

SECTION II(B) SITE VISITS

B. Site Visit Findings

The NCSC project team conducted initial site visits to the 12 pilot locations in July, August, and September 1999. The site visits involved a four-pronged approach to information collection, including interviews with key court personnel, a focus group of system professionals (county attorneys, public defenders, social services personnel, and GALs), court file reviews, and observation of juvenile court proceedings, when possible. The following summaries will provide a brief overview of observations and findings from the interviews, court file reviews, and court observation, as to each of the twelve sites. Focus group results are listed by county in *Appendix B*.

CHISAGO COUNTY

1. Strategic Planning for Implementation and Ongoing Management

The chief judge of the district volunteered Chisago County for the Pilot Project. Chisago was selected for its size, its proximity to the metro area, and its sufficient number of child protection proceedings. There was initial reluctance by the court to participate as a result of concern for the community gossips and the extra work associated with the pilot and staff shortages. It was perceived that the time frame for preparation was short. The written information distributed to Chisago County by the state was fine. A team from Chisago County attended state training in St. Paul.

The Pilot Project did not require a lot of preparation by the judges. More detailed preparation was required for the court administrator regarding records management issues. The court administrator's office put together a local packet incorporating Supreme Court documents, which was shared with the county attorney. Although there is no standing committee to oversee the Pilot Project, issues are addressed as needed. There is a monthly meeting of the juvenile court group and on occasion, open hearings matters are discussed. The main issue to date involved a case that was inadvertently overlooked for the public calendar. There are no plans to meet or regroup after one year.

2. Court Operations

a. File Management, Calendaring, and Docketing

Open hearings have created some barriers to calendaring. Trial Court Information System (TCIS) does not permit printing of a public docket for confidential cases. CHIPS cases are still confidential in TCIS. Therefore, court staff need to make manual changes to TCIS to open a case, print the docket, and then manually close the case. This is a time consuming and labor intensive process. This is a greater concern for Chisago than some counties because of the existence of public access terminals. Changes to TCIS could eliminate the potential workload associated with docketing and generating a calendar.

As far as file management and setup is concerned, a "blue sheet" is placed in the file separating pre and post documents in older files. All files contain an envelope to store confidential information that is not available to the public. This requires that the deputy clerk continually read through filed documents to determine if they contain psychological information, foster parents names, etc. This process is extremely cumbersome.

As to public access to files, the court instituted a survey form for those requesting to screen files for project evaluation purposes only. In order to screen the case file for public review, two people are required, one to cleanse and redact file while the other person reviews. What was thought initially to be a nightmare has not materialized. There have been only one or two requests to review files. Neither agreed to fill out the form and neither requested copies of documents. Turnaround time for file review in these instances was one hour. To review the file, the individual is not allowed to leave with the file but must sit at a counter with a retractable window.

b. Hearings

In Chisago County, there have been no incidents of closed hearings, although the court has heard oral motions to close hearings. In the event a hearing is closed, the court minutes would reflect the closure. Once or twice, records have been closed. In one instance, it involved a related TPR and adoption matter. There has been some concern raised for artificial handling of cases in order to protect privacy issues.

Juvenile (CHIPS and delinquency) cases are batch set. At the beginning of the session, the court announces to the parties, participants, and spectators that CHIPS and

TPR hearings are open to the public. The court, however, usually calls delinquency cases first which has the effect of eliminating most people in the courtroom by the time the judge turns to CHIPS matters. On numerous occasions, the parties and the court have used code language to avoid public disclosure, which makes for a weaker record.

3. Impact Issues

a. Children

Some court staff feel that no benefits to children have been realized and there has been no detriment either. Others feel that there is only detriment to children from open hearings. In that regard and in terms of child welfare, the Pilot Project is not a wash because of the availability of permanent records and the fact may carry into the future (i.e. army recruitment issue). If there were a benefit to children, the additional workload to the court would be worth it. Children are equally nervous in open and closed court hearings.

b. Parents

The feedback from parents to court staff has to do more with the system than with open hearings. No particular benefits to parents have been observed. There is not even much involvement from extended family and relatives. Chisago County is fortunate to have a low number of contested adjudicatory hearings because social services and the county attorney are very efficient. If a family has a problem, social services will identify and assist.

c. Court

Open hearings have made judges more conscious in terms of what they are willing to put on the record. Judges do not introduce certain things into evidence because of the impact on the child and public accessibility. For the most part, there has been little change to judicial style. The judges have raised some concern for conflicting proceedings between open TPR matters and closed adoptions.

- d. Collateral Agencies (County Attorneys, Public Defenders, Social Services, and GALs)

There are some conflicting processes in case filings. For example, petitions use initials but social services reports state the child's name. In addition, the county attorneys are reluctant to file psychological reports. Other than these minor issues, there is the sense that open hearings have not had much impact on the operations of collateral agencies. The social services agency operated well before open hearings and there are no measurable changes.

4. Media Requests/Coverage and Public Inquiries

- a. Media

At the inception of the Pilot Project, the court contacted the local print media with an invitation to attend hearings. The court viewed this as an opportunity to educate the media and ultimately the public. The local print media ran Associated Press copy at the beginning of the project. There has been no local press presence in the courtroom or any Twin Cities media requests to review files or attend hearings. Because the local news media does not cover the court, there has been no reach into the community.

- b. Public

The court has not observed any interest by the public at large. No community members are showing up to attend hearings. Initially, the court feared that neighbors and "gawkers" would take advantage of the policy and attend hearings. This has not happened.

CLAY COUNTY

1. Strategic Planning for Implementation and Ongoing Management

A member of the bench submitted Clay County for participation in the Pilot Project. It was thought that the medium size of Clay County would make it a good candidate for participation. A team from Clay County attended the initial orientation session in St. Paul.

Locally, there was a pre-implementation meeting among the child welfare professionals including court staff, court administrator, county attorneys, and a few social services personnel. No local rules or policies were adopted by Clay County; instead the Supreme Court Order is the

guiding document. During this initial phase, there were discussions to develop strategies for record keeping, dual adjudicated children, and batch setting of CHIPS cases. For the most part, Clay County is pleased with the result given the limitations of short notice, administrative problems, lack of support, vague guidelines, and unfunded mandates.

