

- A child is committed to guardianship of the Minnesota Commissioner of Human Services after Juvenile Court has determined that the child's parents are unable to provide appropriate care for the child and the parents' rights are terminated by court order. All children committed to the guardianship of the Commissioner of Human Services have previously been adjudicated children in need of protection due to issues of abuse, or abandonment. A child can also be committed to state guardianship if the child's parents agree to allow the child to be adopted by a specific party through a consent to adopt agreement.
- The PC unit receives the child's case directly from the RCCHSD child protection unit once the child is committed to state guardianship following a TPR or a consent to adopt.
- The PC worker acts as the legal guardian for the child on behalf of the Minnesota Commissioner of Human Services and is the case manager for the child's services. The child is the PC worker's client.
- The PC unit is made up of one supervisor, eleven PC workers, two case aides, and one clerk.
- To provide services to the child more efficiently, the PC workers are divided into two different work groups. Six of the PC workers focus on children under fourteen years old. Five of the PC workers focus on children who are either over fourteen years old or who are young adults ranging in age from eighteen to twenty-one years of age. A detailed description of the PC workers roles and responsibilities is provided below.

B. Legal Guardian Responsibilities

- The RCCHSD is delegated to act as the child's legal guardian on behalf of the Commissioner of Human Services. The PC worker acts as the child's legal guardian in the community. The RCCHSD PC worker is authorized to make decisions regarding the following issues for the child:
 - autopsy;
 - baptism;
 - change of name;
 - publicity about the child;
 - application for driver's license;
 - application for marriage license;
 - enlistment into the military/peace corps/job corps;
 - medical and surgical care except for sterilization;

- giving a body or body part to science after the death of the child;
 - psychiatric care including admission to a psychiatric treatment facility;
 - tuition waiver;
 - permanency planning; and
 - educational plans;
 - consent to travel outside the state of Minnesota for a period less than 30 days; and
 - approval of birth family contact.
- The Commissioner of Human Services retains authority to consent to the following:
 - do not resuscitate/ do not intubate orders;
 - adoption;
 - exportation of the child to another state for foster care or adoption;
 - leaving the state for more than 90 days;
 - giving a body part for therapeutic purposes to another person while the child is still living;
 - sterilization of the child; and
 - separation of siblings that are under guardianship.

C. Case Management

- As the child's case manager, the PC worker is responsible for the care and supervision of the child. The PC worker must develop and implement a service plan for the child that addresses all of the following issues:
 - arranging a safe and nurturing place for the child to live;
 - identifying and meeting the child's current needs including their emotional, educational, health, vocational, and spiritual needs; and
 - developing the permanency plan for the child.
- The PC worker is responsible for arranging a meeting with all persons involved with the child within 21 days of the worker receiving the case. The 21-day meeting allows the worker to introduce themselves to the shareholders involved in the case and to explain the workers' responsibilities. The PC worker may also provide general information at this meeting including details about the adoption process. This initial meeting gives all of the shareholders an opportunity to ask questions regarding the child's case, discuss their individual history with the child and share concerns or recommendations they may have regarding the child.

- After the 21 day staffing the PC worker drafts a case plan for the child detailing the current goals for the child and designating who will be responsible for specific tasks for the child such as, arranging regular medical care or arranging visitation for the child with siblings.
- The PC worker is responsible for obtaining medical, educational, psychological, and any other records that may be pertinent in planning for the child. The worker obtains information by contacting persons involved with the child including: relatives, current caretakers, the guardian ad litem, school staff, medical providers, therapists, psychiatrist, probation officers, residential treatment staff, and the child's attorney (CLC).
- If the child under guardianship is Native American, it is the responsibility of the PC worker to make sure that all ICWA requirements are satisfied.
- As the child's case manager, the PC worker is responsible for the following:
 - maintaining the child's current records;
 - inputting/updating information on the state computer system (SSIS);
 - preparing court reports and attending judicial reviews;
 - preparing/submitting reports to DHS as required;
 - applying for any available financial programs that the child may be eligible to receive such as medical assistance and/or SSI benefits;
 - attending meetings in the community such as school conference;
 - acting as the parent for the child at delinquency hearings; and
 - visiting the child and caretakers on a monthly basis.
- The PC worker is responsible to provide the following services as needed:
 - crisis intervention;
 - emergency shelter placements;
 - placement coordination;
 - arranging visitation with siblings;
 - making referrals for assessments to identify special needs;
 - making referrals for support services for the child and the child's caretakers including: respite, PCA, in-home therapy; and
 - pregnancy prevention.

D. Adoption-Focused Social Workers

- The adoption-focused social workers are focused on children under fourteen years old. The permanency option for a child in this age group is adoption. The adoption-focused worker is responsible for the following tasks in executing a plan for permanency:
 - preparation;
 - registration;
 - recruitment;
 - selection;
 - placement; and
 - finalization.
- **Preparation** includes:
 - Preparation of the recruitment materials including:
 - a social history of the child and
 - a “travel folder” for the recruitment process.
 - Preparation of the child and the child’s caretaker:
 - through the child’s therapist;
 - having the child make a Life Book; and/or
 - having the child participate in a program designed to help the child understand the adoption process.
 - Preparation of the child’s caretakers includes:
 - informing the child’s current caretaker of the adoption process and their role in helping the child move into their permanent family.
- **Registration:** A child must be registered with the State Adoption Exchange within 45 days of the child’s commitment to state guardianship. Waiver of the registration for adoption can be requested for specific circumstances such as: the child is living with a relative who has not decided if they will adopt the child, time is needed to review relatives/kin that have come forward for the child, or time is needed to assess a child’s special needs.
- **Recruitment** of an adoptive family includes: reviewing options found through the previous kinship searches, the Task Force presentation, other recruitment efforts such as Thursday’s Child, the Ramsey County web site, etc. If the most appropriate placement for a child is

a family that resides in another state, the PC worker must request an adoption home study from the state through the State of Minnesota Interstate Compact Program.

- **Selection** of the adoptive family which includes reviewing adoption home studies, interviewing potential adoptive families to determine how they will meet the child's special needs, arranging collateral interviews for the potential families with the child's service providers, and assessing the potential adoptive family with respect to the Eight Placement Factors to determine which family will best suit the child's current and future needs.
- **Placement** of the child with the adoptive family includes introducing the family to the child; coordinating the transfer of services for the child including medical and school records; arranging a pre-placement visitation schedule; monitoring progress of the pre-placement visits; and determining a placement date. If the placement is in another state, the adoption focused worker must receive approval from the state via the Interstate Compact Program prior to placement. After approval is granted, the PC worker is responsible for coordinating and arranging the child's out of state placement.
- **Finalization** can occur after the child has been in the adoptive placement for ninety days. The Commissioner of Human Services retains guardianship responsibilities for the child until the adoption is finalized. The adoption-focus worker continues to monitor the child's care and is responsible for arranging any support services the child or the child's family may need. The adoption-focused worker is also responsible for completing the child's paperwork for the adoption finalization including the Adoption Placement Agreement, the Adoption Subsidy Agreement, and requesting the necessary consent paperwork from the Commissioner of Human Services for the adoption hearing. After the adoption is finalized, the new caretakers will become the legal parents for the child and the adoption-focused worker closes the child's guardianship record.

E. Guardianship-Focused Workers

- The guardianship-focused PC workers are responsible for permanency planning for the children who are fourteen years old through eighteen years old. Although adoption is still the primary goal for all children under state guardianship, the options for permanency may be different for children in this age group. There are some children in this age group that have been court ordered into permanent foster care. The guardianship-focused social workers pursue all permanency options for the child.

