



**Washington State Supreme Court
Commission on Children in Foster Care
March 19, 2018
Meeting Minutes**

Members Present

Justice Bobbe Bridge (ret.), Washington State Supreme Court, Commission Co-Chair
Ms. Connie Lambert-Eckel, Acting Assistant Secretary, Children's Administration, Commission Co-Chair
Mr. Mike Canfield, Co-Chair of Foster Parents Association of Washington State
Ms. Kristy Healing, NW Intertribal Council
Mr. Jim Bamberger, Office of Civil Legal Aid
Ms. Jill Malat, Office of Civil Legal Aid (designee for Jim Bamberger)
Ms. Tonia Morrison, Parent Advocate Representative
Mr. Ryan Murrey, Executive Director, Washington State CASA
Ms. Joanne Moore, Washington State Office of Public Defense
Mr. Martin Mueller, Office of Superintendent of Public Instruction (designee for Chris Reykdal)
Ms. Jeannie Kee, Foster Youth Alumni Representative
Mr. Sabian Hart, Foster Youth in Care Representative
Ms. Carrie Wayno, Attorney General's Office (designee for Bob Ferguson)

Members Not Present

Rep. Ruth Kagi, Washington State House of Representatives
Senator Steve O'Ban, Washington State Senate
Judge Kitty-Ann van Doorninck, Superior Court Judges' Association (designee for Judge Michael Downes)

Guests

Mr. David Del Villar, Sr. Policy Adviser, DSHS/Children's Administration
Ms. Cheryl Strange, Secretary of the Department of Social and Health Services
Dr. Shanna Alvarez, PhD Licensed Psychologist
Ms. Cindy Bricker, Sr. Court Program Analyst, AOC
Ms. Lorrie Thompson, Sr. Communications Officer, AOC
Ms. Lauren Frederick, The Mockingbird Society
Ms. Laurie Lippold, Partners for Our Children
Ms. Peggy Carlson, Office of Superintendent of Public Instruction
Mr. Patrick Dowd, Office of the Family and Children's Ombuds
Judge John R. Hickman, Pierce County Superior Court
Ms. Lisa Mansfield, Parent Attorney
Ms. Sally Mednansky, FJCIP Court Coordinator
Ms. Alissa Neuman, International Foster Care Alliance
Ms. Justine Mantz, International Foster Care Alliance
Ms. Miho Awazu, International Foster Care Alliance

Staff Present

Ms. Andie Uomoto, CCFC Staff Intern, Center for Children & Youth Justice
Ms. Nichole Kloepfer, AOC

Call to Order

Justice Bridge called the meeting to order at 1:03pm. She welcomed all Commission members and guests and invited everyone to introduce themselves.

Approval of Minutes

Justice Bridge invited a motion to approve the December 2017 minutes. Acting Assistant Secretary Connie Lambert-Eckel moved to approve the minutes. Mr. Ryan Murrey seconded the motion. The motion passed.

Announcements

Justice Bridge announced her retirement at the end of 2018. She explained she is in succession discussions with Chief Justice Mary Fairhurst and will keep the Commission updated as transition planning continues.

DSHS/Children's Administration Updates

Acting Assistant Secretary Connie Lambert-Eckel provided updates from DSHS's Children's Administration (CA).

Children's Administration continues to work closely with leadership from the Department of Children Youth and Families (DCYF) to prepare for the transition to the new department in July 2018. The development of DCYF's organizational chart is underway. Although the organizational chart is not yet complete, several executive positions were announced. Jody Becker was announced as the Deputy Secretary of Programs for Children and Families, Marybeth Queral as the Assistant Secretary of Programs for Adolescents and Heather Moss as the Deputy Secretary of Operations and Infrastructure. Acting Assistant Secretary Lambert-Eckel described her hope and desire to be announced as the Assistant Secretary of Child Welfare Field Operations.

CA met with Deloitte Consulting, the organization change management group identified to aid the transition to DCYF. Deloitte Consulting will conduct outreach efforts with CA staff to assess the current culture and identify concerns and communication patterns. These efforts will inform a detailed communication and leadership development plan.

DCYF continues their work to identify a Tribal Relations Director. The first round of interviews concluded and a finalist will be identified soon.

Acting Assistant Secretary Lambert-Eckel explained that the identification of executive leadership positions is the short-term focus and organization chart development will resume after the positions are confirmed. Part of the organization chart development work includes the decision to return to six regions with new regional administrators. Acting Assistant Secretary Lambert-Eckel explained that the Commission may receive an invitation to participate in the interview process to identify the new regional administrators.

Justice Bridge asked whether CA staff will physically move locations. Acting Assistant Secretary Lambert-Eckel explained staff under regional administrators will not move locations. However, program staff may shift locations to support the new regional structure. There is a

desire to bring together as many DCYF headquarters staff as possible to create a sense of family and unity. Acting Assistant Secretary Lambert-Eckel explained there are challenges finding real estate to accommodate the new headquarters. There are early discussions underway about using space in the Department of Enterprise Services building for approximately 120 staff. After determining which space DCYF headquarters will occupy, the next step is to identify which staff will move to the new space.

Acting Assistant Secretary Lambert-Eckel then announced she will be acting as the Interim Chief of Staff for DSHS while recruitment for a replacement occurs.

Legislative Update

Acting Assistant Secretary Lambert-Eckel updated the Commission about the most recent legislative session. She acknowledged the positive focus on child welfare this year. She expressed her gratitude to the Commission members involved with the initiatives supporting child welfare during session.

Mr. David Del Villar elaborated by explaining how the budget for DCYF was increased. He noted Representative Kagi was instrumental to passing many of the initiatives focused on child welfare. Notably, Representative Kagi helped pass EHB 2008 regarding behavioral rehabilitation services and court ordered child sibling visits. He explained the Governor took action on some child welfare focused legislation and anticipates the Governor will take further action on other pending items.

Justice Bridge opened the floor for discussion. Mr. Del Villar recognized Laurie Lippold as a strong advocate for child welfare.

Children's Representation Study Update

Ms. Jill Malat shared updates from the Office of Civil Legal Aid Children's Representation Study. Senate Bill 5890 was passed last legislative session that mandated a study of the impact of appointment of lawyers for all children at Shelter Care hearings in two Washington State counties. The two counties identified will be compared to two control counties. The Washington Center for Court Research will conduct the study. The counties selected to require legal representation were Grant and Lewis County, Douglas and Whatcom counties as the control counties. These counties were chosen to reflect both Eastern and Western Washington and to provide a sample size sufficient to provide data for sufficient analysis. The goal of the study is to determine whether children with attorneys will have different outcomes than those without legal representation. The outcomes will be measured by wellbeing and time to permanency.

Ms. Malat explained further that the legislation required the formation of an advisory group to assist in developing the outcome indicators of the study. The advisory group consists of foster youth alumni, two legislators, Laurie Lippold, a representative from Columbia Legal Services, a representative from the Court Improvement Training Academy, and judicial officers.

Ms. Malat then described the indicators for the study. Twenty-five indicators were developed for the study. OCLA is working with CA and OSPI to create a data sharing agreement. The number of final indicators may change as a result of the data sharing agreement. In addition to

administrative data collected from CA and OSPI, the study will also conduct youth surveys, focus groups, judge surveys, and attorney surveys.

Ms. Malat then explained there are six study attorneys. Three reside in Grant County and three reside in Lewis County. They are experienced attorneys with some having over twenty years' experience. Grant County uses a team-based model to collaboratively manage their caseloads.

OCLA conducted a full day intensive training with the study attorneys. The training covered topics such as the culture of foster care, representing pre-verbal children, and interacting with young children. In addition, there was a full day race-equity training.

Ms. Malat then shared anecdotal evidence emerging from the study. In one case, a group of Latino children were removed, but not all siblings could be placed together due to a Behavioral Rehabilitation Services placement recommendation. The child stayed at a Crisis Residential Center for seven weeks pending a BRS placement determination. The child was found not to need a BRS placement and the attorney motioned to have the child placed with his siblings in their grandfather's care. In another case involving infant twins, the attorney met with the children before other professionals were able to and discovered the child needed an urgent medical procedure. The attorney was able to contact the social worker to get approval for the procedure.