The local development of the Pilot Project included distribution of a media advisory to newspaper, radio and television, social services, and the public health department. No media advisory has been sent out since the initial contact. Additionally, the court administrator has availed herself to social services, law enforcement, local attorneys, county attorneys, and public defenders by conducting a two-hour workshop in June 1998 and an in-service training in spring 1999.

2. Court Operations

a. File Management, Calendaring, and Docketing

Because TCIS is not properly setup for open hearings, there are a lot of manual processes to generate calendars and docket information. TCIS needs to be updated if the courts will be permanently moving in this direction (i.e. confidential crossed out on new cases and wrong style if old cases). Other than problems with the case management system, there are not a lot of changes to daily operations.

One of the first steps for file management involved proper labeling. Also, older files are now sectioned into confidential and non-confidential areas by a "pink sheet." All files, new and old, have a "blue sheet" attached to the front of the file listing what information is confidential pursuant to the Supreme Court guidelines. The theory behind the "blue sheet" is that when one of these documents is placed in the file, it will be checked off notifying personnel in the event of future records access issues. An expressed area of concern with file management has to do with archiving and storing confidential information from files.

There have only been one or two requests to review files. One involved an attorney request on a related case. Although it depends on the file, the turnaround time for cleansing is 24 hours. Lastly, it is dependent on the nature of the file as to whether the original file or copies of the file is reviewed.

b. Hearings

CHIPS cases are batch set for Wednesday afternoon. During the CHIPS hearings, the privacy block is no longer placed in the window of the courtroom door. Parties wait in the hallway then come into the courtroom when the judge calls the case to the bench. Although the bailiffs are supposed to give out a number for case identification purposes, cases are called by case name. At the beginning of the hearing, interested parties identify themselves for the record. Most judges do not have gallery identification.

Two of the judges have closed a hearing on cases involving dually adjudicated children with delinquency and CHIPS issues. At the same time, the judge will issue an order closing the file. Other judges have been reluctant to close hearings because they do not want to interfere with the Pilot Project.

There is some concern that witnesses might not be completely forthcoming due to open hearings. On the other hand, in some cases, relatives and families whom might have been excluded in the past are able to attend hearings. Therefore, the court is seeing some increase in the number of people in the courtroom. No changes to the duration of the proceedings were noted.

3. Impact Issues

a. Children

Most of the court staff and judges indicated that because open hearings and records are a nonevent, there has been no impact on children. So far nothing negative has been observed, but at the same time not a lot of positive has been observed either.

b. Parents

No observable impact was noted but several think that open hearings may be a good motivating factor for compliance and change.

c. Court

There have been no real changes to court hearings and judicial styles. If media were in attendance, there is the likelihood that the judge would create more of a record. Other factors at play such as mandated changes to timelines for child welfare cases are having more of an impact on child welfare cases than open hearings.

- d. Collateral Agencies (County Attorneys, Public Defenders, Social Services, and GALs)

There is an increased accountability of county attorneys and social workers to meet timelines but this may have more to do with ASFA than open hearings. GALs continue to struggle with the process. It is the social services worker that is most on display.

4. Media Requests/Coverage and Public Inquiries

- a. Media

At first there was a lot of interest and this was a big draw. A couple of reporters attended hearings and a few articles were published in *The Forum*. These articles focused on change and included an accurate synopsis of a CHIPS case and proceedings. Some of the concern for media coverage has been the fact that the media does not understand the whole picture or will come to a sensational hearing but not follow up. There has, however, been some good media coverage regarding a TPR case that was fair to the system. More recently, however, coverage has focused on the more sensational cases (e.g. shaken baby, abandoned baby cases).

- b. Public

The public at large is not availing themselves of the opportunity to observe hearings and review records. Neighbors and community as a whole are not showing up as anticipated. On occasion a court watch group will show up, but not lately. Those who do attend are generally students coming in to observe. There have been some instances where the family has requested access to information. In one case, a grandmother who contacted the court to find out about the welfare of a grandchild was advised of the availability of open records. In another case, a mother's boyfriend (not the father of the children) reviewed the file.

GOODHUE COUNTY

1. Strategic Planning for Implementation and Ongoing Management

Two judges volunteered Goodhue County for participation in the Pilot Project as a smaller county with less volume. There was some initial reluctance, however, due to concerns

for increased workload and uncertainty of the impact on operations. There was not much local coordination because it was not necessary. A team from Goodhue County participated in the orientation meeting in St. Paul. This was followed by a local meeting to clarify questions and meet with collateral agencies with the media present. There is not a standing committee advising the Pilot Project inasmuch as no issues have come up. There have been some discussions, however, regarding the possibility of a November 1999 meeting. There are no formal local policies in Goodhue County and no real effort to track closed hearings or closed records.

2. Court Operations

a. File Management, Calendaring, and Docketing

There are significant concerns for file management in Goodhue County inasmuch as there is one court file for each child, which contains both delinquency and CHIPS information. This requires extra caution for file screening if there is a record review request on a dually adjudicated child. Another additional burden to filings is that the cover page of the summons only lists the parent's name requiring lengthy computer screening to process an incoming case.

Generating the calendar requires extra work because the clerk must first run the calendar, then manually change TCIS to reflect that the CHIPS cases are not confidential, print calendar, and then manually return the case status back to confidential. This extra effort is required because there are public terminals and the general public cannot have access to the child's name.

As far as setting the docket, court staff usually tries to schedule CHIPS hearings at 11 a.m. so there are fewer people in the courthouse, although this is not always the case.

b. Hearings

Dockets are maintained on the counter and parties check in with bailiffs. Cases are called into the courtroom the way they are listed on the docket. There has been some inconsistent practice with outside county judges. Outside county judges do not like open hearings and will remove people from the courtroom. Sometimes judges will ask parties to identify themselves; other times the county attorney will announce. Court minutes usually list the interested parties present. Generally, there are not a lot of extra people in

the courtroom. On occasion, there may be additional friends and family, people there by happenstance, or bystanders waiting for their own hearing. If children are present, the judge and the system professional try not to say the name of the child aloud. All in all, the court may have closed one or two hearings and issued protective orders for records in a few cases that dealt with mental health issues. The court has entertained motions to seal files and close the courtroom at the request of the child's attorney. The court is trying, however, to make rulings consistent with the administrative order from the Supreme Court.

