Minnesota Children’s Justice Act Task Force
Three-year Assessment Report and
Recommendations
Introduction

The Minnesota Children’s Justice Act Task Force, referred to as the Task Force in this report, was established in 1993. The mission of the Task Force is to review and assess how the Minnesota child protection and criminal justice systems handle child maltreatment cases, and make recommendations for improvement. The members are committed to ensuring that the systems designed to protect maltreated children do not re-victimize them.

Members have considerable knowledge of the policies and practices governing child abuse and neglect cases. Task Force members continuously examine the strengths and needs of the child protection and criminal justice systems. They share information, discuss system needs and concerns, and review current activities in their respective disciplines at bi-monthly meetings.

The Children’s Justice Act (CJA) provisions of the Child Abuse Prevention and Treatment Act (CAPTA) require that every three years the Task Force must review and assess the systems that handle child maltreatment cases and make recommendations for improvement. The Task Force must make recommendations in the following areas:

A. Investigative, administrative and judicial handling of cases of child abuse and neglect, particularly child sexual abuse and exploitation, as well as cases involving suspected child maltreatment-related fatalities, and cases involving a potential combination of jurisdictions, such as interstate, federal-state, and state-tribal, in a manner which reduces additional trauma to the child victim and the victim’s family, and which also ensures procedural fairness to the accused.

B. Experimental, model and demonstration programs for testing innovative approaches and techniques which may improve prompt and successful resolution of civil and criminal court proceedings, or enhance effectiveness of judicial and administrative action in child abuse and neglect cases, particularly child sexual abuse and exploitation cases, including enhancement of performance of court-appointed attorneys and guardians ad litem for children, and which also ensure, procedural fairness to the accused.

C. Reform of state laws, ordinances, regulations, protocols and procedures to provide comprehensive protection for children from abuse, particularly sexual abuse and exploitation, while ensuring procedural fairness to the accused.

Minnesota CJA Task Force conducted its first systemic review in 1994. Subsequent reviews were completed in 2000, 2003, 2006 and 2009. The process used to conduct the current three-year review and the resulting recommendations are included on the next pages.
Review and Assessment Process

The Task Force has been conducting a systemic review and assessment over the past three years. In December 2011, members began compiling information for the 2012 – 2015 Three-year Assessment Report. They discussed the three-year assessment requirements and generated an initial list of issues meriting further assessment. In March 2012, they discussed issues identified in December and other strengths and needs from their disciplines in working with children and families involved in the child protection and court systems. Specifically, they addressed the systems’ needs and strengths related to the following:

- Investigative, administrative and judicial handling of child abuse and neglect cases
- Jurisdictional (interstate, federal-state, state-tribal) issues
- Experimental, model and demonstration programs to improve prompt and successful resolution of court proceedings
- Ways to enhance the performance of court appointed attorneys or guardians ad litem
- Reform of state laws, protocols and procedures to protect children from abuse while ensuring procedural fairness to the accused.

Other Task Force activities that informed the focus for the next three years include:

- Interviews in March 2012 with Minnesota Department of Human Services’ Children and Family Service reviewers and staff from Minnesota’s Children’s Justice Initiative regarding child protection and court systems’ needs and strengths throughout Minnesota.
- Information brought back by the Task Force chairperson and the CJA coordinator from the national grantees meetings in 2009, 2010, 2011 and in April 2012.
- The work plan for April 2009 – 2012 that included refined recommendations and developed strategies for implementing recommendations.

