

Hear it From the Judge

Judge Randall J. Slieter

8th Judicial District Judge

Olivia, MN

Is there Justice for Children in Minnesota Courts?

A husband and wife reside together with five children. Two of the children (ages 4 and 5) are their biological children and three children (ages 2, 4, and 5) are the biological children of the wife and another man, who is deceased. There is an existing child protection proceeding in a different county involving the three children of the wife. Law enforcement is called to the home as a result of an anonymous tip involving potential child abuse involving the two-year-old child. A social worker and sheriff's deputy arrive and initially conclude that the two-year-old child has received injuries to her eye, ear and forehead at the hands of the husband.

All five children are taken into custody by human services and placed in a foster home. A petition alleging the children to be in need of protection and services (CHIPS) is filed with the court and a trial is held. After the testimony is completed, the evidence indicates that the injury was not caused by the husband but, instead, by a third adult who had been temporarily residing in the home and who was abusive to the wife as well as the child. All five children are found to be in need of protection and services and are ordered to remain in foster care until the husband and wife are able to provide a safe home.

This is an actual case over which I presided. Unfortunately, it is typical of the types of cases involving neglected or abused children which Judges regularly see. These children are often discovered to be living in homes in which the parents may not be able to provide food, clothing, or safe living conditions. The children may be in the presence of illegal drug use or excessive alcohol use which interferes with proper parenting. What happens to these types of cases, who are the parties involved in these cases, and does justice prevail for these children?

Matters such as these which are brought to court are formally called "CHIPS" proceedings, or Children in Need of Protection or Services. Typically, these matters begin with the filing of a petition that alleges a child is in need of county services brought by the county attorney. By the time such a case is filed with the court, the county human services office has usually been attempting to work with the family and the children in order to solve whatever issues or conditions exist which suggest a CHIPS type of situation. If an emergency situation exists, such as the case described above, which causes the child's safety to be in danger, the child may be taken from the home and the matter immediately brought to court for further decision as to whether it is contrary to the child's best interests to return home.

To more effectively handle these very difficult cases, the Minnesota Judicial Branch collaborated with the Minnesota Department of Human Services in what is now known as the Children's Justice Initiative (CJI). As described on the court's state web site, the purpose of CJI is to "work closely with the local juvenile courts, social services agencies, county attorneys, public defenders, court administrators, guardians ad litem, tribes, and other key stakeholders in each of Minnesota's 87 counties to improve the processing of child protection cases and the outcomes for abused and neglected children" (www.mncourts.gov).

The overall goal of this collaborative effort is to find safe, stable and permanent homes for these children, preferably through reunification to the parental home. If it is determined not possible to safely return the children into the parental home, then the objective is to find an alternative permanent placement which serves the best interests of the child.

Perhaps the most unique concept of the CJI method of resolving these difficult cases is to encourage all the participants to look at the case from the "eyes of the child". This requires all the parties, who might otherwise be more used to an adversarial court process, to work together and to better understand each other's thoughts and recommendations to better assist the child.

Most county CJI teams consist of the judge, county attorney, public defender, social workers, guardian ad litem (a guardian appointed to advocate for the child); school officials, probation, and perhaps others involved in providing children services. These teams work on evaluating how they are doing in terms of the overall goals and purpose of CJI in providing safe homes for children. These teams also discuss how to improve the practices of the local CJI team to process these types of cases.

The goal in all proceedings before the Court is to attain justice for the parties. As I stated previously, however, finding a precise meaning of the word justice is elusive. However, if ensuring fairness, validity and reasonableness in process, application of the law, and providing a safe home for children are among the attributes of justice, then I believe we can honestly say there is justice for children in Minnesota courts.