

## Key agreements July 2019 settlement of Hennepin County/ABC class action lawsuit Overview

Here is a summary of some of the most significant remedies in this settlement.

1. The agreement to stop interviewing children in front of their alleged abusers (pp. 16-17) is very important. Hennepin County says they have already changed this practice, but historically they were a leading proponent of the opposite approach known as “whole family interviews”.

The settlement has a similar provision for interviewing children in foster care separately from the foster parents, which it is also an important improvement.

The County is required to document these interviews, and to request that the state IT agency, called MNIT, make the necessary changes to the state Department of Human Services (DHS) computer system to accomplish this. MNIT is not a party to this suit, so if they don't follow through, workers are required to include this information in their case notes.

2. The lawsuit focuses on foster placements, so there is not as much in terms of open child protection cases where the child remains at home. However there are provisions to screen in cases when they are re-reported company by a general statement to provide services for them.
3. There is reason to be hopeful about the two oversight committees, the Settlement Subcommittee and the Child Well-Being Committee because the county has done a good job with them so far.
4. Retired Minnesota Supreme Court Chief Justice Kathleen Blatz was the co – negotiator of the settlement and was previously chair of the Transparency Subcommittee for the 2015 Governor's Child Protection Task Force. Her knowledge of the subject is reflected in the list of reports required by the agreement, which is similar to what she recommended then. These statistics will be very helpful in determining how many children are inappropriately screened out, reported multiple times without action, and are inappropriately diverted to the less rigorous child protection track known as Family Assessment.

In particular, the settlement states that children must be screened in for an assessment or investigation if they are reported a second time, unless it is a clear screen-out such as that the case is in another County, or has already been screened in and there are no new or different allegations. Reports are required to show these statistics. This should stop the churning of children caused by being reported multiple times without a response, and who are reported multiple times but never show up on reports because they are never screened in.

5. The requirement for Multi – Disciplinary Teams that include the County Attorney follows a recommendation from the Governor's Child Protection Task Force, but now with and accountability mechanism.

6. On page 18, it indicates that if parents decline services the County has to consult with the County Attorney and more consider filing a CHIPS petition. That would potentially be a significant increase in enforcement.

For many of the other requirements, such as providing adequate resources for foster care cases and recruiting more foster homes, as well as the various audits and committee reviews, the results will depend on how well the county implements. So it will take some time to evaluate that. The Settlement Subcommittee is required to make regular reports to the Child Well – Being Committee but will be independent from it.

The settlement overall may create some leverage for implementing the remaining recommendations from the Governor’s Task Force that were never followed in Hennepin or other counties, because the Department of Human Services no longer has good reason for failing to implement these new requirements statewide.

#### Additional Remedies:

The following provides more details on some of the key remedies.

#### Members of the Settlement Subcommittee;

The Settlement Subcommittee will meet at least monthly and will consist of five (5) voting members, including the counsel from Faegre and Benson, a representative of Casey Family Programs, two Hennepin County officials, and former judge John Stanoch as chair.

#### Child Well Being Advisory Committee p. 11

Hennepin County will also create the Child Well-Being Advisory Committee as the permanent successor to the Oversight Committee, which is made up of eighteen community and child welfare system experts. The Child Well-Being Advisory Committee advises the County on implementation of:

- i. Best practices to advance the well-being of children and embed a child well-being practice model;
- ii. Requirements and recommendations from the Minnesota Department of Human Services, the Governor’s Task Force on Child Protection, and the Legislative Task Force on Child Protection;
- iii. Recommendations from the Child Protection Oversight Committee and the Casey Report; and
- iv. The Committee also updates the County Board on progress toward child well-being outcomes, and identifies and advances recommendations to the County Board.

#### Dashboard reports and data elements:

The Appendix to settlement document includes details required new reports. Some of the key ones are to track re-reports, number and percentage of cases diverted to Family Assessment, and number of successive reports – meaning ones that don’t show up as re-reports because they occurred more than 12 months ago.

Other questions and comments:

p. 16 Multi – Disciplinary Team to include the County Attorney and other community partners such as the school system, will make decisions about reports to be screened in and out, and whether to assign to the Family Assessment. Follow-up required in six months to make sure it is functioning.

p. 18 The Multi-Disciplinary Team will “screen in reports unless they don’t meet standard”. According to the plaintiffs, this means all cases that are reported a second time within 12 months will be screened in unless they are explicitly excluded as described above.

p. 22. Foster parents and adoptive parents must be fully informed about the child’s background before placement. This was a significant gap where foster and adoptive parents have been surprised by the seriousness of the emotional or physical problems that children have.

The provision that foster children under the age of four will be interviewed outside the presence of the foster parent it is also an important reform. Again, the state MNIT agency is not bound to respond. In this and the previous situation, caseworkers will have to record the required information in case notes if MNIT doesn’t come through.

There will be a Review Team that will quarterly review Commissioner’s guardianship cases to determine what obstacles are preventing children from being reunited or adopted.

Page 25. Similar provisions are made regarding shelter placements.

Page 26 describes an overhaul of shelter care

Page 27. Within 12 months County will overhaul protocols and practices regarding services and case plans for foster care cases. Within 18 months will do the same for trial home visits.

These do not directly address open child protection cases where children remain with the family but should significantly tighten up practices regarding foster care, and will likely create some pressures to do the same across other parts of the system.

Page 29. Requirements for DHS begin here. They are not nearly as extensive as those for the County. DHS is required to do monthly 5% reviews of screen-outs and of track assignments for screened in reports, and an annual 10% audit of state wards. The first requirement seems already to be in place. They will give these audits to the Hennepin County CQI team for four years.

Page 31, DHS is to appropriate \$2,250,000 for the County to implement these requirements. The plaintiff estimates that this is about half of what will be needed to implement the provisions of the settlement

Page 30 and following, there will be an annual meeting the Settlement Subcommittee to report on its work. The Child Well Being Advisory Committee meetings will be more frequent and will be open to the public.