

The Washington State Supreme Court Commission on Children in Foster Care

A PROGRESS REPORT 2005-2009

Washington's courts and judges are dedicated to ensuring that the children and youth who enter our foster care system are safe, nurtured and supported while they remain in the care of the state. While foster care is often a necessary component in stabilizing the life of an abused or neglected child, it must be as brief as possible. The impacts of living without a family can last a lifetime. As quickly as possible, we must provide these children with a permanent, loving home. And while they are in foster care, children must have the emotional, educational, physical and social support they need to emerge healthy and strong.

To those ends, the Washington State Supreme Court Commission on Children in Foster Care was created. To help children in need, we recognize that court processes must change. Collaboration between courts and child welfare agencies must be smoother and more consistent. Appeals must move more quickly. Schools must respond to the unique needs of foster children. And, we must critique our process through the eyes of a child and give meaningful voice to foster youth.

The court system is only one part of the solution. Reform will take leadership, the will of our communities and stronger collaboration between partners both inside and outside of the system: foster parents, legislators, CASA workers, service providers, state agencies, system-involved youth and families, and community members.

The Commission is pleased to present this report outlining our efforts to advance these important goals.



THE WASHINGTON STATE SUPREME COURT COMMISSION ON CHILDREN IN FOSTER CARE (2005-2009)

CO-CHAIRS:

Washington State Supreme Court

Justice Bobbe J. Bridge (ret.) (2005-)

Washington State Department of Social and Health Services Children's Administration

Randy Hart (2009-)

Cheryl Stephani (2005-2008)

Uma Ahluwalia (2005)

MEMBERS:

Chair of the Washington State House Committee with oversight for issues relating to the child welfare system

Rep. Ruth Kagi, Chair, House Early Learning and
Children's Services Committee (2005-)

Chair of the Washington State Senate Committee with oversight for issues relating to the child welfare system

Sen. James Hargrove, Chair, Senate Human Services and
Corrections Committee (2005-)

Foster Parents Association of Washington

Beth Canfield, Co-Chair (2008-)

Mike Canfield, Co-Chair (2008-)

Daniele Baxter, Co-Chair (2005-2008)

Steve Baxter, Co-Chair (2005-2008)

Foster Youth Alumni

(position added by Supreme Court order, February 2007)

Julio V. A. Carranza (2007-)

Foster Youth Representative

(position added by Supreme Court order, February 2007)

Sassi Jarvella Ellsworth (2007-)

NW Intertribal Court System representative

Chorisia Folkman (2009-)

Leona Colegrove (2005-2007)

President, Superior Court Judges Association

Judge Tari Eitzen, Spokane County (2009-)

Judge Richard McDermott, King County (2008-2009)

Judge Vickie Churchill, Island/San Juan Counties (2007-2008)

Judge Michael Cooper, Kittitas County (2006-2007)

Judge Michael Trickey, King County (2005-2006)

Washington State Attorney General

Rob McKenna (2005-)

Washington State CASA

Kelly Stockman Reid (2005-)

Washington State Office of Civil Legal Aid

(position added by Supreme Court order, October 2008)

Jim Bamberger (2008-)

Washington State Office of Public Defense

Joanne Moore (2005-)

Washington State Superintendent of Public Instruction

Randy Dorn (2009-)

Dr. Terry Bergeson (2005-2008)

STAFF:

Center for Children & Youth Justice

Michael Curtis, Executive Director

Administrative Office of the Courts

Karen Castillo

*The Commission's mission is to provide
all children in foster care with safe,
permanent families in which their
physical, emotional, intellectual and
social needs are met.*