3. Impact Issues

a. Children

Children are not affected because essentially no one is coming to CHIPS hearings and there are no resulting benefits or detriments. On one occasion the CHIPS docket was interspersed with criminal cases, but no adverse impact was observed.

b. Parents

Open hearings may get parents to comply but it is too soon to tell. On occasion, social workers have relayed the fact of open hearings to parents to encourage compliance with voluntary plans.

c. Court

No change to court operations is indicated. There is a concern by some that the clerk's office staff is left to figure out how to execute records access and to determine what files are and are not confidential. There is a concern for personal liability by some of the court personnel and the lack of direction as to how to deal with the requests.

Most believe that the court was doing a good job before open hearings. If more people showed up, it is possible that the court would make some further changes.

d. Collateral Agencies (County Attorneys, Public Defenders, Social Services, and GALs)

Open hearings have created more work for collateral agencies such as social workers and GALs in that they now highlight, in boldface letters, potentially redactable information. On a personal level, there has been a great concern for confidentiality and personal liability. As a result, these agencies' reports may be less thorough than before.

County attorneys are now more cautious with what they say on the record in open court and are somewhat less detailed.

4. Media Requests/Coverage and Public Inquiries

a. Media

The court had some contact with the media at the beginning of the project. On the first day of open hearings, a representative from the *Republican Daily Eagle* attended but left before CHIPS cases were called. Approximately six months later, a reporter wanted copies of all cases filed since open hearings. As a result of this request, a meeting was held with the media, court staff, county attorneys, and judges to explain the magnitude of the request and set out time frames for compliance. This created a tremendous burden on the court staff, some of whom worked evenings and weekends to process the request. The reporter did not look at the actual files but copies of the files exclusive of redacted or confidential information. The newspaper requested copies of the files but was refused. The turnaround time on processing the request was approximately two months. The result of this effort was an article about the open hearings Pilot Project in Goodhue County. It appears that once the press had an opportunity to review the files they backed off. On occasion, a member of the press will look at the docket and sit in on hearings.

b. Public

There has been no interest by the public at large in the activities of the child welfare system as evidenced by lack of attendance at court hearings and requests for records.

HENNEPIN COUNTY

1. Strategic Planning for Implementation and Ongoing Management

Hennepin County's participation in this Pilot Project was at the request of the Supreme Court. Hennepin County was thought to be a good indicator of the project because it is the largest county in terms of case volume and the fact that it is the only separately functioning juvenile court. In recent years, Hennepin County has made some significant changes to juvenile court operations in addition to open hearings such as block calendaring and implementation of National Council of Juvenile and Family Court Judges Resource Guidelines.

Representatives from Hennepin County attended orientation training in St. Paul and reviewed the materials provided by the Supreme Court. In order to ensure consistency, several issues were addressed at the state level because of the need for consistency. Subsequent to the orientation session, there was a meeting of the juvenile court bench to address a few local operational concerns regarding CHIPS open hearings. Minutes from the meeting were transcribed and distributed to judges and court personnel. Issues which were addressed included case captioning, 90 day review hearings, policy for redacting inaccessible information, issues for combined jurisdiction children, availability of copies of new petitions, exhibits containing confidential information, and information requests. The decision was also made to not include runaways and truants in the Pilot Project but only straight abuse and neglect cases. The CHIPS Management Committee has addressed subsequent concerns regarding open hearings. This Committee, which includes professionals from the bench, county attorney's office, GALs, public defenders, meets monthly and open CHIPS matters are often on the agenda.

The move to open hearings did not come without a few problems. Fortunately, participation in the Steering Committee for Open Hearings gave Hennepin County the heads up on many changes so that quick turnaround time was manageable. All in all, it was felt that additional time was necessary. Other problems limiting Hennepin's easy transition into open hearings is that of an insufficient case management system and personnel deficits. Hennepin County was able to use temporary personnel to help absorb the load. Finally, there are some gaps in the process, which have yet to be addressed.

2. Court Operations

a. File Management, Calendaring, and Docketing

In Hennepin County, all matters relating to one child were stored in the same file. This included CHIPS and delinquency cases. These files needed to be separated out for public access purposes and two additional temporary employees were hired to separate 1400 files. The child is identified by a specific individual number and family number and files are now co-located under the family number.

At the beginning of the Pilot Project, calendaring was very labor intensive because eight judges ran court each day. Assistance was obtained from state MIS for specific directions to order calendars. Dockets are now available by individual judge, by

time, and by date. Calendars are posted on the walls or clipboard on the main counter. Because there are no public access terminals, manipulation of the docket is not a problem.

File review requests are processed in a reasonable period of time, which is consistent with Supreme Court directive. At the current level of requests, it is not a problem to absorb but someone still spends a lot of time looking through files. One staff member is responsible for screening files to remove any confidential information. A copy is then made and redacted. A copy of the redacted document is also kept in the file for cross-reference. The individual requesting to review files is asked to complete a form and court personnel maintain a log of requests. There is great concern regarding liability for the clerk's office staff who are making decisions about what is available to the public. Instead, another option may be that the judge keeps the actual file and his/her staff is responsible for redacting.

b. Hearings

The county attorney announces the case and names parties who are present and their relationship to case. Some judges have not closed hearings although they have heard several requests to do so. These requests are usually oral because there is not a lot of paper practice in the juvenile court. Generally the requests are denied because most arguments are not specific or are attempted just to eliminate people from the hearing. The court, as a whole, heard many requests at the beginning of the Pilot Project. More recently the requests have become fairly case specific. One judge closed a hearing the first day of the Pilot Project but later reopened the case. In some instances, parties have used abbreviated language because of concern for the child's privacy when non-relatives are in the courtroom. Several judges have sealed records and the records are stamped "Public Access Prohibited Under Protective Order." Several of the judges would not be inclined to close a hearing even if it met the criteria. They may be inclined to seal portions of the transcript, however.

