



**Washington State Supreme Court
Commission on Children in Foster Care
May 16th, 2016
Meeting Minutes**

Members Present

Justice Bobbe Bridge (ret.), Washington State Supreme Court, Commission Co-Chair
Ms. Jana Heyd, Office of Public Defense (for Joanne Moore)
Mr. Jim Bamberger, Director, Office of Civil Legal Aid
Judge Kitty-Ann van Doorninck, Superior Court Judges' Association
Ms. Carrie Wayno, Attorney General's Office (for Bob Ferguson)
Ms. Tonia Morrison, Parent Advocate Representative
Ms. Jeannie Kee, Foster Youth Alumni Representative
Mr. Sabian Hart, Foster Youth in Care Representative
Mr. Ryan Murrey, Executive Director, Washington State CASA

Members Not Present

Dr. Dan Newell, Office of Superintendent of Public Instruction (for Randy Dorn)
Jennifer Strus, Assistant Secretary, Children's Administration, Commission Co-Chair
Senator Steve O'Ban, Washington State Senate
Kristy Healing, NW Intertribal Council
Mike Canfield, Co-Chair of Foster Parents Association of Washington
Rep. Ruth Kagi, Washington State House of Representatives

Guests

Ms. Jill Malat, Office of Civil Legal Aid
Ms. Andi Smith, Senior Policy Advisor – Governor's Office
Ms. Cindy Bricker, Sr. Court Program Analyst, AOC
Ms. Leah Nguyen, Youth Engagement Officer, Mockingbird Society
Mr. Fredrick Kingston, Director of Youth Programs, Mockingbird Society
Mr. Matt Orme, Senior Research Associate, Washington State Center for Court Research
Mr. Carl McCurley, Manager, Washington State Center for Court Research
Ms. Lisa Kelly, Professor, University of Washington Law
Judge Linda Krese, Superior Court Judge, Snohomish County

Staff Present

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

Call to Order

Justice Bridge called the meeting to order at 1:10pm. She welcomed all Commission members and guests and invited everyone to introduce themselves. Justice Bridge also informed the Commission that Ass't Secretary Strus could not attend the meeting and was unable to send someone to represent the Children's Administration.

Dependency Timeliness Report

Mr. Orme introduced himself to the Commission and reported the results of the Washington State Center for Court Research (WSCCR)'s 2015 Dependency Timeliness Report. He noted that, for every iteration, his team has been able to further refine and add more value to the annual Report. He also took a moment to thank Rachel Stanford, Mr. McCurley's administrative assistant, who put the Report together and contributed a significant amount to its creative look and feel. To see the details of the Report, please visit the Publications page of the WSCCR website and download the Report.

Ms. Morrison asked Mr. Orme if he thought there was an increase in front-end filings in Thurston County because they don't have FAR. Mr. Orme stated that King County and Pierce County both have FAR and they've also observed an increase in filings. He suggested that it might be the turnover rate and that the subsequent lack of legacy knowledge would interfere with processes running smoothly. Justice Bridge related the issues experienced in these three counties to the retention concerns that Ass't Secretary Strus has been speaking about.

Mr. Hart asked if there was potentially a correlation between the amount of time it takes to process filings and the number of reentries. Mr. Orme thought that was an interesting perspective and suggested that the increase in filings could be an issue of triage and premature placement.

Dr. McCurley followed Mr. Orme's presentation with a brief update on multi-system youth research. He reported on court by court results, explaining that the data included Becca cases and that the next step would be to see which youth are involved in both the Becca system and the juvenile justice system. WSCCR is currently in the process of hiring a replacement for Catherine Pickard.

Mr. Murrey asked if there was a way to see if exposure of juveniles to jail increases the likelihood of a youth having detention and juvenile offenses later. Mr. McCurley said that his team is exploring that idea and is looking at truancy and education data as well.

Mr. Orme mentioned that this is the first Report in which CA has been involved – providing a grant that sponsored a section of the Report. He also noted a trend that cases are intensifying and reentry cases are becoming more difficult; but the base number of cases are staying the same.

Foster Youth & Alumni Summit Discussion

Mr. Kingston gave the Commission an update on the progress of planning for the 10th annual Foster Youth and Alumni Summit. The upcoming Summit will be on Tuesday and Wednesday, August 2nd and 3rd at the University of Washington's Center for Urban Horticulture. The two day program will look fairly similar to last year. They are expecting a larger crowd than ever.