Justice Bridge then opened the floor for questions. Ms. Joanne Moore asked how many cases the study expects to examine and when the report of findings is due. Ms. Malat answered the study anticipates approximately 300 cases with a report due by December 2019. Mr. Sabian Hart asked if differences between the counties are emerging. Ms. Malat responded by noting Grant County operates primarily by attorneys filing motions to make progress. She also explained that Lewis County judges are not as receptive to attorney arguments as other counties and may need to use different approaches. Justice Bridge then asked whether CASAs will be surveyed in the study. Ms. Malat agreed that CASA input would be valuable. Mr. Hart asked whether the control counties have CASA representation. Mr. Murrey explained that Douglas County has CASAs, Whatcom County has 40 volunteers representing approximately 20% of cases plus contracted guardian ad litem. Ms. Tonia Morrison asked if a birth parent advocate is part of the advisory group. Ms. Malat explained there is not a birth parent advocate, nor a parent attorney representative, but is happy to reach out about this question.

Foster Parent Rights and Responsibilities

Mr. Mike Canfield shared updates about recent efforts to establish a Foster Parents Bill of Rights. He first explained that the Foster Parents Association of Washington State (FPAWS) supports and advocates on behalf of foster parents in Washington State. He explained that FPAWS previously led an initiative to unionize foster parents as a way to formalize foster parents' contribution to a child's case. In response, Representative Kagi suggested legislation (then House Bill 1624) that required Children's Administration to meet with foster parent representatives on a regular basis. The Children's Administration Foster Parent Consultation Team have since collaborated on many "tweaks" to the child welfare system.

Recently, a group of foster parents suggested to the "HB 1624" Committee to pursue more evidence-based initiatives. One such item is the role of foster parents in case management.

FPAWS advocates to enforce current law, specifically to involve foster parents in a child's case management team.

Mr. Canfield then introduced Dr. Shanna Alvarez, PhD Licensed Psychologist, one of the foster parent researchers involved with advocating for foster parent involvement in case management. Dr. Alvarez began by explaining how the CA Foster Parent Consultation Team developed their current workgroup priorities. Their primary focus is to address foster parent retention. Dr. Alvarez distributed a mixed methods survey to foster parents to collect their opinions about barriers to foster parent retention. 900 foster parents participated in the survey. The "HB 1624 Committee" committed to the foster parents that they would report what the foster parents indicated as concerns and focus attention on addressing those issues.

The first barrier to retention overwhelmingly identified by foster parents was timeline to permanency. Foster parents reported that long-term placements were common and the child welfare system does not evolve as the foster family evolves. Many families initially became foster families to provide short-term care. These families felt frustrated that as children stayed in their care for longer periods of time that the weight of their opinion did not also increase over time.

The researchers then examined barriers to permanency. The researchers worked with CA, the AG's office, and the AOC to try to identify causes of delays from permanency plan to establishing permanency in the later phases of a case. The researchers worked with CA to create a document outlining the 32 steps in the later phases of a case - 15 months in out-of-home placement to established permanency. This process helped foster parents gain more information about the process and promoted appreciation for the complexity of this phase of a case. The researchers then created research questions for each of the 32 steps to identify existing data about the step, how long each step takes and where any breakdowns in the process might occur. From this investigation, recommendations will be created to address improvements in each specific step in the process.

Dr. Alvarez then opened the floor for questions about her presentation. Ms. Morrison asked for clarification about the focus on short-term placement versus the process to permanency 15 months later. Ms. Morrison noted the first 12 months are usually efforts to reunify. Dr. Alvarez clarified that the survey detailed reunification as the first goal. She further explained that foster parents felt even if reunification was the primary permanency plan, they wanted more of a voice in the decision-making process. Ms. Morrison asked whether the foster parents wanted a bigger voice than the current standard practice of sending reports to the Family Team Decision Making Meetings and the courts. Dr. Alvarez responded affirmatively.

Mr. Hart then asked for clarification of Dr. Alvarez's definition of "voice". Mr. Hart explained that his interpretation of "voice" was that foster parents would have increased decision-making power in the permanency planning process. Mr. Canfield clarified the foster parents want their opinion to increase in weight as a child stays in their care longer. Foster parents feel their opinions are treated the same whether the child was in their care for one month or two years. He explained that foster parents want to be more involved as time passes, including during reunification (e.g. as a parent mentor or community resources). Foster parents also want to be engaged early in the process, especially with more information.

Dr. Alvarez added that another area of concern was preventing long-term placement disruptions. Foster parents expressed frustration that administrative placement disruptions are traumatic for children. Foster parents expressed a desire to maintain placement stability as much as possible while a child awaits reunification.

Mr. Murrey asked for clarification about the findings regarding attachment. He noted attachment research concerns whether children can make an attachment at all, not necessarily with a specific person. Dr. Alvarez agreed and clarified the next step in their research process was to highlight how placement disruptions interrupt healthy attachments and can be traumatic for children. The intent is to investigate how to prevent placement disruptions.

Ms. Kristy Healing then asked for clarification about what is meant by an administrative disruption. Dr. Alvarez gave an example of an administrative disruption as a lack of resources for early kin placement identification, which then results in a placement change later in the case when a kin member is discovered. Mr. Canfield gave an additional example of foster families who are not adoptive homes having a child in their care for an extended period of time and being pressured to become an adoptive resource for the child. Then, a placement change occurs when a foster-adopt home is identified.

Ms. Healing noted that the situations described may not be reflective of the experiences or speak to the best interests of children with native affiliation. She noted indigenous people who likely respond differently to the caregiver survey. Dr. Alvarez gave further information about a workgroup designed to increase caregiver knowledge about the relative kin search process and the continuous process of searching for relatives as placement options. She explained they emphasize the importance of the relative kin search process for native children.

Ms. Moore asked about the research on foster parent and birth parent relationship efforts. Mr. Canfield replied that efforts to enhance foster parent and birth parent relationships have never been stronger. FPAWS is able to support foster families and foster families can act as mentors to birth families. He noted that only 20% of foster families become foster parents to do foster care. The remaining 80% become foster parents to eventually adopt and may need more support to solidify their identity as a foster family first.

Ms. Malat then shared that she appreciated the child-centric focus of the research - focus on increasing foster parent retention and timely identification of kinship placement. She asked Dr. Alvarez to confirm whether the foster parents' focus was not to keep children in their care but rather to focus on their emotional well-being and placement stability. Dr. Alvarez confirmed that their focus is on stability, preventing unnecessary placement disruption, recognizing placement disruptions as traumatic, and timely identification of kinship caregivers.

Mr. Murrey then commented that the recommendations cited in the report assigned responsibility to stakeholders other than foster parents and asked whether recommendations involving foster parent actions would be considered. Dr. Alvarez explained one recommendation includes increased training for foster parents regarding relative search processes. Mr. Canfield added that there is little emphasis on training for foster parents and little consequences for not completing the required training hours. He also added that FPAWS conducts efforts to get more training to foster parents. Acting Assistant Secretary Lambert-Eckel noted that the current legislative session brought changes to make training more accessible to foster parents and relative

caregivers, especially through online platforms. She also noted that Washington State has the most licensed foster care providers since 2008 at 5,000 families. Although there is still a shortage of foster homes, especially specialized and therapeutic homes, Acting Assistant Secretary Lambert-Eckel is optimistic about the progress made over the years. Mr. Canfield added the need for experienced foster parents to connect with less experienced foster parents for support and enhanced understanding of the duties of a foster family.

Dr. Alvarez concluded by highlighting the importance of multiple sources of support including birth parents, foster parents and kinship caregivers. She welcomed Commissioners to contact her with further questions or requests for additional information.

