



# Aitkin County Health & Human Services

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## AITKIN COUNTY HEALTH & HUMAN SERVICES ADVISORY COMMITTEE

### *Meeting Minutes*

*January 3, 2018*

**Committee Members Present:**

Marlene Abear  
Roberta Elvecrog  
Carole Holten  
Kevin Insley  
Joy Janzen  
Kristine Layne  
Robert Marcum  
Penny Olson  
Amanda Voller

Commissioner Bill Pratt  
Commissioner Mark Wedel

**Others Present:**

Joel Hoppe

**Guests:**

Cynthia Bennett, Director, ACH&HS  
Jessi Schultz, Child & Family Social Services Supervisor  
Shawn Speed, Clerk to the Committee

**Absent:**

Beverly Mensing  
Joell Miranda  
Jon Moen

**I. Call to Order**

- a. Roberta called to order the regular meeting of the Aitkin County Health & Human Services Advisory Committee at 3:33pm on January 3, 2018 at Aitkin County Health & Humans Services in the large conference room.

**II. New Chair recognition.**

- a. Bob Marcum, Vice Chair, in accordance with the board By-Laws, accepted the position of Board Chair for 2018. All members voting yes to approve him.

**III. Approval of January 3, 2018 Agenda**

- a. Roberta moved to approve the agenda, Kristine seconded the move to approve the agenda with the following change, moved Item IV down and added approve Vice Chair as Item IV, all members voting yes to approve the January 3, 2018 agenda.

**IV. Jessi Schultz introduced her staff to the Board.**

- a. Brenda Butterfield, Lori Chenevert, Pam Karnowski, Shannon Parenteau, Stacy Nissen, and Amanda Flier.

**V. Approval of minutes from December 6, 2017 meeting**

- a. Carole moved to approve the minutes, Roberta seconded the move, all members voting yes to approve the December 6, 2017 minutes.

**VI. Committee Member Input / Updates – Must be informational in nature, relative to Aitkin County Health & Human Services and not exceed five minutes per person.**

- a. Bob wanted to express his thanks to all of the staff at Riverwood Healthcare Center for all of their efforts during his friend's battle with cancer.
- b. He expressed his desire to collaborate with Riverwood and H&HS to have a larger discussion on end of life issues.
- c. Cynthia talked about the importance of advance directives and their importance. Was her desire that the committee members spread the word about their importance when they are out in the community.
- d. Bill brought forward a pamphlet he received from Amramp, who provides ramps to individuals through short term rental or purchasing options. They are metal and non-slip. Shawn will be providing members with a copy of the pamphlet via email.

**VII. Child Protection Court Work – Jessi Schultz, Child & Family Social Services Supervisor**

- a. Jessi presented her CHIPS to permanency Timeline and Child Protection Court Work presentation.
  - i. Carole asked whether there was a rule, or not, for once a child hits a certain age whether they can decide where they live.
    - 1. Jessi said there is no hard rule but that they can request it through their legal council or guardian ad litem as long as they are over 10 years of age.
  - ii. Roberta asked if someone didn't have family and was placed in an inpatient treatment program if the county would then get involved to place the children in foster care.
    - 1. Yes that is when they would get involved in that situation.
  - iii. Carole asked what happens with Native American families. Whether they have their own system or not?
    - 1. Jessi said that most tribes have their own services for these cases and can file in Tribal Court and take care of it all form there, minus the cost as the county pays that.
  - iv. When talking about truancy problems, Roberta asked whether tardiness counts when it

comes to truancy.

