

SECTION II(E)
MEDIA TELEPHONE SURVEY

E. Media Telephone Survey Results

METHODOLOGY

Instrument Design

The Minnesota Supreme Court Supreme Court Office of the State Court Administrator developed the Media Telephone Survey. It was determined that the opinions and comments of the media organizations are integral to the open hearings evaluation. Because of a perceived low response rate to Round II of the mailed media survey (10 responses out of 116 surveys sent), the State Court Administrator's Office conducted a telephone survey of the applicable media organizations using a shortened survey instrument (See *Appendix A-16 Media Telephone Survey*). The telephone survey instrument is a modified and shortened version of the mailed media survey.

Survey Distribution

Supreme Court personnel administered the survey instruments to members of the media via phone during the week of April 23, 2001. Copies of the completed media telephone surveys were forwarded to the NCSC project team on May 4, 2001.

Analysis

The NCSC project team tabulated the results of the media telephone survey separately from the mailed media surveys. Inasmuch as the media telephone survey differs from the mailed media survey, comparability is likely an issue. A total of 46 completed surveys were forwarded to the NCSC project team. The data were entered into a database and frequencies run for each of the items on the Media Telephone Survey. Thematic responses were collected and entered into a separate database. For a complete review of thematic responses to the Round II surveys, see *Appendix C-2*.

Results

Description of Media Respondents

1. *In which of the following counties does your media organization primarily work (check all that apply).*

First county in which they work

	Frequency	Percent	Valid Percent
St. Louis (Virginia)	15	32.61	32.61
Hennepin	9	19.57	19.57
Chisago	8	17.39	17.39
Clay	5	10.87	10.87
Goodhue	3	6.52	6.52
Houston	1	2.17	2.17
Marshall	3	6.52	6.52
Red Lake	1	2.17	2.17
Watonwan	1	2.17	2.17
Total	46	100	100

Second county in which they work

	Frequency	Percent	Valid Percent
Clay	5	10.87	71.43
Goodhue	1	2.17	14.29
Red Lake	1	2.17	14.29
Total	7	15.22	100.00
Missing	39	84.78	
Total	46	100.00	

Third county in which they work

	Frequency	Percent	Valid Percent
Goodhue	5	10.87	83.33
Hennepin	1	2.17	16.67
Total	6	13.04	100.00
Missing	40	86.96	
Total	46	100.00	

2. Which of the following types of media outlets best describes your organization (check one)

	Frequency	Percent	Valid Percent
Newspaper	27	58.70	58.70
TV	9	19.57	19.57
Radio	8	17.39	17.39
Other	2	4.35	4.35
Total	46	100	100

3. Does your media organization want child protection hearings and records accessible to the public?

	Frequency	Percent	Valid Percent
No	2	4.35	4.35
Yes	40	86.96	86.96
Unknown	4	8.70	8.70
Total	46	100	100

4. Has greater access to child protection hearings and records over the past three years (June 1998 until today) changed how your media organization covers child protection proceedings, or the kinds of stories on which your report, or how you cover your "beat"?

	Frequency	Percent	Valid Percent
No	32	69.57	71.11
Yes	13	28.26	28.89
Total	45	97.83	100
Missing	1	2.17	
Total	46	100	

Note: The majority of the media respondents felt that open hearings/records had not changed how they covered their "beat" or changed the kinds of stories on which they report. Of those responding yes, they commented that they cover the stories differently because they have more information and better understand the cases.

5. *Based upon your experience, how frequently have judges issued protective orders restricting the public's access to court file records that would otherwise have been accessible to the public under the open hearings and records Pilot Project?*

	Frequency	Percent	Valid Percent
Always	1	2.17	4.17
Sometimes	10	21.74	41.67
Rarely	7	15.22	29.17
Never	6	13.04	25
Total	24	52.17	100
Don't know	22	47.83	
Total	46	100	

6. *Have any child protection hearings in which you have been involved since June 1998 been closed to the public by order of the presiding judge?*

	Frequency	Percent	Valid Percent
No	31	67.39	81.58
Yes	7	15.22	18.42
Total	38	82.61	100
Missing	8	17.39	
Total	46	100	

If "yes," since June 1998, approximately how many hearings in which you have been involved have been closed to the public?

