



**Washington State Supreme  
Court  
Commission on Children  
in Foster Care**

**3/21/16  
1:00 p.m.  
Reception Room  
Temple of  
Justice**

**Agenda**

1:00 pm <i>5 min</i>	Welcome and Introductions	Justice Bobbe Bridge (ret.) Co-Chair
1:05 pm <i>5 min</i>	Approval of May and December 2015 Meeting Minutes	Justice Bobbe Bridge (ret.) Co-Chair
1:10 pm <i>20 min</i>	DSHS/Children's Administration Updates	Jennifer Strus, Ass't Secretary DSHS
1:30 pm <i>15 min</i>	Executive Order on Department of Children & Families	Andi Smith, Senior Policy Advisor, Human Services, Office of Governor
1:45 pm <i>15 min</i>	Youth Summit Report	Erin Shea McCann & Fred Kingston, Mockingbird Society
2:00 pm <i>15 min</i>	Legislative Updates	Laurie Lippold, POC
2:15 pm <i>15 min</i>	2015 Civil Legal Needs Study	Jim Bamberger, Director Washington State Office of Civil Legal Aid
2:30 pm <i>20 min</i>	Family and Children's Ombuds 2015 Annual Report	Patrick Dowd, Director Office of the Family & Children's Ombuds
2:50 <i>40 min</i>	Children's Representation Workgroup	Patrick Dowd, Director Office of the Family & Children's Ombuds
3:30 pm <i>15 min</i>	Washington State – Tribal Consortium	Cindy Bricker AOC
3:45 pm <i>15 min</i>	New Business	
4:00	Adjournment	Justice Bobbe Bridge (ret.) Co-Chair
	<u>Next Meeting:</u> May 16 <sup>th</sup>	



**Washington State Supreme Court  
Commission on Children in Foster Care  
December 7<sup>th</sup>, 2015  
Meeting Minutes**

**Members Present**

Justice Bobbe Bridge (ret.), Washington State Supreme Court, Commission Co-Chair  
Jennifer Strus, Assistant Secretary, Children’s Administration, Commission Co-Chair  
Judge Kitty-Ann van Doorninck, Superior Court Judges’ Association  
Mr. Jim Bamberger, Director, Office of Civil Legal Aid  
Mr. Mike Canfield, Co-Chair of Foster Parents Association of Washington  
Mr. Ryan Murrey, Executive Director, Washington State CASA  
Dr. Dan Newell, Office of Superintendent of Public Instruction  
Ms. Joanne Moore, Director, Office of Public Defense  
Ms. Carrie Wayno, Attorney General’s Office  
Ms. Kristy Healing, NW Intertribal Council  
Ms. Jeannie Kee, Foster Youth Alumni Representative

**Members Not Present**

Ms. Beth Canfield, Co-Chair of Foster Parents Association of Washington; Rep. Ruth Kagi, Washington State House of Representatives; Ms. Tonia Morrison, Parent Advocate Representative; Mr. Bob Ferguson, Attorney General of the State of Washington; Senator Steve O’Ban, Washington State Senate; Judge Harold D. Clarke III, Superior Court Judges’ Association; Mr. Randy Dorn, Superintendent of Public Instruction; Ms. Jill Malat, Office of Civil Legal Aid; Ms. Laurie Lippold, Partners for Our Children

**Guests**

Ms. Cindy Bricker, Sr. Court Program Analyst, AOC; Ms. Megan Walton, Director of Strategic Partnerships, Amara; Ms. Erin Shea McCann, Mockingbird Society; Mr. Sabian Hart, Youth in Care; Ms. Gina Cumbo, Center for Children and Youth Justice, Ms. Karen Dinan, Office of the Attorney General; Ms. Lisa Kelly, University of Washington School of Law; Ms. Lorrie Thompson

**Staff Present**

Ms. Kimberly Ong, CCFC Staff Intern, Center for Children & Youth Justice  
Ms. Nichole Kloepfer, AOC

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**Call to Order**

Asst. Secretary Jennifer Strus called the meeting to order at 1:10pm. She welcomed all Commission members and guests and invited everyone to introduce themselves.