- If two years of exhaustive efforts have been made to locate an adoptive home after parental rights were terminated and either no adoptive home is available or the child will not consent to his/her adoption (required after a child turns fourteen), the guardianship-focused workers will then try to provide the child with a life-long connection to a family by arranging a long-term foster care placement for the child.
- The guardianship-focused PC workers also help the child identify and maintain a relationship with other adults that are willing to be a resource and support to the child into their adulthood.
- The guardianship focused PC workers are responsible to help the child develop the necessary Independent Living Plan (ILP) for children 16 years or older. The ILP must include the following objectives:
 - educational, vocational, or employment planning;
 - health care planning and medical coverage;
 - transportation, including, where appropriate, assisting the child in obtaining a driver's license;
 - money management;
 - planning for housing; and
 - social and recreational skills
- The ILP will be reviewed annually in court for all youth age sixteen and older. The ILP must include progress on the following:
 - obtaining a high school diploma;
 - participating in drivers education or learning to utilize public transportation;
 - obtaining employment or being enrolled in post secondary education;
 - applying for financial aid;
 - obtaining health care coverage;
 - applying for SSI or other services;
 - obtaining affordable housing;
 - obtaining first month's rent and damage deposit;
 - obtaining alternate housing if the original plan is unworkable;
 - registering for Selective Service, if the child is male; and
 - establishing a permanent connection to the caring adult.
- The guardianship-focused PC worker may provide the following referrals:

- developmental disabilities services;
 - vulnerable adults services;
 - adult mental health services; and/or
 - transitional housing programs.
- The guardianship-focused PC worker will also:
 - Help the child apply for SSI or other financial programs that the child may be eligible to receive.
 - Provide the child with the medical history of the child and parents as well as the education history of the child. These histories will be provided to the child upon leaving care.
 - Notify all youth, their parents and foster parents, at least six months before the child's eighteenth birthday, of the child's ability to receive services beyond the age of eighteen.
 - Ensure that each child has the following in their possession at the time he/she leaves care, their:
 - social security card;
 - birth certificate;
 - state identification card, driver's license, resident alien card or visa; and
 - dental records.
 - Provide services to persons between the ages of eighteen and twenty-one years of age who were still under guardianship when the child/client reached the age of eighteen and who are currently participating in a school and/or training program. Available services include:
 - continued placement in foster care;
 - financial support for clients living independently;
 - funds to pay for books and supplies needed for the client's academic or training program if other financial aid is insufficient; and
 - help in identifying and maintaining the client's eligibility for programs such as medical assistance.

F. Other Services

- **Consultation with Child Protection:** The PC workers and one of the unit's case aides are available to consult with child protection staff in regards to permanency planning prior to the child's commitment to guardianship. Each child protection unit has an PC worker assigned to that unit to act as a liaison. The PC worker is available to participate in a family group decision-making meeting or meet individually with relatives or foster families that are considering assuming permanent care of a child. The PC worker provides information regarding different services and resources available to an adoptive family so that a potential family can make an informed decision regarding adoption.
- **Courtesy Supervision:** Ramsey County PC unit also provides courtesy supervision for children under state guardianship who are currently placed in Ramsey County but who are the responsibility of another Minnesota county. This option is usually requested when there is a great distance between the child's placement and the county responsible for the child, which would hamper the supervision of the placement. Courtesy supervision is also provided to children who are under the guardianship of another state through the MN Interstate Compact Program. Courtesy supervision consists of regular visits with the child and their caretakers and in helping the responsible county/state identify local services or resources. Financial responsibility or guardianship services, including the responsibility for the child's permanency planning, are retained by the county or state that is responsible for the child.

6.60 INDEPENDENT LIVING SKILLS PROGRAM – THE SELF PROGRAM

“Minnesota’s county and tribal child welfare workers have a responsibility to assist adolescents in out-of-home care with preparation for successful adulthood. This work is required by Minnesota Statute and is also good social work practice.

Minnesota Statutes, section 260C.212, subd. 1, mandates the development of an Independent Living Plan for youth ages 16 and older, who are in out-of-home care because of a permanency disposition. It is important to understand that an Independent Living Plan does not conflict with, nor replaces, the goal of achieving permanency for adolescents. Youth who are state wards, and youth whose permanency disposition is long-term foster care should be the highest priority for services that promote preparation for independent living and permanency. These youth

will leave the child welfare system without the support of their birth families. It is a child welfare social workers' goal to assure they leave out-of-home care with:

- *a high school diploma;*
- *employment and/or acceptance to post-secondary education;*
- *health care coverage;*
- *a savings account;*
- *a safe and affordable place to live;*
- *a means of transportation;*
- *knowledge of community resources; and*
- *connections to positive adults and family members.*²³

The Ramsey County Adolescent Living Skills Program also referred to as the SELF program serves youth between the ages of fourteen and twenty-one years old, who are in long-term substitute care after age fourteen.²⁴ Services can continue up to age twenty-one as long as the youth ages out of foster care at age eighteen. Children who are between the ages of fourteen and sixteen are invited to participate in the independent living skills group activities such as classes, field trips, and events. Youth who are between the ages of seventeen and twenty-one are eligible for ongoing case management and are assigned to an independent living skills social worker. Case management services are individualized towards each youth. The SELF program is a voluntary program and youth need to have the ability to live independently

Those eligible for SELF services include:

- youth between the ages of fourteen and twenty-one who are or have been in an out-of-home placement after their fourteenth birthday and who have aged out of care;
- youth who are under the guardianship of the Commissioner of Human Services and who are adopted after their sixteenth birthday; and
- youth who have been the subject of a transfer of legal custody if it occurred after the child's sixteenth birthday.

The Independent Living Skills program focuses primarily on the areas of employment, education and housing. Some of the services that the Independent Living Skills Program provides to youth include:

²³ Bulletin #06-68-03, Minnesota Department of Human Services, May 15, 2006. See also, Best Practices Guide: Helping Youth from Out-of-Home Care to Adulthood, http://www.dhs.state.mn.us/main/groups/children/documents/pub/DHS_id_003701.hcsp.

²⁴ Substitute care is defined as a county-approved out-of-home placement, including group homes and foster care.

- assistance with independent living skills including group sessions on independent living skills topics such as job search, banking, housing and more;
- drivers education;
- employment resources including helping the youth find a job; and
- help with post-secondary options, including assisting the youth with the decision-making process.

6.61 REFERRALS TO THE SELF PROGRAM

Referrals to the SELF program are made either by the child's current Ramsey County placing social worker or, if the youth does not have a current Ramsey County social worker, they can contact the SELF program and refer themselves. The application process is established by DHS, and the funds are provided to the SELF program from DHS for the Self program to distribute.

6.62 EDUCATION TRAINING VOUCHER (EDT)

Post-Secondary financial assistance, which may include: tuition and books, room and board, computer, transportation, childcare costs and education related supplies is available through this voucher.



THE GUARDIAN AD LITEM

7. The Guardian ad Litem

7.01 INTRODUCTION

The Minnesota Guardian ad Litem Program is a state run, district administered program funded by the legislature and is made up of volunteers, independent contractors and employees. Ramsey County is largely a volunteer model, and one of three programs in the state that are members of the National CASA, or Court Appointed Special Advocates. The program currently has one Manager, four Coordinators, fifteen Independent Contractors and approximately one hundred fifty volunteers. (See Appendix C).

All advocates are required to complete an intensive forty-hour pre-service training program before receiving their first case assignment. There are continuing educational opportunities to enhance skills. Each guardian ad litem must get twelve hours of continuing education each year, and ongoing support and supervision are provided.

7.02 MISSION

It is our mission to provide a well trained, highly effective guardian ad litem to advocate for the best interests of every abused, neglected and maltreated child who comes before Minnesota's Juvenile and Family Courts, to ensure that each child obtains a safe, nurturing and permanent home as quickly as possible.

7.03 GUARDIAN AD LITEM'S ROLE

The guardian ad litem is an advocate for a child whose welfare is a matter of concern for the court. In legal terms, it means "guardian for the lawsuit." When the court is making decisions that will affect a child's future, the child needs and deserves a spokesperson – an objective adult to provide independent information about the best interests of the child. While other parties in the case are concerned about the child, the Guardian ad Litem's sole concern is the best interests of the child, and he or she is assigned as an advocate for the child's best interests for the duration of the juvenile court process.

