



MINNESOTA HISTORICAL SOCIETY
Minnesota State Archives

UNITED STATES DISTRICT COURT MONITOR FOR THE WELSCH CONSENT DECREE

An Inventory of Its Welsch Consent Decree Files

RESTRICTED

OVERVIEW OF THE RECORDS

- Agency:** United States. District Court (Minn. : 4th Division). Office of the Monitor for the Welsch Consent Decree.
- Series Title:** Welsch consent decree files,
- Dates:** 1974-1989.
- Abstract:** Records relating to the Welsch consent decree, the result of a landmark court case that led to major changes in the treatment of Minnesota's institutionalized mentally retarded citizens.
- Quantity:** 30.2 cu. ft. (31 boxes).
- Location:** See Detailed Description section for box locations.

ADMINISTRATIVE HISTORY OF THE WELSCH CONSENT DECREE

The Welsch Case began in 1972 when six mentally retarded residents of Minnesota state hospitals charged the commissioner of the Public Welfare Department and the administrators of six state hospitals with violating the 14th Amendment to the U.S. Constitution. (Patricia Welsch, by her father Richard Welsch, was one of the plaintiffs.) The plaintiffs claimed that their rights were abridged because they were not receiving a minimal level of habilitation and because they were committed to state institutions rather than being provided care and treatment in less restrictive community settings.

In Sept. 1980, after lengthy litigation proceedings, the U.S. District Court issued the Welsch Consent Decree in favor of the plaintiffs. The consent decree applied to all eight Minnesota state hospitals and provided for a reduction in state hospital populations, for improved staffing ratios, for procedures governing the use of major tranquilizers and certain behavior management practices, and for discharge planning and evaluation. It also called for the appointment of a court monitor to review compliance with the consent decree, to report to the court with respect to compliance, and to resolve complaints about noncompliance. The court's

jurisdiction was to end July 1, 1987, if the defendants substantially complied with the terms of the consent decree.

The consent decree was amended to extend the court's jurisdiction to September 30, 1987, at which time a negotiated settlement was signed. The negotiated settlement was based on pending legislation which was to provide for review of case management services provided for persons with mental retardation. The legislation called for in the negotiated settlement took effect in May 1987. The court monitor's position was terminated in July 1988, and the duties were turned over to the office of the Ombudsman for Mental Health and Mental Retardation. The Welsch case was formally dismissed in August 1989.

SCOPE AND CONTENTS OF THE RECORDS

The records of the United States District Court Monitor for the Welsch Consent Decree in the State Archives include court monitor's reports to the U. S. District Court (1981-1986); correspondence (1980-1988); clippings (1974-1988); records of an advisory group made up of representatives of state hospital parent groups (1981-1987); Medicaid waiver records (1982-1984); subject files (1981-1988); compliance issues records (1980-1987) and compliance records, both statewide and for individual state hospitals and regional treatment centers (1980-1989); and district court records (1978-1985). The latter include court orders, findings, motions, hearing transcripts, depositions, and testimony.

RELATED MATERIALS

Additional records on the Welsch Case in the State Archives are found in the records of the Public Welfare Department, Brainerd State Hospital, Human Services Department, and the Attorney General Public Welfare Division litigation files.

OTHER FINDING AIDS

A "Welsch fact sheet" that accompanies the printed version of this inventory provides a more detailed chronology of the case.

INDEX TERMS

This collection is indexed under the following headings in the catalog of the Minnesota Historical Society. Researchers desiring materials about related topics, persons or places should search the catalog using these headings.

Topics:

Compliance.
Medicaid--Law and legislation--Minnesota.
Mental retardation facilities patients--Legal status, laws, etc.--Minnesota.
Mentally handicapped--Institutional care--Minnesota.
Mentally ill--Minnesota.
Monitoring.
Psychiatric hospital patients--Legal status, laws, etc.--Minnesota.
Public welfare--Minnesota.
Welsch Consent Decree.

Types of Documents:

Judicial records--Minnesota.
Transcripts.

ADMINISTRATIVE INFORMATION

Restrictions:

Many of the records are private and confidential, and access is restricted. Restricted records are noted on the box contents list. Researchers may apply to use these files in accordance with the State Archives access statement.

Preferred Citation:

[Indicate the cited volume and page or item and folder title here]. Files of the U.S. District Court Monitor for the Welsch Consent Decree. Minnesota Historical Society. State Archives.

See the Chicago Manual of Style for additional examples.

Accession Information:

Accession number(s): 991-147

Processing Information:

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DETAILED DESCRIPTION OF THE COLLECTION

Note to Researchers: To request materials, please note both the location and box numbers shown below.