**DSHS/Children’s Administration Updates**

Ass’t Secretary Strus provided an update on Family Assessment Response (FAR) implementation. FAR is anticipating its first evaluation and, pending the results of the

evaluation, DSHS is considering pausing the FAR implementation plan. DSHS needs to determine whether FAR is meeting its objectives. If the evaluation results are positive, additional funding will be sought for implementation.

Ass't Secretary Strus next explained DSHS's Performance Based Contracting (PBC) plan in Eastern Washington with the Empire Health Foundation (EHF). EHF was to contract with providers to provide services to families in the region. Due to issues regarding clarity of relationships between DSHS, the contractors, and the providers, DSHS has paused PBC and will restart it this December after amending the EHF contract. DSHS also plans to enact a different PBC plan in Western Washington that will consist of regional contracts with many providers to serve specialized needs. A different PBC plan will allow DSHS to compare the experience to the procedures in Eastern Washington. They will have more updates in early January.

Ass't Secretary Strus stated that one of DSHS's current concerns is their capacity to respond to the foster care crisis given retention and recruitment issues. The Department is currently experiencing a 20% turnover rate and a workforce that is 70% comprised of individuals with less than one year of experience.

Judge van Doorninck asked if there's been an effort to secure funds for an increase in pay for CA social workers. Ass't Secretary Strus responded that CA has made efforts, but there are four other administrations within DSHS that share the same classification, so CA loses their social workers to other administrations who pay the same but feature less emotionally draining work. She is attempting to secure an additional 10% for CA social workers on top of the pay increase that this classification is anticipating. Justice Bridge suggested a new classification for CA social workers, but Ass't Secretary Strus advised that reclassification is a lengthy and difficult process. Ms. Moore asked if CA could better train and prepare their social workers. Ass't Secretary Strus maintained that CA social workers are well-trained and are not allowed to take on a caseload until they have gone through Academy training. Mr. Hart asked what the requirements are to becoming a CA social worker. Ass't Secretary Strus informed that it requires a Bachelor's degree at the minimum and that she could email him additional information. She has plans to speak to the union to get their suggestions on the matter of retention and recruitment.

Justice Bridge posed the question of how to improve retention rates of foster families. Ass't Secretary Strus reminded the Commission of the fact that some foster youth are getting more difficult to place. Justice Bridge asked if there was a plan to better train foster families. Ass't Secretary Strus informed that she has spoken to CA's IT department and they are in the process of buying a smart phone application that would provide foster parents information about the foster child in their home. Mr. Hart suggested a network of foster parent mentors, which Mr. Canfield informed him already exists in FPAWS, which is currently focusing on ways to support the education of foster parents. The Academy has a caregiver training program that he finds ineffective, but FPAWS is utilizing their mini-conferences and social media to help recruit and educate more families.

### **Quality Improvement Center (QIC) Update**

Ms. Gina Cumbo reported on the QIC project – a research and demonstration project court-training model for representatives of children in dependency proceedings. A QIC celebration was

held on November 6th to recognize the hard work and cooperation of the WA attorneys who participated in the study. At the celebration, the preliminary results were unveiled and potential next steps and how to utilize the resulting analyses were discussed.

Washington's participation in the study was exceptional. Washington implemented the study protocol with greater fidelity than Georgia, the second research and demonstration site. Participation rates for all WA study attorneys were very high – close to 90% each quarter. Preliminary study results indicate that the treatment group attorneys had increased contact with caregivers, spent more time thinking about theory of case and assessing the safety of the child, and tended to advocate non-adversarial methods of case resolutions when compared to the control group of attorneys. The treatment group attorneys were also more likely to report that their advocacy did not agree with the child's wishes. Ass't Secretary Strus asked clarifying questions about the scope of the study and the implication of its findings and Ms. Cumbo informed the Commission that they could refer to the Chapin Hall evaluation summary document (pages 19-26 of the meeting packet) if they wanted more detailed information about the research.

Ms. Cumbo relayed that King County has discussed bringing on the training as a part of their procedures for attorneys and that further discussion will happen around the infrastructure of follow up training.

#### **Youth Summit Recommendations & Updates**

Ms. Erin Shea McCann reviewed August 2016's Youth Summit recommendations from each of the six chapters of the Mockingbird Society. She explained that the Summit report is almost complete and that they anticipate distribution before Christmas.