3. Impact Issues

a. Children

According to some court personnel, it appears that there is no common understanding of the specific child welfare indicators that will be affected by this process. At this point, there are so many other variables in play. How is it possible to measure the results of open hearings? There are many collateral changes in the juvenile court, unrelated to open hearings, which may result in improved outcomes for children and families. (e.g. timeline reductions, master calendar to block calendar, etc). Most have not seen the anticipated benefits to children come to fruition. An indirect benefit to children, however, is the fact that extended family members and friends may be involved in a court hearing and potentially become a viable placement option.

b. Parents

Parents do not know or realize that hearings are now open. There has been no impact on compliance or voluntary protective services. CHIPS filings are up by 30 percent in Hennepin County alone. The court can exercise its own accountability over parents without open hearings. Most parents are not that sophisticated to understand the ramifications of non-compliance with voluntary services plan or court orders. Parents may receive benefit, however, in certain cases in which families are stepping forward to assist.

c. Court

There is the sense that the accountability of the court has improved but more as a function of the recently adopted guidelines rather than open hearings. Judges are now more active with case management. Accountability is a muddy issue because of multiple changes to juvenile court operations. Some find the concept offensive that the system, whether the court or the child welfare system, accountability needs to improve. This concept suggests that the system was not accountable before.

There has been no change to judicial styles as a result of open hearings. Styles are more a function of personality than open hearings. There exists a good group of judges who could deal with media if necessary, can do the job, and are committed to CHIPS matters, children and families.

There is a concern that, in some cases, that truth does not emerge when court and system professionals use abbreviated language because non-relatives are present.

- d. Collateral Agencies (County Attorneys, Public Defenders, Social Services, and GALs)

Open hearings have had minimal impact on the daily operation of the collateral agencies. Recently, CHIPS petitions have become more streamlined—keeping out history and chronology not relevant to recent allegations. This is not really a function of open hearings except that it is possible that a parent will fight the history because of outward appearances. The GALs pretty much operate the same. Training has tightened but this is not related to open hearings.

Some of the court personnel feel that collateral agencies are still performing as well as before. There is a potential benefit to the court and collateral agencies in cases where something goes wrong. The court file can give an accurate picture of the circumstances and vindicate the agency.

4. Media Requests/Coverage and Public Inquiries

- a. Media

The court has been very proactive in complying with media requests. At the beginning of the Pilot Project, the court distributed media packets with suggested guidelines. The court administrator worked with reporters (print and electronic) to build a relationship of trust and friendly borders. In anticipation of media requests, CHIPS petitions are copied and placed in an easily accessible box for access by the media.

During the first two weeks of the Pilot Project, there was a mad house of media coverage from the local papers and electronic media. The initial flurry of media requests fizzled after two months. Open hearings have not generated gratuitous media coverage. At this point, only high profile criminal cases with concurrent CHIPS cases and one-year anniversary cases have the attention of the media.

In the past, there have been some questionable tactics on the part of one television station. The print media has been very responsible. Most of the media is very responsible in coverage of CHIPS matters (i.e. do not use names or show pictures of child). Some excellent stories have come from responsible reporting. The problem with the media, however, is the inconsistent flow. With the open hearings movement, there is

so much reliance on the media to report these cases to increase public awareness and mobilize the community.

b. Public

The court has gone out into the community to address open hearings and other related juvenile court concerns. This has helped to ease some of the initial community concerns with open hearings. There has been limited involvement from the "WATCH" group. They do not understand the proceedings and CHIPS cases are not a priority. There has been some indication that families and neighbors are stepping forward to help families and children. Occasionally, there have been records requests from students to complete coursework.

The court hoped for more input from the public because the perception exists that the court and community have more resources than they do. The public at large does not know what the juvenile court does and the resources necessary to effectively address child welfare issues in the community. It appears that the public at large is not interested in the daily activity of the court. The public response may have changed to "I am glad someone is looking but I do not want to think about it." Unfortunately, there is a tremendous disconnect between mainstream and the CHIPS target population. There is a great concern that the lack of public response to open hearings is another sign that the community does not care enough for its children.

HOUSTON COUNTY

1. Strategic Planning for Implementation and Ongoing Management

The director of the local social services agency led the movement for open hearings in Houston County. Houston County received notification that it would be a participating county approximately one month from implementation. A team from Houston County (judge, county court administrator, district court administrator, social services director and supervisor, county attorney, GALs program coordinator) attended the June 1998 Orientation in St. Paul. On a local level, the county agencies never met as a formal group. As issues have come up, they have been discussed informally. Initially, the GALs had some serious concern regarding child statements for which solutions were developed. There are no formal written policies, memos, or materials other than those distributed by the Supreme Court at the initial orientation. As far as notification

to the media and the public, the court administrator initially contacted the newspaper three to four weeks prior to the open hearings start date. Additionally, Houston County developed a written notice to litigants in CHIPS matters. The notice is included in the initial service packet for cases filed after the open hearings. A statement regarding open hearings is included with hearing notices for parties on older cases. There is no formal documentation to track closed hearings or records requests.

There exists no standing committee (partly due to turnover, change in the staffs of the related agencies) to manage the open hearings effort. Houston County Social Services led the charge and the court is inclined to let them take the reins. At this point there are no contemplated changes in policy and procedures.

2. Court Operations

a. File Management, Calendaring, and Docketing

File setup used to be based upon chronological order. Now confidential documents are placed in an envelope or loose in a two-prong closure and inserted into file. For cases filed prior to open hearings, a bright pink "Confidential" sheet is placed in the file to identify the break between open and closed records. Court staff did not go back to place sheets in all older files but do so as they come up for review. Calendar preparation is difficult due to the limitations of TCIS, which will not print confidential matters. This means that staff must manually adjust TCIS to print a public docket. The docket will then print the appropriate case caption to reflect parent's name versus child's name. The docket is no longer confidential. Court staff now tries to "block" set CHIPS and TPR matters so there is a natural break rather than interspersing with delinquency matters.

b. Hearings

The door to the courtroom remains open during CHIPS and TPR hearings. The docket is posted outside the courtroom. CHIPS and TPR cases are listed on the docket by the name of the parent. Cases are called into the courtroom from the waiting area. In order to enhance privacy, the GALs will round up the participants and bring them into courtroom at the designated time. The judge does not go on the record for identification of "spectators" in the courtroom. One court hearing was closed on the court's own

motion but no written order of closure. Instead, the judge went on the record regarding closure. No orders were entered to close files or specific records during the Pilot Project thus far.