Location	Box	Contents
111.K.18.8F	1	Court Monitor's Reports to U. S. District Court, 1981-1986. 1 box and 1 partial box. First Semi-Annual Report, December 1981. 2 folders. Second Semi-Annual Report, June 1982. 3 folders. Third Semi-Annual Report, May 1983. 2 folders. Fourth Semi-Annual Report, February 1984. 3 folders. Fifth Report, April 1985. 7 folders. Sixth Report, December 1986, Volumes I-II. 4 folders.
111.K.19.1B	2	Sixth Report, December 1986, Volumes IV-V. 4 folders. Volume III is missing. Welsch Negotiated Settlement Report on Training, September 1988. 2 folders. Court Monitor's Chronological Correspondence, 1980-1988. 27 folders in 2 boxes. RESTRICTED Letters sent; includes correspondence log for each year, with dates sent, to whom, and subjects. 1980-1985 (Jan.). 13 folders.
111.K.19.2F	3	1985 (Feb.) - 1988 (July). 14 folders. General Correspondence, 1980-1988. 10 folders in 2 boxes. RESTRICTED Letters received. 1980 - 1982 (Sept.). 4 folders.
111.K.19.3B	4	1982 (Oct.) - 1988. 6 folders. Public Welfare Dept./Human Services Dept. Correspondence, 1980-1988. 12 folders. RESTRICTED Letters and memoranda or copies of departmental and state hospital/regional treatment center correspondence, sent to the court monitor.

Location	Box	Contents
111.K.19.4F	5	<p>Plaintiffs Correspondence, 1980-1988. 13 folders. RESTRICTED</p> <p>Letters and memoranda sent to the court monitor from the Legal Advocacy for Developmentally Disabled Persons in Minnesota, representing the plaintiffs.</p> <p>Newspaper Clippings, 1974-1988 (bulk 1980-1988). Regarding the quality of life and care of developmentally disabled persons.</p> <p>Advisory Group for the U.S. District Court Monitor for the Welsch Consent Decree, 1981-1987. 3 folders. Minutes, memoranda, and monthly reports. The Advisory Group included representatives of state hospital parent groups, organizations such as the Association for Retarded Citizens and its local chapters, the Minnesota Developmental Achievement Center Association, the Association of Residences for the Retarded in Minnesota, the Society for Autistic Children, the United Cerebral Palsy group, and the Advocating Change Together organization.</p>
111.K.19.5B	6	<p>U. S. District Court Records, 1978-1985. 1 box and 2 partial boxes. RESTRICTED</p> <p>For U.S. District Court, District of Minnesota, Fourth Division, No. 4-72 Civil 451, Welsch vs. the Minnesota Public Welfare Department. Includes legal findings, orders, and recommendations; hearing transcripts, testimony, and depositions; exhibits; and related legal correspondence.</p> <p>Vol. I -- Court orders and opinions, monitor findings, recommendations. 3 folders.</p> <p>Vol. II -- 1980 consent decree, monitor appointment, contract and reporting order, McKnight motion, reports, settlement order, contract, termination of office. 3 folders.</p> <p>Vol. III -- Monitor hearing, March 13, 1981. 2 folders.</p> <p>Vol. IV -- Monitor hearing, March 13, 1981. 2 folders.</p> <p>Vol. V -- Monitor hearing, Nov. 3, 1981. 3 folders.</p> <p>Vol. VI -- Monitor hearing, Nov. 3, 1981. 1 folder.</p> <p>Vol. VII -- Monitor hearing, Feb. 5, 1982. 3 folders.</p> <p>Vol. VIII -- Legal orders, motions, memoranda, exhibits. 3 folders.</p>
111.K.19.6F	7	<p>Vol. IX -- Monitor hearing, Aug. 1-2, 1983. 2 folders.</p> <p>Vol. X -- Monitor hearing, findings, court motions. 3 folders.</p> <p>Vol. XI -- Woodhaven hearing, 1982. 3 folders.</p> <p>Hearing Transcripts, 1980-1985. 12 folders.</p> <p>Depositions, 1983. 3 folders.</p>

Location	Box	Contents
111.K.19.7B	8	<p>Testimony, 1985. 2 folders.</p> <p>Medicaid Waiver Records, 1982-1984. 3 expansion folders. Files relating to federal funding of semi-independent living services (SILS) under Title XIX, Medical Assistance Waiver. Include correspondence, Public Welfare Dept. plans to redesign management and funding, memos to Title XIX Task Group, legislation, project proposals, reports, and exhibits.</p> <p>State Hospital Forms Specific to Welsch Case, ca. 1981. 1 folder.</p> <p>Survey of Major Tranquilizers for Mentally Retarded Residents in Minnesota State Hospitals, 1981. 1 folder.</p> <p>Summary Reports, 1987-1988. 5 folders. Submitted to the court monitor by the regional treatment centers, regarding children, discharge planning, licensing, medication review, medication usage, psychotropic medication, and staffing.</p> <p>A Review and Evaluation of Interventions Implemented by Faribault State Hospital for Selected Members in the Welsch Case, 1981. 2 folders. RESTRICTED</p>
111.K.19.8F	9	<p>Court Monitor's Subject Files, 1981-1988. 17 folders. RESTRICTED IN PART</p> <p>Arranged numerically, according to court monitor's filing system. Restricted files are noted.</p> <p>1.A Fact, 1982-1988 1.C DHS Personnel Statements, 1983-1988 2.F Monitor's Habilitation and Field Reviews, 1987 3.A Population Reduction, 1985-1986 3.A(1) Multi-Community Services, 1985-1987 3.B Placement of Severely Handicapped and Behaviorally Involved, 1984-1987 3.D Children Admissions, 1984-1988 RESTRICTED 3.E Discharge Planning and Evaluation, 1985-1987. RESTRICTED 3.HH(2) Hennepin County Issues, 1988 3.HH(3) Ramsey County Issues, 1985-1986 RESTRICTED 3.GG Overall Administration/Management Issues, 1984-1988 3.Y Client Rights, 1985-1986 4.B(3) State Workers' Strike, 1981, 1985 (2 folders) 13.A(3) Powell, et. al, 1986 RESTRICTED 13.A(4) Anne Donnellan, 1986-1987 13.A(6) Eric Rudrud/Anita Schermer, 1983-1987</p>