#### **One Family, One Team (OFOT) Report**

Ms. Megan Walton briefed the Commission on the One Family, One Team (OFOT) public-private partnership to improve the dependency court process through team decision making and early resolution of cases. The draft report will be shared with the Commission and include planning and design elements. She reported that the partnership plans to pursue funding in the 2016 legislative session. Justice Bridge noted that the model components and the evaluation are key. There currently is no evaluation on unified family courts in the U.S. and evaluation data is essential to improving the process.

#### **Needs of Foster Youth in Indian Country**

Ms. Healing introduced herself to the Commission as a parent advocate attorney and a representative for youth in tribal communities. She plans to speak to tribal groups to determine their issues and to share their perspective with the Commission. She hopes that being a part of this Commission will help her understand how the state and tribes can work together in the context of foster care. Ass't Secretary Strus suggested that she contact with the Indian Policy Advisory Committee, which is a Children's Administration committee that meets monthly through video conferences across the state.

#### **November Adoption Celebrations & Updates**

Ms. Lorrie Thompson reported on the 11<sup>th</sup> annual National Adoption Day celebrations. She distributed a packet containing data on the number of adoptions that occurred and media

reporting on the event. She advised that partnership with DSHS is going well. There is an ongoing discussion of what can be done next year to do encourage even higher adoption rates and better engage outskirts courts' participation in the program.

### **Children's Representation Workgroup**

Ms. Lisa Kelly reported on the Children's Representation Workgroup. She began with a presentation reminding the Commission members about the 13.34.100(7) RCW implementation and its goal of removing the barriers to children and other individuals as they seek to exercise their right to request counsel for children at public expense. The mission of the Workgroup was to address the ongoing barriers and help major players develop policies and practices to implement the provisions of the RCW and its legislative changes.

Ms. Kelly then led a discussion on what the Commission would now do with the Workgroup report and dissenting opinions. Various Commission members provided their opinions on the Workgroup recommendations. Justice Bridge requested that Commission members send their questions and further comments to Ms. Kelly before the next meeting at which time the Commission will formally respond to the Workgroup's recommendations.

### **New Business**

#### *Member Binders – Revisited*

Ms. Kimberly Ong spoke to Commission members about updating the Member Binder. Because the agendas and meeting materials are now available online, discussion surrounded the option of making the binder smaller and more informative for onboarding members. The proposed binder revision includes the Commission's charter, a roster and contact list of Commission members, a list of current and past Commission activities, a list of Commission oversight activities, and two years' of Commission agendas and material. Mr. Hart questioned whether he should read the entire binder before joining the Commission.

Judge van Doorninck asked if May's Commission minutes had ever been approved as she had reviewed the copy sent to her in the meeting materials and found errors. Ms. Ong responded that the minutes had not yet been approved nor had the draft been ready for distribution. May Commission minutes will be sent to members for review prior to the next meeting.

#### *Website Updates*

Ms. Nichole Kloepfer notified the Commission of the recent website updates and pointed out where Commission members could find information relevant to upcoming and past meetings. She asked for feedback from Commission members about the functionality of the website.

#### *2016 Meeting Schedule, Proposed dates*

Justice Bridge presented the proposed 2016 Commission meeting dates: March 21<sup>st</sup>, May 16<sup>th</sup>, and December 12<sup>th</sup>. August 3<sup>rd</sup> is confirmed as the Youth Summit Commission Meeting. Justice Bridge requested that the Commission members check their calendars for any potential conflicts and reach out to her before the end of the year to confirm whether or not these dates will work.

Adjourned at 4:10pm by Justice Bridge.