The following child protection strengths and needs have been identified by the CJA Task Force:

**Investigative, administrative and judicial handling of child abuse and neglect cases:**

**Needs**

- Accessible initial orientation to child protection services and Child in Need of Protection or Services (CHIPS) proceedings for county attorneys and their staff members (especially in rural counties). These may include:
  - Two possible resources: Training via the Judicial District Children’s Justice Initiatives and via interactive television (ITV).
  - Minnesota County Attorney’s Association; there is a continuing need for basic training due to turnover – but also for training on advanced issues.
- Strengthen the working relationships among child protection services (CPS) entities in some counties, including:
  - Bring back TEAM conferences.
  - Provide team training, communication, networking and collaboration.
• Strengthen and use county social service agency child protection teams throughout Minnesota [Minn. Stat. 626.558, Multidisciplinary Child Protection Teams]
• Increase education specific to working with lesbian, gay, bisexual and transgender (LGBT) youth for law enforcement, child protection workers and judges.
• Define youth homelessness as a child protection issue: thorough investigation by child protection and law enforcement regarding the circumstances leading to a youth’s homelessness and the ability to provide services or options to remedy the situation.

Strengths
• TEAM conferences and forensic interview training for teams.
• Transition plans for older youth.
• CornerHouse and First Witness trainings are immensely helpful according to those in many counties.
• Children’s Justice Initiative member’s intervention to re-establish and strengthen relationships has been helpful for individual counties and multiple counties within a district.

Jurisdictional (interstate, federal-state, state-tribal) issue:

Needs
• Indian Child Welfare Act (ICWA) training for county attorneys, guardians ad litem, judges, public defenders, court appointed attorneys and court administrators, especially for those county staff in greater Minnesota and in counties that have reservations.
• Identify procedures for multicounty cases where a venue for the criminal case is in one county, but the juvenile protection matter is in another county.

Experimental, model and demonstration programs to improve prompt and successful resolution of court proceedings:

Needs
• More widespread use of Family Group Decision Making (FGDM) and engaging FGDM early in the case. Lack of funds is one barrier to implementation of FGDM.
• Family-centered, non-blaming, strength-based approaches to working with children and families.
• Training in Alternative Disposition Resolution (ADR).
• Training court system stakeholders in collaborative approach to problem solving; more use of problem-solving courts.

Strengths
• “Front-load” Alternative Disposition Resolution services. Beginning FGDM, the Parallel Protection Process (3 P or Triple P) and other mediation programs up front has helped avoid the expense and time of trials. Case plans are cooperatively developed. Evaluations reveal:
  • Triple P has been very successful in Olmsted, Carlton and Winona counties.
  • Mediation works well in Kanabec County.
• Programs such as the Miami Dade Baby Court or Safe Babies Court teams projects can be effective.
• Early engagement of fathers, when appropriate, to prevent placement of children is important.
• Increased use of Family Assessment has changed the landscape of child protection in Minnesota counties by reducing blame and conflict, with improved outcomes for families.
• Continued use of trial home visits (children sent home but case remains open in child protection for usually six months).

Ways to enhance the performance of court appointed attorneys or guardians ad litem:

**Needs**
• Providing accessible initial orientation to child protection and CHIPS proceedings for public defenders and court appointed attorneys (especially in rural counties).
• Providing additional training. Stakeholders in several counties indicated that some public defenders or court appointed attorneys could use more training regarding the placement of children with relatives and non-custodial parents.
• Identifying court appointed attorneys for parents in CHIPS cases so they may receive training offered by the Children’s Justice Initiative.
• Providing ICWA training for public defenders and court appointed attorneys in CHIPS matters.

**Strengths**
• The Children’s Justice Initiative (CJI) provided training for court appointed attorneys in Otter Tail County that was well received and very helpful.
• William Mitchell College of Law holds a clinic that is collaborating with the CJI on training students and attorneys representing parents on CHIPS cases.

Reform of state laws, protocols and procedures to protect children from abuse while ensuring procedural fairness to the accused:

• Decriminalization of children’s involvement in sexual exploitation and trafficking.
• Implementation of the Safe Harbors Act.
  • Provision of services to youth who are homeless or sexually exploited. How can county attorneys, child protection workers, law enforcement, public health staff and others collaborate?

The Task Force will focus on and address the following in the next three years, 2012 – 2015

1. **The sexual exploitation and trafficking of children.**
   • Providing services for homeless youth, LGBT youth, and children involved in prostitution, handling them as child protection matters.