3. Impact Issues

a. Children

There has been no impact on children at this time because of small town mentality. The community knows the problems of the family already. One concern that was raised is that of a child's disclosure to a GALs and whether or not that information would remain confidential. GALs reports now have an optional contact list.

b. Parents

No impact on parents has been observed. There has been no contact from parents to the court administrator's office stemming from open hearings.

c. Court

There has been no impact on court operations (i.e. filing to disposition times have changed). Generally, there are no hotly contested cases and usually no adjudicatory hearings. The efficiency of court hearings is the same as before. It seems like more time is spent on CHIPS hearings but whether this is a function of open hearings is questionable. There is no change in the quality of proceedings to parents and children.

d. Collateral Agencies (County Attorneys, Public Defenders, Social Services, and GALs)

The county attorney has not requested closing of a case. There was some concern initially with whether to use names or initials in social services or guardians report; most reports indicate full name now. More of an impact is seen on guardians. It has made it more difficult for them regarding confidential statements by child. There is no change in system professionals' accountability. Everything seems to be the same with social services agency. Open hearings only affected county attorneys with case styles. Once they became accustomed to the new format, there have been no problems.

4. Media Requests/Coverage and Public Inquiries

a. Media

Initial contact with newspapers has died down. The media was present at one hearing on a specific case after which the media contacted the court administrator to ask, "Why are we here." In reference to a specific shaken baby case, media contacted the court administrator who reminded the media of open hearings and records. The media did not return for the second hearing. The press did review the court file at the court administrator's office after a 10-15 minute purge process.

The media was advised that they could contact the court administrator's office regarding calendar status. Local media does not publish CHIPS and TPR dispositions in paper.

b. Public

There were several requests by the public at large for a specific file relating to a shaken baby case. Other than this one instance, the court is not seeing a lot of community involvement.

LE SUEUR COUNTY

1. Strategic Planning for Implementation and Ongoing Management

The startup time from notification to implementation was approximately three months. The movement for the Pilot Project in Le Sueur County came from the bench. The court initiated discussions with attorneys via memo and a poll. Initial opposition came from public defenders. There was also a concern regarding the identification of children in social services and GALs reports.

A team from Le Sueur County attended the training in St. Paul. There are no local formal memos or policies. The training protocol from the June 1998 Orientation guided the implementation. Le Sueur County did establish a committee to address certain issues such as county spokesperson, file management, and records requests. As a result, a determination was made that files would not be sent or mailed to requestors but required in person contact. The court also developed a file cover sheet to identify parties and children. In addition, a voluntary information sheet was prepared for those seeking to review files for evaluation purposes.

Initially the committee decided to meet every two to three months but went to an as needed basis. As issues arise they are usually handled with informal conversation.

2. Court Operations

a. File Management, Calendaring, and Docketing

Open hearings resulted in minimal operational shifts; primarily involved file cleanup and file setup. Changes to the style of the case and CHIPS now marked non-confidential. A cover sheet in the file, identifying the child by number (e.g., child 1, child 2), was implemented at the request of the bench.

There have been no changes to the docket and hearing setting processes. CHIPS and TPR matters still show up on the confidential docket. There are no procedures in place for transcripts of CHIPS matters to the public and media. If there is a request to review a file and there are questions as to what is and what is not available, the court staff will check with the judge.

b. Hearings

Parties check in for hearings at the main desk across the hall from the courtrooms. The docket stays with court personnel. Cases are called as they are ready and the parties come into the courtroom. All those present in the courtroom are identified but not excluded.

3. Impact Issues

a. Children

There is no sense of the impact on children. Children have indicated, "I don't like this;" however, this is interpreted more as a reference to being in the system rather than to open hearings.

b. Parents

There has been a benefit to the parents in that supportive friends and family have been in the court hearings. It is too early to tell, however, whether parental performance or compliance has improved.

c. Court

There existed an initial feeling of public scrutiny but there has been no impact at this time on the court. No requests for open records and hearings have been made. Things are business as usual. There has been no change to judicial styles. The court has never closed a hearing though it has been discussed. The court would entertain an oral motion but a written motion with notice to the parties is preferred. The press should receive notice only if they had attended an earlier hearing. The court has not closed any files or documents to date.

d. Collateral Agencies (County Attorneys, Public Defenders, Social Services, and GALs)

GALs and social workers are now referring to children in their reports by number, which is referenced back to the file cover sheet. The social services department came up with this idea. Since open hearings, there is a sense of improved performance. Social services and GALs reports are better written and recommendations are much more specific and understandable.

4. Media Requests/Coverage and Public Inquiries

a. Media

A judge was interviewed for an article and quotes were printed in the *Mankato Free Press*. The *Mankato Free Press* came to review five different files but did not complete the voluntary information request form. Turnaround time to purge the file for review was 48 hours. There have been some articles in the paper in reference to CHIPS proceedings and the Pilot Project in Le Sueur County.

b. Public

The public at large has not taken advantage of the open hearings policy. No private individual has come to review files. Additionally, there is no court watch group monitoring CHIPS proceedings. It appears that there is a lack of interest but the court is not interpreting this as negative. It is interpreted as a function of small town dynamics.

MARSHALL COUNTY

1. Strategic Planning for Implementation and Ongoing Management

Marshall County was volunteered to participate in the Pilot Project by the bench. Although there is not a formal committee to address change and implementation, there was a local meeting in Pennington County of court personnel and judges. The court administrator addressed most of the operational changes locally and facilitated a briefing of court staff as to changes in procedures. From this briefing, court personnel developed informal written guidelines. There has been no ongoing management committee because open hearings have not really been an issue for the court. All in all, there have been no requests to review files and no request to close hearings. Court personnel have not discussed the tracking of requests for evaluation purposes.

2. Court Operations

a. File Management, Calendaring, and Docketing

There have been no major changes to court operations other than knowing what is and what is not available to the public and change to case caption. Court staff have tried to group all CHIPS cases at once so not interspersed among delinquency matters.