- 1. Jessi responded that if they miss a period of class and end up doing it seven times, it does count as an absence. But in the case of truancy the school files the petitions, not the county.
- v. Roberta asked about when the family is required to show up to court for their hearing, how many chances they are given to show up?
  - 1. Jessi said more often than not it is two chances, but it really depends on the judge, family history, and other circumstances.
- vi. Carole inquired if it was special judges that hear these cases?
  - 1. Jessi said that they need to be familiar with Child Protection issues and that they try to use the same one for a case that starts with it.
- vii. Bob asked how many children are served by us and what our annual expenses are.
  - 1. Jessi was not 100% sure on our numbers right now, but would get them for the committee.
  - 2. This led to a bigger discussion on how many foster homes we have, to which Jessi said we really only have two that will take anyone at any time, but we have six licensed in the area.
  - 3. To which Bill asked how hard it was to get licensed to become a foster home and Jessi replied it isn't that hard, mainly a lot of paperwork and having a home that is up to code.
  - 4. The whole committee spoke to how them knowing the budget numbers was important when they are out in the community talking to people.

**VIII. Comments:**

- a. Feedback from the HHS Board Meeting – Kristine – December 19, 2017
  - i. Kristine talked about what went on at the Board meeting, minutes of that meeting are attached.
- b. Committee Members scheduled to attend upcoming HHS Board meetings in 2018:

<b>January 23</b>	Roberta Elvecrog	Bob Marcum
<b>February 27</b>	Carole Holten	Joy Janzen
<b>March 27</b>	Marlene Abear	Amanda Voller
<b>April 24</b>	Kristine Layne	Joell Miranda
<b>May 22</b>	Beverly Mensing	_____
<b>June 26</b>	Kevin Insley	_____
<b>July 24</b>	_____	_____
<b>August 28</b>	Bob Marcum	_____
<b>September 25</b>	Carole Holten	_____
<b>October 23</b>	Jon Moen	_____
<b>November 27</b>	_____	_____
<b>December 18</b>	Bob Marcum	Amanda Voller

- c. Bob, Carole, and Roberta will be getting together, in the future, to discuss the tribal relations presentation they are working on.

- d. Bob also asked if the committee would be interested in having a drug education counselor, that he recently met, come speak to them. Many were interested in learning more about it.

**IX. Adjournment**

- a. Motion by Kristine to adjourn the meeting, seconded by Beverly, all members voting yes to adjourn the meeting at 4:56pm.

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Robert Marcum, Chairperson

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Shawn Speed, Clerk to the ACH&HS Advisory Board

The following documents were included in the packet of information sent to the members for review prior to the meeting or distributed at the meeting:

- Copy of the agenda for the January 3, 2018 meeting.
- Copy of the minutes from the December 6, 2017 meeting.
- Copy of the December 19, 2017 H&HS Board meeting minutes.
- Copy of the Child Protection Court Work Handout and PowerPoint presentation.



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**CHIPS TO PERMANENCY TIMELINE**

**Required Timing for Permanency Proceedings under *Minnesota Statutes Chapter 260C* except CHIPS By-pass Cases and Voluntary Placements**