Number of hearings	Frequency	Percent	Valid Percent
1	1	2.17	14.29
2	4	8.70	57.14
3	2	4.35	28.57
Total	7	15.22	100
Missing	39	84.78	
Total	46	100	

7. *Have you or anyone from your news organization ever had difficulty in accessing records or documents from child protection court files that are a part of the open hearings Pilot Project?*

	Frequency	Percent	Valid Percent
No	36	78.26	83.72
Yes	7	15.22	16.28
Total	43	93.48	100
Missing	3	6.52	
Total	46	100	

If "yes", approximately how many times?

Numbers of times having difficulty	Frequency	Percent	Valid Percent
1	1	2.17	20
2	2	4.35	40
4	2	4.35	40
Total	5	10.87	100
Missing	41	89.13	
Total	46	100	

Note: The following difficulties were cited: takes a long time to get the information, no technology available to look at information "en masse," court administration not helpful.

8. *During the period from June 1998 through today, has your media organization published any stories or articles regarding any child protection proceedings?*

	Frequency	Percent	Valid Percent
No	24	52.17	58.54
Yes	17	36.96	41.46
Total	41	89.13	100
Unknown	4	8.70	
Missing	1	2.17	
Total	46	100	

9. *During the period from 1998 through today, has your media organization published the image/photo of any child involved in any child protection proceedings?*

	Frequency	Percent	Valid Percent
No	41	89.13	93.18
Yes	3	6.52	6.82
Total	44	95.65	100
Unknown	2	4.35	
Total	46	100	

10. *During the period from 1998 through today, has your media organization published the name of any child involved in any child protection proceedings?*

	Frequency	Percent	Valid Percent
No	40	86.96	93.02
Yes	3	6.52	6.98
Total	43	93.48	100
Unknown	3	6.52	
Total	46	100	

11. *During the period from 1998 through today, has your media organization published the name of any parent involved in any child protection proceedings?*

	Frequency	Percent	Valid Percent
No	24	52.17	60
Yes	16	34.78	40
Total	40	86.96	100
Unknown	6	13.04	
Total	46	100	

12. *During the period from 1998 through today, has your media organization published the address of any child or parent involved in any child protection proceedings?*

	Frequency	Percent	Valid Percent
No	38	82.61	88.37
Yes	5	10.87	11.63
Total	43	93.48	100
Unknown	3	6.52	
Total	46	100	

Impact of Open Hearings/Open Records in Child Protection Proceedings on the Media

13. *Has opening child protection proceedings and records to the public impacted your ability to report on child protection cases?*

	Frequency	Percent	Valid Percent
Positive impact	27	58.70	69.23
No change	12	26.09	30.77
Total	39	84.78	100
Don't know	7	15.22	
Total	46	100	

Note: The majority of the media respondents felt that open hearings/records had a positive impact on their ability to report on child protection cases. Specifically, due to the extra information made available to them the media felt there was less of a wall between the courts and reports, they were allowed to “see” the whole story, they could ask more in-depth questions of officials, and that it was now possible to find out whether child protective services in their area was doing a good job.

There is no item 14 – survey numbered incorrectly

15. *In general, do you think that opening child protection hearings and records to the public has impacted the amount of attention that media organizations pay to child protection issues and policies, such as the level of funding for services for children involved in child protection proceedings; the types of services available to children and parents; or the nature, scope, and purpose of child protection matters, etc.?*

	Frequency	Percent	Valid Percent
Increased attention	16	34.78	41.03
No change	23	50.00	58.97
Total	39	84.78	100
Don't know	7	15.22	
Total	46	100	

Media's Impression of Impact of Open Hearings/Records on Court Operations

16. *Do you believe opening child protection hearings and records to the public has impacted the quality of child protection hearings, such as issues discussed, decisions made, respect for participants, etc.?*

	Frequency	Percent	Valid Percent
Increased quality	12	26.09	66.67
No change	6	13.04	33.33
Total	18	39.13	100
Don't know	28	60.87	
Total	46	100	

17. *In general, do you believe the services offered or available to children and families (such as foster care, drug and alcohol treatment, or anger management classes) have been impacted by opening child protection hearings and records to the public?*

	Frequency	Percent	Valid Percent
Services increased	8	17.39	42.11
No change	11	23.91	57.89
Total	19	41.30	100
Don't know	27	58.70	
Total	46	100	

18. *Do you believe that other media organizations have responsibly covered child protection stories that have been opened to the public as a result of the Open Hearings Pilot Project?*

	Frequency	Percent	Valid Percent
No	3	6.52	8.33
Yes	33	71.74	91.67
Total	36	78.26	100
Missing	10	21.74	
Total	46	100	

19. Do you believe that your organization has responsibly covered child protection stories that have been opened to the public as a result of the Open Hearings Pilot Project?