Location	Box	Contents
111.K.19.8F	9	<p>Compliance Issues Records, 1980-1987. 5 folders. Welsch Consent Decree Compliance Working Group Compliance Issues Reports, 1983-1984 (2 folders) Resolved Compliance Issues Report, June 1984 Welsch Compliance Issues Reports, 1980-1987 (2 folders) Include resident/patient data identified by first name and last initial.</p> <p>Statewide Community Compliance Issues, 1986-1987. 10 folders in 2 boxes. RESTRICTED Related records found in Statewide Community Compliance Issues notebooks (Boxes 23-32). SW 240A Amado/Johnson Evaluations SW 303 Careers Training Center (3 folders) SW 311 Redwood County Developmental Achievement Center (4 folders)</p>
111.K.20.1B	10	<p>Regional Treatment Center Building Rosters for Special Needs Groups, 1988 (2 folders)</p> <p>Minnesota Learning Center Welsch Compliance Records, 1982-1987. 29 folders in 2 boxes. RESTRICTED Background information on the Minnesota Learning Center at Brainerd State Hospital, including statistical analyses of residents and narrative summaries. The bulk of the material is resident admission, treatment, and discharge data. 16 folders.</p>
111.K.20.2F	11	<p>13 folders. Review of Health Services and Physical Protection Systems of Fergus Falls and Faribault Regional Centers, by Columbus Medical Services, Inc. for the Office of the Monitor, Feb. 1988. (box part empty)</p>

Location	Box	Contents
	12-23	State Hospital Welsch Compliance Notebooks, 1980-1989. 11 boxes and 1 partial box. RESTRICTED Records on compliance with the Welsch Consent Decree by state hospitals/regional treatment centers. The bulk of the material is resident data relating to admissions, discharges, deaths, injuries, treatment, and evaluation. These records were submitted to the court monitor to demonstrate compliance with the Welsch Consent Decree.
111.K.20.3B	12	Fergus Falls State Hospital/Regional Treatment Center: Parts 1-7
111.K.20.4F	13	Parts 8-10 Minnesota Valley Social Adaptation Center. 1 folder. Miscellaneous Discharge Reports. 2 folders. Faribault State Hospital/Regional Treatment Center: Parts 1-5
111.K.20.5B	14.	Parts 6-12
111.K.20.6F	15	Parts 13-16 Cambridge State Hospital/Regional Treatment Center: Parts 1-4
111.K.20.7B	16	Parts 5-11
111.K.20.8F	17	Parts 12-14 Brainerd State Hospital/Regional Treatment Center: Parts 1-5
111.K.20.8F	18	Parts 6-11 (partial)
110.B.9.2F	19	Parts 11 (partial)-16
110.B.9.3B	20	Parts 17-18 Moose Lake State Hospital/Regional Treatment Center: Parts 1-4
110.B.9.4F	21	Parts 5-6 St. Peter State Hospital/Regional Treatment Center: Parts 1-6
110.B.9.5B	22	Parts 7-8 Willmar State Hospital/Regional Treatment Center: Parts 1-5
110.B.9.6F	23	Parts 6-7

Location	Box	Contents
	23-31	Statewide Community Compliance Issues Notebooks, 1980-1989. 8 boxes and 2 partial boxes. RESTRICTED Records on compliance with the Welsch Consent Decree and treatment of developmentally disabled persons in non-institutional settings. The records include compliance meeting minutes and reports, and correspondence and memos regarding the extension of the Welsch Consent Decree. The bulk of the material concerns compliance issues summaries (numbered 1-309,incomplete, with "SW" prefixes). There is a list of statewide community compliance issues at the beginning of the series in Box 23. The list is restricted as it includes resident/patient names.
110.B.9.6F	23	Books 1-5
110.B.9.7B	24	Books 6-10(partial)
110.B.9.8F	25	Books 10(partial)-14 (partial)
110.B.9.9B	26	Books 14 (partial)-18(partial)
110.B.9.10F	27	Books 18(partial)-19
110.B.9.11B	28	Books 20-26
110.B.9.12F	29	Books 27-35
110.B.9.13B	30	Books 36-42
110.B.9.14F	31	Books 43-47 (box part empty)