**Washington State Supreme Court  
Commission on Children in Foster Care  
May 18, 2015  
Meeting Minutes**

**Members Present**

Assistant Secretary, Children’s Administration, Jennifer Strus, Commission Co-Chair  
Judge Kitty-Ann van Doorninck, Superior Court Judges’ Association  
Mr. Jim Bamberger, Director, Office of Civil Legal Aid  
Mr. Mike Canfield, Co-Chair of Foster Parents Association of Washington  
Dr. Ken Emmil, Office of Superintendent of Public Instruction  
Mr. Patrick Dowd, Office of the Family and Children’s Ombuds  
Mr. Ryan Murrey, Executive Director of Washington State CASA  
Ms. Tonia Morrison, Parent Advocate Representative  
Ms. Joanne Moore, Director, Office of Public Defense  
Ms. Carrie Wayno, Attorney General’s Office  
Ms. Christina Parker, NW Intertribal Council

**Members Not Present**

Justice Bobbe Bridge (ret.), Washington State Supreme Court, Commission Co-Chair;  
Ms. Beth Canfield; Mr. Ryan Cummings, Youth in Foster Care Representative; Representative  
Ruth Kagi; Ms. Jeannie Kee, Foster Youth Alumni Representative;

**Guests**

Ms. Cindy Bricker, Sr. Court Program Analyst, AOC; Mr. Matt Orme, Washington State Center  
for Court Research; Ms. Megan Walton, Director of Strategic Partnerships, Amara; Ms. Laurie  
Lippold, Partners for Our Children; Ms. Hillary Madsen, Columbia Legal Services, Ms. Jill  
Malat, OCLA; Ms. Julie Caruso, Counsel I, Washington State House Republican Caucus; Mr.  
Peter Dolan, Staff Counsel

**Staff Present**

Ms. Molly Donahue, CCFC Intern, Center for Children & Youth Justice (CCYJ)  
Ms. Paula Malleck-Odegaard, Administrative Office of the Courts (AOC)

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**Call to Order**

Mr. Jim Bamberger, on behalf of Ass’t Secretary Strus, called the meeting to order at 1:10pm.  
He welcomed all Commission members and guests to the meeting.

**March Commission Minutes**

Ms. Molly Donahue apologized for the delay in distributing the March Commission meeting  
minutes. She will email them out next week to the Commission members.

**Dependency Children in Washington: Case Timeliness and Outcomes**

Mr. Matt Orme and Ms. Cindy Bricker distributed the 2014 Annual Report.

Mr. Orme commented that this year the report is much easier to read than last year's technical version. If Commission members are hoping to read more statistical data, the technical report will be available later this year. Mr. Orme directed the members' attention to his PowerPoint presentation, which highlighted key aspects of the report.

Mr. Orme encouraged members to read through the report and to contact him with any specific questions. Ass't Secretary Strus thanked Mr. Orme for bringing this report to the meeting and sharing with the group.

### **DSHS/Children's Administration Updates**

Ass't Secretary Strus announced that CA is suspending the implementation and expansion of Family Assessment Response (FAR) program. It will be in 29 offices by the end of June, but there is no money left in any budget for further implementation. Preliminary data that shows that, of the initial savings in the foster care system, potentially 10% can be attributed to the work of FAR. The next six months will be spent enhancing what is already in place.

In response to a question from Judge van Doorninck, Ass't Secretary Strus stated that the current turnover rates for social workers at CA is 14%. This high turnover rate results in a steep learning curve for new social workers – with constant turnover being extremely disruptive to services. However, the issue of high turnover rates are a nationwide trend and not contained to only CA and Washington State.

### **Quality Improvement Center (QIC) Update**

Ms. Donahue reported on behalf of Ms. Gina Cumbo, Project Manager at the Center for Children & Youth Justice (CCYJ).

Data collection is now complete. Washington State attorneys consistently participated in the study at rates of approximately 90%, providing rich data for our QIC partners at Chapin Hall to analyze. The final results of the study will be reported this fall. Preliminary findings are anticipated no later than September 2015.

With data collection complete, the project now shifts into sustainability mode. During the next six-months, the University of Washington Court Improvement Training Academy (CITA) will continue to provide statewide trainings in the core elements of the QIC model and support to attorneys representing children and youth in dependency hearings. These training and practice supports are now available to all attorneys in Washington State representing children in dependency proceedings! CITA is working to cultivate leadership within the Communities of Practice so that they will be self-sustaining after the end of the QIC grant.

A half-day celebration is planned for November 6, 2015, in Seattle, WA. The purpose of this event is to celebrate the hard work of study participants, explore study results, and plan for collaborative next steps. Commission members are encouraged to attend

Date: Friday, November 6, 2015  
Time: 10:00am – 3:00pm, with a reception from 3:00pm-5:00pm  
Location: Washington Athletic Club, Seattle, WA

Ms. Donahue asked that any questions on the project be directed to Ms. Cumbo.