Different from a legal guardian, the guardian ad litem has no control over the person or property of the child and does not provide a home for the child. The guardian ad litem does not function as the child's attorney and does not provide direct services to the child.

Based on their independent information gathering about the case, and their contact with the child and other people concerned, the guardian ad litem prepares a report for each court hearing, comes to court and makes recommendations to the judge that they think would be in the best interests of the child.

Guardian ad litem input is one of several important pieces of information the judge uses in making an informed ruling on behalf of the child. Guardian's ad litem need to be an independent voice that is not influenced by any other party's interests or position. A guardian ad litem who can tell the court "I was there – this is what I observed" can be invaluable.

A. There are three primary functions of a guardian ad litem:

1. Information-gathering for the court:
 - what has happened to the child; and
 - what are the current circumstance and needs of the child.
2. Making recommendations to the court:
 - what the child needs to be safe;
 - what services and treatment plans should be ordered for the child and family; and
 - what permanent resolution is in the best interests of the child.
3. Advocating for speedy decisions that take into account the impact of delays and time for the child.

7.04 LEGAL MANDATE

The Child Abuse Prevention and Treatment Act of 1974 mandates that every child who is a victim of abuse or neglect be appointed a guardian ad litem. The Ramsey County Guardian ad Litem Program receives funding from the state legislature to fulfill this mandate and also a small amount of money to cover cases of delinquency, truancy, runaway, voluntary placements and family court.

The Federal Mandate makes clear that the guardian's ad litem's role is not representation of the child but advocating for the child's best interest.

7.05 GENERAL RESPONSIBILITIES OF GUARDIAN AD LITEM

According to the Minnesota Rules of Guardian ad Litem Procedure in Juvenile and Family Court, Rule 905.01, the guardian ad litem will:

1. Conduct an independent investigation to determine the facts relevant to the situation of the child or incompetent adult and the child's parent, legal custodian, or other household or family member, which must include, unless specifically excluded by the court:

- a. reviewing relevant documents, which in the case of an adoption shall include the adoption study report and the post-placement assessment report, upon order of the court to the extent permitted by Minnesota Statutes 259.53, subd. 3(b);
 - b. meeting with and observing the child in the home setting and considering the child's or incompetent adult's wishes, as appropriate; and
 - c. interviewing parents, caregivers, and others relevant to the case.
2. Advocate for the best interests of the child or incompetent adult by participating in appropriate aspects of the case and advocating for appropriate community services when necessary;
 3. Maintain the confidentiality of information related to a case, with the exception of sharing information as permitted by law to promote cooperative solutions that are in the best interests of the child or incompetent adult;
 4. Monitor the best interests of the child or incompetent adult throughout the judicial proceeding; and
 5. Present written reports on the best interests of the child or incompetent adult that include conclusions and recommendations, and the facts upon which they are based.

7.06 GUARDIAN AD LITEM RELATIONSHIP TO THE COURT

As a party to the court proceedings, the guardian ad litem submits written reports at all review hearings and trials. No written report is necessary for admit/deny hearings, pre-trial hearings and motion hearings. All reports are filed in accordance with the Minnesota Rules of Civil Procedure.

The guardian ad litem has the right to be heard at all hearings and shall be furnished copies of all documents, reports and pleadings. Additionally, as a party, guardian's ad litem have the right to legal representation when needed. Representation is provided by the program and the program makes the decision when and if a guardian ad litem needs representation.



**OFFICE OF THE
OMBUDSPERSON FOR
FAMILIES**

8. Office of the Ombudsperson for Families

8.01 PURPOSE

The Office of Ombudsperson for Families is authorized by Minnesota Statutes §257.0755. The Office was created in 1991. The legislation requires the office to operate independently but in collaboration with the Indian Affairs Council, the Chicano-Latino Affairs Council, the Council on Black Minnesotans, and the Council on Asian-Pacific Minnesotans. The applicable community specific board selects the Ombudsperson for each community. Each Ombudsperson serves in unclassified service at the pleasure of the board. Each board consists of five members appointed by the chair of that specific council. The members are required to meet four times a year to advise the Ombudspersons on overall policies. In November 2005 the office added one full time clerical staff person, increasing its total FTE to 5.0.

Each Ombudsperson has the authority to investigate decisions, acts, and other matters of an agency, program, or facility providing protection or placement services to children of color.

8.02 CORE FUNCTIONS

The office's primary duty is to ensure that all laws governing the protection of children and their families are implemented in a culturally appropriate manner and that decision-making processes are in compliance with the laws that protect children of color in the state of Minnesota.

Additional duties of the office include working with local and state courts, policy makers, and services providers to promote integrated systems to ensure family reunification, stability, security and permanency. This office reaffirms the state's commitment of making and keeping the family whole and assisting in the well being of Minnesota's children. Finally, the office helps develop policy to support and create culturally competent and bilingual social workers in communities of color throughout Minnesota.



THE INITIATIVES OF THE RAMSEY COUNTY CJI TEAM

9. Ramsey County CJI Initiatives and Accomplishments

9.01 ACCOMPLISHMENTS OF THE RAMSEY COUNTY CJI TEAM

The commitment of CJI team partners to regularly meet, each and every month since the CJI team's inception in April of 2001 is a significant accomplishment particularly given the demanding schedules of the CJI partners and of the Court calendar. Since 2001 the team has consistently held hour-long monthly meetings. In 2007 the meeting time was expanded; once a quarter, the team meets for the entire afternoon in addition to the hour-long monthly meetings during the other months. This change occurred after team members agreed that in order to move initiatives forward in a proactive manner, a more in-depth meeting was needed on a quarterly basis. As a result of the consistent meetings the team has accomplished the following:

1. Ramsey County CJI partners have on an ongoing basis, addressed and resolved system-wide problems as they have occurred. The Team has proactively developed strategies to improve Ramsey County's ability to serve families and children. Team involvement has driven positive system improvements in the following areas:
 - coordination of efforts to meet IV-E audit requirements;
 - attending to court calendaring issues;
 - building understanding among the various partners of each other's roles and responsibilities in order to work effectively together;
 - developing positive relationships between partners and sharing needed information about individual agencies and initiatives;
 - addressing problems arising out of misunderstandings or ineffective communication between team partners;
 - developing procedures and protocols to more efficiently and effectively work with families and manage the cases;
 - identifying areas where additional training is needed and developing, presenting or obtaining the needed training;
 - providing a communication link between the CJI team and the bench; (the CJI judge has communicated information about the CJI team's initiatives and recommendations to both the Juvenile Court bench as well as the larger District Court bench. The communication link has

been an important element in allowing the team to move forward with the implementation of policies or procedures developed by the team);

- discussing goals, objectives and data of the statewide CJI initiative to identify issues that the Ramsey County team chooses to focus attention on.
2. Limited the number of families noticed to appear per child protection calendar, allowing for more individual consideration of each family's current circumstances.
 3. Added an additional judge from a two judge rotation to three in order to give more attention to individual cases on the calendar and provide more trial time so that long delays will be less frequent.
 4. Strengthened judicial oversight and increased Post TPR/Judicial Review appearances.
 5. Staggered child protection cases from a system that scheduled all hearings at a given time to a system that staggers the cases between three time periods. This way of scheduling cases frees-up the professionals providing services on behalf of the families and limits the time families spend waiting for hearings.
 6. Learned from the state and other county CJI teams about their initiatives and practices in order to glean ideas and methods from others, by participating as a team in statewide CJI retreats and regional seminars that have been offered.
 7. Increased our understanding of how to best apply ICWA requirements to our cases, by participating as a team in an ICWA training provided by an out of state judge who is an expert in ICWA matters.
 8. Developed and implemented a permanent placement disruption policy (See *Appendix D*) in an effort to address team members' concerns about having access to a court review process when concerns or disagreements about new placements exist, while balancing judicial resource issues.
 9. Addressed the issue of how to move forward on petitions involving incarcerated parents, who are parties to the petition, in federal or out-of-state prisons, who consequently, cannot be writted in for court appearances, by developing a policy for handling these cases consistent with state and federal law (See *Appendix E*).