FACTS ABOUT CHILDREN AND YOUTH IN FOSTER CARE



- Each year, more than 19,000 Washington children spend at least one day in foster care. At any given time, some 9,600 children live in out-of-home placement; of those, some 3,600 are cared for by relatives, while 6,000 are with unrelated caregivers. (Source: *Children's Administration, Washington Department of Social and Health Services, 2006*)
- Compared to white children, Native American children are three times more likely to be referred to Child Protective Services African-American children, twice more likely; and Hispanic children 1.3 times more likely. (Source: *"Racial Disproportionality in Washington State's Child Welfare System," Washington State Institute for Public Policy, 2008*)
- African-American children make up 4.2 percent of the general population in Washington, but 10.5 percent of children in foster care. (Source: *Children's Administration, Washington Department of Social and Health Services, 2006*)
- In 2005, more than 33% of children in foster care had been there for longer than two years. This represents a decrease from 1997, when 44% of foster children had been in care more than two years. (Source: *Children's Administration, Washington Department of Social and Health Services, 2005*)
- One of six children in foster care was moved to three or more homes within the first year. (Source: *Children's Administration, Washington Department of Social and Health Services, 2005*)
- About 400 children a year "age out" of foster care, meaning they turn 18 years old without having been adopted or reunited with their birth families. (Source: *Washington Education Foundation, 2006*)
- A study of foster care "alumni" from the Northwest found that the majority faced significant challenges in the areas of mental health, education, employment and finances. More than half of the 659 alumni studied had clinical levels of at least one mental health problem; one in four experienced post-traumatic stress disorder in the prior year (a rate that is double that of combat soldiers); only 56% had graduated from high school; more than one in five experienced homelessness; 20% were unemployed; and one-third had no health insurance. (Source: *"The Northwest Foster Care Alumni Study," Casey Family Programs, 2005*)
- An estimated 50% to 75% of school-aged children who enter foster care must leave their school districts because foster care is not available near their homes. Academic experts estimate that children lose four to six months of progress each time their education is disrupted by a change of schools. (Source: *Wa. Education Foundation, 2006*)
- Foster care children have more serious and complex physical health, mental health and developmental problems than children who are not in foster care. An estimated 30% to 80% of foster children have chronic medical conditions, with an estimated 25% of foster children having three or more chronic conditions. (Source: *"Comprehensive Assessments for Children Entering Foster Care: A National Perspective", Pediatrics, July 2003*)
- In 2007, more than one in every four foster children moved more than two times between foster homes. Two of five foster children are unable to reside in the same home with all their siblings. (Source: *Braam Performance Report, FY05-FY07, www.braampanel.org*)

THE COMMISSION'S HISTORY

The Commission on Children in Foster Care was established in 2005 by the Washington State Supreme Court to improve the “safety, permanency and well-being” of children in the state’s child welfare system and to advance “systemic improvements best achieved through collaboration between the courts and child welfare partners.”

The Commission is part of the National Center for State Courts “Call to Action,” a comprehensive, state-by-state plan to reform foster care from a courts perspective. This effort grew out of a 2004 report by the Pew Commission on Children in Foster Care, which found, among other things, that changing court processes would help to significantly improve the lives of foster children and reduce the amount of time they linger in foster care.

LEADERSHIP

The Commission is co-chaired by Washington Supreme Court Justice Bobbe J. Bridge (ret.) and Randy Hart, interim assistant secretary, DSHS Children’s Administration. Other standing members include the state Attorney General, the Superintendent of Public Instruction, president of the Washington Superior Court Judges’ Association, executive director of the Washington State Court Appointed Special Advocates (CASA) program, co-presidents of the Foster Parents Association of Washington, a former foster youth, a current foster youth, chair of the Northwest Intertribal Council, chairs of the House and Senate Committees with oversight for issues relating to the child welfare system, director of the state Office of Public Defense, and director of the state Office of Civil Legal Advocacy



Funding for the Commission comes from the Federal Court Improvement Program and the Washington Administrative Office of the Courts with pro-bono support provided by the Center for Children & Youth Justice.