Although there have been no requests for files, it is anticipated that two personnel will review the file, especially for the first request. It is also believed that a file could be ready for public review very quickly. Normally, the public reviews files at the counter or law library and no identification is required. The court has yet to issue a protective order on a CHIPS file.

b. Hearings

The judge will ask who is present in the courtroom and puts it on the electronic record. Judges have not, however, cleared the courtroom. Except in certain cases with supportive friends and families, no additional people are present in courtroom. There may be some increase in the length of court hearings because so many people are permitted to speak rather than as a function of open hearings.

3. Impact Issues

a. Children

In a recent CHIPS case, the child derived a benefit when a number of people concerned with the child's well being were able to attend the hearing. The child was less stressed in court and able to talk freely outside of court. Open hearings, however, may be more traumatic for younger children.

b. Parents

The shame factor may be somewhat of a deterrent if people know what is going on with their kids. The benefit to parents is that they have more time to discuss their case with the court.

c. Court

To a certain extent, open hearings have increased the accountability of the court in that office staff are more aware of policies and procedures related to CHIPS cases. There was somewhat of a mind set change such as batch setting CHIPS cases. Additionally, the judges are more aware of CHIPS files when cases are called to the bench. As far as judges are concerned, there has been no increase in accountability because they have always been very thoughtful and instructive to the parties.

d. Collateral Agencies (County Attorneys, Public Defenders, Social Services, and GALs)

There is a sense that collateral agencies are more stressed to cover all bases. Although pretty good in the past, there is the sense that social services reports are more thorough. This sentiment applies to GALs as well.

4. Media Requests/Coverage and Public Inquiries

a. Media

The local media never came to cover any hearings, not even the first hearing. The local paper does not print CHIPS dispositions. CHIPS dispositions have not been made available to the press in the past. With the advent of open hearings, this has not been discussed but there has been no conscious effort to withhold.

b. Public

The public has not taken advantage of open hearings. The initial concern that snoopy neighbors or busy bodies would attend has not materialized.

PENNINGTON COUNTY

1. Strategic Planning for Implementation and Ongoing Management

The bench volunteered Pennington County for participation in the Pilot Project. An implementation committee was not established and there was no contact with collateral agencies other than advising them of what changes the court would be making. A meeting of court staffs from Pennington, Marshall, and Red Lake was held to discuss changes. No formal or written policies and procedures were developed; Supreme Court policy and rules regarding open hearings were adopted. There is some reference to open hearings in the district's juvenile manual. Although there are no ongoing meetings of committee and personnel, it may be good to revisit the project at the one-year anniversary mark.

2. Court Operations

a. File Management, Calendaring, and Docketing

The caption of the case has changed and now references parents and not child. There has been some change to file setup for older cases filed before open hearings. The individual file is divided to reflect pre and post open hearings documents. For all files, confidential information (e.g., psychological evaluations) is placed in an envelope and inserted into the file.

There have been no phone calls to the court regarding hearings and records other than interested parties. In the event there is a request for a record, a day to prepare the file is anticipated. The individual requesting the review would probably look at the actual files rather than copies. The court has not issued any protective orders to close files or documents.

b. Hearings

CHIPS hearings are batch set at the same time for ease and convenience. People wait in the hallway for the next hearing. When a case is called, attorneys bring the participants into the courtroom. The judge continues to go around the room to put on

record who is in attendance. In the past, the court minutes reflected all people present in the courtroom for the hearing. There has been no apparent change in the number of people attending hearings. Court hearings may be running a little longer but sends the message regarding the importance of preparation.

3. Impact Issues

a. Children

Children are receiving some enhanced service by the social services department as a result of open hearings. Because only interested parties are in the hearing, children have not been affected in by the actual “openness” of the hearing.

b. Parents

It is hoped that the open hearings will result in an increased number of responsible parents.

c. Court

As a result of open hearings, the court is receiving more information from friends, family, and relatives of parents and the judge now may have a few more options. The court has made some minor operational adjustments and is ready in the event that there is more interest in the open hearings policy. There is some concern that, in the event that there is a request for file review, some detrimental information will be released. There has been no perceived change in the accountability of the court, judicial style, or thoroughness.

d. Collateral Agencies (County Attorneys, Public Defenders, Social Services, and GALs)

Initially, there were a few issues with social services and case plans because social workers would not make written recommendations, but that has since resolved itself. Social services may be submitting better reports. Overall, social services always tries to stay on top of things. There has been a departure of some personnel but the ones in place are diligent and have always have been good with court reviews.

4. Media Requests/Coverage and Public Inquiries

a. Media

The entire state has been flooded with news releases, including coverage by local print media. There has been no local effort to disseminate additional information by the court. The judge did appear on a radio interview to share information about open hearings. Local press covered the first hearing and wrote an article in the *Thief River Falls Times*. Since then, there have been no media requests to attend hearings or review files. It may be a good time, however, for additional project related publicity.

b. Public

Because of the size of the county, everybody knows what is going on so open hearings may not be such a big deal. The court is somewhat surprised and even hoped that there would be more interest. Overall, there has been no interest by the public at large except for one paralegal student.

RED LAKE COUNTY

1. Strategic Planning for Implementation and Ongoing Management

Red Lake County was volunteered for participation in the Pilot Project by the bench. Although there was no county-based group to oversee the project, there was an area meeting in Pennington County for court personnel and judges. The three counties worked together during implementation. The court relied mainly on the Supreme Court materials and no local memos, rules, or policies were issued. No one from Red Lake County attended the orientation session in St. Paul, but did receive the materials. There have been no ongoing meetings to oversee the project.

2. Court Operations

a. File Management, Calendaring, and Docketing

The case caption is different and must be entered into TCIS. The public docket is generated by TCIS. Participants, parents, and child are listed on the docket so the docket is not posted. Participants check in at the court administrator's office for hearings. The court tries to set all juvenile matters at the same time. There have been no requests to

review files. In the event this was to occur, court personnel would look at Supreme Court materials for guidance.

b. Hearings

Cases are called to the bench in accordance with the new case captions. There are no major changes in how judges are handling hearings. The court is very careful about not identifying foster parents by name in the courtroom and on the record.