Three years ago, the Mockingbird Society added “ending homelessness” to their mission in order to reflect the intersectionality between child welfare and homelessness. Now, with the newly formed Office of Homeless Youth (OHY) and Youth Engagement, Advocacy and Housing (YEAH) groups, the Mockingbird Society is proposing that the OHY advisory board join the CCFC and that YEAH attends the Summit to present. Logistically, presentations would be made to the OHY and CCFC at the same time.

Judge Van Doorninck expressed her excitement about the idea of combining the presentations. Ms. Morrison noted that she was concerned about how the additional guests would affect the time duration of the Summit. Mr. Kingston assured her that the overall length of the program would be the same as they would adjust various elements to ensure adequate time for introducing the CCFC and OHY members.

Justice Bridge noted that there seemed to be no major concerns about the Mockingbird Society’s request and that the Commission would send Ms. Justice an invitation to the Commission’s Summit meeting.

Report on Guardianship Program in Snohomish County

Judge Krese prefaced her report to the Commission by explaining that the subject of her report is in litigation and an ongoing investigation, so she will be unable to comment on some areas. The Judge’s findings were made at a hearing open to the public. Case files are closed. The transcript of the ruling and judge’s decision is published online on the Snohomish County Court’s website.

The case involved a volunteer from the Guardianship Program who allegedly improperly accessed dependency cases. Issues also arose related to discovery and improper conduct by the Program in grievance cases. The complaint at hand is that confidentiality has not been maintained and that there is retaliation if complaints are filed despite the fact that the complaint process is supposed to be handled by judicial officers.

Ms. Wayno asked if Judge Krese knew when this pending case was going to be resolved. Judge Krese explained that it was hard to know since there are a lot of problems being addressed and many of them are systemic. Mr. Hart then asked for an explanation of grievance procedures and Judge Krese responded.

Mr. Murrey asked how King 5 got the hearing transcripts. Judge Krese told him that she didn’t know, adding that the situation is complicated further because the file is closed but the situation was brought to light in open court. She closed by stating that she would be happy to return and report more fully when the matter is concluded.

ChildRep Workgroup Recommendations & Discussion

Ms. Kelly reviewed the mission of the ChildRep Workgroup and expressed her thanks to Patrick Dowd for filling in when she wasn’t able to attend the last meeting. She said she hoped that this discussion would result in the Commission taking action on areas where everyone agrees and then have a conversation about how to address the disagreements in the interpretation of statutes and in policy and practice. Ms. Kelly also gave contextual data to reveal that these recommendations actually refer to a very small number of cases in Washington State.

Judge Van Doorninck asked for clarification on what the Commission's purpose is in addressing the Workgroup recommendations. Justice Bridge explained that we are either to approve the recommendations of our Workgroup or not. Judge Van Doorninck asked if these recommendations are already being implemented. Ms. Kelly responded that the UW Law Clinic has already filed a number of motions on these issues, but if the recommendations could be approved by the Commission, it would allow practitioners to share and publicize the recommendations. Ms. Wayno acknowledged that endorsement from the Commission would be the additional gravitas and lend more authority to the implementation recommendations. Justice Bridge added that the endorsement would also help to make the implementation more uniform.

Judge Van Doorninck moved to approve the agreed recommendations A-F. The motion was seconded by Mr. Murrey and no Commission members opposed. Justice Bridge stated that they would determine the best way to disseminate the recommendations at a later time.

Ms. Kelly then led a discussion on the disagreements within the Workgroup. The two issues of contention arise out of a disagreement in policy and practice and in statutory interpretation.

Judge Van Doorninck stated that the recommendations that have consensus were not difficult to agree on. She proposed that the Workgroup either continue working on the remaining issues or set aside these issues.

Ms. Malat responded that it would not be useful to reconvene the Workgroup as its members were deadlocked. She suggested that the Commission reiterate that this vague legislation does not solve the problem and that children who need to be appointed a lawyer get one during shelter care. Ms. Wayno added that the system needs one approach, that the approach taken by the Legislature does not currently help, and that it is difficult to come to consensus on proposals within the current context. Justice Bridge summed up the statements to state that the Commission's actions on the Workgroup recommendations would be to accept what the Workgroup has agreed on and also reiterate a positive statement from the original Workgroup's convening.