### **Amara Family Court Project**

Ms. Megan Walton, Director of Strategic Partnerships at Amara, provided an update on the Family Court project.

### **Children’s Representation Workgroup**

Mr. Patrick Dowd provided an update. Chaired by Lisa Kelly, the group also includes members from DSHS, AGO, Columbia Legal Services, OCFO, CASA, OCLA, Washington Defense Association, Foster Parents Association, OPD, CCYJ, and counsel for the Lummi Tribe. The purpose of the workgroup is to review barriers for children in dependency and termination hearings who are requesting counsel, as well as barriers to individuals who make referrals for the those children.

The charge specifically asks for recommendations on the following:

1. Informing Children and Youth of their Right to Request Counsel
2. Facilitating the Representation of Children for Purposes of Moving for Appointment of Counsel at Public Expense
3. Facilitating the Requests for Appointment of Counsel
4. Facilitating the Attorney-Client Relationship for Represented Children Bringing Motions
5. Discovery
6. Positions with Respect to Motions for Appointment of Counsel
7. Communication between Limited Appointment Attorneys for Children and Caregivers
8. The Rights of Children with Disabilities and Very Young Children

The workgroup met March 6 and May 8. They reviewed the relevant statutes to the charge and broke into three subcommittees – Children’s and Parent’s, Department/AGO, and CASA – to begin addressing specific recommendation areas.

The May 8<sup>th</sup> meeting ended with a decision to review and edit of documents online. The next workgroup meeting is set for Monday, June 1<sup>st</sup>.

### **New Business**

Ms. Hillary Madsen updated the Commission on the passage of the Youth Equality and Reintegration Act (YEAR Act – ESSB 5564). The YEAR Act’s key reforms are primarily founded in Record Sealing, Legal Financial Obligations, and Restitution for Youthful Offenders.

Adjourned at 3:15pm



## Tribal State Court Consortium

The Tribal State Court Consortium (TSCC) is a joint effort between state and tribal court judicial officers and other judicial branch members in an effort to expand communication and collaboration. Additionally, the TSCC provides an open, transparent forum where state and tribal court judicial officers can come together and discuss jurisdictional issues, gaps in services, and ways to develop lasting partnerships. The TSCC began meeting in 2013 and is focusing its efforts on domestic violence and sexual assault issues, dependency cases involving Indian children, and the disproportionate number of Indian youth in the juvenile justice system.

- **Annual Meetings**  
Held in conjunction with Washington State Judicial Conference held in the fall of each year.
- **Regional Meetings**  
2-3 regional meetings will be held each year, hosted by tribal judges, where judges in that area will develop relationships and work on issues specific to their region.
- **Tribal Court inclusion on State Court Commissions and Committees**
  - Supreme Court includes tribal court judges on the Gender and Justice Commission and Minority and Justice Commission.
  - Superior Court Judges Association (SCJA) Family and Juvenile Law Committee has tribal liaison positions, and the SCJA Board will appoint a tribal liaison this year.
  - Court Improvement Program Steering Committee regarding child welfare includes a tribal member.
  - One Family One Team Planning and Design Committee included tribal participation in developing the project proposal recently provided to the legislature.
- **Training**
  - Court Improvement Training Academy dependency trainings are including tribal court judges.
  - Two tribal court judges are working with state court judges to present a plenary session at the Superior Court Judges Association Spring Conference.
  - Indian Child Welfare Summit held in 2014 and planning for 2016.
- **Challenges**
  - Keeping contact information current to assist communication flow between state and tribal court judges.
  - Pro tem reimbursement not available for tribal court judges to attend meetings and trainings.
  - Need sustainable funding source for staff support and logistical needs for meetings. Currently piecing together with various grants, based on the subject matter of the meeting.
  - Determining which tribes have access to judicial/law enforcement databases and who needs access.