Ann Ahlstrom

Last Revised: February 2015

Month	Day	Event	Other
<b>1</b>	1	Child enters foster care by: 1. Law enforcement hold; or 2. Order for immediate custody; or 3. Voluntary placement agreement	Voluntary placement may occur by agreement under: 1. <a href="#">Minn. Stat. Chapter 260D</a> (for children who are emotionally disturbed or developmentally disabled to access treatment); 2. <a href="#">Minn. Stat. 260C.227</a> ; 3. <a href="#">Minn. Stat. 260C.229</a> (youth age 18 and older) Each type of voluntary has unique court review and permanency requirements.
	3	Emergency Protective Care Hearing	If child is removed involuntarily, CHIPS petition is filed within 72 hours. <a href="#">Minn. Stat. § 260C.176</a> ; <a href="#">MRJPP 33.05</a> requires petition to be filed at or prior to EPC hearing
	3-13	Admit/Deny Hearing Scheduling Order	If ICWA case, service must take place 10 days prior to hearing; tribe may request up to 20 more days. <a href="#">25 U.S.C. § 1912</a> ; <a href="#">MRJPP 34.02, subd 1 (d)</a> . Scheduling order must issue at or within 15 days of this hearing. <a href="#">MRJPP 6.02</a>
	30	Out of Home Placement Plan filed	Court may approve plan based on contents of CHIPS petition, and implementation of approved plan may be basis for reasonable efforts determination. <a href="#">Minn. Stat. § 260C.178, subd. 7</a> ; <a href="#">MRJPP 37.02, subd. 4</a> Minnesota Assessment of Parenting for Children and Youth is completed by agency. <a href="#">Minn. Stat. § 256N.24</a>
<b>2 weeks to 14 months</b>	14-53	Pretrial Hearing	Must be held at least 10 days prior to trial. <a href="#">MRJPP 36.01</a>
	63, but not later than day 93	CHIPS Trial	CHIPS matters come to trial by day 63; county attorney determines whether criminal or juvenile case proceeds first in cases of egregious harm. <a href="#">Minn. Stat. § 260C.503, subd. 2(d)</a> ; <a href="#">MRJPP 39.02 subd. 1(d)</a>
	78 or within 15 days of conclusion of testimony at trial	Findings and Adjudication Disposition	Court may extend total time for findings to 30 days under MRJPP 39.05, if extension is in the interests of justice and best interests of child. <a href="#">MRJPP 39.05</a> ; To extent practicable, disposition is entered same day as adjudication; <a href="#">MRJPP 41.02</a> . If disposition cannot be entered the same day, <a href="#">R. 41.02</a> requires disposition to be ordered within 10 days of date petition is found proved. See also last paragraph of <a href="#">Minn. Stat. § 260C.201, subd. 1(b)</a>
	At least every 90 days as long as child is in foster care until there is permanency order	Review Hearings	At any review hearing: 1. Child may be returned home if parent has made progress on case plan and mitigated unsafe conditions to the point home is safe for the child; or 2. If parent is not making significant progress on case plan, agency can move to permanency. Hearings review parent(s) progress on case plan, afford an opportunity to correct problems with services, and address barriers to reunification; also afford opportunity to ensure parent knows consequences to both parent and child of failure to comply with case plan. <a href="#">MRJPP 41.06, subd. 2</a>
<b>6</b>	180	Permanency Progress Review Hearing	See table on next page.
<b>11</b>	335	Permanency Pleadings filed	Permanency petition filed by month 11. <a href="#">MRJPP 42.01, subd. 1(b)</a> , and <a href="#">42.04, subd 2</a> ; see also <a href="#">Minn. Stat. § 260C.505</a>
<b>12</b>	365	Admit/Deny Hearing	Finding required regarding whether the permanency petition states a prima facie case that the agency has made reasonable efforts to reunify the child with the parent. <a href="#">MRJPP 34.03, subd. 3 and 4</a> ; <a href="#">Minn. Stat. § 260C.507(c)</a>
<b>14</b>	Not later than 425	Permanency Trial	Trial, if any, must commence within 60 days of admit/deny hearing. <a href="#">MRJPP 39.02</a> ; <a href="#">Minn. Stat. § 260C.509</a>
<b>Month 14 or later</b>	Within 15 days	Permanency Order issued by court	15 days runs from the conclusion of testimony. Court permitted to extend the time 15 days to a total of 30 days if the court finds an extension of time is required in the interests of justice and the best interests of the child. <a href="#">MRJPP 39.05, subd. 1</a>
	Within 10 days	Post-trial motions, if any	10 days runs from service of notice of filing by court administrator; response is due within 5 days of service of post-trial motion; hearing on post-trial motion is within 10 days of date the post-trial motion is filed; decision on post-trial motion is required within 10 days of conclusion of hearing, if any. <a href="#">MRCPP 45.01</a>
	Within 20 days	Notice of Appeal	20 days runs from service of notice of filing of the order: <ul style="list-style-type: none"> <li>• finding petition proved and ordering permanency</li> <li>• finding petition not proved; or</li> <li>• disposing of the last post-trial motion. <a href="#">MRJPP 47.02, subd. 2</a></li> </ul>