Mr. Hart asked if there were other states that implement attorney assignments for youth as soon as they need it and suggested that doing so would fund itself through fewer hearings and reentry. Justice Bridge explained that the problem with that argument is that the Legislature does not see the benefit come back for a few years, whereas the cost is immediate. Mr. Hart asked what the power the Workgroup has in this. Justice Bridge responded that the Workgroup and the Commission have the power of persuasion and that they can write an endorsement to support the recommendations and figure out the best way to disseminate the information.

Justice Bridge moved on to say that she would find the original language of the Commission's response to the Workgroup's first convening, share it with Commission members, and then revise as needed. Mr. Murrey shared that he was nervous about including what the Commission said before without reviewing it first and that he was worried about this move being used as a reaffirmation when this particular Workgroup was not intending for their work to be used as a reaffirmation. He felt comfortable as long as nothing was binding except for recommendations

A-F until the next Commission meeting. Justice Bridge stated that she would draft a response to the Workgroup recommendations before the next meeting.

Blue Ribbon Commission on the Department of Children and Families

Ms. Smith joined the Commission again to update the group on the progress of Governor Inslee's Blue Ribbon Commission on Children and Families. Tuesday, May 10th was the Blue Ribbon Commission's first meeting, with Judge Anne Levinson and Representative Ruth Kagi co-chairing the group. Representative Maureen Walsh, Senator Jeannie Danielle, Senator Judy Warnick, Pat Lashway from the DSHS, Ross Hunter from the Department of Early Learning, Jennifer Strus from the CA, Patrick Dowd from OFCO, Judge Kitty-Ann van Doorninck from the Superior Court Judges Association, Micah Kurtz of the Washington Federation of State Employees, Barbara Carr – a Juvenile Court administrator, Liz Mueller and Mel Tonasket – tribal representatives, Bryan Samuels – a child welfare expert, and Lawrence Berger – an economic issues expert, make up the membership of this Commission. The body will continue to meet on the second Tuesday of the month from 8:00 am – 4:00 pm.

The deadline for the Commission's Report to the Governor is November 1st, 2016. The discussion at the first meeting included determining relevant services and programs, the money spent on them, the FTEs involved and defining outcomes such as how Washington families are doing now and what do we need to improve on. Ultimately, the Commission will focus on normal developmental pathways for kids – with an emphasis on kids who are farthest away from opportunity – to protect and prevent rather than repair, and to potentially use educational attainment as a proxy of successful outcomes. The meeting was recorded and is available on the Blue Ribbon Commission's website.

The next meetings will be dedicated to panel presentations and discussions. The Commission also plans to continue to discuss the mission and vision statements, examining the context from other states that have undertaken a project like this.

Workgroups will operate outside of the meetings beginning in the next two weeks. The Blue Ribbon Commission currently has workgroups addressing the types of IT support systems a new department will need, how to creatively use the data they collect, fiscal mapping of current services, how to improve interactions between communities served and the state government. She also mentioned that individuals can sign up for updates on the website's listserv and that interested members of the public may also sign up to participate in case-study discussions. Ms. Smith admitted that this was a daunting task, but there are many opportunities to make change. She invited anyone with questions or with a desire to get involved to email her directly or to visit the website.

New Business

Reauthorization of the Court Improvement Program

Justice Bridge informed the commission that the Court Improvement Program ("CIP") will expire at the end of the current fiscal year, on September 30th, 2016. CIP funds support critical work in Washington State. The current Court Improvement Training Academy is held at the University of Washington and is led by Rob Wyman and Kelly Warner King. The training is for judges and attorneys who handle child welfare cases with the intent of improving efficiency and

effectiveness. The Tribal State Consortium, the Parents for Parents program, and the Dependency Timeliness Report are also programs funded by CIP money.

Justice Bridge urged the Commissioners to reach out to their constituents and encourage them to write a letter either as an organization or as an individual to our Congressional delegation. She noted that the Commission could send out addresses of delegates to assist in this effort. Ms. Bricker followed by offering to provide a synopsis on CIP with fact sheets and the CIP strategic plan. Mr. Kingston asked if there was a recommended timeframe for the Commission to respond. Justice Bridge responded that the funding is being discussed now and will continue to fall, so there is still some time.

The next meeting will be Wednesday, August 3rd at the Foster Youth and Alumni Summit at the UW Center for Urban Horticulture. Justice Bridge reminded everyone that they should all be in attendance and if they are unable to make the meeting, they should arrange for a representative.

Adjourned at 3:29pm by Justice Bridge.