Reunification Day Steering Committee

Ms. Moore provided an update from the Reunification Day committee created during the previous Commission meeting. She reminded the group that interest in Reunification Day began from a similar effort surrounding Adoption Day. Ms. Lorrie Thompson, Ms. Cindy Bricker and Ms. Moore convened to plan an event for the upcoming June Reunification Week. They identified people willing to serve on the Reunification Committee. The members are:

- Darren Acoba, OPD Parents Representation Program Manager, Washington State Office of Public Defense
- Judge Jeffrey Basset, Kitsap County Superior Court
- Terren Beeman, Spokane Parent Ally
- Cindy Bricker, Court Improvement Program, Administrative Office of the Courts
- Attorney General's Office Designee
- CASA Program Designee – To be determined
- Jill Malat, Office of Civil Legal Aid, Children's Representation Program
- Tonia McClanahan, Parent Engagement Coordinator, Thurston, Mason, and Lewis Counties
- Joanne Moore, Director, Washington State Office of Public Defense
- Brandy Otto, Children's Administration
- Commissioner Michelle Ressa, Spokane County Superior Court
- Lorrie Thompson, Office of Communication and Public Outreach, Administrative Office of the Courts

There are existing Reunification Day celebrations in courts around Washington State such as Clark, King, Kitsap, Mason, Snohomish, Spokane, Thurston and Yakima Counties. The committee will also discuss ways to support prospective hosts of new celebrations. To support these celebrations, the committee will focus on increasing media attention on the events. The committee also discussed creating a poster, requesting a Governor's proclamation, and offering support for local groups.

Mr. Hart suggested the committee use resources from Mockingbird and FosterClub. Ms. Thompson added a suggestion to create a proclamation through the Supreme Court and the Commission. She also suggested the Commission write op-ed pieces for various newspapers throughout the state. Ms. Thompson expressed the purpose of the media coverage is to underscore the needs of child welfare involved children and families, foster parents, and professionals. Acting Assistant Secretary Lambert-Eckel agreed with Ms. Thompson and added

the celebration could be a means of giving communities hope, and changing the narrative about child welfare by highlighting most children and youth reunify with their biological families. She also suggested using press releases as a means to spread the message of Reunification Day. Mr. Canfield added “Family Day with the Mariners” would be another venue to invite biological parents to celebrate reunification. Ms. Morrison recommended that law enforcement be invited to celebration events.

Ms. Moore requested a formal endorsement from the Commission to change the title of Reunification Day to “Family Reunification Day” to avoid confusion with other historical events. Justice Bridge moved to change the title to “Family Reunification Day”. Mr. Murrey seconded. The change was passed.

Sex Education for Youth in Foster Care

Justice Bridge began by summarizing the formation of the Normalcy Workgroup and its role in addressing sex education for youth in foster care. In 2015, the Spokane chapter of the Mockingbird Society identified the need for medically accurate, comprehensive sex education for youth in foster care. A determination was made that this request did not require legislative action and the focus should be on policy change. After a year hiatus due to staff changes, the workgroup is restarting the work on this task.

Ms. Kee reported the workgroup membership expanded to include new alumni of care representatives from Passion to Action, Mockingbird and the International Foster Care Alliance. A foster parent representative has yet to be identified. At the first sex education workgroup meeting, members discussed the venue to provide a sex education curriculum. OSPI or Coordinated Care were identified as potential providers. A second meeting is scheduled and a variety of community partners are invited to provide input.

Ms. Kee then explained the workgroup reached consensus on the need for a medically accurate and trauma-informed curriculum that also addresses unique considerations for LGBTQ+ youth.

Mr. Martin Mueller added that OSPI previously thought about engaging with Coordinated Care to provide sex education to youth. Ms. Peggy Carlson explained that Coordinated Care provides training for foster parents about having conversations related to sex education, but not medically specific information for youth. Coordinated Care is invited to the next workgroup meeting to provide further input.

Secretary Strange Introduction and Priorities for DCYF

Justice Bridge introduced Secretary Cheryl Strange to the Commission. Secretary Strange thanked the Commission for inviting her to the meeting. She began by recognizing and thanking Acting Assistant Secretary Lambert-Eckel for agreeing to be the Interim Chief of Staff for DSHS and her leadership in the transition to DCYF.

Secretary Strange highlighted the upcoming transition to DCYF (in 100 days) and the transition of the Department of Behavioral Health and Recovery to the Health Care Authority and Department of Health at the same timeframe. Secretary Strange explained her priority is to ensure a smooth transition in both instances. She said her goal is to ensure that policy and

practice are connected as the moves occur. She also wants to reassure staff and the public that the transitions are a good opportunity with strong leadership.

Secretary Strange explained DSHS will remain connected with the new department, especially concerning children's mental health, child care, and employment services. Secretary Strange will have other areas of focus beyond the transition to DCYF such as ensuring a strong provider network for the aging population of Washington State and funding and maintaining the three state hospitals.

2017 Office of the Family & Children's Ombuds Annual Report

Mr. Patrick Dowd provided an overview of the Office of the Family & Children's Ombuds (OFCO) Annual Report. Mr. Dowd began by providing background information on OFCO. OFCO includes the Director, four Ombuds (two MSWs and two attorneys) and one special projects/database administrator. OFCO provides independent oversight of the child welfare system. They provide independent, impartial and confidential review of Department actions or conduct. They investigate complaints, induce DSHS to change problematic decisions and recommend system-wide improvements to the Legislature and the Governor. OFCO also conducts Critical Incident Reviews that investigate child fatalities and fear fatalities, recurrent maltreatment, and report on implementation of child fatality review recommendations. OFCO was recently charged with the responsibility of establishing an Oversight Board for DCYF.

Mr. Dowd then summarized the number of complaints received by OFCO over the last ten years. Between 2013 and 2017, the number of complaints increased from 525 complaints to 917. Mr. Dowd noted the increase correlates with the time the complaint form became available online.

Mr. Dowd then explained the process of receiving and investigating complaints. When a complaint is received, it is determined whether the complaint is emergent. The risk to a child's safety and time sensitivity is considered. OFCO is required to maintain the confidentiality of the person making the complaint and well as the information OFCO obtains during the investigation. OFCO has the right to access CA's case management system and CA has been very responsive to inquiries from OFCO. OFCO's reports and records are not admissible in court proceedings, allowing the resolution of issues without the possibility of litigation.

Mr. Dowd then explained the standard of review for an investigation. The investigation aims to answer whether the alleged action or conduct occur. If so, the investigation answers whether the alleged action or conduct was in violation of State laws, court order or agency policies. OFCO ensures that the Department conducts business in compliance with their policies, not to act as an advocate for the complainant. The investigation recognizes the wide latitude afforded to the Department but will take action if the Department is acting in an unreasonable manner. However, a factual basis to support this conclusion is needed and these instances are rare.

Mr. Dowd then summarized findings from investigations in 2017. OFCO completed 956 investigations in 2017. The majority (50.5%) of the cases were determined to have no basis for further action. Mr. Dowd explained that in the cases with no basis for further action, OFCO serves an important role of letting the Department and complainant know from an independent and objective source that the Department is conducting business as they should.

Of the investigations deemed requiring intervention or assistance, there were 52 adverse findings from approximately 36 complaints. An adverse finding means OFCO found evidence of a violated policy or law and harm or potential for harm occurred. Top issues cited in the adverse findings include child safety, parents' rights, foster parent/relative caregiver concerns and family separate and reunification. Mr. Dowd explained the formal process of reporting adverse findings to the Department. A summary of the law or policies in violation and the factual basis supporting the finding is provided. The Department can respond in writing and has the opportunity to ask for a revision to the finding.

Mr. Dowd then described the process for investigating child fatalities and near fatalities. OFCO reviews child fatalities where the family was involved with the child welfare system within the past year. This involvement can include those families screened out at the initial referral. In 2016, OFCO was notified of 63 child fatalities and 28 near fatalities. From these notifications, OFCO determines which cases require an Executive Child Fatality and Near Fatality Review. The review team is convened by CA in cases when the child's death is attributed to abuse or neglect. Mr. Dowd explained that younger children are the most at risk. Contributing risk factors in families include substance use, domestic violence, and mental health issues. Unsafe sleeping behaviors continue to be an ongoing concern. The Department has implemented many recommendations to improve sleeping practices such as conducting safe sleep assessments and providing information on PURPLE Crying.

The Department implemented 78% of the recommendations resulting from child fatality and near fatality reviews. These recommendations can be very case-specific or have statewide implications. When the Department cannot implement a recommendation, a written explanation of their rationale is provided.

Mr. Dowd then explained the Oversight Board created for DCYF. The Oversight Board will consist of four legislators, one representative from the Governor's Office, four subject matter experts and nine different representatives from the child welfare system. The first meeting will occur on or after July 1st.