STRATEGIC GOALS

- Monitor and report on the extent to which child welfare programs and courts are responsive to the needs of children in their joint care
- Broaden public awareness of and support for meeting the needs of children and families in foster care
- Institutionalize collaboration beyond the terms of office of individual agency directors and elected officials

The Commission works to achieve its goals by initiating policy decisions and needed legislative and court rule changes. It will demonstrate its leadership through the implementation of sound foster care practices within the Commission members’ respective agencies and further its commitment through self-evaluation.

FOCUS

As one of its first orders of business, the Commission identified seven areas of focus:

- National Adoption Day
- Expedited dependency/termination appeals
- Unified Family Court implementation
- Court performance standards
- Enhancing legal representation for children
- Enhancing legal representation for parents
- Standards for the evaluations prepared by experts and evaluators



PROGRESS TOWARD OUR AREAS OF FOCUS

Over the past three years, the Washington State Supreme Court Commission on Children in Foster Care made significant progress in each of its areas of focus. We have convened collaborative work groups, led broad initiatives, raised public awareness, and – in our capacity both as a Commission and as individual leaders – advocated successfully for changes and improvements. Among our key successes:

- Expanded participation by state courts in National Adoption Day
- Created a statewide Foster Youth and Alumni Leadership Summit
- Reformed appellate court rules to speed up child welfare appeals
- Brought together key leaders in the court and foster care systems to identify legal changes needed to improve child representation in dependency proceedings and worked collaboratively with other agencies and organizations seeking to improve legal representation for dependent children
- Acted as the lead partner in convening a summit of educational leaders focused on improving academic outcomes for foster children, secured commitments for actions and changes, then provided oversight of agencies and groups implementing strategies to improve school success for foster children.
- Developed a proposal for expanding Unified Family Courts across the state, which served as a catalyst for the Legislature's adoption of the Juvenile and Family Court Improvement Program (HB2282)

- In collaboration with the Federal Court Improvement Program, is now analyzing judicial workload and court performance issues and problem areas
- Co-sponsored a statewide project to improve and standardize evaluations prepared by experts and evaluators
- Coordinated the development of an automated report listing all active dependency cases
- Directed development of the Court Improvement Training Academy, now housed within the Children and Youth Advocacy Clinic at the University of Washington Law School

HIGHLIGHTS OF PROGRAMS AND PROJECTS

NATIONAL ADOPTION DAY

In November 2005, the Commission sponsored the first statewide celebration of National Adoption Day in courts across the state, with judges completing the adoptions of more than 50 foster children. Since that time, the Commission has been instrumental in expanding the number of Superior Courts in Washington participating in the program, which is designed to celebrate adoptive families and raise awareness of the number of foster children awaiting permanent homes. From 2005 through 2008, the number of participating courts grew from a small handful to 17, and the number of children adopted each year increased from 51 to 189, for a total of 545 adopted children over three years.

"Oftentimes we have seen these kids as victims in abuse and neglect proceedings. Then we see these very children adopted by a new family. It's heart-warming because we know where these children have come from and where they are going."

Thurston County Superior Court Judge Paula Casey, as quoted in "The Olympian" on National Adoption Day, Nov. 13, 2008

MORE HIGHLIGHTS OF PROGRAMS AND PROJECTS

STATEWIDE YOUTH SUMMITS

The Commission hosted Foster Youth and Alumni Leadership Summits in the fall of 2006, 2007 and 2008 to capture the unique perspectives of those most affected by the system: the foster youths themselves. Besides giving current and former foster children a voice and an opportunity to develop leadership skills, the two-day summits have proven to be a powerful tool for reform, spawning insights and ideas that have led to policy changes and new legislation, including a bill to extend Medicaid coverage to age 21 for foster youth exiting the system.



Top photo: The speakers panel at the Youth Summit. Middle photo: Summit participants Diamonique Walker and Samuel Martin. Bottom photo: Mockingbird Society staff member Tammy Soderberg (right) and participant Brenda Gonzalez. *Photos courtesy of The Mockingbird Society.*

From the first summit in 2006, participants went on to form six new regional youth-alumni groups throughout the state. Each group later presented its concerns and recommendations for change before Commission members at the 2007 Leadership Summit. In addition to the Medicaid coverage extension, their recommendations included measures to maintain contact between siblings and teaching independent living skills to youth before they transition from care. In 2008, the summit focused on educating foster youth about their legal rights, helping them learn to advocate for themselves, and enhancing their ability to connect with other foster youth.

