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Law center serves foster youth

Report details systemic shortcomings affecting children's well-being

By: Laura Brown | November 1, 2021

In 2017, a class-action federal lawsuit was brought on behalf of 10 Minnesota children. Hennepin County was accused of violating the children's constitutional, federal, statutory, and state law rights. Parties entered into an interim settlement, suspending litigation for four years.

The court ordered an evaluation of Hennepin County's foster care system, which was conducted over 18 months by Wilder Research. That 139-page report became available Oct. 14, and it detailed many shortcomings in the system that affect foster youth's well-being.

The problems in Minnesota's foster care system do not just plague Hennepin County. Twenty-five percent of Minnesota children in foster care reside in Hennepin County, which is part of the reason that it has been a focus of foster care reform for the state. The other part is that it has been the site of some dramatic failures to children in foster care.

Notably, in 2014, 6-year-old Kendrea Johnson was found hanging from a jump rope tied to her bunk bed in her Brooklyn Park foster home. The child protection unit had received numerous reports of neglect at her foster home, which were allegedly never investigated.

In 2017, police entered a house where they found evidence of heinous sexual abuse. Jerry Lee Curry had been abusing his twin daughters for years, and he had not been investigated despite numerous reports of sexual abuse.

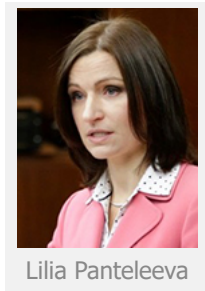


These incidents, along with others that were cited in the class-action lawsuit, prompted a thorough analysis of the procedures in Hennepin County specifically.

Wilder Research looked at foster care data from 2017 to 2019, and it consulted stakeholders such as staff, foster youth, and foster parents. The report highlighted that foster youth in particular wanted better communication about the trauma that they have faced so that social workers can better meet their needs.

There is a long road to fixing a broken system, one that is impacted by systemic oppression, the pandemic, lack of trauma-informed training, and changing paradigms in foster care. But Minnesota lawyers are uniquely positioned to confront the problems by serving as attorneys for children in foster care.

One organization, the Children’s Law Center of Minnesota, has been serving foster youth for 26 years. Both Hennepin and Ramsey County courts turn to the center for representation for the children. The center provides a team for each child, which consists of a trained volunteer attorney and social worker.



Lilia Panteleeva

Executive Director Lilia Panteleeva describes how a large network of pro bono attorneys, along with Children’s Law Center staff, give Minnesota foster youth a fighting chance. A typical foster care case in Minnesota takes about two to three years. During that time, proceedings are held every 90 days, and decisions are made that affect the child’s life tremendously, such as where the child will live or what educational opportunities that child will have access to. Prior to McKenna’s Law, legislation passed in 2017 which the Center advocated for, children may not even be aware of any court proceeding.

Panteleeva described a case where biological parents’ rights were terminated and the child was unaware that their parents were not their legal parents anymore. McKenna’s Law states that all children over 10 who are removed from their homes and placed into foster care must be told that they have the right to counsel.

Previously, children had the right to an attorney but were often never told and few knew to ask. This led to issues like children being sent to live in situations they are uncomfortable in, which ultimately led to children reentering the system. Foster children report being heard, seen, and believed in a way that they had not previously due to the representation they receive.

The Children’s Law Center provides legal services, but it takes a broader approach to meet all of a child’s needs. For instance, if a child is having hearing issues that are interfering with school, the child’s advocate can ask for services and the judge can order those. They will address outstanding medical needs, provide counseling, and present opportunities for enrichment. Panteleeva says that the high school graduation rate of youth served is about 75%, a significantly higher rate than those who do not receive services. She attributes this to the holistic approach of addressing all of the children’s needs.

More than 300 lawyers work with the center. While COVID has affected recruitment and retention, many attorneys have offered to take double or triple the cases to help. Still, nearly 100 children are without representation.

The need for volunteer attorneys is greater than ever. Panteleeva stresses that no prior experience is needed, just compassion for the kids. She has worked with attorneys who have no courtroom experience, or work in practices as far removed from family law as one can imagine. They still are highly successful in advocating for their child client. This is because a child is not just assigned to an attorney at random, but a social worker first meets the child, she said. After deciding what the child’s needs are—emotional, physical, mental—then a decision is made about which attorney will be the best fit. Additionally, there is support throughout the process. Staff is at all court proceedings.

“The biggest thing is showing up for the kids,” Panteleeva said. “So many attorneys tell me that this is the most meaningful work that they have ever done, by far.”

Every year since 2009, the ABA has honored pro bono work. The National Celebration of Pro Bono runs from October 24-30 of 2021. The Minnesota State Bar Association urges all lawyers to give at least 50 hours of pro bono services annually. Effective Jan. 1, 2022, all attorneys will be required to note how many pro bono hours they have completed the past year when they renew their licenses.

There are a variety of pro bono opportunities throughout the state, but to serve as a volunteer attorney for the Children’s Law Center, visit <https://clcmn.org/get-involved/volunteer/>.



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