Mr. Dowd then summarized recent complaints from foster parents. In December 2016, a town hall meeting was convened to discuss hotel stays for children in foster care and feelings of foster parent retaliation. OFCO investigated the foster parent retaliation concerns. Upon investigation, most foster parents report having a positive experience, but also report feeling retaliated against. However, OFCO did not receive significant formal complaints from foster parents regarding retaliation. When asked, foster parents responded feeling wary of making a complaint for fear of further retaliation. A common complaint expressed by foster parents was receiving a threat or inference of removing a child from their care if the foster parents are not supportive of and object to the identified case plan.

Mr. Dowd ended by highlighting the definition of "reprisal", "protected activities", and explaining the process of investigating retaliation complaints. An investigation seeks to answer whether the foster parent was engaged in a "protected activity", whether the Department took action that was harmful to the foster parent, and whether the Department's action was in "reprisal" for the foster parent engaging in a protected activity. Mr. Dowd noted the difficult nuances in investigating these complaints and the tension sometimes experienced between foster

parents and the Department. He noted the report includes recommendations for the Department to improve communication (also included in legislative action).

Pierce County “Baby Court” Project Presentation

Representatives from the Pierce County “Safe Babies Court” Project gave a presentation about their program. Representatives included Judge R. Hickman, Pierce County Superior Court, Ms. Lisa Mansfield, Parent Attorney, and Ms. Sally Mednansky, FJCIP Court Coordinator. Judge Hickman began by introducing himself, his colleagues and the “Safe Babies Court”.

Judge Hickman explained he is the presiding judge of the Safe Babies Court special docket that serves infants zero to three years old with the goal of providing early intervention. Ms. Medansky further explained the program began in October 2016 and has since served 15 infants and toddlers resulting in five reunifications and two adoptions.

Ms. Medansky gave an overview of the rationale behind focusing on the zero to three age group for the special docket. She explained that nationally, one-third of all children entering foster care are age birth to three years old. 81.6% of child fatalities in foster care occur under age four. Further, infants and toddlers have a lower rate of reunification, a greater risk of developmental delays and serious physical health problems. The Safe Babies Court Team uses twelve components in alignment with similar courts across the country. The components include:

- Judicial leadership – more frequent review hearings
- Active team focused on long-term outcomes
- Coordinated and timely services for babies
- Attention to attachment
- Focus on healthy brain development
- Placement and concurrent planning
- Increased family time (e.g. visitation)
- Regular Community Advisory Team staffings to foster collaboration

Ms. Medansky summarized outcomes for children in similar courts across the country. Research shows that children served by the Safe Babies Court Teams exited the foster care system approximately one year earlier than children in the comparison group. Children are also more likely to reach permanency with a member of their biological family (relative placement).

Ms. Medansky then explained details and outcomes of Pierce County’s Safe Babies Court. Pierce County’s Baby Court uses a team approach with AAG’s, dedicated Safe Babies Court social workers, parent attorneys, CASAs who are specially trained for working with infants and toddlers, and infant mental health specialists. The Safe Babies Court has a Community Advisory Team with members who work in early learning, infant mental health specialists, parents, and caregivers. Case staffing meetings occur every six to eight weeks with parents and caregivers. Reunifications occurred on average in 9.8 months.

Judge Hickman then provided his perspective on the program. He explained judicial leadership is key to bring people together towards a common goal and enabled the program to develop from plan to implementation within six to seven months. He noted the creation of the Safe Babies Court was a collaborative effort between dedicated social workers, attorney generals, guardian ad litem, and CASA volunteers. He described the differences between the Safe Babies Court and

typical Dependency Court. Safe Babies Court is limited to 20 cases with reviews every 60 days. There is a dedicated staff that stay with a case from beginning to end. There is a treatment coalition, including a representative from the Nurse-Family Partnership that meet monthly with the parent and child in a collaborative, non-adversarial manner. Safe Babies Court is more child-focused than typical Dependency Court with more time spent on each case and developing relationships between foster and birth parents. Safe Babies Court is less focused on parent sobriety than Family Recovery Court as well, but is not meant to be a “fast-track” to adoption if sobriety remains a concern. Judge Hickman further explained no additional money was spent by using existing staff to create the special Friday afternoon docket that had not existed prior. He hopes new jurisdictions consider implementing their own Safe Babies Court.

Ms. Morrison asked whether the parent or child files with the court. Judge Hickman explained that Safe Babies Court operates like a typical Dependency Court where the parent opts-in to the special program with more services. Ms. Medansky explained the exclusion criteria for Baby Court are parents with severe mental illness, an ongoing criminal investigation and sibling groups larger than three.

Mr. Hart asked about the time to permanency with Safe Babies Court. He asked whether children age zero to three experience faster time to permanency in general. Ms. Medansky answered that legally free children ages zero to three tend to have a shorter time to permanency, however younger children tend to linger longer in foster care.

Ms. Malat asked whether parents need to agree to a dependency to participate in Safe Babies Court. Judge Hickman confirmed parents need to agree to a dependency and ideally are offered Safe Babies Court during Shelter Care Hearings.

Ms. Mansfield then gave her perspective on Safe Babies Court as someone from the Department of Assigned Counsel. She praised the program for its respectful treatment of parents and the resulting responsiveness from parents. She noted the Community Advisory Team Meetings provide food and it often puts parents at ease. The collaborative efforts of the practitioners reduce adversarial relationships. She noted that the court is transparent and the expectations of parents are clear.

Justice Bridge opened the floor for questions. Ms. Healing noted the format and style of Safe Babies Court sounds similar to Tribal Court, but the success rate of Tribal Court is not the same. She asked whether the focus on the baby and placement of the baby is influential on the success rate. Ms. Mansfield agreed the transparent focus on the baby makes the expectations of the parents clear. Ms. Healing asked whether there are separate legal codes for Safe Babies Court. Judge Hickman explained Dependency Court rules apply and Safe Babies Court acts like a branch of Dependency Court. Ms. Healing pondered whether the pressure of federally mandated timelines to permanency impact parent behaviors. Ms. Mednansky agreed and noted the more frequent meetings help keep everyone accountable.

International Foster Care Alliance

Ms. Jeannie Kee introduced representatives from the International Foster Care Alliance (IFCA), a Washington State nonprofit that aims to improve the child welfare system in the United States and Japan. Youth co-directors Ms. Justine Mantz and Ms. Alissa Neuman, and Executive Director Ms. Miho Awazu, were in attendance to provide an introduction to IFCA.

Ms. Mantz explained IFCA was founded in 2012. IFCA bridges child welfare on a global level by providing opportunities for the United States and other countries to collaborate. IFCA is funded by the Tomodachi Foundation to provide youth empowerment programs for U.S. and Japanese alumni of care.

Ms. Mantz then described the Japanese foster care system. The vast majority of children and youth in the Japanese foster care system reside in large group facilities. By the time youth turn 15, they are often expected to pay rent in these facilities. High school is not mandatory in Japan and often places undue pressure on young people to exit the education system and to find employment. By age 18, youth age out of foster care but do not gain legal status as an adult until age 20. During this period, an adult is needed to sign for legal documents such as housing. Legislative change in Japan tends to be slow, youth voice is often not valued, and government leaders do not consider youth to be experts in child welfare.

Ms. Mantz then explained IFCA's programming. IFCA has three main program areas – youth, caregivers, and professionals. The youth program aims to strengthen youth voice and promote cross-cultural partnership. The caregiver program works with the Mockingbird Society to bring the Mockingbird Family Model to Japan. The professionals program trains therapists in Japan in TF-CBT. There have been over 400 professionals trained in TF-CBT thus far.

Ms. Neuman then elaborated on IFCA's youth program. IFCA has two youth teams – one in the United States and one in Japan. Youth from the United States are located in Seattle and California. Japanese youth are based in Tokyo and Fukuoka. These teams participate in an exchange program every year. In August, the Japan team travels to the United States to share information, learn about each other's system and participate in a learning collaborative. In September, the U.S. team travels to Japan to participate in trainings, tour group facilities, and promote normalcy and youth leadership.

Ms. Neuman then described IFCA's multi-lingual blog. The blog is the first multi-lingual foster care blog worldwide. Youth write on topics such as LGBTQ issues and normalcy. The blog provides an opportunity for youth to network with other youth worldwide with similar experiences.

