

Agenda item title: Open Forum & Related Follow-Up

Meeting date:

<p>Body:</p> <p><input checked="" type="checkbox"/> Full joint powers board</p> <p><input type="checkbox"/> Finance committee</p> <p><input type="checkbox"/> Policy Committee</p> <p><input type="checkbox"/> Technology Committee</p> <p><input type="checkbox"/> Other:</p>	<p>Agenda type:</p> <p><input type="checkbox"/> Consent agenda action</p> <p><input type="checkbox"/> Action and related information</p> <p><input checked="" type="checkbox"/> Other discussion, information only or reports</p> <p><input type="checkbox"/> Other business</p>
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Presenter(s) name & title(s):

Summary of request or recommendation:

Recommended motion: *Adopt a motion to*

Information (including rationale, if applicable):

Additional follow-up that has occurred since the last update to the joint powers board meeting includes:

- 9/23/16 meeting of MNP management team with joint powers board chair and two Waseca County commissioners (Jim Peterson and Mike Hintz) and Waseca county attorney to review what we heard at the forum, any additional information we had on the situations reported, and follow-up. (The meeting had originally been scheduled to include the MNP joint powers board commissioners from Waseca.)
- 9/28/16 meeting of MNP management with the county attorneys from Dodge, Steele, and Waseca, to review and discuss follow-up from the forum, other administrative matters (including the 2017 budget, development of a request for proposals for outside legal counsel on general administrative matters, and a litigation update), MNPrairie’s request to establish a forum for leadership discussions about child protection systems matters, in addition to other programmatic matters. There was agreement to establish a quarterly meeting between county attorneys and MNP management team.
- At MNP’s request, DHS is in the process of conducting a review of MNP’s work in two child protection cases about which county attorneys expressed concern. That review will include an interview of county attorneys involved.
- The University of Minnesota Humphrey Institute has agreed to do a research literature summary of the effectiveness of child protection safety plans.

As you know, there was recent media coverage related to correspondence provided by the Steele County attorney. Attached is a briefing prepared for you in response.

Budget impact:

Attachment(s):

DRAFT MNPrairie response to Daniel McIntosh, Steele County Attorney letter dated 8/17/16

(Sent to all Steele County Commissioners, Dodge and Waseca County Attorneys, Jane Hardwick, released by Steele County Attorney to press October 7, 2016)

Concern: Handling of a Steele County case of physical abuse/serious and imminent threats to children (ages 10 & 12).

Response:

- **CHILDREN'S NEED FOR SAFETY:**
 - On 2/25/16, the agency responded to the initial intake call immediately and sent a social worker to meet law enforcement at the school less than two hours after receipt. The children were interviewed and the officer/social worker agreed that a 72 hour Health and Welfare hold was appropriate. The social worker brought them to the agency and arrangements for a foster home were made. The children continue to reside in that home.
 - A CHIPS petition was filed and granted on 3/1/16.
 - The children have never had contact with their father, other than when they have chosen to be in the courtroom during hearings, since our initial contact with the family. Therefore, they have been physically safe.
 - The agency conducted a comprehensive investigation and assessment (to the degree possible due to pending criminal charges against the father). The agency has up to 45 days to conduct this however the attorney's office indicated on 3/14/16 that the information gathered by this office was sufficient and they "believe it would be an abuse of discretion not to file a TPR in this case given the father's history and the facts of the present conduct".
 - On 3/16/16 we consulted on this case internally and with an assistant county attorney present. On 3/17/16, the county attorney indicated we file the expedited TPR by 4 pm that day or they would petition the court and withdraw as counsel.
- **CHILDREN'S NEED FOR PERMANENCY:**
 - The expedited termination of parental rights was filed on 3/18/16. The TPR trial was held on 4/26-28/16 and the court signed the order to terminate the father's rights on 6/7/16.
 - The agency continues to thoroughly assess the capacity of the biological mother to parent the children, however currently the state she resides in has denied placement with her because of a fairly recent termination of parental rights. Our courts are ordering further efforts on that state's part to conduct a full home study of the mother and our agency is continuing its efforts to move this forward.
 - The agency continues to explore alternative permanency with an aunt in another state. We are awaiting clearance from that state for placement with her.
- **CHILDREN'S WELL-BEING NEEDS:**
 - The agency has given the utmost care to the children's emotional safety and engaged clinical providers to assess and address trauma and psychological needs.
 - The children's well-being needs, specifically educational, medical, dental and emotional, have been attended to throughout our involvement with them.