9.02 INITIATIVES OF THE RAMSEY COUNTY CJI TEAM

1. **Co-Occurrence of Domestic Violence and Child Protection:** the focus of this initiative was to evaluate the impact of child protection's involvement in certain domestic abuse cases reported by the police. The concern of some team members was that domestic abuse victims who reported the abuse to the police in order to get help for themselves and their children were being "re-victimized" by child protection's subsequent involvement in the case. The outcome of this subcommittee was the education of team partners to the complex issues present in these cases; participation in a presentation at a CJI regional training and the development of best practices when handling these cases.
2. **Racial Disparities and Institutional Racism:** this ongoing initiative involves an evaluation of issues surrounding racial disparities in out-of-home placements in Ramsey County; it also examines the role that institutional racism plays in this disparity. Thus far this initiative has included a presentation by the RCCHSD regarding the work of the department in this area, guest speaker presentations to the CJI team, a video presentation and team participation in the Intercultural Development Inventory (IDI).
3. **Development of the Ramsey County CJI Partner Handbook:** this was a long and arduous process that involved the work of many team members committed to documenting our practices and our respective roles in the system. We recognized the importance of doing this work in order to assist both newcomers to the team as well as all other interested individuals working within the system; and to assist progress on team initiatives by maintaining institutional knowledge even as individuals working within the system change.



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10. Helpful References

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- *Child Protection Resource Manual*, Minnesota County Attorney's Association, 100 Empire Drive, #200, St. Paul, MN 55103, 651-641-1600.

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15. National Center for State Courts
<http://www.ncsconline.org/>
16. National Child Protection Training Center
<http://www.ncptc.org/>
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<http://www.nicwa.org/>
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<http://www.nacac.org/>
19. Ramsey County website
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11. Appendices



APPENDICES

APPENDIX A CHILD PROTECTION SCREENING CRITERIA

Ramsey County
Children and Family Services

Child Protection Screening Criteria

Last Revised August 2008

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Ramsey County Child and Family Services

Child Protection Screening Criteria

I. Introduction

A. Purpose of Criteria

- To promote consistency between individual employees who are responsible for the screening and assessment of child abuse and neglect reports.
- To provide the community with information regarding the assessment and screening process of child abuse and neglect reports in Ramsey County.
- These criteria are based on Minnesota Statutes 626.556, Reporting of Maltreatment of Minors.

B. Where to Report

- Generally RCCHSD responds to reports of child maltreatment within a family setting. This is further defined within this Screening Criteria in Sections III. B(2) and (3).
- Reports of maltreatment may also be made to local law enforcement agencies. Minnesota statutes require cross notification between law enforcement and local child welfare agencies when either agency receives a report of child physical abuse, sexual abuse or neglect.²⁵ Child safety emergencies should be made directly to local law enforcement for immediate intervention. Only law enforcement officers have the authority to immediately place children in safe settings outside the family home without a court order.

C. Reports Must Meet a Minimum Threshold

When receiving a report of child maltreatment, RCCHSD staff must first determine whether the report meets the legal definition of child maltreatment. By law, only reports that meet statutory requirements can be accepted. At times there may be inadequate information to begin an assessment or investigation. Once a report is accepted, it is assigned to one of two child protection response types.

²⁵ Minnesota Statute 626.556, subd. 7.

- Anonymous reports will be accepted, however, efforts will be made to have reporters identify themselves, so follow-up information can be exchanged.
- Mandated reporters cannot by law report anonymously.
- Hearsay reports are not acceptable; therefore Child Protection Intake will make every attempt to secure first-hand information before case assignment.

D. Customized Responses to Reports of Alleged Child Maltreatment

- Investigative Response. Investigations are designed to respond to the most serious reports of harm and neglect to children. Reports of child maltreatment that allege substantial child endangerment must receive an investigation. Minnesota statutes define substantial child endangerment to include categories of egregious harm, physical and sexual abuse, and reports of high risk neglect.²⁶ Investigations are sometimes conducted with law enforcement as part of a police investigation. Depending on the circumstances of the report, RCCHSD may decide to assign a report not involving substantial child endangerment for an investigation. The focus of an Investigative Response centers on gathering facts and assessing family protective capacities related to child safety. This leads to a determination of whether child maltreatment occurred and whether child protective services are needed.
- Family Assessment Response. Reports not involving substantial child endangerment may be assigned for a Family Assessment. A Family Assessment involves an evaluation of a child's safety, the risk for subsequent child maltreatment, and the family's strengths and needs. The focus of Family Assessment is to engage the family's protective capacities and offer services that address the immediate and ongoing safety concerns of a child. Family Assessment uses strength-based interventions and involves the family in planning for and selecting services. Resources in the family's community are identified and the family's involvement is encouraged on a voluntary basis. If additional information is presented that requires an investigation, or if a family does not complete the Family Assessment, or does not follow through with recommended services to address child safety, the response may be changed to an investigation.

²⁶ Minnesota Statute 626.556, Subd. 2.

Family Assessment is the preferred response when conditions of safety permit.²⁷ The majority of reports accepted for a child protection response in Minnesota are assigned for a Family Assessment.

II. General Definitions

A. Person Responsible for a Child's Care:

- An individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or
- An individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, other school employees or agents, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching, and coaching.

B. Person who has a Significant Relationship to the Child for Purposes of Sexual Abuse Allegation:

- A person who is the child's parent, stepparent, or guardian;
- A person related to the child by blood, marriage, or adoption: brother, sister, stepbrother, stepsister, first cousin, aunt, uncle, nephew, niece, grandparent, great-grandparent, great-uncle, great-aunt; or
- An adult who jointly resides intermittently or regularly in the same dwelling as the child.

C. Person in a position of Authority for Purposes of a Sexual Abuse Allegation: includes but is not limited to any person who is a parent, or acting in the place of a parent and charged with any of a parent's rights, duties or responsibilities to a child, or a person who is charged with any duty or responsibility for the health, welfare, or supervision of a child, either independently or through another, no matter how brief, at the time of the act.

D. Threatened injury means a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury. Examples of threatened injury include the following:

- Holding a weapon to a child or attempting to hit a child with a weapon while threatening harm;

²⁷ Minnesota Statute 626.556, Subd. 1.

- Placing a child at immediate risk (i.e. suspending a child out a window);
- Intentionally exposing a child to adult sexual activity;
- Intentional acts of sexually intrusive behaviors such as:
 - Walking in on or peeping on a child when the child is nude;
 - Exposing the child to sexual acts by an adult such as masturbation in front of a child, asking the child to watch sexual activity or coercing the child to observe or participate in sexual activity;²⁸
- Having committed an act that has resulted in an involuntary termination of parental rights, or involuntary transfer of custody of another child;
- Having been found by juvenile protection proceedings to be palpably unfit;
- Having subjected a child to, or failed to protect a child from, an overt act or condition that constitutes egregious harm.
- The child is present during a domestic violence episode in which objects are used as weapons.
- The child intervenes during a domestic violence episode (including the child making a 911 call or being used as a shield).

E. Mental Injury: means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child's ability to function within a normal range of performance and behavior with due regard to the child's culture. These reports would come from a professional person (i.e. a mental health professional or teacher) documenting both mental injury to the child and acts or omissions of parent or caretaker of the child that have contributed to the development of the injury. This also includes threatened mental injury, which is defined as behavior of a caretaker, which would result in mental injury, but mental injury is not yet observed in the child. Again, a school or mental health professional would be the referral source.

²⁸ If the exposure is a result of casual nudity, the report will not be assessed unless the child reports discomfort or other negative impacts. If the child is negatively impacted a neglect assessment will be done.

