



MINNESOTA HISTORICAL SOCIETY
Minnesota State Archives

PUBLIC WELFARE DEPARTMENT

An Inventory of Its Welsch Consent Decree Files

RESTRICTED

OVERVIEW OF THE RECORDS

- Agency:** Public Welfare Department
- Series Title:** Welsch consent decree files,
- Dates:** 1973-1987.
- 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:** 3.9 cu. ft. (4 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 suit was filed against Department of Public Welfare commissioners Arthur Noot, Edward Dirkswager, Vera Likins, Leonard Levine, and Sandra Gardebring as the case was litigated. 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 September, 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 files contain correspondence, legal documents, historical materials, implementation studies, and related materials documenting the suits against each individual commissioner (1974-1986); consent decree reports (1978-1987), submitted by the individual institutions on a monthly and/or quarterly basis to the department and detailing staff allocations, restraint/restriction, injuries and deaths, discharge summaries, and service delivery plans; subject files (1973-1986); and court monitor papers (1981-1984).

The court monitor records document the department's relations with the office of the court monitor, established as part of the consent decree to oversee compliance by the department with the provisions of the decree. These records include reports, files on compliance issues raised at the various institutions, correspondence, and Welsch consent decree working group materials.

RELATED MATERIALS

Additional records of the Welsch case can be found in the records of the Attorney General Public Welfare Division, in files of the state Human Services Department, and in the records of the U.S. District Court Monitor for the Welsch Consent Decree.

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.
Litigating.
Mental retardation facilities patients--Legal status, laws, etc.-- Minnesota.
Mentally handicapped--Institutional care--Minnesota.
Mentally ill--Minnesota.
Psychiatric hospital patients--Legal status, laws, etc.--Minnesota.
Psychiatric hospitals--Minnesota--Administration.
Psychiatric hospitals--Minnesota--Statistics.
State hospitals--Minnesota--Administration
State hospitals--Minnesota--Statistics
Welsch Consent Decree.

Persons:

Gardebring, Sandra S.
Levine, Leonard W.
Likins, Vera J.
Dirkswager, Edward J.
Noot, Arthur E.

Organizations:

United States. District Court (Minn. : 4th Division). Office of the Monitor for the Welsch Consent Decree.

ADMINISTRATIVE INFORMATION

Restrictions:

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

Preferred Citation:

[Indicate the cited files subdivision and volume and page or item and folder title here].
Minnesota Dept. of Public Welfare. Welsch Consent Decree Files. Minnesota Historical Society. State Archives.
See the Chicago Manual of Style for additional examples.

Accession 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
110.B.9.15B	1	<p>Welsch v. Dirkswager: Correspondence and legal documents, 1977-1979. Historical file, 1978. Implementation cost figures, 1977. Information concerning consent decree in Welsch v. Dirkswager, January 1978. Legislative presentation background, 1978. Round 2: General communications with hospitals, 1977-1979. Round 2: Plaintiffs' request for documents and interrogatories, September 1978. Swing tour information, 1977-1978.</p> <p>Welsch v. Gardebring: Department response to non-compliance notice, 1986.</p> <p>Welsch v. Levine: Compliance plan - state hospitals, 1983.</p> <p>Welsch v. Likins: Correspondence and legal documents, 1974-1977. General correspondence, 1975. Historical file, 1974-1977. 4 folders. Implementation study and data comparison study, 1978. Staffing ratios, 1975-1977.</p> <p>Welsch v. Noot: Policy analysis papers, nos. 1-3, March-April 1981. 1 v. Central office, 1981-1982. Correspondence: Court monitor - in, 1981-1983. Correspondence: Court monitor - out, 1981-1982. Correspondence: General, 1981-1982. Correspondence: Plaintiffs, 1982-1983. Correspondence: Institutions: Cambridge, 1981-1982. Faribault, 1980-1982. Fergus Falls, 1981-1982. Moose Lake, 1982. St. Peter, 1982. Willmar, 1981-1982.</p>

Location	Box	Contents
110.B.9.15B	1	Welsch v. Noot (cont): Correspondence: February 1979-June 1980.
110.B.9.16F	2	June 1980-July 1981, 1983. Correspondence and Legal Documents, 1979-1982. 13 folders. Deposition of Dennis Boland, 1981. Faribault documents, 1978. Historical file, 1979. Consent decree reports, 1978-January 1987. RESTRICTED Monthly (and some quarterly reports) submitted by the institutions to the department in accordance with the Welsch Consent Decree. The reports concern staff allocations, ratios, recruitment, development; and resident censuses, admissions, restraint/restriction, injuries and deaths, discharge summaries and service delivery plans. Most of the reports are from Cambridge State Hospital; there are no reports for 1982-1983. Brainerd, 1984-1987. 5 folders.
110.B.10.1B	3	Cambridge, 1978-June 1981, 1984-1987. 17 folders. Faribault, 1984-1987. 3 folders.
110.B.10.2F	4	Fergus Falls, 1984-1987. 3 folders. Minnesota Valley Social Adaption Center, January-April 1981. 1 folder. Moose Lake, 1984-1987. 1 folder. St. Peter, 1984-1987. 1 folder. Willmar, 1984-1987. 1 folder.

Court Monitor Papers:

Report of the Court Monitor.

First semi-annual report, December 1981.

Semi-annual report to the court monitor, January-June 1983.

Report to the monitor: Psychotropic medication practices at Brainerd and Cambridge State Hospitals, April 1984.

Thesis: Characteristics that discriminate between successful drug withdrawal candidates among mentally retarded persons, by Janis Chadsey Rusch, 1984.

Includes information regarding psychotropic medications at Cambridge State Hospital.

Location	Box	Contents
110.B.10.2F	4	<p>Court Monitor Papers (cont):</p> <ul style="list-style-type: none">Compliance issues under the Welsch consent decree, December 1982.Unresolved compliance issues correspondence, 1983.Compliance issues raised: Institutions, December 1982.RESTRICTEDBrainerdCambridgeFaribaultFergus FallsGlacial Ridge Training Center (Willmar)Minnesota Valley Social Adaption Center (St. Peter)Moose Lake <p>Welsch consent decree working group: Compliance issues remaining to be resolved at April 1983 meeting. RESTRICTED</p> <p>Welsch compliance group: Statewide and community compliance issues, 23 April, 1984.</p> <p>Staff reduction correspondence, 1984.</p> <p>Subject files, 1973-1986.</p> <ul style="list-style-type: none">Compliance issues, 1983-1984. RESTRICTEDMemo to commissioner, 2 August 1977.Memo to governor, 18 April 1977.Memo to governor's Manpower Office, 23 May 1977.Mentally retarded coordinating committee re 1980 consent decree implementation, 1981.Mental retardation survey, 1973-1974.Personnel system, 1977-1979.Welsch strategy meetings, 1986. RESTRICTEDWheelchairs, 1982-1983.