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T H E M I N N E S O T A  
C O U N T Y A T T O R N E Y S  
A S S O C I A T I O N

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### **MCAA Proposal for Funding through 2016 Legislation**

Governor Mark Dayton's Task Force on the Protection of Children met from September 2014 through March 2015 and developed 93 recommendations for improvements to the State of Minnesota's child protection system. The Task Force members put countless hours of time and energy into the development of the recommendations to ensure the safety of children.

The Minnesota County Attorney's Association, through the Juvenile Law Committee, has been in support of the recommendations. The MCAA submitted a statement in early 2015 which clearly identified the public policy goals most important to the MCAA in the child protection system; many of those goals mirrored the Task Force recommendations. The MCAA also had a member serve on the Task Force. Given the gravity of the issues being discussed, she regularly shared information and sought feedback on proposed recommendations from the Juvenile Law Committee.

The MCAA stands together with other system partners who continuously seek improvements in the child protection system. We are enthusiastic about implementing positive changes to statute, policies and procedures. To that end, many members of the Juvenile Law Committee are serving on work groups facilitated by the Department of Human Services to help implement the recommended changes. As an association, we strive to meet our statutory obligation to represent the public's interest in the welfare of children. We will continue to coordinate efforts with our county social service agencies, law enforcement and all other stakeholders.

**Statistical increases.** As you are aware, the Legislature expeditiously acted on several of the Task Force's recommendations. One action was a significant funding increase to county social service agencies to improve their staff numbers to provide better services to children and families.<sup>1</sup> As a result, many, if not all, county social service agencies have increased their staffing over the past several months to implement Task Force Recommendations and to accommodate an increase in reports of abuse or neglect.<sup>2</sup> More reports are being screened in for investigation, which will result in more findings of maltreatment, and more appeals of maltreatment findings.<sup>3</sup> More cases will be opened for social services to provide services to families. And, inevitably, a percentage of those cases will result in the filing of a CHIPS petition.<sup>4</sup>

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<sup>1</sup> See Minn. Stat. §256M.41 Child Protection Grant Allocation; Minnesota Department of Human Services Bulletin #15-68-09

<sup>2</sup> Per DHS statistics presented on 1/19/16, to the Legislative Task Force on Child Protection, between 2012-2015, there has been an increase of over 10,000 reports received annually during that four-year period of time.

<sup>3</sup> Per DHS statistics presented on 1/19/16, to the Legislative Task Force on Child Protection, screened-out reports decreased from 70.3% in 2014 to 67.5% in 2015. This means that an additional 3% of reports were screened-in for assessment or investigation.

<sup>4</sup> Per State Court statistics, the seven metro counties had the following increases in the number of children being petitioned to court between 2014-2015: Carver 21%, Dakota 18%, Scott 12%, Ramsey 37%, Hennepin 16%, Anoka 13%, Washington 59%. \*

**Higher level of attorney involvement.** The Task Force recommendations also appropriately call for county attorney involvement to begin at the earliest stages of a child protection case, even at the initial determination as to whether to accept a report for investigation. There is also a strong preference for multidisciplinary teams in the screening and investigation stage of a case; that team will include county attorneys. There is now a statute requiring consultation with the county attorney's office for court action when a family is not cooperating with social services. The recently revised Maltreatment Screening Guidelines recommend county attorney consultation in a broader range of cases. And, finally, social services agencies will soon be handling reports on a 24/7 basis, and county attorneys will need to be available to consult and provide legal advice on a 24/7 basis as well. Assistant County Attorneys have a statutory responsibility to represent the county social service agency in all of these instances. We need to be available when the agency client needs our legal advice or to meet for an attorney-client consultation on an issue.

The MCAA is in full support of all of the changes put forth by the legislature and the Task Force. However, the increase in social service staff, along with other legislative changes and implementation of Task Force recommendations, has had an immediate and dramatic impact on county attorney offices. Already this year, with far less than half of the recommendations in place, the MCAA has heard from its members that their workloads have significantly increased. This workload increase is across the spectrum of a child protection case, from screening consultations to maltreatment appeals to increased court filings. In some cases, attorneys are exceeding the recommended maximum caseload of 45 active court cases per attorney as recommended by the American Bar Association.

County attorneys handling child protection cases do far more than just court cases - they are providing legal advice at all stages of the child protection case from beginning to end, whether it is open for two months or ten years. The additional staffing in social services and other legislative changes has had a ripple effect with its partners, specifically with county attorney offices across the state. Each county attorney's office has felt the impact. Each has identified needs for more attorney and staff time. Therefore, MCAA will be seeking an appropriation in an amount that will correlate with the increase in the number of social work staff that is, at least in part, responsible for the increased burdens on county attorneys offices.

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\*Note that the state court statistics track number of children, rather than number of cases or petitions. This is inconsequential, as the numbers may reflect 1 case with 7 children 7 cases with 1 child each, resulting in the same totals and noted increases.