3. Impact Issues

a. Children

No impact on children has been observed at this point. That may be different if the media was an active presence.

b. Parents

No changes have been observed in parental behavior.

c. Court

The court has never closed a hearing or issued a protective order. Additionally, the court has never had to address a motion to close a hearing or seal a file.

d. Collateral Agencies (County Attorneys, Public Defenders, Social Services, and GALs)

Because there are so few cases, there is no real impact or behavioral changes as a result of open hearings. The social services agency has always performed well.

4. Media Requests/Coverage and Public Inquiries

a. Media

The local media ran an article about the Pilot Project in the beginning. The local press has not attended court hearings or reviewed records. The Pilot Project has not been publicized in the community since the beginning.

b. Public

It appears that there is no interest from the public to date. No members of the public at large have come in to attend hearings or request records. This may be a result of small town mentality.

STEVENS COUNTY

1. Strategic Planning for Implementation and Ongoing Management

The judge volunteered Stevens County for participation in the Pilot Project and the reasons for doing so were relayed to staff. Although there were no official meetings, individuals from agencies came in to the judge to express concerns. A team from Stevens County attended the orientation meeting in St. Paul. Although there was some discussion, no formal written policies were developed. For evaluation purposes, the court staff planned to track all record review requests and hearing attendance. The court developed its own policy regarding access to records as those subsequently filed after the date of the Pilot Project only. Although there is no formal management committee, court personnel are keeping a log of comments regarding open hearings and open records from parties, parents, and relatives.

2. Court Operations

a. File Management, Calendaring, and Docketing

The only significant change is to case caption. There have been no changes to file setup. Nothing is done differently. Court personnel have discussed the possibility of using sealed envelopes to store confidential materials. The contingency plan for file review requests is that all requests will be run by the judge first for direction.

b. Hearings

The parties check in at the main desk for court hearings. The contingency plan for a person wanting to attend court is to have the person identify himself, state reasons for attendance, inform the judge, record, and document. In order to reinforce the impression that proceedings are absolutely open, the judge no longer announces for the record who is present in the courtroom. During the hearing, foster parent anonymity is stressed. There are no additional people appearing in the courtroom for any reason. The fact that there are no adjudicatory hearings or TPR matters since the implementation of open hearings may have an affect on attendance. An area of concern for the court, however, includes testimony relating to a child's drug and chemical dependency, medical, or psychological information. These issues may need to be addressed more in reports than via testimony. Although the court is less inclined to close hearings than

records, the court has no problem with closing hearings if they meet the criteria. There is no requirement for notice to the media.

3. Impact Issues

a. Children

Although it has not come to fruition, there is concern that on a particular sort of case, open hearings might be detrimental for children to work out issues.

b. Parents

It appears that parents are not behaving any differently.

c. Court

The court has sealed medical records in one case since the Pilot Project but did not close the hearing because it only involved the issue of access to the medical records. The court made a finding of fact on the record that the child's privacy interest outweighed the policy of open hearings in CHIPS matters. Other than this, there have been no changes to how the judge operates in court.

d. Collateral Agencies (County Attorneys, Public Defenders, Social Services, and GALs)

There have been no statements to court personnel from the collateral agencies as to the impact of open hearings and records.

4. Media Requests/Coverage and Public Inquiries

a. Media

The judge was interviewed by a television station and had radio coverage. The present court administrator has not done anything directly to notify the media or public. The former court administrator, however, may have. There have been no calls or questions from the local media, *Morris Sun and Tribune*, regarding open hearings. The media has not attended any hearings or reviewed any records.

b. Public

No members of the public at large have requested to attend a court hearing or review court records.

VIRGINIA-ST. LOUIS COUNTY

1. Strategic Planning for Implementation and Ongoing Management

The former chief judge, a leader in lifting confidentiality in CHIPS cases, was instrumental in attracting focus to Virginia and volunteered the location for the Pilot Project. Virginia is the only location of three in St. Louis County attempting this process. Initially the social services director expressed concern but was willing to work through and still stay within project parameters. The court administrator and social services director are participants in the Open Hearings Steering Committee. Several representatives from Virginia attended the training in St. Paul in June 1998.

It was not necessary to have local agency-wide meetings because the court and social services agency are actively involved in the Steering Committee. It was decided that formal written policies were not needed and that many issues should stay on hold until actually faced by the court. The court staff had a few meetings at the outset of the project to discuss logistics and to address consistency.

2. Court Operations

a. File Management, Calendaring, and Docketing

Some feel that open hearings is easier administratively while others believe that it was easier to say that all matters and documents are confidential. In order to generate a docket easily, a few adjustments must be made to TCIS. At this point, the court staff is manually making changes, which is somewhat labor intensive and time consuming.

There have been a few changes to file setup and file management. A sheet of colored paper is placed into older files (those cases filed before the open hearings project) to separate that which is available to the public from that which is not. In all files, confidential information is attached to a cardboard folder and placed into the file. A confidential worksheet in the file lists the foster parents, chemical dependency information, and psychological evaluations. The change in the caption of a case has created some problems with issues of multiple children petitions for children with different last names than the parent. A person requesting to review a file does not need to complete a form. The intake office processes a request and takes care of cleansing the file for review. There have been a few requests for actual documents.

As far as setting the docket, the social services court liaison sets up the docket and mails it to court. Court personnel take this information and enter it into TCIS. From this information, TCIS generates a public and a non-public docket. The primary difference between the two dockets is that the public docket does not list the child's name. The public docket is posted on the board outside the courtroom.

b. Hearings

The court liaison calls the case according to case caption. The court liaison obtains the names of all interested parties for the hearing and announces them on the record. Those in attendance are listed on the court minutes, including spectators. Court minutes are not kept any differently now than before open hearings. The in-court clerk will also list on the actual calendar all those in attendance. Any orders resulting from the hearing will reflect all parties present except the names of foster parents. There is some inconsistency seen with foster parent identification in that names are said in court but not stated in orders or files.

It is a rare occurrence for the court to close a hearing to the public. A hearing was closed approximately two weeks into the project but not since then. No requests to close hearings or close files have been presented to the court. In the event a judge did close a hearing, the judge would generally close the transcript by separate order. No protective orders to close files have been issued. Although the court may be seeing a few more people in the courtroom, these people are usually associated with the case. On the other hand, parties have been asked to leave the courtroom if they become inappropriate and children have been escorted out because of potential harm. If the case involves a sensitive issue, the parties may go into chambers to address. If the parties can reach agreement, they will then go back on the record.