2. **Training**
   • Continue to fund and support forensic training by CornerHouse and First Witness.
• Provide CHIPS and child protection services training for county attorneys, guardians ad litem, public defenders and court appointed attorneys.
• Providing ICWA training for county attorneys, public defenders, guardians ad litem and judges, especially in greater Minnesota, and in counties that have reservations.
• Consider resurrecting the TEAM training in collaboration with law enforcement, child protection, county attorneys, guardians ad litem, public defenders, court appointed attorneys, judges and parents.

3. Early Intervention (in children’s lives ages birth - 5 and in the case continuum)
• Look at programs that promote services for children birth – 5, such as the Miami Dade Baby Court or the Safe Babies Court teams project.
• “Front-load” Alternative Dispute Resolution – Begin FGDM, Triple P and other ADR programs early and throughout the case continuum.

4. Innovative forensic training on the horizon that the task force will follow
• Multi-session forensic interview training.
  • Children who are very young who have developmental disabilities and special needs (hearing impaired, intellectually challenged, autism), non-English speaking children, and some who have been highly traumatized.
  • Not being redundant or re-victimizing a child.
• Refresher training for forensic interviewing.
• Narrative practice techniques in the forensic interview.
• Development of online learning.

Task Force Recommendations

The following recommendations by the Task Force are meant to improve the child protection and criminal justice systems, and to ensure children involved are not re-victimized by these systems under these categories:

A. Investigative, administrative and judicial handling of cases of child abuse and neglect, particularly child sexual abuse and exploitation, as well as cases involving suspected child maltreatment-related fatalities, and cases involving a potential combination of jurisdictions, such as interstate, federal-state, and state-tribal, in a manner which reduces additional trauma to the child victim and the victim’s family, and which also ensures procedural fairness to the accused.

• Maintain CJA funding and support for forensic interview training.
• Provide accessible initial orientation to child protection services and Child in Need of Protection or Services proceedings for county attorneys and their staff members, guardians ad litem, public defenders, court appointed attorneys and judges.
• Provide accessible training in the Indian Child Welfare Act for county attorneys and their staff members, public defenders, court appointed attorneys, guardians ad litem, court administrators and judges, especially in rural counties and in counties that also have reservations.
• Provide TEAM training and networking sessions for those who work in child protection (law enforcement, social services, courts, and for parents and youth involved in child protective services).

• Effective and consistent use of county social service agency child protection teams. [Minn. Stat. 626.558, Multidisciplinary Child Protection Teams]. This would not replace the multidisciplinary team training, but could strengthen working relationships and improve case procedures.

B. Experimental, model and demonstration programs for testing innovative approaches and techniques which may improve prompt and successful resolution of civil and criminal court proceedings, or enhance effectiveness of judicial and administrative action in child abuse and neglect cases, particularly child sexual abuse and exploitation cases, including enhancement of performance of court-appointed attorneys and guardians ad litem for children, and which also ensure, procedural fairness to the accused.

• Alternative Dispute Resolution such as Family Group Decision Making and the Parallel Protection Process, used early and throughout the case continuum.

• Programs that address services for children ages birth – 5, such as the Miami Dade Baby Court or the Safe Babies Court teams project.

C. Reform of state laws, ordinances, regulations, protocols and procedures to provide comprehensive protection for children from abuse, particularly sexual abuse and exploitation, while ensuring procedural fairness to the accused.

• Decriminalization of cases with children and youth involved in prostitution, sexual exploitation or trafficking.

• Allow for the child protection and court systems to handle homeless youth and sexually exploited youth as child protection matters and provide services.

Conclusion

These recommendations provide a blueprint for CJA program and Task Force activities during the next three years. Minnesota has implemented, or is in the process of implementing them. The CJA Task Force and department staff believe implementation of these recommendations will improve the child protection and criminal justice systems, and ensure children involved are not re-victimized by the systems meant to keep them safe from abuse and neglect.