



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

**5/14/2018  
1:00 p.m.  
Reception Room  
Temple of Justice**

**Agenda**

1:00 pm 5 min	1. Welcome and Introductions	Justice Bobbe Bridge (ret.), Co-Chair
<b>Old Business</b>		
1:05 pm 30 min	2. DSHS/Children’s Administration Updates	Connie Lambert-Eckel, Acting Asst. Secretary Children’s Administration
1:35 pm 20 min	3. Mockingbird 2018 Advocacy Agenda Update	Lauren Frederick and Sabian Hart, Mockingbird Society
1:55 pm 15 min	4. Sex Education for Youth in Foster Care	Jeannie Kee, Normalcy Workgroup Chair Martin Mueller, OSPI
2:10pm 10 min	5. Family Reunification Month Proclamation	Joanne Moore, Office of Public Defense
<b>New Business</b>		
2:20 pm 50 min	6. Annual Dependency Timeliness Report	Matt Orme, Washington State Center for Court Research
3:10 pm 20 min	7. 2017 Office of the Family & Children’s Ombuds Annual Report	Patrick Dowd, Washington State Office of the Family and Children’s Ombuds
3:30 pm 15 min	8. Board for Judicial Administration 2019 Legislative Agenda	Justice Bobbe Bridge (ret.), Co-Chair
3:45 pm	9. Adjournment	Justice Bobbe Bridge (ret.), Co-Chair
	<u>Next Meeting:</u> August 1 <sup>st</sup> , 2018 – Youth and Alumni Leadership Summit December 10 <sup>th</sup> , 2018	



# Office of the Family and Children's Ombuds

*An Independent Voice for Families and Children*

## **2017 Annual Report Summary** ***Supreme Court Commission on Children*** ***in Foster Care***

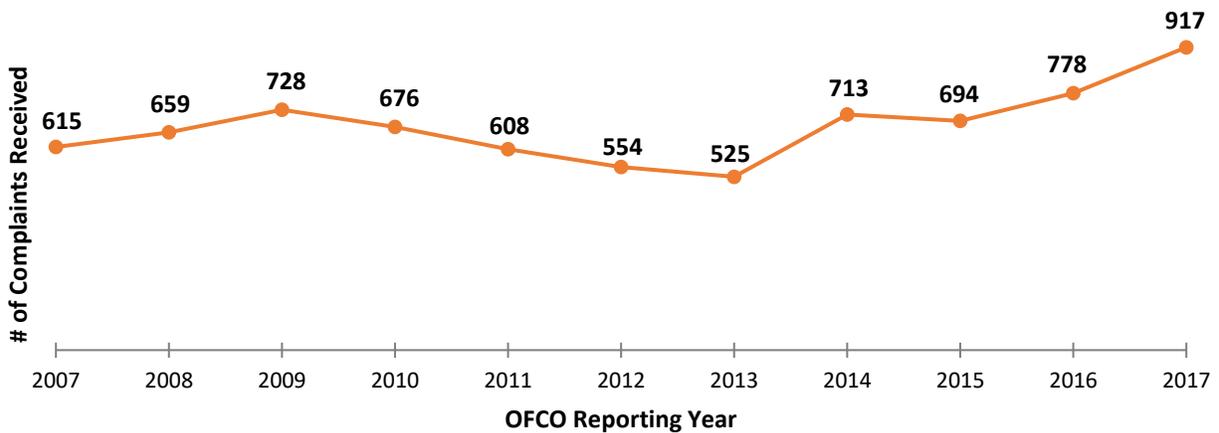
**March 19, 2018**

**Patrick Dowd, *Director***  
**ofco.wa.gov**

## 2017 OFCO COMPLAINT PROFILES<sup>1</sup>

### Complaints Received

OFCO received 917 complaints in 2017, by far the most OFCO has ever received in a single year.



### Complainant Race and Ethnicity

	OFCO Complainants 2017	WA State Population <sup>2</sup>
Caucasian	70.1%	80.4%
African American or Black	8.0%	4.0%
American Indian or Alaska Native	3.7%	1.8%
Asian or Pacific Islander	2.1%	9.0%
Other	0.7%	-
Multiracial	5.2%	4.9%
Declined to Answer	10.3%	-
Latino / Hispanic	5.6%	12.6%
Non-Hispanic	94.4%	87.4%

<sup>1</sup> OFCO's reporting year is September 1 – August 31

<sup>2</sup> Office of Financial Management. Population by Race, 2016. <http://www.ofm.wa.gov/trends/population/fig306.asp>.