Concern: Setting a standard for children's abuse as being egregious harm.

Response:

- Discussion occurred during the 3/16/16 consultation about what would constitute “egregious harm” and the “baby with a head injury” was used as an example.
- Several social services staff in the room shared the perception that anything that could remotely fit into the egregious harm statute would result in an immediate Termination of Parental Rights, and possibly and expedited one. Additionally, perhaps an initial filing of a TPR with step down to a CHIPS if the comprehensive assessment indicated reasons exists to do so was within the realm of possibility as well.
- The agency is required to engage and work with families for the long haul, until the risks are remedied, and how we begin our work with them impacts our ability to have a positive outcome. Starting with a TPR filing in every serious injury case would seriously undermine our efforts and not provide for greater safety. It would seem going to the highest level of response would be more of a rule versus exception.

Concern: Waseca County CHIPS petition emanating from law enforcement rather than MNPrarie.

Response:

- The Waseca police department regarding a young child (14 months) left unsupervised in a locked car on 5/24 at a local retail store while mother and sibling (age 4) were inside. Law enforcement responded to the situation and did not place an immediate police health and safety hold on the children thus the children remained in their mother’s care.
- The agency received the report from the police on 5/25/16 and screened in the following morning and it was assigned for a Family Assessment.
- The agency conducted the family assessment and after consultation with the supervisor, a decision was made to close the file and not open it for on-going case management.
- The county attorney’s office notified the agency the mother was to be charged criminally for her actions on 6/8/16. The agency sent a letter of closure of the assessment to the family on 6/17/16.
- Later in June, the county attorney’s office told the MNPrarie staff to file a CHIPS petition in this case. Given the assessment was completed and letter of closure sent to the family, the supervisor conferred with the attorney and suggested having law enforcement file the petition to preserve the agency’s ability to re-engage with the mother. On 7/8/16, this was agreed upon by the county attorney’s office, and the petition was filed by law enforcement.
- SAFETY NEEDS OF THE CHILDREN:
 - The family safety planning was specifically around providing a level of supervision needed by a young child and obtaining early childhood resources in the community.
- PERMANENCY NEEDS OF THE CHILDREN:
 - They continue to remain in the care of their mother and their attachments were not disrupted.
- WELL-BEING NEEDS OF THE CHILDREN:
 - The agency developed a case plan with the mother around the children’s needs for pre-K readiness, Help Me Grow programming.
 - The parent has many strengths and supports in place.

Concern: *MNPrairie wanted to do a safety plan with the family rather than a police health and welfare hold in a "shall file" case with a history of five previous involuntary terminations of parental rights (TPR) in Dodge County.*

Response:

- The agency was in the midst of gathering additional information and the supervisor/manager was available within a reasonable amount of time to guide the next steps in connecting with the family when they failed to show up for a planned appointment at 8:00am on the second day of the assessment process. A decision to place the children on a 72 hour hold could have been made after further attempts to call/drop in and see the family as well as mining SSIS for factual information regarding the child protection history. It is important to note that the previous county chose not to file a TPR/CHIPS and the children (ages 7 and 2) have been raised by these parents with their knowledge. The children were placed with relatives on the third day of the assessment and remain with those same relatives today.
- The agency is aware of the need to notify the county attorney's office in a case with previous terminations of parental rights and would have done so likely yet that day after obtaining more comprehensive information and further efforts to locate them had been made.