TSCC Website: <http://www.courts.wa.gov/?fa=home.sub&org=tscc&page=main>



**Office of the Family and Children's Ombuds**  
*An Independent Voice for Families and Children*

**Presentation to the Supreme Court  
 Commission on Children and Youth in  
 Foster Care**  
 March 21, 2016

Patrick Dowd, Director

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**OVERVIEW OF PRESENTATION**

- ❑ **Children's Representation Workgroup –Implementation of RCW 13.34.100(7)**
  - Background & Purpose of Workgroup
  - Barriers to Consensus
  - Areas of Agreement
  - Next Steps
- ❑ **Office of the Family and Children's Ombuds**
  - Summary of 2015 Annual Report
  - Current Projects
    - Child Fatality and Critical Incident Report
    - Group Care Report

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**Children's Representation Workgroup**

**RCW 13.34.100 Key Provisions**

- Attorney appointed to represent children 6 months post-termination
- The court may appoint an attorney for a child (no age restriction) earlier in the proceeding
- Any individual may refer child to an attorney OR retain an attorney, for the purpose of bringing a motion for appointment of counsel

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### Children's Representation Workgroup

**Purpose-** Develop consensus recommendations regarding policies addressing:

- > Role of AAG, caseworkers, and CASA in assisting children obtain legal representation
- > Motions for appointment of counsel
- > Caregivers or others who wish to retain counsel for a child or refer child for appointment
- > Attorney-Client Privilege

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### Children's Representation Workgroup

**Purpose (cont'd)**

- > Needs of children with significant disabilities
- > Discovery requests related to motions for appointment of counsel
- > Attorney access to a child for the purpose of preparing motion for appointment
- > Transportation for children to meet with an attorney

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### Children's Representation Workgroup

**Barriers to Consensus** -Confidentiality requirements and interpretation of RCW. 13.50.100

- > Records are confidential and shall be released only pursuant to this statute
- > A juvenile or the juvenile's attorney shall upon request, be given access to records and information which pertain to the juvenile

Workgroup representatives did not agree on point in representation an attorney could obtain records and information

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### Children's Representation Workgroup

#### Confidentiality Issue- Impact:

- > Caregiver's ability to share information
- > Access to basic case information
- > Access to the child
- > Access to records and information necessary to prepare motion for appointment

However, amendments regarding appointment of counsel do not "change or alter the confidentiality provisions of RCW 13.50.100"

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### Children's Representation Workgroup

#### Consensus Recommendations

- > The Department will provide information to caregivers about the rights of children to request legal representation.
- > The Department will provide information to case workers and social work supervisors about the rights of children and others under RCW 13.34.100(7).
- > CASA/GAL will provide contact information for a central clearinghouse that will handle referrals to available resources. (OCLA)

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### Children's Representation Workgroup

#### Consensus Recommendations (cont'd)

- > When an attorney has been retained to file a motion for appointment of counsel for a child, the attorney will provide the AGO/Department with a letter indicating that s/he has been retained for this purpose.
- > Upon receipt of the letter, the AGO/Department will provide that attorney with basic case information to enable the attorney to do conflicts checks and file an NOLA in the child's case.

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### Children's Representation Workgroup

#### Consensus Recommendations (cont'd)

- > Meetings between the child and the child's counsel should take into account the needs of children. The Department may help facilitate this contact by communicating the need for the attorney to meet in private with the child to the child's caregiver. By agreeing to facilitate the Department is not agreeing to transport all foster children to meet with their attorneys.
- > Policies developed herein apply with equal force and effect to all children, without respect to cognitive ability or disability.

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### Children's Representation Workgroup

#### Major Areas where Consensus not achieved

- > Whether caregivers should be able to share information in order to refer or retain an attorney for the child.
- > Whether the letter to the Dept./AGO should be sufficient to allow access to the child and to allow the caregiver to treat the attorney as they would a typical attorney for the child.
- > The Dept./AGO/CASA recommends that before accessing the child, discovery or any information beyond the basic case information, the attorney for the child should set a preliminary hearing before the judge, obtain permission to act for the child, and have the scope of discovery defined.