FASTER APPEALS

After identifying delays in the process, the Commission proposed new appellate court rules and procedures to speed up child welfare appeals. These recommendations were adopted by the State Supreme Court in 2008.



REPRESENTATION AND ADVOCACY FOR PARENTS AND CHILDREN

After surveying current practices in the state, the Commission worked to advance legislation to improve legal representation of children and family members in dependency cases. Our advocacy resulted in legislation establishing four pilot sites allowing for on-record, in-chambers meetings between children ages 12 or older and judges in dependency proceedings. This action ensures that the perspectives and wishes of children are considered in court actions affecting their lives and their futures.



MORE HIGHLIGHTS OF PROGRAMS AND PROJECTS



EDUCATION OF CHILDREN IN FOSTER CARE

Commission leaders convened a Foster Care Education Summit in November 2007 that led to the identification of key strategies for improving the school success of foster youth. The Commission is now overseeing the work of several lead organizations and groups including the Legislature, the Office of the Superintendent of Public Instruction and the DSHS Children's Administration on a list of commitments that grew out of that summit. The commitments are aimed at improving communication and coordination between agencies, increasing educational achievement and improving graduation rates and success after high school.

EXPANSION OF UNIFIED FAMILY COURTS

Unified Family Courts are model family courts that take an integrated and comprehensive approach to cases involving children and families in the judicial system. The courts are geared to providing timely, efficient and productive resolution of cases in a way that reduces the stress on the children and families involved.

The Commission's Unified Family Court work group recommended extending terms for judicial officers assigned to juvenile and family courts and adopting a one judge/one family approach for case assignment and specific training for juvenile and family court judicial officers. Many of these recommendations were later included in the Juvenile and Family Court Improvement legislation (HB2822) that passed in the 2007-2008 legislative session.

COURT PERFORMANCE STANDARDS

The Commission is working with Administrative Office of Courts staff and the Court Improvement Program Oversight Committee on a project involving the National Council of Juvenile & Family Court Judges, which has been hired to examine judicial workload in dependency cases in King and Mason Counties. Findings include:

- Dedicating and training judicial officers to hear dependency cases
- Use of evidenced-based programs in child welfare services
- Legal representation for children in the system
- Alternative methods of dispute resolution
- Case auditing and improved performance measures



MORE HIGHLIGHTS OF PROGRAMS AND PROJECTS

UNIFORM REPORTING

The Commission initiated a statewide project to improve and standardize expert evaluations in dependency and termination cases. To get information about parents and children, the state's juvenile courts frequently order evaluations by psychologists and other experts. Yet there were no statewide standards to guide experts in carrying out these evaluations. The goal of the Expert Evaluations Standards Project – co-chaired by Dee Wilson of the University of Washington's School of Social Work's Northwest Institute for Children and Families and psychologist and adjunct UW faculty member Dr. Kenneth Asher – was to enhance the usefulness of evaluations and the contributions of experts, ultimately benefiting children and families. Today, standards are in place and model agreements have been developed for retaining and evaluating experts.



WASHINGTON STATE SUPREME COURT COMMISSION ON CHILDREN IN FOSTER CARE

To learn more, contact Commission Executive Director Michael Curtis, Center for Children & Youth Justice, , mlcurtis@ccyj.org, 206-696-7503, ext. 11.

OTHER COMMISSION PROJECTS

- Worked with the Administrative Office of Courts and developed an automated report listing all active dependency cases as well as an automated data collection tool for dependency case files
- Helped establish a judicial training academy at the University of Washington School of Law
- Regularly followed efforts by the Indian Policy Advisory Council and DSHS to expand tribal access to a federal IV-E technical assistance package