III. Specific Criteria by Maltreatment Type:

A. Criteria for Physical Abuse

1. Definition:

- Any physical injury, mental injury, or threatened injury;
- Intentionally inflicted on a child by a person responsible for the child's care²⁹; or
- Any physical or mental injury that cannot reasonably be explained by the child's history of injuries.
- The definition of "physical abuse" does NOT include reasonable and moderate physical discipline of a child administered by a parent or legal guardian, which does not result in an injury.

2. Examples of "physical injuries" that may be investigated are:

- A visible injury, mark or swelling that lasts a minimum of twenty-four hours;
- An injury diagnosed by a physician (i.e. by x-ray, MRI, CT scan or other diagnostic instrument)

3. Examples of abusive acts that fit within criteria of physical abuse:

- An act of discipline, which results in an injury.
- Any physical injury that cannot be reasonably explained by the child's history of injuries. These reports usually come from a physician.
- Any case where a physician reports a suspicious explanation of an injury.
- Throwing, choking, kicking, burning, biting, cutting, smothering or poisoning a child that results in a visible injury or an injury diagnosed by a physician;
- Striking a child with a closed fist, with a weapon or an object that results in injury;

²⁹ Juvenile siblings acting in a care-taking role will be assessed by child protection intake. Other juvenile perpetrators may be referred to police. Reports of abuse by hospital staff, day care center staff, school staff or licensed P.C.A. are to be referred to the police and the MN Department of Health for investigation. Reports regarding an unlicensed P.C.A. are to be referred to the police for investigation. Reports of abuse in correctional facilities are to be referred to the MN Department of Corrections and the police.

- Shaking a child under the age of three;
- Striking or other actions which result in any non-accidental injury to a child under 18 months of age;
- Unreasonable interference with a child's breathing;
- Threatening a child with a weapon;
- Striking a child under age one on the face or head;
- Purposely giving a child alcohol, or dangerous, harmful, or controlled substances which were not prescribed;
- Unreasonable physical confinement or restraint;

B. Criteria for Sexual Abuse:

1. Definition of Sexual Abuse in Minnesota Statute 626.

The subjection of a child by a person responsible for the child's care, by a person who has a significant relationship to the child, to any act which constitutes a violation of section 609.342 (criminal sexual conduct in the first degree), 609.343 (criminal sexual conduct in the second degree), 609.344 (criminal sexual conduct in the third degree), 609.345 (criminal sexual conduct in the fourth degree), or 609.3451 (criminal sexual conduct in the fifth degree). Sexual abuse also includes any act which involves a minor which constitutes a violation of prostitution offenses under sections 609.321 to 609.324 or 617.246. Sexual abuse includes threatened sexual abuse. (See Appendix A for statutory definitions of above referenced crimes).

(Please note: not all cases that fit under this definition are investigated by child protection. Section III (B)(2) and (3) below identifies which sexual abuse reports are investigated by child protection and which reports are investigated by law enforcement)

2. RCCHSD will assess sexual abuse reports if:

- a. The alleged offender is the parent, guardian, sibling, or an individual functioning within the family unit as a person responsible for the child's care, or

- b. A person with a significant relationship to the child if that person resides in the child's household.³⁰
3. Law enforcement will investigate sexual abuse reports if the report alleges sexual abuse by a person who is NOT:³¹
 - a. A parent, guardian, sibling, person responsible for the child's care functioning within the family unit, or
 - b. A person who lives in the child's household and who has a significant relationship to the child³²

In the above law enforcement investigated reports, the RCCHSD shall offer appropriate social services for the purpose of safeguarding and enhancing the welfare of the abused or neglected minor.

4. Sexual abuse reports will be assessed if the act occurred within the past three years.³³
5. CPS will also assess contact between juvenile siblings, or children living together with three years or more age difference between them. All reports of adolescent siblings as perpetrators will be assessed by CPS. CPS will also assess always if one sibling is in a care-taking role regardless of age differences, or if there is force or coercion.
6. Children age 9 and under, engaging in sexual activity with another child, with a 3-year age difference, living in the same household will be assessed as neglect.
7. Examples of Sexual abuse that will be investigated include but are not limited to:
 - Intentional touching of the victim's breasts, buttocks, inner thighs, groin or primary genital area (or victim touching the perpetrator), either through the clothing or skin to skin contact. This would also include a victim touching themselves, or two victims touching each other at the direction of an adult;
 - Children with unexplained injury to genitals;
 - Children with sexually transmitted diseases;

³⁰ 626.556, Subd. 3e

³¹ Except reports of abuse in a facility. 626.556, Subd. 10a.

³² 626.556, Subd. 10a.

³³ CPS will facilitate a report to law enforcement on cases older than three years old

- Children involved in prostitution or sexual performance. Also includes videotaping or photographing children in a sexual manner;
 - Children sexually abused by adults not within the family unit while not assessable shall be cross-reported to law enforcement. The CPS worker will facilitate this.
 - Children living with, being cared for by, or allowed access to an untreated, sex offender³⁴, unless the access is authorized by a treating professional, will be assessed as neglect.
8. Reports of minor non-sibling relatives having sexual contact will not be assessed unless referred by the county attorney as a perpetrator who has committed a delinquent act and is under ten years old. Other reports of sexual assault will be referred to the police;
 9. Children in placement having sexual contact will be assigned for assessment if there are clear allegations of neglect by the caretakers such as repeated episodes after staff is aware of the problem

C. Criteria for Neglect:

1. Definition of Neglect: the intentional or non-intentional failure by a person responsible for a child's care to:
 - Provide a child with necessary food, clothing, shelter, health, medical, or other care required for the child's physical or mental health, and;
 - As a result, causing harm or threat of harm to the child's safety, development or education.
2. Examples of neglect reports that may be assessed include but are not limited to the following:
 - a. Inadequate Shelter: the periodic or continuing failure to provide adequate shelter and protection from weather and from environmental hazards in the dwelling and on the property which have the potential for injury, illness, and/or disease which are under control of the person responsible for the child's care;

³⁴ A sex offender is defined as a person who has been convicted of a sex offense, a registered sex offender or a person who has a maltreatment determination of sex abuse by a local welfare agency or similar agency of another jurisdiction. EXCEPT: if the sex offense was the result of a 36 month or less age difference between the offender and the victim, and did not involve force, the case will not be assessed, unless the screener determines particular facts merit assessment.

- Adequate shelter includes, appropriate heat, appropriate sanitation, and appropriate sleeping arrangements.³⁵
 - Environmental hazards in the home or on the property include, but are not limited to, items such as: broken window or glass, gas leaks, open and accessible containers of dangerous drugs or household poisons, exposed electric wiring, scalding water, unprotected space heaters, lead-based paint, discarded refrigerators with doors, open wells without covers, animal waste, feces, rodents and insects.³⁶
 - CPS may assess reports of a family living in a car, under a bridge, or camping due to homelessness. Factors to be considered in camping are bathroom facilities, and length of time as well as season. CPS will involve police for immediate safety check. Reports of family barred from emergency shelter due to excessive use, or whose caretaker's behavior banned them from shelter use and having no place to stay, will be assessed by CPS.
- b. Inadequate Clothing and Hygiene: The failure to provide and maintain adequate clothing, which is appropriate to the climate and/or environmental conditions. Appropriate to assign if risk factors are high, such as the child's core temperature has dropped due to inadequate cover in cold, or child suffers frostbite.
- Failure to provide adequate clothing for the child's sex and age;
 - Maintenance of clothing includes periodic laundering and necessary upkeep;
 - Documentation from school or other agency showing that a child is chronically dirty or unbathed and as a result is unable to participate in the school setting, is shunned by other children due to chronic untreated head lice, filth or smell, and parent is uncooperative or unable to improve situation.
- c. Inadequate Food:
- Child routinely lacks sufficient quantity or quality of food;

³⁵ Will be referred to appropriate health department either by CPS or reporter facilitate by CPS. If Health Department condemns property, conditions are met for assessment.