IFCA also conducts a strategic sharing training developed by the Foster Youth Alumni of America. These trainings empower youth to tell their story about their child welfare experiences without oversharing or triggering distress in the storyteller. These trainings have been translated into Japanese and are also conducted overseas.

IFCA produced an annual youth publication with essays and stories written by young people. The newest volume includes a report the Japan team wrote about their experiences and was able

to present to the Japanese government. The report will also be presented at the U.N. Convention on the Rights of Children.

Ms. Mantz then described IFCA's future goals. IFCA hopes to expand their membership to more youth, cities, and countries. They hope to increase their blog presence and develop it into an international gathering space.

The floor was then opened to questions. Mr. Hart asked the age range for the youth programming. Ms. Neuman answered the age range is 17 to 27.

For the Good of the Order

Justice Bridge opened the floor for any additional items for the good of the order. Ms. Bricker announced that the Court Improvement Program grant was funded and thanked the Commission for their support.

Adjourned at 3:59pm by Justice Bridge.



**Washington State Supreme Court
Commission on Children in Foster Care
May 14, 2018
Meeting Minutes**

Members Present

Justice Bobbe Bridge (ret.), Washington State Supreme Court, Commission Co-Chair
Ms. Connie Lambert-Eckel, Acting Assistant Secretary, Children's Administration, Commission Co-Chair
Mr. Mike Canfield, Co-Chair of Foster Parents Association of Washington State
Ms. Raven Healing, NW Intertribal Council
Mr. Jim Bamberger, Office of Civil Legal Aid
Ms. Jill Malat, Office of Civil Legal Aid (designee for Jim Bamberger)
Ms. Tonia McClanahan, Parent Advocate Representative
Mr. Ryan Murrey, Executive Director, Washington State CASA
Ms. Joanne Moore, Washington State Office of Public Defense
Mr. Martin Mueller, Office of Superintendent of Public Instruction (designee for Chris Reykdal)
Ms. Jeannie Kee, Foster Youth Alumni Representative
Mr. Sabian Hart, Foster Youth in Care Representative
Ms. Carrie Wayno, Attorney General's Office (designee for Bob Ferguson)
Judge Kitty-Ann van Doorninck, Superior Court Judges' Association (designee for Judge Michael Downes)

Members Not Present

Rep. Ruth Kagi, Washington State House of Representatives
Senator Steve O'Ban, Washington State Senate

Guests

Ms. Cindy Bricker, Sr. Court Program Analyst, AOC
Ms. Lorrie Thompson, Sr. Communications Officer, AOC
Ms. Lauren Frederick, Public Policy and Advocacy Manager, The Mockingbird Society
Ms. Bri Winslow, Olympia Chapter Leader - Mockingbird Youth Network
Ms. Laurie Lippold, Director of Public Policy, Partners for Our Children
Ms. Peggy Carlson, Program Supervisor Foster Care Education, OSPI
Mr. Patrick Dowd, Director Ombuds, Office of the Family and Children's Ombuds
Mr. Matt Orme, Sr. Research Associate, Washington State Center for Court Research

Staff Present

Ms. Andie Uomoto, CCFC Staff Intern, Center for Children & Youth Justice
Ms. Nichole Kloepfer, AOC

Call to Order

Acting Assistant Secretary Connie Lambert-Eckel called the meeting to order at 1:02pm. She welcomed all Commission members and guests and invited everyone to introduce themselves.

DSHS/Children's Administration Updates

Acting Assistant Secretary Lambert-Eckel provided updates from DSHS's Children's Administration (CA).

Children's Administration continues to work closely with leadership from the Department of Children Youth and Families (DCYF) to prepare for the transition to the new department in July 2018. DCYF and CA continue development of DCYF's organizational chart. Staff are eager to learn where their role will fit into DCYF, and who their supervisors and leadership will be. Integrating multiple information technology and human resource departments is time consuming and requires careful attention. The organizational chart will be published in the near future.

The transition team is also working on a "tear-off" sheet for the first day of DCYF's operation. This "tear-off" sheet will allow staff to quickly reference who to contact for technology or human resource questions. The human resource department of DCYF is being constructed from "scratch" and will need to be fully operational by July 1, 2018. The Director of Human Resources was hired and is working to finalize the logistics of establishing the HR department.

The fiscal department is working hard to ensure a smooth transition to DCYF, including closing the fiscal year, setting up DCYF's payroll, and merging accounts of the two agencies. The field operations remain unchanged – the day-to-day tasks of social workers will not stop during the transition.

DCYF and CA continue to work with Deloitte Consulting, the organizational change management group. DCYF leadership continues to work towards a unified and renewed perspective of merging the two agencies. Acting Assistant Secretary Lambert-Eckel noted there is some tension among staff about the representation of CA in the organizational structure at the management level.

Most of the high level management positions have been filled, with one exception being the position historically known as the CA Director of Program and Policy. This position is being redefined as the Director of Child Welfare Services. This position is aligned with Secretary Hunter's vision of focusing less on program management and more focused on the facilitating and creating regional partnerships for a better service array. Secretary Hunter is interested in creating specialized positions focused on curating services for children and families, and increasing service capacity across the state.

Acting Assistant Secretary Lambert-Eckel will be able to hire a Deputy to her new role within DCYF, but the position has not yet been posted.

Acting Assistant Secretary Lambert-Eckel then opened the floor for questions. Mr. Jim Bamberger asked whether CA will keep its identity as CA within DCYF. Acting Assistant Secretary Lambert-Eckel responded that it is not yet clear, but CA will come to an end on June 30th. Acting Assistant Secretary Lambert-Eckel suspects the new identity of CA will be akin to the Division of Child Welfare Field Services.

Mr. Bamberger then asked who will take on the responsibility of addressing disproportionality in child welfare. Acting Assistant Secretary Lambert-Eckel responded by saying everyone will share the responsibility for addressing disproportionality. DCYF's Office of Innovation,

Alignment and Accountability will have the responsibility of curating services. The operations side of DCYF will have a distinct position within human resources. In addition, a Program Manager, Dae Shogren, will continue to be a resource and provide support in DCYF. There will also continue to be an oversight board that will monitor disproportionality.

Ms. Carrie Wayno asked Acting Assistant Secretary Lambert-Eckel to describe which programs will be moving from what CA historically conducted to “operations” in DCYF. Acting Assistant Secretary Lambert-Eckel explained the field work will remain static. There has been some movement at the headquarters level that has shifted some program work to operations. Deputy Secretary Heather Moss is in charge of operations- including human resources and fiscal. Quality assurance and continuous quality improvement work and associated staff will move to the “operations” side and pick up critical incident reviews.

Acting Assistant Secretary Lambert-Eckel then described one of the most significant shifts from programs to operations. Licensing historically was conducted as one of CA’s programmatic duties. The work will move to the “operations” side of DCYF. Acting Assistant Secretary Lambert-Eckel expressed there was controversy surrounding this move. Licensing conducted by the Department of Early Learning and CA involve different bodies of work. The merging of these two different systems is anxiety provoking to some, but may also offer opportunities for innovation.

Ms. Joanne Moore then asked whether the Children’s Services Advisory Committee will remain active with DCYF. Acting Assistant Secretary Lambert-Eckel said the Committee will meet the following Monday in Kent. She explained the Committee was inactive for a while but has recently been revived. She expects the Committee will continue their work with the new DCYF leadership, likely Jody Becker.

Mockingbird Advocacy Agenda Update

Ms. Lauren Frederick and Ms. Bri Winslow provided an update to Mockingbird’s 2018 advocacy agenda.

Ms. Winslow began by providing an update on Mockingbird’s lead priorities. The first priority was to expand access to higher education through the Passport to College Scholarship. Through SB 6274, the Passport to College Scholarship expanded to include youth in tribal foster care, federal foster care, youth placed in Washington State from other states, and homeless youth. An apprenticeship program was also established. SB 6274 passed and was allocated \$559,000 in the state budget.

The second lead priority was to strengthen Extended Foster Care. Through SB 6222, youth are allowed to enroll in the program up to age 21, to enter and exit as needed, and ensures that youth who are state dependent at age 18 and meet one of five eligibility requirements can enroll. SB 6222 passed and was allocated \$126,000 in the state budget.