Concern: *Dodge County: A social worker was "written up" or "disciplined" by a supervisor for talking to the assistant Dodge county attorney regarding a child protection intake.*

Response:

- No social worker has received disciplinary action, in response to speaking with Ms. Parkin, or any other reason within the Dodge site. Coaching has been conducted regarding confidentiality and data privacy laws.

Concern: *Law enforcement frustration with lack of action, collaboration and lack of respect by MNPrairie management*

Response:

- Supervisors and staff indicate the agency staff and law enforcement are collaborating and conduct joint investigations/assessment when needed or required. Many staff indicate having strong, working relationships with law enforcement staff.
- There have been occasional times the agency and law enforcement have experienced different perspectives however these have generally resolved over time. As staff have changed, particularly in the intake or assessment/investigation roles, law enforcement have experienced this as challenging. Similarly, social workers experience these same challenges with staffing changes in key agencies.

Concern: *Social workers not allowed to "fully" communicate with county attorney offices. Social workers told not to share information or consult with county attorneys, delayed information sharing.*

Response:

- The agency has several new child protection staff and training is provided to them. However, they do not arrive with expertise in working child protection and research would indicate two to four years to get at a significant level of competence. Therefore, we supervise the cases they are working very closely.
- Newer staff have to grow competence and confidence through training, skill acquisition and practice experience. Receiving supervision/oversight from multiple professionals (agency supervisors, attorneys, GALs, law enforcement, etc...) can be very confusing and create inconsistent practices across workers and sites.
- The agency has a consultation team each social worker is a part of and they have 1:1 supervision with their supervisor. We have processes in place to critically examine information gathered by social workers in decision making frameworks; and a potential “next step” is requesting legal guidance.
- In July 2016, we piloted a “court consult team” at the Owatonna site in concert with our county attorney’s office. This is a regularly scheduled meeting to provide information and receive legal guidance regarding the filing of a Child in Need of Protection/Services (CHIPS) petition, reviewing completed assessment/investigations for closure (high SDM) and reviewing in-home safety plans. It is also an opportunity to bring forward questions about other cases.
- Social workers involved in ongoing cases and CHIPS involvement have ongoing communication with the county attorney’s office regarding case progress/updates, documents needed by parties and create reports to the court prior to ongoing review hearings. At times, there are meetings with families that occur after the report has been submitted to the courts (several days prior to the scheduled hearing) and workers have sent emails, called or communicated in person to share updated information. Additionally, parents and children are generally represented by counsel and they communicate just prior to hearings typically. Workers may learn of new information when those attorney’s share it within the context of the hearings and thus could not impart this information prior to the hearing.

Concern: Turnover in child protection staff at MNPrairie

Response:

- 2015 the Steele site experienced the departure of the child protection supervisor who had held that position for 25 years. Several long-term staff at this site chose to lateral into new positions in the Adult Services area before and following his departure. Some staff did not find the position a fit for them or the work exceeded their skillset and they chose to depart.
- Three of four supervisors in this division were hired in the last half of 2015 to cover the work in two of the agency sites; none had prior supervisory experience (and no one with experience was in the hiring pool). All had significant years of child protection experience however have been receiving supervisory training since their hire.
- At the Dodge site, two new staff were hired in June to fill vacancies. A temporary staff was hired to cover a leave; the permanent staff person did not return from leave.
- At the Waseca site, two of four positions turned over (one in 2015 and one in 2016). One of the new social workers hired is departing due to a family move to a different area of the state.
- 2015 Minnesota child protection allocation grant: Expectation to hire up to 300 additional social workers statewide.

- 2016 MN Child Welfare Workforce Stabilization Study, noted Minnesota’s child welfare workforce has experienced instability and 53% of county child protection social workers and the front-line supervisor’s left child protection work. In southern Minnesota, 21 to 30% of the county child protection workforce has been employed less than 1 year in their current position

Concern: Child protection environment at MNPrairie

Response:

- Social workers with limited child protections experience provide valuable perspectives to the field however have not yet attained a thorough understanding and reached a level of expertise. Research provided in the study attached to the letter would indicate needing two to four years to reach an adequate level of competency in this particular field of work. Certainly new social workers experience frustration while engaged in initial training, attainment of knowledge and gaining practical experience--that is a very natural part of child protection work. The social workers in this area constantly work with complex, challenging cases and experience a significant learning curve.
- Social workers are not feeling uncertain, indecisive and timid as a result of not having professional discretion...rather most are new to the field and gaining practice wisdom takes years to build. The consults with supervisors or teams are intended to build competence and confidence and most current staff agree this is a vital element that helps them manage the stress of this work every day.