3. Impact Issues

a. Children

With dockets becoming public, some court staff worry about the children. Concerns have not been realized regarding the detriment to children but no one has taken advantage of the opportunity. On the other hand, no measurable benefits have been observed either.

b. Parents

The concern that parents would be less inclined to consent to services has not been realized. On the other hand, there is a potential for detriment from “airing dirty laundry”; people may be less truthful with the court. There have been, however, no noticeable changes in parent behavior. Essentially, those parents that care and make a turnaround are doing so for reasons other than open hearings.

c. Court

There has not been any appreciable change in the behavior of the court. Changes in operations are inconsequential to the court. There is a sense from some that open hearings promote court accountability. There has been no change to efficiency of court operations. In court, the judges have always been quite thorough and are just as consistent as always. Differences, if any, are based on individual personality and judicial style of the judge rather than open hearings. As long as the court retains the opportunity to close, there is increased accountability for the system.

d. Collateral Agencies (County Attorneys, Public Defenders, Social Services, and GALs)

Most feel that there are better ways to monitor social services activity and never agreed with the rationale. The intended increased accountability for social services has not been realized. There are enough checks and balances within the system and opening CHIPS matters does not address the social services agency's discretion regarding non-filed cases.

At first social work reports referenced children by initials to protect their privacy. This became too confusing and eventually the return to full names was made. Many question whether open hearings have had any impact on collateral agencies other than logistical issues. There has been some change to social worker's reports as a result of new internal processes rather than open hearings. Moreover, the caliber of the report is based on the worker's style and work ethic. The court is now seeing a new wave of social workers and prosecutors and a resulting change in the way cases are handled unrelated to open hearings.

4. Media Requests/Coverage and Public Inquiries

a. Media

Initially, the Supreme Court issued press releases. Locally, there has been a lot of contact with the print media, *Massabe Daily News*. The former chief judge allowed the press in the courtroom in the past under the condition of a qualified gag order. The press could write a piece but could not identify names. There were more realistic results at that point because the media could actually see all sides of the process. There has been no recent or ongoing activity, however, to engage the press.

The *Duluth Tribune* has also made requests to review files several times and observed court. One case was followed very closely and the resulting article was well done. The end result was a very telling story. There is the sense that a responsible media is critical to the process (i.e., not using names). At this juncture, the court is not receiving a lot of media requests to observe hearings or access records.

b. Public

There have been one or two requests from the general public to look at files. Some non-parties have appeared in court to observe. Members of the POSSI initially appeared to observe court but have not been an active presence in quite a while. The court suspects that opening hearings has taken some wind out of their sails. The fear that people would be rushing the courtroom has not materialized. The court is seeing that some extended families and foster parents are showing up and participating in hearings. It was hoped that public awareness would lead to an increase in social services funding. Often times, children cannot be placed because of lack of money. Unfortunately, it appears that no one is paying attention.

WATONWAN COUNTY

1. Strategic Planning for Implementation and Ongoing Management

Watonwan County was asked to participate in the open hearings Pilot Project by the Supreme Court. At the outset of the project, the court had a meeting with the collateral agencies. The social services agency was very negative at first and did not want Watonwan to participate. In the beginning there were some concerns but approximately four months into the project, every

one relaxed. The project required some initial coordination, but not a lot. A team from Watonwan attended the orientation training in St. Paul. In addition, the court participated in a forum in Mankato where court staff spoke to reporters and their attorneys to discuss what reporters look for and angles for appropriate coverage of CHIPS proceedings.

2. Court Operations

a. File Management, Calendaring, and Docketing

Because it was difficult to segregate pre and post-Pilot Project files, red color-coded files were used to denote cases filed after open hearings. TCIS is not consistent for CHIPS open hearings and creates an additional burden on staff to docket. The public calendar sits on the main counter. There is also some question as to how to handle transfers and changes of venue cases.

File preparation for review by the press or public takes a long time. Fortunately, there have not been many requests. A reporter from *Mankato Free Press* represented the bulk of requests. If someone were to come in now for records, court personnel would have to revisit the rules to refresh their recollection of the procedures.

b. Hearings

CHIPS hearings are blocked together instead of juvenile "block" setting. Generally five to eight cases are set per block. The parties check in with the bailiff so there are no announcements in the hall identifying the participants. Cases are called into court just as styled. The judge will ask people to identify themselves for the record. Other than the system participants and family, no one is attending hearings. The judge has, on occasion, closed portions of hearings on his own motion and will indicate the reason for the record. Oral requests have been made to the court to close hearings.

3. Impact Issues

a. Children

Other than the timing of the CHIPS calendar, there is the perception that open hearings have not affected children. At the request of the social services agency, CHIPS matters were separated from the delinquency docket so that CHIPS kids were not

mingling with delinquent kids. There is a concern, however, that someone would not step forward for help for their child because of the potential for scrutiny.

b. Parents

Parents might be less inclined to seek assistance because of open hearings.

c. Court

The open hearings movement was the beginning of a "new" process. This heightened awareness in the office regarding timeliness and the need to reevaluate the priorities of CHIPS cases. For example, a law clerk now drafts orders in CHIPS matters because of concern for scrutiny. As it stands now, open hearings have not created significant problems for the court. There may be a different response, however, if the CHIPS matter involved someone well known in the community.

d. Collateral Agencies (County Attorneys, Public Defenders, Social Services, and GALs)

Guardians have an increased awareness of the best interest of the child. Guardian report formats have improved but incorporated details are still uncertain due to open hearings. The social services agency changed the format of reports. There is the perception by some that social services are intentionally eliminating information to "bypass" confidentiality concerns.

4. Media Requests/Coverage and Public Inquiries

a. Media

Representatives from the *Mankato Free Press* came to the first CHIPS block with a camera. There was some follow up activity in spring 1999 when the same reporter observed court hearings and reviewed files. There have been one or two published articles as a result of this contact.

b. Public

A few members of the public have come to review files. Generally, however, they are social workers and school officials. The public at large does not come to the court hearings or review court files. No court watch groups come to hearings. There is one individual who regularly observes all court hearings.