Ms. Frederick then provided an update on Mockingbird’s advocacy achievements in partnership with other organizations. The state budget includes funding for a study with DCYF and the Office of Homeless Youth to make recommendations about new public systems responses to families in crisis. The state capital budget also includes \$106 million in funding for the Housing Trust Fund, which funds affordable homes, including homes for children and youth. Finally, HB

1630 was passed that allows minors to consent to share personal information with the Homeless Management Information System. As a result, Washington State will have more accurate data about the scope and prevalence of homeless youth under the age of 18.

Ms. Frederick then explained Mockingbird's year-round advocacy cycle. Currently, Mockingbird is in the "identifying challenges" phase when youth advocates brainstorm system gaps affecting youth and young adults experiencing foster care and/or homelessness. As the Youth and Alumni Summit approaches in August, youth advocates will refine and develop solutions to address systems gaps. Preliminary policy recommendations will be presented at the Youth and Alumni Summit.

Ms. Winslow then explained the non-legislative advocacy work underway. The first area of focus is increasing the availability of legal rights for youth in care. Mockingbird is discussing the development of a mobile-friendly site for young people to access information about their legal rights. The second area of focus is working with DCYF regarding a youth advisory board. The final area of focus is ending youth detention for status offenses.

Ms. Frederick then explained that Mockingbird is trying to gather information from community partners about preventing and reducing youth in dependencies from being detained for status offenses. Mockingbird seeks to understand whether the current system is working as intended and if detention is being used for safety or punishment purposes. Ms. Frederick acknowledged the Commission members are experts on this topic and opened the floor for discussion.

Acting Assistant Secretary Lambert-Eckel asked Ms. Frederick to summarize legislative efforts Mockingbird undertook in the previous session. Ms. Frederick explained there was a bill addressing status offenses for youth in dependencies that progressed, but did not receive a floor vote. There were concerns from courts and juvenile court administrators. The opposition raised concerns removing the option of detention if deemed necessary for safety. Ultimately, legislators seemed interested in the topic and wished to support young people, but were unsure of the method proposed in the bill.

Judge Kitty-Ann van Doorninck explained that larger counties have a significantly greater number of alternatives to detention than smaller jurisdictions. She explained that when detention is used, it is often for safety reasons, but smaller jurisdictions may need more support and education on creative alternatives.

Ms. Jill Malat expressed understanding the desire to use detention as a way to guarantee safety. However, she explained in her experience, being punished had the opposite of the desired effect. She noticed young people often returned to detention. She suggested more research should be conducted on the subject.

Justice Bridge noted there has been a movement of states changing their use of detention for status offenses. She noted there may be lessons learned from other states that can be shared to inform Washington State, especially those who may be fearful of this change. She explained the research is clear about the detrimental impact of detention, aside from the use of detention as a means to keep a young person alive.

Judge van Doorninck noted that when the BECCA bill first passed, there were more secure crisis residential centers (CRC). The closure of CRCs makes it difficult to find safe placement for young people.

Ms. Tonia McClanahan expressed she thought the use of detention is regionally diverse. She noted in Thurston County, detention is not used very often. In a cross-system youth discussion earlier that morning, Ms. McClanahan was informed that twelve youth were in detention for new crimes. She believes there is a movement within Washington State to decrease the use of detention, and education and awareness are key convincing other jurisdictions to reduce their use of detention as well.

Ms. Wayno explained the risk of not ensuring the safety of young people concerns professionals in the court system and prevents many from endorsing the complete ban of using detention. She suggested pursuing methods to narrow the use of detention and expanding alternate options.

Mr. Canfield recalled research that suggested detaining young people after thirty days was more harmful than helpful. He suggested exploring the use of detention for only short periods of time to discover the root nature of the adverse behavior and in conjunction with services.

Acting Assistant Secretary Lambert-Eckel summarized the group's sentiment that the lack of alternates to detention creates concerns and may result in longer and more frequent stays in detention. She suggested further investigation into "up-stream" solutions.

Ms. Frederick thanked the Commission for their input and contributions.

Sex Education for Youth in Foster Care

Ms. Jeannie Kee provided the Commission an update from the Normalcy Workgroup regarding sex education for youth in foster care.

The Normalcy Workgroup met in the previous month and invited several interested stakeholders to share their perspective and insight. Guests included Dae Shogren, CA LGBTQ+/Disproportionality/ Commercially Sexually Exploited Children (CSEC) Program Manager, Amy Lang, Sex Education Expert, Kari Kesler, FLASH Curriculum Co-Author, Lindsay Greene, Coordinated Care, Hannah Farcus, foster parent, and Laurie Dils, Sex Education Supervisory OSPI.

The group came to consensus on the topics the group would like covered in a foster care sex education curriculum. The group agrees the curriculum should be medically accurate, available at a younger age, consider LGBTQ+ specific topics, and include a healthy relationships component.

Ms. Kee explained the desired components are already incorporated into the FLASH curriculum. She explained the curriculum is used widely in King County and the group is considering efforts to expand its use statewide. The group discussed how school districts have discretion on what sex curriculum to provide and when to teach their students. There is little consistency across the state on both content and timing.

Acting Assistant Secretary Lambert-Eckel asked about Coordinated Care's response to the workgroup's goals. Ms. Kee responded that Coordinated Care shared their current statewide efforts and was open to new ideas from the group. Acting Assistant Secretary Lambert-Eckel noted that Coordinated Care will begin incorporating more youth-focused behavioral health components to their trainings and could be strong partners for this work. Ms. Kee agreed and said Coordinated Care was especially interested in disseminating information about youth reproductive rights.

Acting Assistant Secretary Lambert-Eckel recalled the keynote speaker from the Children's Justice Conference and the importance of teaching young people what is appropriate and inappropriate behavior towards other people. In sex education, there is little talk about what constitutes inappropriate behavior.

Ms. Kee noted the opportunity for the workgroup to incorporate recommendations from the recent passage of Erin's Law. Ms. Kee hopes the workgroup can partner with groups like Amara to ensure foster parents have adequate tools for sex education conversations.

Justice Bridge asked about the timeline for the workgroup's recommendations. Ms. Kee responded the workgroup hopes to publish recommendations by the end of the year. Ms. Kee explained the next focus of the workgroup is to determine the audience for the curriculum. Ms. Peggy Carlson agreed the group will need to determine whether to focus on caregivers, biological parents, foster parents, youth, or some combination. Further, the group will need to decide how to deliver the curriculum.

Family Reunification Month Proclamation

Ms. Moore and Ms. Lorrie Thompson provided an update on the Family Reunification Month Committee efforts. The Committee met on April 19th to discuss what efforts to pursue this year. The Committee decided to pursue communicating to judges, providing posters, and issuing a proclamation.

Ms. Moore directed the Commissioners to review the wording of the proclamation prior to voting on adopting the measure. Mr. Bamberger moved to adopt the Family Reunification Month proclamation. Judge van Doorninck seconded. The proclamation adoption passed unanimously.

Ms. Thompson described the Committee's efforts for this year's Family Reunification Month celebrations. A listserv message from Judge Basset was emailed to courts with existing Family Reunification Month celebrations across the state inviting them to join the statewide celebration. There was a positive response from Pierce, Thurston, Spokane, and Yakima courts. The Committee is working on op-ed pieces for the Seattle Times and for publication in Spokane. The Committee meeting further discussed brainstorming the core messages the celebration hopes to convey to the public.

Acting Assistant Secretary Lambert-Eckel noted other jurisdictions may have advice for successful celebrations. She suggested contacting other courts with successful Family Reunification Month celebrations to learn what works well. She also suggested the courts' partnership with CA is important for making the celebrations a success.

Ms. Moore recognized Ms. McClanahan's work in starting Family Reunification Month celebrations in Mason County. She also noted that pushing courts without money for celebratory "bells and whistles" is important. She suggested a poster and proclamation may be enough for courts to adopt the idea.

Ms. Thompson finished by sharing the other activities the workgroup will be working on. They will draft newsletter, provide a certificate for courts to sign, and create a website. Acting Assistant Secretary Lambert-Eckel asked the workgroup notify the Commission once the website is online and to be updated as more work progresses.

Annual Dependency Timeliness Report

Mr. Matt Orme presented the major findings of the Washington State Center for Court Research's Annual Dependency Timeliness Report. He apologized for not providing hard copies of the report, but an electronic version can be found on the Washington State Center for Court Research website.