Concern: MNPrairie subverts Minnesota law regarding out-of-home placements under the guise of “voluntary safety plans”.

Response:

- Minnesota statute 260C.007, Subd. 18 states “foster care” (foster family homes, relative foster homes, group homes, emergency shelter and residential treatment centers) “is intended to provide for a child’s safety or to access to treatment”. Under Minnesota statute 260.012 we are to make reasonable efforts to prevent children from entering placement.
 - d) "Reasonable efforts to prevent placement" means:
 - (1) the agency has made reasonable efforts to prevent the placement of the child in foster care by working with the family to develop and implement a safety plan; or
 - (2) Given the particular circumstances of the child and family at the time of the child's removal, there are no services or efforts available which could allow the child to safely remain in the home.
- We utilize family engagement strategies to pull the family network together, sometimes in a “rapid response” model when children are at imminent risk of placement or have just entered placement, to ensure their voices are heard, relevant information is gathered and children’s connections are not disrupted when safely able to do so.
- MNPrairie, in any open child protection case, is constantly involved in safety planning with families and their networks. Where families are working with the agency and children are not in placement, we are conducting initial and ongoing assessments, identifying risks and thinking

through the lens of safety planning. In some families, very specific plans around identified risks have been developed. At times, that includes extended family/kin/friends helping out in multiple ways to provide support which sometimes includes alternative caregiving of the children.

Concern: Screening out cases in which children are obviously being placed at risk.

Response:

- The agency utilizes the Minnesota statute and the Minnesota Intake and Screening Guidelines to assist in decision making for each report.
- The agency developed a cross site screening team that meets daily at 8:30 (and at 3:30 on Fridays/before holidays) to review, evaluate and direct all child protection reports received. This meeting is facilitated by a supervisor and several staff in intake and assessment/investigation are members.
- The legislature expanded county intake authority to allow for contact with others, including professionals working with a family who are the subject of the report, to allow better decision making in 2015. The agency has frequently made additional calls to gather information prior to completing screening of reports.
- Reports are “cross-reported” to the law enforcement jurisdiction where the child resides or any potential crime occurred. Although not required to do so, the agency has been cross-reporting to the county attorney’s offices (according to jurisdiction) as well since April of 2016 (exception is Waseca County which conducted this practice prior to the merge). Two agency supervisors have extensive knowledge of intake and assessment/investigation work and are available to respond to questions.
- DHS set up a Rapid Consultation line in 2014 that assists counties with child protection questions. MNPrairie supervisors and staff have contacted this line on multiple occasions to discuss screening questions (highest number of calls statewide have come from this agency).
- DHS began a “screening audit” in October 2014 to review county child protection screening decisions. The department pulls 240 reports monthly and indicates the sample includes at least one report from each agency. MNPrairie has been contacted regarding a screening decision on one occasion and was informed a voluntary child welfare response could have been offered rather than screening in for a child protective services assessment.

Concern: The need for rebuilding the spirit of trust, collaboration and common purpose that has been lost.

Response:

- MNPrairie staff have expressed feeling attorneys are not confident in their work given a high level of questioning by the county attorney’s office in multiple cases. This is expressed by those with years of experience who have reputations for strong skills and practice experience as well as new staff early in their careers in protective services.
- Building infrastructure to support collaboration has been a primary goal of the piloting of a “Court consult team” in the Steele site. The county attorney’s office and child and family

leadership met together and developed a team where cases could be staffed with legal advisors. This began on 7/12/16 and staff have indicated this works well and enjoy the structure of the meeting.