³⁶ See footnote 3.

- Child suffers from malnutrition or developmental lags; this provision includes a nurse's concern for low height-weight data even if not diagnosed as failure to thrive.
- d. Lack of Supervision: selecting unreliable persons to provide child care, failure to provide supervision, care, guidance and/or protection, which results in the child being in situations beyond his or her ability to cope, is at risk of physical harm, or is at risk of sexual and/or other exploitation.
- (i) The child is left alone or is held responsible for siblings or other children for extended periods of time and in circumstances beyond the child's chronological age, social maturity, or judgment to handle safely. This includes the child's exposure to, or expectations to manage environmental hazards.
- (ii) Assessments will be conducted according to the following supervision guidelines:
- If the child is under eight years old or functioning below an eight year old level due to physical, mental, or emotional disability, and is left alone for any period of time;
 - If the child is eight, nine, or ten years old and is left alone for longer than three hours or:
 - The child does not know how to reach his/her parent(s) or responsible adult;
 - The child is afraid;
 - The child's basic needs are not met;
 - The child has a physical or mental disability;
 - The child is involved in dangerous activities
 - If the child is eleven, twelve, thirteen, fourteen or fifteen years old and is left alone for an indefinite period of time (over twelve hours) or any of the conditions listed in 2(b) above are present;
 - If the child is babysitting and the child is:

- Under eleven years old and is responsible for the care of younger children;
 - Eleven or twelve years old and is babysitting over twelve hours;
 - Is thirteen, fourteen or fifteen years old and is caring for younger children for unreasonable amounts of time and there is a specific allegation of neglect.
- e. Endangerment: acts constituting endangerment that will be assessed include the following:
- Children age nine and under, engaging in sexual activity with another child with a three year age difference that is living in the same household will be assessed as neglect.
 - The person responsible for the child's care is diagnosed as seriously mentally ill or significantly developmentally delayed and a professional states they are unable to parent;
 - Person responsible for the child's care is arrested for driving under the influence with children in the car;
 - Drug raids have occurred where children are present and drugs are found;
 - The child is present or involved in the parent committing a criminal act.
- f. Failure to provide Medical Care: reports from medical, dental, psychologists, nurses or teachers alleging medical neglect must contain the following four elements:³⁷
- Identification of the medical problem or condition that needs attention and identification of recommended intervention;
 - Prognosis of consequences to the child if help is not provided;
 - Documentation of attempts to secure parental cooperation in getting help;

³⁷ CPS will petition the court for a decision about adherence to religious beliefs as a basis for refusal or failure to seek, obtain, and follow through with either diagnostic procedures or medical, mental, or dental treatment – if there is reason to believe there is serious risk to the child.

- Documentation of parents' failure to provide needed intervention
- g. **Illegal Placement:** a child fifteen years old or younger is living in a non-relative, unlicensed home where no power of attorney is in effect.
- h. **Failure to provide education:** Reports will be assessed of elementary school age children (including five and six year olds who have been registered for school) who have demonstrated serious attendance problems and school system has been unable to work effectively with parents to correct the problem. Serious attendance problems defined as a minimum of fifteen days unexcused absence or parental refusal to register a child seven years or older for school, or parent keeping child home from school to provide cares for parent or siblings again to be documented by school, and showing parent's refusal to improve situation. Special needs children three years and older determined in need of early education to be assessed by CPS on same attendance standard.
- i. **Prenatal Exposure to Controlled Substances:** Reports of positox for controlled substances of opium, heroin, cocaine, phencyclidine, methamphetamine, amphetamine, tetrahydrocannabinol, alcohol, or their derivatives during pregnancy. Reports of their use during pregnancy are taken by CPS and referred to Mothers' First for service. CPS assigns the following as neglect, if mom is using drugs for non-medical purpose:
- Withdrawal symptoms of the child at birth;
 - Positive toxicology test performed on the mother at delivery;
 - Positive toxicology test performed on the child at birth, or
 - Medical effects or developmental delays during the child's first year of life that medically indicate prenatal exposure to a controlled substance
- j. **Domestic Violence:** When domestic violence results in physical abuse, mental-injury, threatened injury, sexual abuse or neglect, it shall be addressed under the relevant criteria.

IV. Other Reports or Notifications

A. Prenatal Exposure to Controlled Substances³⁸

1. Report required: A mandated reporter is required to report if he/she knows or has reason to believe that a woman is pregnant and has used a controlled substance for a non-medical purpose during the pregnancy.
2. "Controlled Substance" includes:
 - a. opium,
 - b. cocaine,
 - c. heroin,
 - d. phencyclidine,
 - e. methamphetamine,
 - f. amphetamine,
 - g. tetrahydrocannabinol, or
 - h. alcohol, when alcohol is consumed during the pregnancy in a way that is excessive or habitual.
3. Agency Response: Upon receipt of a report under this provision, the agency will immediately conduct an appropriate assessment and offer services indicated under the circumstances. Services offered may include:
 - a. a referral to the Mother's First Program,³⁹ and/or
 - b. take appropriate action under chapter 253B for chemical dependency commitment. **Note: the agency is required to seek an emergency admission under chapter 253B if the pregnant woman refuses recommended voluntary services or fails recommended treatment.**

³⁸ 626.5561. Note: this is not the same as III. C (2) (i) above which falls under Neglect. This category describes a mandated report to child protection when the mandated reporter has reason to believe that a woman who **is pregnant** has used a controlled substance during the pregnancy.

³⁹ See Other Children's Services Criteria, RCCHSD, June 2008

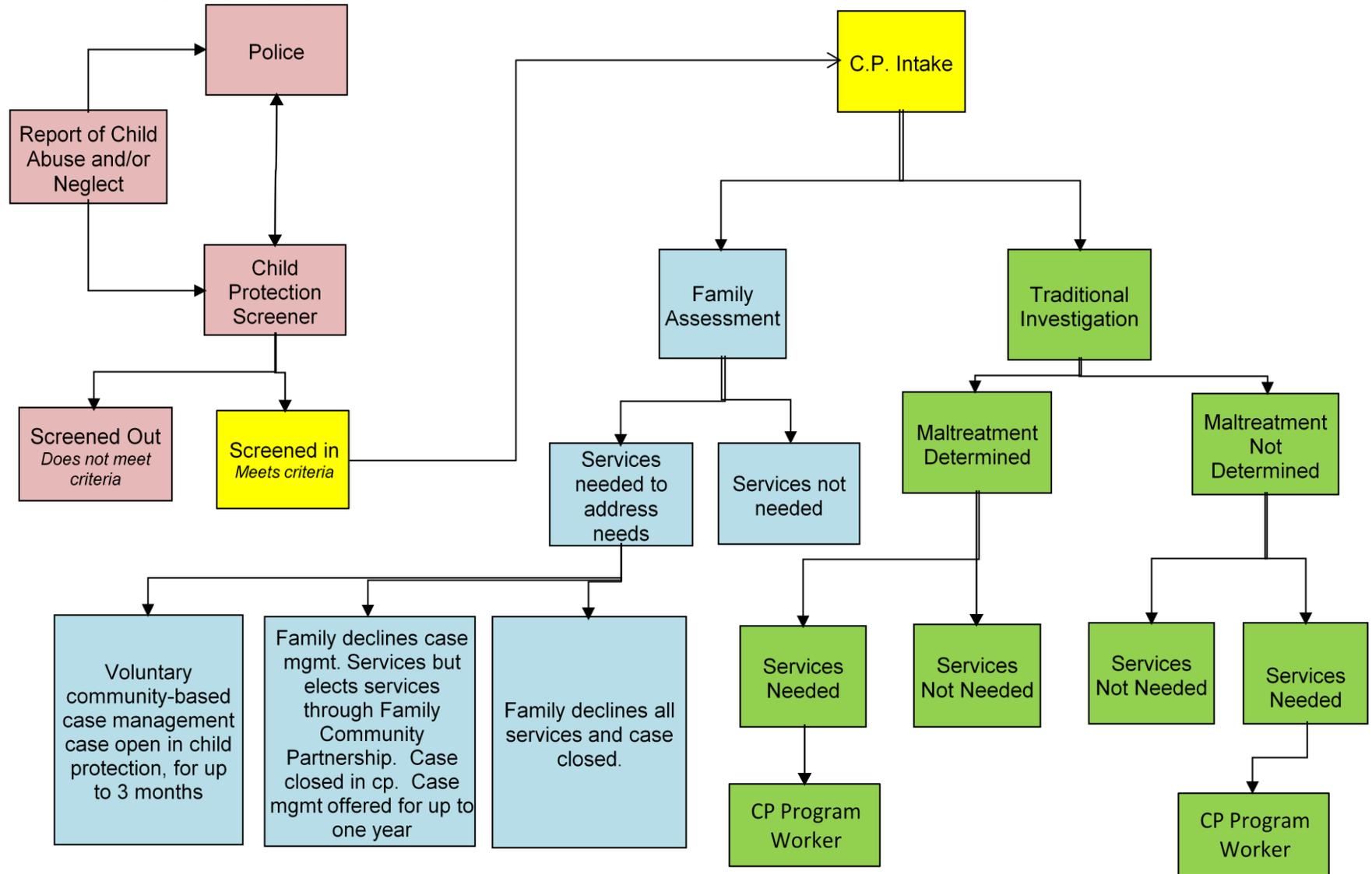
B. Notices from the Department of Corrections Regarding Placement of Predatory Offenders in Households with Children⁴⁰