**Permanency Progress Review Hearing at Six Months**

<b>When</b>	Required at 6 months for all children removed from home who continue in foster care or in the care of a noncustodial parent. See <i>Minn. Stat. § 260C.204 (a)</i> Agency is required to submit a report to the court at least 5 days prior to the hearing which addresses elements of the court's required findings in <i>Minn. Stat. § 260C.204</i> ; see <i>MRJPP 38.05</i>		
<b>Purpose</b>	Check-in about progress on permanency planning for the child; make decisions about direction of case for next 6 months		
<b>Notice</b>	All parties and participants <b>plus</b> any relative who responded to the agency's notice to relatives provided during initial relative search under <i>Minn. Stat. § 260C.221</i> or asked to be notified of court proceedings regarding the child under <i>Minn. Stat. § 260C.152, subd. 5</i>		
<b>Court review</b>	<b>Agency</b> 1. Reasonable or active efforts for reunification (what has the agency done to support the implementation of the case plan or out-of-home placement plan? Have the efforts been relevant to the safety and protection of the child, adequate, culturally appropriate, available and accessible, consistent and timely, and realistic?) See <i>Minn. Stat. § 260.012, subd. (h)</i> 2. Reasonable efforts to finalize the permanency plan for the child (has the agency provided services and support for both parents, completed the relative search and placement considerations, identified a Plan B, and concurrent permanency planning) See <i>Minn. Stat. § 260.012(c)</i> 3. If ICWA, active efforts to prevent the breakup of the Indian family	<b>Parent</b> Progress on the case plan or out-of-home placement plan 1. Was parent involved in development of case plan? 2. Does parent understand and agree with goals and what services are being provided? 3. Are there barriers to receiving services? 4. Is the parent seeing the child regularly and is visitation meaningful (does it help learn appropriate parenting?)	<b>Child</b> Well-being 1. Is child in Plan B home? 2. Has child received necessary developmental, health, mental health, trauma, and educational assessments? 3. Is the child receiving appropriate follow-up services? 4. How is the child doing in placement and in school? 5. If ICWA, is child placed according to the ICWA placement preferences? 6. Is the child placed with a relative? 7. Is the child visiting parents, siblings, and other relatives?
<b>Possible Outcomes</b>	If parent is <b>complying with case plan</b> and visiting child, the court may: 1. return the child home, if the conditions which led to the out-of-home placement have been sufficiently mitigated that it is safe and in the child's best interests to return home; or 2. continue the matter up to a total of six additional months.	If parent is <b>not complying with case plan</b> or is not visiting the child, the court may order the agency to: 1. develop a plan for legally permanent placement of the child away from the parent; 2. develop and implement Plan B, including placement with relatives 3. file a permanency petition within 30 days	<b>Timing</b> If the court orders a permanency petition to be filed: Petition is required to be filed within 30 days; Trial is required within 60 days of the filing of the petition See <i>Minn. Stat. § 260C.204(d)</i>

# Child Protection Court Work

January 3, 2018

## Types of Court Involvement

- Child in Need of Protection or Services (CHIPS)
- Permanency Hearings
- Truancy-CHIPS
- Children's Mental Health Placement Reviews

## CHIPS Court

- Goal is to provide a child with support so the child is safe and gets his/her needs met.
- CHIPS cases allow social services to have protective supervision of the child or temporary custody of the child for the purpose of placement.
- Protection and services are provided by social services and the child's family working together to develop a plan aimed at keeping the child safe.
- If the child is in foster care, the law allows up to one year for the agency and parents to resolve issues and make it safe for the child to return home.
- **Social services must complete reasonable efforts to reunify the child with their parent (active efforts if the child qualifies under the Indian Child Welfare Act- ICWA)**
- Social services provides concurrent permanency planning when the child is in placement- we plan for both the child to return home as well as find a permanent placement for the child in case the child is not able to be reunified with their family.
- If the child is not returned home in one year, a permanency case must be started and could include termination of parental rights.
- Legal Parents and children over age 10 have the right to a court appointed attorney.