Mr. Orme began by describing the number of intakes received annual from 2010 to 2017. The number of intakes increased by 31% since 2010. In 2017, there were over 43,000 CPS reports requiring a face-to-face response, a 51% increase since 2010. For emergent cases that needed to be seen face-to-face within 24 hours, there has been an almost 200% increase since 2010. Mr. Orme explained the increase of intakes and referrals into the system is placing increased pressure on CA. There has been an increase in the percent of children removed from their parents where one of the reasons for removal was parental drug abuse. In 2017, 64% of children under age one were removed for reasons that included parental drug abuse.

Mr. Orme then presented a portion of the report that described efforts to investigate disproportionality. The report explores disproportionality at CPS intake as well as young people in care for greater than two years. The report explains that American Indian/Alaska Native Multiracial and Black Multiracial children are approximately twice as likely as White children to be placed in out of home care. Further, Black children are slightly more than likely than other races to remain in out-of-home placement more than two years.

Mr. Orme then explained that dependency filings rose in 2017 by 3% and remain near multiyear highs. Dismissals on dependency cases rose 6%, and termination filings are at a seven-year high with an 8.7% increase. He explained that as the number of dependencies filings continue to be high and the number of dismissals continue to be less than dependency filings, children in care will on average remain in care longer.

Acting Assistant Secretary Lambert-Eckel asked whether the increase in termination filings is a result of increased communication between the Children's Administration and the attorney general's office, or whether it is an indication of increased family complexity and difficulty. Mr. Orme answered that the reason for increased termination filings is likely both. He also explained the last few years' increase in dependency filings is likely causing an increased number of termination filings now that several years have passed.

He also explained the median number of months in out-of-home care prior to a termination of parental rights petition filing decreased to approximately 12 months. Also, the report illustrates a

slow increase of median number of months from dependency filing to legally free status from 21 to 23 months over the last five years.

Next, Mr. Orme explained the results of adoptions completed within six months of a termination order. In 2017, the median number of months from termination order to adoption was approximately 7.6 months.

Ms. Laurie Lippold asked about the report's findings on whether foster parents received timely notification of dependency hearings and whether caregivers submitted reports to the court. Mr. Orme and Ms. Cindy Bricker responded by explaining the data were only recently collected and missing data from many counties remains a challenge. Mr. Orme explained they are working to improve documentation and a monthly interactive report is available for courts to track their progress.

Mr. Orme noted that percent of cases with fact-finding hearings held within 75 days after filing of the petition held constant from previous years at approximately 65% on average for the state. He highlighted that Thurston County is above the state average at 70%. King County has struggled in recent years with their percent of cases with fact-finding within 75 days at 44% in 2017.

The 2017 State rate of compliance on percent of cases with a permanency planning hearing within 12 months of placement remained unchanged at 85%. Mr. Orme noted a dedicated Family and Juvenile Court Improvement (FJCIP) Coordinator in Thurston County is likely a contributing factor for Thurston County's improvement in many indicators this year.

Ms. Wayno inquired about King County's performance and their involvement with FJCIP. Mr. Orme responded that King County's FJCIP Coordinator is highly competent, but turnover in King County is high and likely contributing to less ideal performance indicators.

Mr. Orme then presented the findings regarding the adoption completion rate within six months of a termination order. The State and FJCIP counties rate fell in 2017 to approximately 37% and 35% respectively. Mr. Orme noted that it has historically been difficult for young people to get adopted within 6 months of a termination order. Mr. Orme also noted the percent of cases achieving permanency before 15 months of out-of-home care has also historically been difficult to achieve.

Mr. Patrick Dowd asked whether there is data tracking adoption outcomes after six months post termination order. He asked whether there are trends at certain time points (e.g. 10 or 12 months post termination order) and whether there is a correlation with attorneys appointed to children. Mr. Orme responded that analysis into the factors preventing young people from achieving permanency could be done, but it is not currently available.

Mr. Orme then described the report's findings on the percent of cases that enter foster care that had a prior dependency case. The state rate of cases reentering foster care after a prior dismissal was approximately 7%. Mr. Orme noted there are pockets of counties throughout the state that struggle with this indicator more than others.

Ms. Moore asked about the federal definition of the percent of young people re-entering care. Mr. Orme responded that the federal measure tracks re-entry into care after reunification. The federal rate is approximately 6%.

Ms. Malat asked whether tracking failed adoptions has been considered for future reports. Mr. Orme responded that failed adoptions used to be including in the report, but the rate is logistically hard to track and the number of failed adoptions is small.

Mr. Orme concluded by asking Ms. Bricker if she would like to share updates about permanency summits. Ms. Bricker agreed to send a list of upcoming summit locations.

2017 Office of the Family & Children's Ombuds Annual Report

Mr. Dowd continued his presentation on the Office of the Family & Children's Ombuds (OFCO) Annual Report from the previous Commission meeting.

Mr. Dowd began by outlining the topics of his presentation. The focus of the presentation was on placement exceptions (e.g. temporary emergency stays in hotels or offices), Mr. Dowd's work with foster parents, and an update on the DCYF oversight board.

Mr. Dowd began with presenting the report's findings on placement exceptions. OFCO began tracking placement exceptions in 2015. In 2015, there were 120 placement exception incidents involving 72 children. In 2016, there were 883 placement incidents involving 221 children. In 2017, there were 824 placement incidents involving 195 children. The majority of these placement exceptions occur in King and Snohomish counties. Mr. Dowd explained that although he does not have an exact number for 2018, there are a significant number of placement exceptions recorded every week this year. Mr. Dowd also noted that the number of children who are placed in hotels or office without behavioral challenges is decreasing. However, there is an increasing number of children with more acute needs (e.g. those involved in CLIP or BRS) that are placed in placement exceptions.

Mr. Dowd gave several examples of situations requiring a placement exception. A sixteen year-old youth with pending criminal charges, extensive abuse history, but no prior history of running away, is placed in a temporary setting while a BRS placement can be identified. Additionally, a fifteen year-old with a history of suicidal behavior often cycles between hospitalization and temporary placement settings after exploring multiple avenues of longer-term placement. Finally, a thirteen year-old who had experienced multiple placement exceptions became disruptive waiting at a department office for a new placement and threatened and assaulted staff. The police became involved and the youth was arrested for felony harassment charges.

Mr. Dowd explained that these examples are illustrative of the challenges the department faces with using temporary placement exceptions. Mr. Dowd noted that the OFCO report recommends developing a continuum of placement options and hiring more professional foster parents to meet the higher needs of young people. The report highlights that the use of placement exceptions is added disruption and trauma to a young person. In some cases, the use of placement exceptions leads to criminal charges when young people's needs are not met by the system. The report also recommends early mental health services, and support for foster parents and staff to avoid further placement disruptions.

Mr. Murrey asked if Mr. Dowd had an explanation for the seasonality pattern of increased use of placement exceptions in May through August. Mr. Dowd did not have an explanation for the pattern. Mr. Murrey then asked to confirm whether each night spent in a placement exception counts as an individual incidents. Acting Assistant Secretary Lambert-Eckel confirmed.

Mr. Dowd then summarized his work investigating complaints from foster parents regarding retaliation. Mr. Dowd aimed to understand what foster parents were experiencing and foster parents' definition of retaliation.

A common complaint from foster parents involved DLR referrals and investigations. Foster parents did not like how referrals and investigations were handled, especially involving false allegations from youth. Some foster parents felt that DLR acted in a heavy-handed manner in licensing actions, revocations or limiting the types of young people able to be in the care of a foster family (e.g. age, gender), and the way compliance agreements were used.

Other complaints concerned communication with caseworkers such as not returning emails and not being notified in a timely manner of court hearings and shared-planning meetings. Caseworkers were cited as being rude, unprofessional or threatening. Some foster parents reported feeling like they were not part of a team. They reported feeling that their input was ignored or minimized if they disagreed with the department.

There were other concerns about placement changes. Foster parents were concerned about timely notification and a lack of transition time between moving from foster placement to a relative or birth family placement.

OFCO investigated the foster parent retaliation concerns. Retaliation investigations seek to answer whether the foster parent was engaged in a protected activity, whether the department took action that was harmful to the foster parent and whether the department's action was in reprisal for the foster parent engaging in a protected activity. Mr. Dowd explained that it is difficult to investigate retaliation because it involves determining motivation of department staff.