1. The Department of Corrections is required to notify local child welfare agencies before authorizing a person required to register as a predatory offender⁴¹ to live in a household where children are residing.
2. The Agency may assess the situation to assure the safety of the child/ren residing in the home.

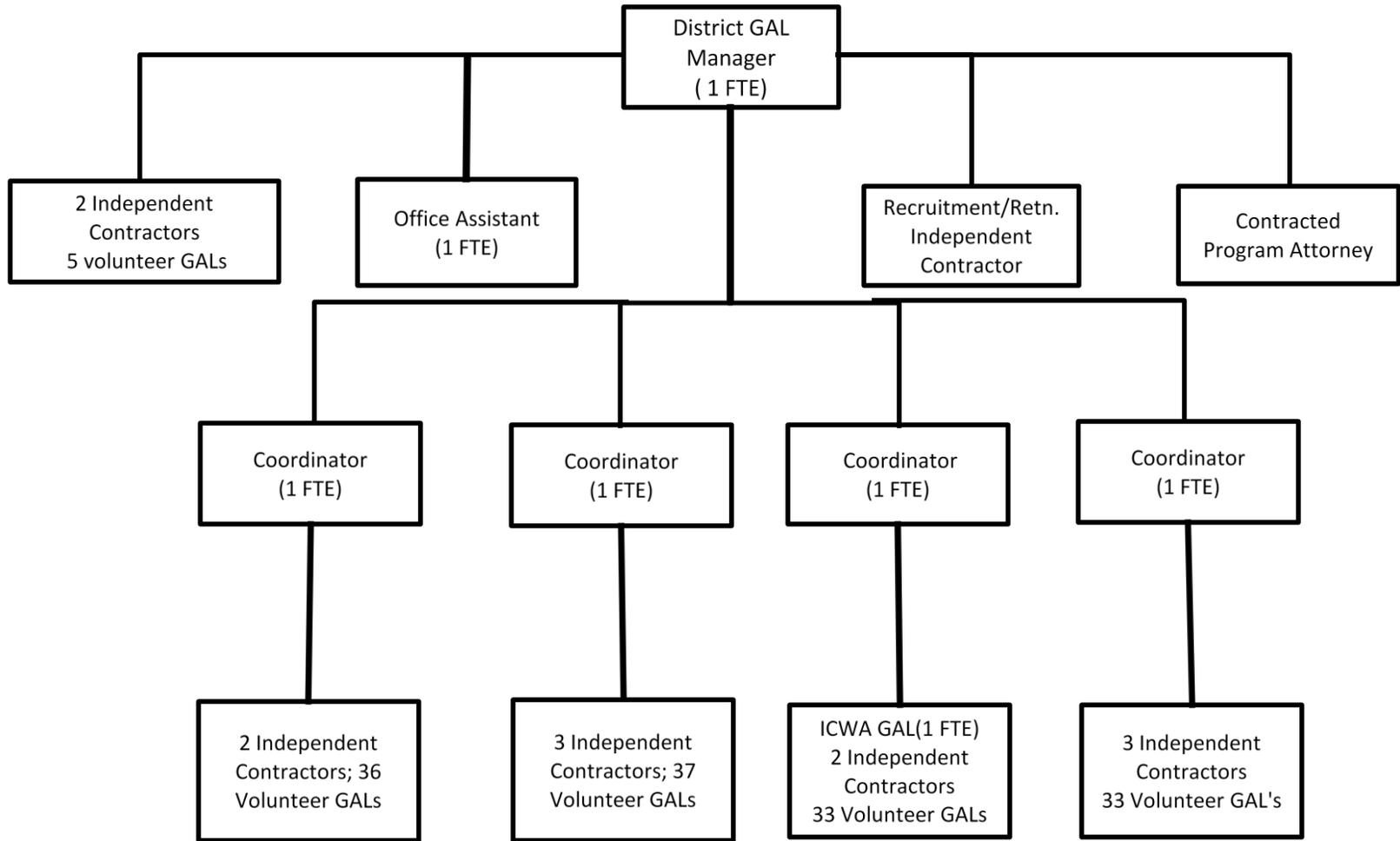
⁴⁰ Minn. Stat. 244.057

⁴¹“Predatory Offender” mean a person who is required to register as a predatory offender under Section 243.166, Minn. Stat. 244.052, Subd. (5)

APPENDIX B RCCHSD CASE FLOW CHART



APPENDIX C RAMSEY COUNTY GUARDIAN AD LITEM'S OFFICE ORGANIZATION



APPENDIX D DISRUPTIONS IN PERMANENCY PLACEMENT/DISPOSITION POLICY

Ramsey County CJI Team

Disruptions in Permanency Placement/Disposition Policy

I. Introduction:

Children benefit when there is proactive communication among the child protection workers, Permanent Connections workers, guardians ad litem, children's attorney and tribal representatives about possible and anticipated disruptions of dispositions and placements following permanency.

II. Background

A subcommittee of the Ramsey County CJI, made up of the attorneys and the Bench was formed to discuss differences of opinion about when disruption hearings are required under the below provisions in statute and rule and to make a recommendation to the larger CJI group about implementation of the following provisions:

A. Minnesota Statute 260C.201, Subd. 11(f)(4), which states,

“Once a permanent placement determination has been made and permanent placement has been established, further court reviews are necessary if:...(4) there is a disruption of the permanent or long-term placement.”; and

B. Minnesota Statute 260C.212, Subd. 6, which states,

“If a child is removed from a permanent placement disposition authorized under section 260C.201, subdivision 11, within one year after the placement was made:....(2) the court shall hold a hearing within ten days after the child is removed from the permanent placement to determine where the child is to be placed. A guardian ad litem must be appointed for the child for this hearing.”; and

C. Minnesota Rules of Juvenile Protection Procedure, Rule 42.05, Subd. 2 (e)(3), which states,

“If the long-term foster care placement disrupts, the responsible social services agency shall return the matter to court within ten (10) days of the disruption for review of the permanent status of the child.”