## CHIPS Court- How do we get there?

- A petition is filed based on MN Statute 260C
- Child is in need of protection or services because the child is:
  - Abandoned
  - A victim of sexual or physical abuse and resides with perpetrator
  - Without necessary food, clothing, shelter, education or other required care because the parent is unwilling or unable to provide
  - Without special care made necessary by a physical, mental or emotional condition and parent is unwilling or unable to provide
  - Medically neglected
  - Is one whose parent, guardian or other custodian for good cause desires to be relieved of the child's care and custody
  - Has been placed for adoption or care in violation of law
  - Without the proper care because of the emotional, mental or physical disability or state of immaturity of the parent or guardian
  - One whose behavior, condition or environment is such as to be dangerous or injurious to the child or others
  - Experiencing growth delays/failure to thrive
  - A sexually exploited youth
  - Has committed a delinquent act or juvenile petty offense before becoming 10 years old
  - A runaway
  - Habitually truant
  - Has been found incompetent to proceed or been found not guilty by mental illness or mental deficiency in connection with a delinquency proceeding
  - Has a parent whose parental rights to one or more other children were involuntarily terminated or custody was involuntarily transferred to a relative and social services can document compelling reasons not to file an immediate termination petition

## CHIPS- Types of Court Hearings

- Emergency Protective Custody (EPC)
- Admit/Deny Hearing
- Pre-Trial
- Trial
- Disposition
- Review
- Permanency Progress Review

## CHIPS Court-Scenario #1

- ACHHS receives a report that a newborn baby and mother tested positive for methamphetamines, THC, and opioids. The baby is showing severe withdrawal symptoms and is being sent to the NICU in Duluth. This is the third child that the mother has had that has tested positive for chemicals at birth in the last four years. Mother admitted to using right before the birth of her child and throughout her pregnancy. ACHHS has had several responses to past reports of chemical use and neglect of the children.

## CHIPS Court- Scenario #2

- A mother has been working with our agency for 6 months as the result of a family assessment regarding chemical use and neglect. She has three children ages 11, 9, and 3. The family willingly accepted case management services and followed the case plan including completing a chemical use assessment, completing inpatient treatment, and getting mental health services. However, after doing all of this, the mother had a relapse with her chemical use. While using she left the children with a neighbor (who called our agency) and has not returned. The children report that they were without food and the house was very dirty prior to going to the neighbor's as a result of their mother's relapse. In the process of filing the CHIPS petition, the mother has returned and asked for help with her chemical dependency issues.

## CHIPS- Permanency

- Once a child is in foster care for 12 months, social services is required to file a permanency petition. (This can be filed sooner as noted earlier)
- Permanency options include transfer of custody to a relative or termination of parental rights.
- There are options to do a voluntary consent to adopt and a voluntary transfer of custody.
- The same court hearings apply that were discussed earlier: admit/deny hearing, pre-trial, trial, and then the permanency order is issued by the court.
- Parties are able to appeal the final decision that is made by the court.

## CHIPS-Truancy

- A youth (age 12 and over) is considered truant when they have missed seven or more unexcused days of school during the school year.
- The petition is filed by the school with the help of the county attorney's office.
- Social Services starts on the case once it goes to court and the child/parents admit to the petition.
- Truancy is usually about the child not getting themselves to school (vs the parents being responsible)
- Social Services role is to provide case management services and report progress back to the court.

## MN Statute 260D Reviews

(Children's Mental Health Voluntary Placement)

- Addresses when a child is placed via a voluntary placement agreement for the purposes of treatment
- The court must review the placement after the child has been there for 180 days.
- If the placement is approved, the court will review the placement again when the child has been in placement for 13 months.
- At that time, the child needs to be returned home, continue the placement and file a Petition for Permanency Review, or file a Petition for Termination of Parental Rights.

## Court Work- Summary

- As you can see, court work is timely and requires a lot work by both families and social services.
- Contrary to what you see on TV, it is not a simple process to place children in foster care.
- All county agencies and outside agencies need to work together for a family to be successful and the child to be safe and have their needs met.