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### Children's Representation Workgroup

#### Next Steps for Consideration

- Formally adopt consensus recommendation to achieve consistent practice
- Develop strategies to overcome barriers

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## OFCCO 2015 Annual Report

- **694 complaints received in 2015** (32% increase from 2013) Majority of complaints come from parents and other family members
- 70% of children identified in complaints are age 9 or younger
- Top issues: **Separation and reunification of families** and the **safety of children living at home or in out-of-home care**

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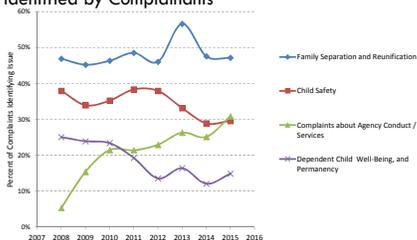
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## COMPLAINT ISSUES

Issues Identified by Complainants




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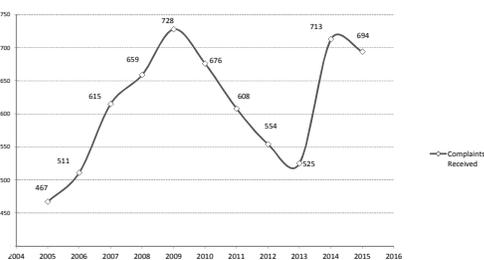
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## Complaints Received by Year




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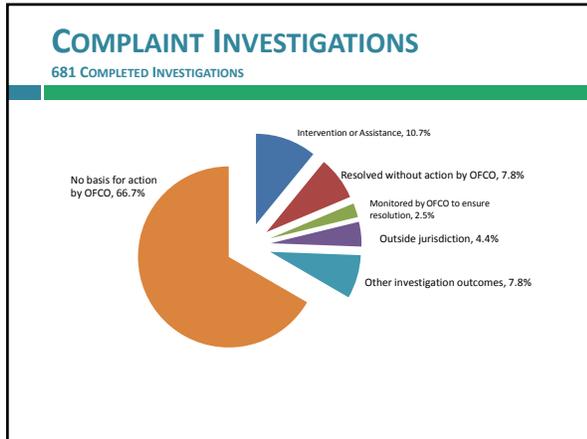
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- ### ADVERSE FINDINGS
- ❑ Of 681 completed investigations – **33 adverse findings**
  - ❑ **Top issues** for adverse findings:
    - ❑ Child Safety (14 findings)
    - ❑ Parents' rights (12 findings)
    - ❑ Family Separation and Reunification (2 findings)
  - ❑ **Interagency Agreement** – Enhanced Transparency and Accountability
  - ❑ OFCO received **3 requests from CA to modify the finding**. OFCO withdrew 1 finding.

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### SYSTEMIC ISSUES AND RECOMMENDATIONS

OFCO provides information, and recommendations to stakeholders and policymakers to improve the child welfare system, and testifies at legislative hearings concerning child welfare issues. Issues discussed in this report include:

- ❑ **Shortage of Foster and Residential Care Placement Resources**
  - ❑ Placement Exceptions and Motel Stays
  - ❑ Youth with Behavioral and Mental Health Needs
- ❑ **Family Assessment Response**

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### Placement Exceptions

From September 1, 2014 to August 31, 2015, OFCO received AIRS reports describing 120 placement exceptions involving 72 children. (116 motel stays)

Two awake DCFS workers supervised the children overnight.

**Regional Issue-** All but four of the placement exceptions were cases in Region 2: King County (57%); Snohomish County (20%); Skagit County (10%); and Whatcom County (8%).

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### Placement Exceptions

Nearly 60% are male

45% are 12-15 years of age

25% are 16- 17 years of age

44% have significant mental health needs

42% have a history of running from placements

42% previously stayed in group care or CRC

39% physically aggressive behaviors

15% sexually aggressive behaviors

30% substance abuse struggles

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### Children with Behavior and Mental Health Needs- Few options when parents cannot maintain child in the home

#### Common Factors:

- History of behavior posing risk to self or others
- Behavioral or mental health concerns
- Involved with multiple systems (education, juvenile court, child welfare, mental health)
- Safety threat to siblings and/or parents
- Parent is unable to secure placement through mental health system
- Parent refuses to pick up child from hospital or detention and/or transports child to homeless youth shelter

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### Shortage of Placements

- Provide an adequate range of residential placement options for children with mental health and behavioral needs.
- Identify gaps in placement and service resources.
- Establish effective protocols between state agencies to provide and expedite out-of-home care.
- Coordinate services with hospitals and other private agencies to provide appropriate placements in a timely manner.