III. Recommendations of the subcommittee:

- A. We agreed that the governing statute and rule could be subject to different interpretations. We agreed that we would work to come up with a recommendation that we felt was consistent with the law, with the best interest of children and with the Court's and other agencies available resources.
- B. We agreed to recommend to the full CJI team implementing the below policy for a 6 month period of time beginning November 3, 2008 with an agreement to evaluate how the policy works after 6 months and make necessary adjustments at that time.
- C. Policy applies **only** to disruptions of:
 - 1. a placement after **permanency** has been ordered by the court (i.e. LTFC, State Ward cases, including when a child who is a State Ward is awaiting adoption, or Transfer of custody cases), or
 - 2. a **permanent disposition** (i.e. LTFC, TPR, transfer of Custody or Reunification)
- D. Some possible causes of a disruption under this policy include among other things:
 - 1. a child who runs away;
 - 2. a foster parent who is unwilling or unable to continue care;
 - 3. a child who needs a different type of care (i.e. hospitalization)
 - 4. a worker who believes a change in placement is needed for other reasons
 - 5. other
- E. Definitions for purposes of this policy:
 - 1. **Emergency:** When a social worker reasonably determines that the child is found in surroundings or conditions which endanger the child's health or welfare or which a social worker reasonably believes will endanger the child's health or welfare. Examples of this include but are not limited to a foster family or placement requiring the immediate removal of the child.
 - 2. **Non-emergency:** All disrupted placements that do not constitute emergency disruptions.

F. Timing of when notice should occur:

1. In an Emergency disruption notice shall be given within 3 business days of the disrupted placement not counting the day of the event.⁴²
2. In a Non-emergency disruption notice shall be given at least 10 days before the proposed disruption is to occur.⁴³

G. Notice of a Disrupted Placement is given to:

1. All parties. If a party is represented, notice shall be served through the party's attorney.⁴⁴
2. The child's Tribe, if ICWA
3. All children who are 10 years old or older.⁴⁵
4. Notice shall be filed with the court

H. Hearings on disrupted placements

1. Shall occur when there is a disrupted permanency placement, **which a party objects to** or a change in disposition, as defined above
2. Notice of a request for a hearing, service and timing of the hearing shall be pursuant to Rule 15, Juvenile Protection Procedure.⁴⁶
3. The hearing shall be set at least 5 days from the time that the Request for a Hearing is served, pursuant to Rule 15, but no more than 10 days from the date of the request for the hearing.⁴⁷

⁴² Notice of Disruption to be used under this policy is attached as Addendum A

⁴³ Same Notice of Disruption is used in Emergency and Non-Emergency Disruptions. See Addendum A

⁴⁴ Assumes that the GAL is a party. If not, then the GAL's office should be served. This also assumes that any child that the CLC represents has intervened as a party. If not, that represented child shall be served through the CLC.

⁴⁵ There was much discussion in this area and the subgroup had differing opinions that were not resolved in the subgroup. Some believe that the child should be served with a specially designed notice developed for purposes of showing the child that the child has a right to talk to the judge about the removal if she/he disagrees with it and the right to seek an attorney. Some believed the potential for a child to fall through the cracks is great if the child is not represented by counsel or notice is not given. When notice is given to the child it should be meaningful and conveyed in a manner understood by the child. Anyone in the system, including a GAL or the child's social worker, who learns that the child disagrees with the proposed placement, should refer that child to the CLC to be appointed counsel. In addition, if it is clear that the child disagrees with the disruption in placement, it would be appropriate for the GAL or social worker to take the initiative and set the matter on for a hearing before the Court without waiting for the child to contact the CLC to get an attorney to do that, if the child is unrepresented.

⁴⁶ The Team agreed that the attached Notice of Hearing, Addendum B shall constitute sufficient notice under this policy.

⁴⁷ Because of this short time frame, it may mean that the judge who is blocked to this case may not be able to preside over the hearing. The possibility of designating a specific day and time each week for placement disruption hearings was discussed with the recognition that Court Administration would need to be consulted.

IV. Policy Adopted by Full CJI: The subcommittee presented this policy to the full CJI team on September 17, 2008. After discussion and incorporating some minor changes that have been incorporated into this final document, the full CJI team agreed to implement this policy subject to further discussion after a 6 month trial period.

STATE OF MINNESOTA
COUNTY OF RAMSEY

DISTRICT COURT
SECOND JUDICIAL DISTRICT

JUVENILE COURT DIVISION
Group ID: >
Court File No.>
CA File No. >

**In the Matter of the Welfare of the Child(ren)
of:**

Parent Legal Custodian

Parent Legal Custodian

**NOTICE OF
POST-PERMANENCY
PLACEMENT DISRUPTION**

To: <>, **Guardian** ad Litem; <> , Children’s Law Center; <>, Assistant Ramsey County Attorney; <>, Tribe (if ICWA applies); <> (other attorney’s on the case)

You are hereby notified that the permanency placement for <name of child/ren> has disrupted and the child/ren:

(Select either A or B)

(A. Emergency removal) were moved on <> to <>, a <type of facility, i.e. shelter, foster home, group home, pre-adoptive home.

(B. Non-Emergency removal) will be moved on <> to <>, a <type of facility, i.e. shelter, foster home, group home, pre-adoptive home.

The address of the new placement is: <>

This placement is<indicate whether this is a relative/non-relative placement>

This is/is not an ICWA case.

The reasons for the disruption are: <describe why the child/ren need(ed) to be moved>

Dated:

<Name of RCCHSD worker>

ADDENDUM A

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

JUVENILE COURT DIVISION

Group ID: >

Court File No.>

CA File No. >

**In the Matter of the Welfare of the Child(ren)
of:**

Parent Legal Custodian

Parent Legal Custodian

**Notice of Request for a
Hearing Following a Post-
Permanency Placement
Disruption**

To: <>, **Guardian** ad Litem; <>, Children’s Law Center; <>, Assistant Ramsey
County Attorney; <>, Tribe (if ICWA applies); <> (other attorney’s on the case)

**You are hereby notified that the Disruption Hearing is hereby requested in the
above entitled matter.**

The reasons that a hearing is being requested are:

Name of alternative placement requested (if one is known):

Dated:

Signature of person requesting hearing

Printed Name of person requesting hearing

ADDENDUM B

APPENDIX E INCARCERATED PARENT REQUEST FOR ATTORNEY

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

JUVENILE COURT DIVISION

Group ID: >

Court File No.>

CA File No. >

**In the Matter of the Welfare of the Child(ren)
of:**

	Parent	Legal Custodian
	Parent	Legal Custodian

**NOTICE AND REQUEST FOR
APPOINTMENT OF A PUBLIC
DEFENDER FOR AN INCARCERATED
PARENT**

To: ___ (Name)
 ___ (Street Address)
 ___ (City, State, Zip code)

You are being served with the enclosed Summons and a Petition on a (Child in Need of Protection or Services Petition (CHIPS) /Termination of Parental Rights (TPR)/Transfer of Legal and Physical Custody) petition. You are also being served with this Notice for Appointment of a Public Defender.

Since you are currently incarcerated at a facility that does not allow you to be writted in for Juvenile Protection proceedings it is not possible for you to be present at hearings on this matter, as long as you remain incarcerated in your present facility. Consequently, the only method for you to contest the petition is through an attorney who can be present in court on your behalf, either a public defender appointed to represent you or a private attorney that you have hired.

You may be eligible for the services of a Public Defender in this matter. The Court will **ONLY** appoint a public defender to represent you in this case if:

- 1. You request a public defender be appointed to represent you by immediately (no later than 10 days after you receive this Notice) filling out and returning the form on the back of this notice, and**
- 2. If the Court determines that you cannot afford to hire a private attorney.**

Because you are incarcerated and cannot appear in court to request an attorney, this form is being provided to you so that you can formally request an attorney.

PLEASE BE AWARE THAT FAILURE TO RETURN THIS FORM WITHIN 10 DAYS FROM THE DATE YOU RECEIVED THIS NOTICE MAY RESULT IN THE FOLLOWING:

I attest that the information is true and accurate.

Signature

**FORM MUST BE SENT TO: Ramsey County Juvenile Court
Attention: Roxanne Cunningham
25 West Seventh Street
St. Paul, MN 55102**