	Frequency	Percent	Valid Percent
No	2	4.35	5.88
Yes	32	69.57	94.12
Total	34	73.91	100
Missing	12	26.09	
Total	46	100	

Media's Impression of Impact of Open Hearings/Records on Accountability of Child Protection Professionals

20. In your opinion, how has opening child protection hearings and records to the public impacted the following child protection system professionals' accountability to children involved in child protection matters?

Impact on Accountability		Type of Professional						
		Judges	County Attorneys	Public Defender	Court Administrator	Social Workers	Guardians Ad Litem	Service Providers
Increased accountability	Frequency	24	26	13	11	26	21	18
	%	52.2	56.5	28.3	23.9	56.5	45.7	39.1
Decreased accountability	Frequency	0	0	1	0	1	0	0
	%	0	0	2.2	0	2.2	0	0
No change	Frequency	4	2	7	10	2	4	2
	%	8.7	4.3	15.2	31.7	4.3	8.7	4.3
Don't Know	Frequency	17	17	25	25	17	21	26
	%	37.0	37.0	54.3	54.3	37.0	45.7	56.5
Missing	Frequency	1	1	0	0	0	0	0
	%	2.2	2.2	0	0	0	0	0
Total	Frequency	46	46	46	46	46	46	46
	%	100	100	100	100	100	100	100

Note: With such a large proportion of the already small number of media respondents answering, "don't know," it is not possible to draw conclusions about these questions. However, it can be noted that most respondents that noted change thought that accountability of the professionals had increased.

SECTION II(F)
CLOSED HEARINGS, PROTECTIVE ORDER
AND RECORD REQUEST LOGS

F. Closed Hearings, Protective Order and Records Requests Logs

As part of the data collection effort, the NCSC project team requested that the twelve participating sites maintain logs in order to record information about the frequency of closed hearings, protective orders, and records requests. The data and information collected during the data collection time period (May 2000 through March 2001) informed the file review process and enabled the NCSC project team to direct its attention to these specific cases.

Table 4 lists the frequency of closed hearings, protective orders, and records request as reported by the participating county. Due to the low reported frequencies in all counties, trends could not be ascertained. The exception to this trend analysis is the number of records request in Hennepin County. These trends are discussed further in the following section.

Table 4
Frequency of Closed Hearings, Protective Orders, and Record Requests
(May 2000–March 2001)

County	Closed Hearings/ Persons Excluded	Protective Order	Records Requests
Chisago	0	0	0
Hennepin	1	1	883
Houston	5	0	1
Le Sueur	0	0	0
Pennington	0	0	0
Stevens	0	0	2
Virginia-St. Louis	0	0	0
Watonwan	0	0	0

Notes:

- Hennepin County issued a series of protective orders and closed hearings in two high-profile cases during June 1998-April 2000. Public access was limited under protective orders. Public files contain redacted names, with initial and dates of birth for the minor children.
- Hennepin County provided a list of an additional 226 records requests during August 1998-April 2000.
- Houston County closed five CHIPS hearings during the reporting period.
- Stevens County issued one protective order during June 1998-April 2000.
- Stevens County reported that two system professionals (social worker and guardian ad litem) requested copies of court records (petition and an order).
- Virginia-St. Louis County reported one record request during June 1998-April 2000.
- Watonwan reports that guardians ad litem regularly review CHIPS case files upon appointment.
- Clay, Goodhue, Marshall and Red Lake counties did not report.

Analysis of Records Requests in Hennepin County

The following analyses are based on data from the logbooks maintained in Hennepin County, the county in which most document requests (by far) occurred. 1,109 record requests were made between August 1998 and April 2001 in Hennepin County. Data from the 1,109 log form entries were used to answer the research question of "Who is requesting records?" Discrete categories were developed to describe the types of requesters. The categories and their frequencies are shown in the table below.