## Complaint Issues

As in previous years, issues involving the separation and **reunification of families** were the most frequently identified, with just over half (52.2 percent) of complaints expressing a concern about separating and/or not reunifying with parents or other relatives. Issues involving the **conduct of CA staff and other agency services** were the next-most identified category of concerns (identified in 44.3 percent of complaints). Complaints can be complex and often complainants bring up multiple issues or concerns they would like investigated.

<b>Number of Times Issue Was Identified in a Complaint</b>	<b>2017</b>	<b>2016</b>	<b>2015</b>
<b>Family Separation and Reunification</b>	<b>479</b>	<b>335</b>	<b>327</b>
Failure to provide appropriate contact between child and parent/other family members (excluding siblings)	120	78	49
Unnecessary removal of child from parental care	106	100	89
Failure to place child with relative	94	42	73
Failure to reunite family	81	44	51
Other inappropriate placement of child	33	34	23
Unnecessary removal of child from relative placement	19	13	22
Failure to provide sibling visits and contact	6	3	7
Failure to place child with siblings	4	9	5
Inappropriate termination of parental rights	8	6	5
Concerns regarding voluntary placement and/or service agreements	3	3	0
Other family separation concerns	3	3	0

	<b>2017</b>	<b>2016</b>	<b>2015</b>
<b>Complaints About Agency Conduct</b>	<b>406</b>	<b>276</b>	<b>214</b>
Unwarranted/unreasonable CPS investigation	131	86	43
Unprofessional conduct, harassment, retaliation, conflict of interest or bias/discrimination by agency staff	106	86	71
Communication failures	97	55	43
Unreasonable CPS findings	26	21	23
Breach of confidentiality by agency	17	16	19
Poor case management, high caseworker turnover, or other poor service	14	4	1
Inaccurate agency records	13	8	13
Lack of coordination between DSHS Divisions	2	2	1

	2017	2016	2015
<b>Child Safety</b>	<b>207</b>	<b>176</b>	<b>205</b>
Failure to protect children from parental abuse or neglect	84	79	100
<i>Abuse</i>	40	41	53
<i>Neglect</i>	37	37	44
Failure to address safety concerns involving children in foster care or other non-institutional care	75	53	54
Failure to address safety concerns involving child being returned to parental care	18	21	31
Child safety during visits with parents	17	11	5
Child with no parent willing/capable of providing care	7	10	11
Child safety of children residing in institutions/facilities	6	0	
Failure by agency to conduct 30 day health and safety visits with child	5	3	3

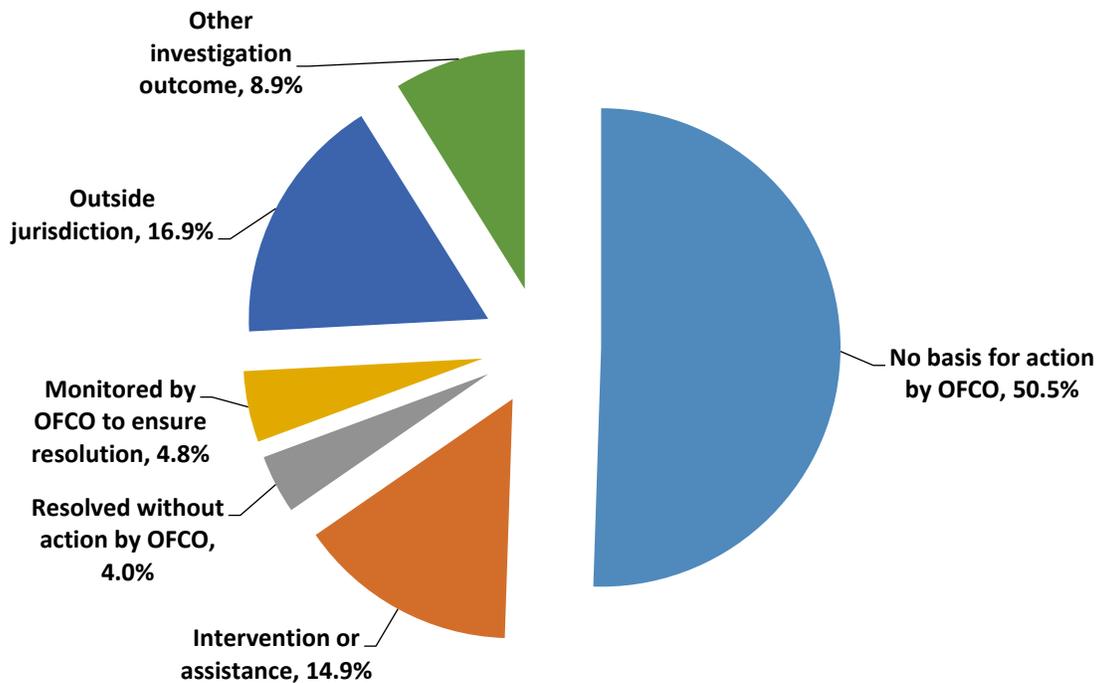
	2017	2016	2015
<b>Dependent Child Well-Being and Permanency</b>	<b>133</b>	<b>111</b>	<b>103</b>
Unnecessary/inappropriate change of child's placement, inadequate transition to new placement	41	33	39
Failure to provide child with adequate medical, mental health, educational or other services	52	29	32
Inappropriate permanency plan / other permanency issues	16	13	14
Unreasonable delay in achieving permanency	9	12	3
Failure to provide appropriate adoption support services/other adoption issues	4	10	5
Inadequate services to children in institutions and facilities	4	4	0
Placement instability / multiple moves in foster care	3	0	2
ICPC issues (placement of children out-of-state)	1	8	5