Mr. Dowd explained that the majority of retaliation complaints involve a threat, suggestion, or implication rather than an overt action from the department. Mr. Dowd gave the example of a foster parent that wants to be a permanent placement, but a relative placement was identified after being in their care for an extended period. The foster parent advocates for the child to remain in their care, however the department determines the relative placement is the preferred permanency plan. The department tells the foster parents that an alternate placement may be needed if the foster parents are not agreeable to the permanency plan. However, the foster parents may interpret that communication as a threat to "fall in line" or else the child will be removed from their care and is reluctant to file a complaint. Mr. Dowd explained that his office hears of similar complaints from relative caregivers in addition to foster parents.

Mr. Dowd explained that there are no easy solutions to the complaints from foster parents. He noted recent interest for legislative action to ensure the rights and responsibilities of foster parents are shared at the time of licensing. He also noted the recommendation for training for case workers on the rights and responsibilities of foster parents and more support for foster parents. Addressing turnover may also help address communication challenges.

Mr. Dowd then explained the Oversight Board created for DCYF. The legislative Oversight Board members have been identified. The legislative members are:

- Rep. Tana Senn, House Democratic Caucus—Legislator
- Rep. Tom Dent, House Republican Caucus—Legislator
- Sen. Jeannie Darneille, Senate Democratic Caucus—Legislator
- Sen. Steve O’Ban, Senate Republican Caucus—Legislator

In addition, there will be four subject matter experts and nine members from specified stakeholder groups. The remaining members will be nominated by Governor Inslee then confirmed by the legislative members. The process of nominating and confirming the remaining members is in process.

The Oversight Board will ensure DCYF achieves outcome measures, compiles with rules and statutes, and makes recommendations to the department and Governor’s office. The first meeting will occur on or after July 1st.

The immediate tasks of the Board will be to select officers, adopt rules and procedures, select an executive director and hire an administrative support position. The Board will assume duties of the existing legislative children’s oversight committee. They will receive reports from OFCO, are bound by the duty of confidentiality, and can request investigations. The Board will also have the ability to handle appeals about administrative decisions regarding license providers (not due to child safety) and has the authority to modify or overturn the decisions. The Board is required to convene public stakeholder meetings twice a year to receive community feedback and gather information. The Office of Innovation, Alignment and Accountability will provide quarterly reports to the Board. The Board will produce its first annual report in December 2019.

Acting Assistant Secretary Lambert-Eckel concluded by thanking Mr. Dowd for his time.

Board for Judicial Administration 2019 Legislative Agenda

Justice Bridge called attention to the Board for Judicial Administration (BJA) 2019 Legislative Committee Proposal Form handout. The request for proposals is for interested parties to obtain the support of BJA for the next legislative session. Justice Bridge called attention to the handout with BJA’s subject matter interests and the application materials. The application is due August 18, 2018.

For the Good of the Order

Acting Assistant Secretary Lambert-Eckel opened the floor for any additional items for the good of the order. Ms. Healing announced to the Commission that her first name was legally changed to Raven. Ms. Healing also mentioned the efforts to implement changes to the approved rule change to Washington State Court Rules APR 8 are underway.

Ms. Lippold reminded the Commission about the legislatively created Children’s Mental Health Group. The next meeting will occur on June 28th to discuss many topics such as the definition of medical necessity, use of parent-initiated treatment, age of consent. Ms. Lippold invited the Commission to contact her if they wanted to receive updates from the workgroup.

Justice Bridge thanked Acting Assistant Secretary Lambert-Eckel for her partnership as co-chair on the Commission. Acting Assistant Secretary Lambert-Eckel noted this meeting was her last Commission meeting. A new co-chair representative will be announced in the near future.

Adjourned at 3:28pm by Acting Assistant Secretary Lambert-Eckel.



2019 Lead Legislative Agenda

End Youth Detention for Status Offenses

End practice of jailing minors for truancy, running from foster care placement, or violating ARY/CHINS petitions. Replace with trauma-informed processes that address root causes and promote safety and well-being.



Include Young Adults with Lived Experience

Designate two seats on *DCYF Oversight Committee* for young adults with lived experiences of child welfare and/or Juvenile Rehabilitation Administration.

Designate two seats on *OHY Advisory Committee* for young adults with lived experience of homelessness.

Improve Transition Planning

Invest \$5.2 million per biennium to begin transition planning for youth in foster care at age 14, by establishing dedicated staff to facilitate/support planning and coordinating with Independent Living Services (ILS).



Improve Foster Parent Recruitment & Retention

Expand MOCKINGBIRD FAMILY™ model to Kent and other high-need communities.

Join us in Olympia for Youth Advocacy Day
on February 8, 2019!



For questions or comments, please contact Liz Trautman, Director of Public Policy and Advocacy
liz@mockingbirdsociety.org | 206-406-6010 (cell)



2019 Support Legislative Agenda

Improve & Expand Homeless Student Stability Program (HSSP)

Lead: Building Changes

Expand school building points of contact for students experiencing homelessness; encourage school Housing partnerships to address racial disproportionality among homeless students; and expand funding.

Support Foster Youth with Developmental Disabilities

Lead: Columbia Legal Services

Prevent foster youth with developmental disabilities from falling through the cracks by adopting CLS administrative and legislative recommendations.



End Youth Homelessness with Anchor Communities Initiative

Lead: A Way Home Washington

Invest \$4 million per biennium to support four Washington communities (Pierce County, Walla Walla, Yakima, and Spokane) as they build a system to end youth homelessness by 2022.



Promote Equitable Education Outcomes

Lead: Treehouse

Address the disparities in educational outcomes for youth and young adults experiencing homelessness and foster care.

TMS endorses...

WA Coalition of Homeless Youth Advocacy Legislative Agenda
Child Welfare Advocacy Coalition Legislative Agenda



SUPPORTING LGBTQ+ YOUTH IN FOSTER CARE WORKSHOP

As an open and affirming foster care agency and committed ally to the LGBTQ+ community, we at Amara are acutely aware of the barriers LGBTQ+ identified youth face in foster care. **A recent UCLA study found that 1 out of 5 foster children, or 19.1%, identify as LGBTQ+ while 7.2% of the general youth population identifies as LGBTQ+.** Additionally, LGBTQ+ identified youth in foster care are overrepresented in other systems, including juvenile justice, and are at higher risk for unsafe behaviors (substance abuse, unsafe sexual practices, suicidal ideation, etc.)



Structural systems of oppression and environmental effects play a large role in this overrepresentation. Ultimately, these structural and environmental causes must be addressed through advocacy and policy change. In the short term, however, **there is a pressing need for culturally responsive and affirming homes for LGBTQ+ identified youth in foster care.** To that end, Amara does targeted outreach to the LGBTQ+ community and currently 20% of our foster families identify as LGBTQ+ singles and couples.

But, recruiting more LGBTQ+ parents is not enough. We realized that there was a gap in training for foster parents in our state: **currently, Washington State provides very little LGBTQ+ specific training for foster families.** We took action to fill this gap, creating our Supporting LGBTQ+ Youth in Foster Care Workshop.

We began with community-led focus groups to identify the need and begin envisioning workshop curriculum. The response was clear: there is great need for training to help provide safe and affirming homes for LGBTQ+ youth in care. As one participant from The Mockingbird Society stated, **“Thinking about this from the frame of permanency...these are the types of things (cultural competencies) that youth say help keep them in a placement.”** After developing the training, we conducted an additional focus group and held a mock training with several community members to gain final feedback around the format and content of the workshop. The mock training filled up quickly and was composed of foster parents, representatives from local LGBTQ+ and allied groups/organizations, and staff from Amara and other child welfare agencies. The evaluations from the mock session were overwhelmingly positive and everyone is excited to get this info to foster parents in our state!

We will hold our first workshop for foster parents in December 2018. However, in addition to directly training foster parents this workshop is also designed for a Train-the-Trainer model so that other agencies and organizations can take this important information throughout Washington state.

If you're interested in taking this training as a participant or Train-the-Trainer for your community, please contact Trey Rabun at trey@amaraputskidsfirst.org or 206-260-1732