Party Requesting Documents

Requester	Frequency	Percent
Social Worker	276	24.9
County Attorney	242	21.8
Parental Fee Unit	200	18.0
Department of Children and Family Services	50	4.5
Service Provider	48	4.3
Court Watch	40	3.6
Foster Care	30	2.7
Guardian Ad Litem	26	2.3
Probation	23	2.1
Relative	22	2.0
County Attorney's Office Early Intervention/Prevention Unit	16	1.4
Medical Assistance	13	1.2
Private Attorney	11	1.0
Child Protection	10	0.9
Media	7	0.6
Child Support Officer	3	0.3
Mental Health	3	0.3
Public Defender	3	0.3
Other	44	4.0
Missing	42	3.8
Total	1109	100.0

Of the 1,109 record requests, 42 were excluded due to the lack of an entry in the log book describing the person/department making the request, with another 44 classified as "other." representing those requesters who did not fit in any of the other categories. Of the remaining valid 971 entries, the largest percentage (24.9 percent) of requests were made by social workers. County Attorney's office and Parent Fee Unit requests followed closely with 21.8 and 18.0 percent, respectively.

Relative requests (including those from parents) comprised only 2 percent, with private attorneys drawing another 1 percent. Media inquiries accounted for less than one percent (.6 percent) of all requests. The largest number of requests came from WATCH personnel claiming 3.6 percent of all requests made. Despite implementation of open hearings/access to records, the distribution of the parties requesting documents clearly indicates that the predominant number (85 percent) of requests for documents continue to originate from within the courtroom work group. While the private “WATCH” organization showed the greatest interest in court case activity, private requests collectively totaled only 7.2 percent of all document requests.

Type of Document Requested

Requests for court orders, court orders and petitions, and the entire file predominated (accounting for 69.1 percent of all requests), while requests for petitions and/or motions, progress reports and/or evaluations, and placement orders accounted for another 13.4 percent of the requests. Requests for other types of documents individually accounted for less than 2 percent of the total. There was no systematic pattern to the type of documents requested by individuals outside the courtroom workgroup.

Type of Document Requested	Frequency	Percent
Order	589	53.1
Court Order and Petition	101	9.1
Case File	76	6.9
Petition and/or Motion	66	6.0
Progress Report and/or Evaluations	53	4.8
Placement Order	29	2.6
Findings	15	1.4
Dismissal	14	1.3
Affidavits	6	0.5
Change of Venue	6	0.5
Affirmation of Service	5	0.5
Placement Order and Petition	5	0.5
Certified Copies	4	0.4
Findings of Fact and Dismissal	4	0.4
Birth Certificate	2	0.2
Exhibit File	2	0.2
Warrant	1	0.1
Undetermined/Other	33	3.0
Missing	98	8.8
Total	1109	100.0

SECTION II(G)

COURT FILE REVIEW

F. Court File Review

To achieve a more detailed examination of requests for court documents submitted since the implementation of the open records policy, approximately 180 requests were randomly selected from 1,109 record requests (made between August 1998 and April 2001 in Hennepin County) for court file review.¹⁰ Eventually this number was reduced to 157 (14.2 percent of the requests) as a result of missing files, incorrect SJIS numbers, and failure to find information about the documents being requested. This sample size is more than sufficient to insure the generalizability of the results reported herein. Data describing the requester, the document requested, demographics of the child involved in the case, the nature of the allegations in the petition, and information about protective orders related to the case were collected from the court files.¹¹

¹⁰ The NCSC project team traveled to Hennepin County during the week of April 23, 2001 to complete the file review process.

¹¹ In most instances, the identity of the requester and the document requested could not be ascertained directly from the court file. Therefore, this information was determined from the records requests logs maintained by court personnel.

Party Requesting Document

The table below provides the distribution of the parties requesting documents and it can be seen that this distribution closely resembles that of the population from which the sample was drawn. Especially pertinent to this evaluation is the observation that, even after implementation of open hearings/records, very few requests for documents originate from sources outside of the court. The requests originated from relatives (including parents) accounted for 5.7 percent, from WATCH for 5.1 percent, from private attorneys for 1.3 percent, and from the media .6 percent for a total of 12.7 percent of all requests for documents. Within the system professionals, most requests came from the county attorney's office, social workers, and medical assistance.