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### Family Assessment Response

- Alternative to a traditional CPS investigation.  
Key features of FAR include:
- The department does not make an administrative finding as to whether or not child abuse or neglect occurred.
  - Parents sign their consent to participate in FAR, and receive a written explanation about FAR and their rights under this program.
  - Family involvement is voluntary and parents can opt for a CPS investigation.
  - CPS may change its response from FAR to an investigation based on new information that indicates a higher safety risk to the child.
  - A FAR case can be open up to 45 days, but can be extended up to 90 days if the parents agree.

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### Family Assessment Response

**Screening Decisions-** Designed for reports of child maltreatment that are low to moderate child safety risk. FAR is not intended to address reports of child abuse or neglect that pose a high safety risk, or that constitutes a criminal offense.

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### FAR –Screening Decisions

OFCO noted cases assigned to FAR with allegations of:

- ❑ Serious domestic violence
- ❑ Physical abuse of an 8 year old
- ❑ Sexual abuse of a 9 year old by parent's partner
- ❑ Sexual abuse of a 7 year old by an older sibling

CA policy change- All intakes alleging physical abuse of a child ages 0-3 years assigned for CPS investigation with 24 hour response.

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### FAR and Authority to Interview a Child

OFCO complaints identified confusion about FAR worker's ability to interview a child absent parental consent.

The preferred practice is to request a parent's permission, but it is not required if doing so would compromise the safety of the child or the integrity of the assessment.

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### FAR is not Available Statewide

The following thirteen offices have not yet implemented FAR:

**Region 1:** Toppenish, Wenatchee, Omak, Goldendale, Yakima

**Region 2:** King West, White Center, Everett, Bellingham, Kent

**Region 3:** Tumwater, Centralia, Shelton

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### FAR is not Available Statewide

**Practical Impact-** CPS report alleged child neglect related to the parent's alcohol abuse. After completing the investigation, CPS concluded that the allegation of child neglect was "founded." The CPS finding jeopardized the parent's employment working with vulnerable populations. The allegations in the CPS intake would have met the criteria for the FAR pathway, however FAR was not yet implemented in this CA office.

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### Family Assessment Response

CA has implemented the following changes since FAR's inception:

- Strengthened training for caseworkers on child safety;
- Changed policy to require a CPS investigation with a 24 hour response for allegations of physical abuse of children ages birth – three; and
- Revised policy to clarify that FAR caseworkers do not need to obtain a parent's permission prior to interviewing a child.

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### OFCO Current Activities

#### Critical Incident Reviews

- > Child Fatalities
- > Near Fatalities
- > Implementation Status of Child Fatality Review Recommendations

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### Critical Incident Reviews

From 2012-2015, OFCO examined 217 child fatalities:

- > 158 were either caused by child abuse or neglect, or child maltreatment may have contributed to the fatality.
  - > Child Maltreatment concerns 63%
  - > Physical Abuse 13%
  - > Neglect 24%
  - > 79% involved children under the age of three
  - > 65% were 12 months of age or younger

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### Critical Incident Reviews

Child Fatalities and Opioid Use

- > Opioid use has increased both nationally and in Washington State. There has also been an increase in the birth of substance exposed/affected infants.
- > From 2012 to 2015, OFCO identified 32 maltreatment related fatalities of children ages 0-3 years where a caregiver's opioid use was a known risk factor.

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### Group Care Report

OFCO duties and responsibilities include periodic review of licensed facilities

- > Mockingbird Society Initiative
- > 2016 Report to focus on BRS Group Care
- > BRS resources possibly related to placement exceptions

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## Group Care Report

### Preliminary Information

- > On average, 700 youth served in a given month in BRS placements.
- > Average length of stay in any one BRS placement is 11.5 months.
- > Upon entry and exit placement, agency conducts CFARS screening on each youth to measure increase/decrease in scores covering 16 different topics
- > Transition: Over the past 8 years 31.9% transitioned to a permanent placement; 46.2% transitioned to a less restrictive placement; 32.4% transitioned to another BRS placement; and 12.5% transitioned to a more restrictive placement.

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Office of the Family  
and Children's Ombuds  
An Independent Voice for Families and Children

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