Requester	Frequency	Percent
County Attorney's Office Early Intervention/ Prevention Unit	51	32.5
Social Worker	44	28.0
Parental Fee Unit	18	11.5
Relative	9	5.7
Court Watch	8	5.1
Medical Assistance	7	4.5
Child Support Officer	6	3.8
Foster Care	4	2.5
Guardian ad Litem	3	1.9
Private Attorney	2	1.3
Child Protection	2	1.3
Media	1	0.6
Probation	1	0.6
Department of Children and Family Services	<u>1</u>	<u>0.6</u>
Total	157	100.0

Type of Document Requested

Once again, the type of documents requested for the sample largely reflected the distribution observed for the population. Requests for court orders and the entire file predominated (accounting for 62.4 percent of all requests), while requests for placement orders and petitions, placement orders, court orders and petitions, progress reports, dismissals, and petitions accounted for another 24.2 percent of the requests. Requests for other types of documents individually accounted for less than 2 percent of the total. There was no systematic pattern to the type of documents requested by individuals outside the courtroom workgroup.

Type of Document Requested	Frequency	Percent
Order	70	44.6
Case File	31	19.7
Placement Order and Petition	11	7.0
Placement Order	6	3.8
Court Order and Petition	6	3.8
Progress Report	6	3.8
Dismissal	5	3.2
Petition	4	2.5
Change of Venue	3	1.9
Findings	3	1.9
Affirmation of Service	1	0.6
Exhibit File	1	0.6
Birth Certificate	1	0.6
Warrant	1	0.6
Missing	8	5.1
Total	157	100.0

Demographics of Cases

- 52% of the cases involved male children, 48 percent female.
- 46 percent of the cases involved African-American children, 17 percent White children, 11 percent Native American children, and 3 percent Hispanic children, with the remainder of some other ethnic origin. All of the cases involving Native American children were Indian Child Welfare Act (ICWA) cases.

- The demographics of these cases are probably a reflection of the composition of the child protection caseload in general.

Nature of the Allegations in the Case

As seen below, the most frequently recorded allegation was substance abuse by the parents, followed by neglect. Between 20 to 30 percent of the cases involved allegations of abandonment, physical abuse, mental health issues, and domestic violence. Between 10 to 20 percent of the cases involved lack of housing, family finances, problems with the condition or maintenance of the home, and that the child had severe emotional/mental health problems. Less than 10 percent of the cases were associated with the remaining types of cases.

Type of Allegation	N	%
Substance Abuse by Parents	97	61.8
Neglect	78	49.7
Abandonment	48	30.6
Physical Abuse	46	29.3
Mental Health Issues	39	24.8
Domestic Violence	37	23.6
Lack of Housing	27	17.2
Family Finances	23	14.6
Problems with the Condition or Maintenance of the Home	21	13.4
Child has Severe Emotional/Mental Health Problems	20	12.7
Either or Both parents Incarcerated	14	8.9
Sexual Abuse	13	8.3
Drug Trafficking by Either Parent	11	7
Delinquent or Incurable Behavior	8	5.1
Intellectual Impairment/Retardation	5	3.2
Substance Abuse by Child	1	0.6

Protective Orders

Protective orders were issued in three of the cases reviewed (2.5 percent of the total). In one of these cases, a record access appeal was filed and it was denied. These data attest to the infrequency of protective orders and the even more infrequent appeals.

Summary of Requests for Documents Analysis

Most requests for documents continue to originate from within the courtroom workgroup, with requests from others accounting for only between 7 to 13 percent of all document requests. WATCH was prominent among the requesters from outside the courtroom workgroup. Among the courtroom workgroup, the county attorneys, social workers and the Parental Fee Unit were the principal requesters. Generally, orders, requests for the entire file, petitions, progress reports, and placement orders were the type of documents requested. There was no systematic pattern to the type of documents requested by individuals outside the courtroom workgroup. The demographics of these cases are probably a reflection of the composition of the child protection caseload in general. Protective Orders were issued very rarely and record access appeals even less frequently.