	2017	2016	2015
<b>Other Complaint Issues</b>	<b>133</b>	<b>114</b>	<b>112</b>
Violation of parent's rights	24	34	23
Failure to provide parent with services / other parent issues	32	38	47
Children's legal issues	4	3	5
Lack of support / services to foster parent / other foster parent issues	18	15	7
Foster parent retaliation	8	4	1
Foster care licensing	17	13	13
Lack of support / services and other issues related to relative / suitable other / fictive kin caregiver	26	7	15
Violation of the Indian Child Welfare Act (ICWA)	4	1	8

## 2017 INVESTIGATION OUTCOMES

OFCO completed **956 complaint investigations** in 2017, over 200 more than the previous year. These investigations involved **1,393 children and 873 families**. Only about one out of every 10 investigations met OFCO's criteria for initiating an **emergent investigation**, i.e. when the allegations in the complaint involve either a child's immediate safety or an urgent situation where timely intervention by OFCO could significantly alleviate a child or family's distress.

Complaint investigations resulted in the following actions:



## ADVERSE FINDINGS

After investigating a complaint, if OFCO has substantiated a significant complaint issue, or has discovered its own substantive concerns based on its review of the child welfare case, OFCO may make a formal finding against the agency. In 2017, OFCO made **52 adverse findings** in a total of 36 complaint investigations. Some complaint investigations resulted in more than one adverse finding, related to either separate complaint issues or other issues in the case that were identified by OFCO during the course of its investigation.

<b>Adverse Findings By Issue</b>	<b>2017</b>	<b>2016</b>	<b>2015</b>
<b>Child Safety</b>	<b>19</b>	<b>17</b>	<b>14</b>
Failure by DCFS to ensure/monitor child's safety:			
• Failure to conduct required monthly health and safety visits	6	4	6
• Unsafe placement of dependent child	5	5	2
• Other failures to ensure/monitor child safety	--	2	1
Inadequate CPS investigation or case management	3	2	1
Inappropriate CPS finding (unfounded)	--	--	1
Delay in notifying law enforcement of CPS report	--	1	1
Failure to complete safety assessment	4	3	1
Other child safety findings	1	--	1
<b>Family Separation and Reunification</b>	<b>7</b>	<b>2</b>	<b>2</b>
Failure to place child with relative	2	2	1
Failure to provide contact with siblings	3	--	--
Failure to provide appropriate contact / visitation between parent and child	2	--	--
Failure to make reasonable efforts to reunify family	--		1
<b>Dependent Child Well-being and Permanency</b>	<b>4</b>	<b>0</b>	<b>2</b>
Delay in achieving permanency	3		
Failure to provide child with medical, mental health, or other services	1	--	--
Unnecessary/multiple moves	--	--	2
<b>Parent's Rights</b>	<b>11</b>	<b>10</b>	<b>12</b>
Failures of notification/consent, public disclosure, or breach of confidentiality	2	1	6
Delay in completing CPS investigation or internal review of findings	9	5	3
Failure to communicate with or provide services to parent		2	1
Other violations of parents' rights	--	2	2
<b>Poor Casework Practice Resulting in Harm to Child or Family</b>	<b>3</b>	<b>10</b>	<b>2</b>
Inadequate documentation of casework	2		
Poor communication among CA divisions (CPS, CFWS, DLR)	--	5	2
Other poor practice	1	5	2
<b>Foster Parent/Relative Caregiver Issues</b>	<b>8</b>	<b>2</b>	<b>--</b>
Issues relating to child's removal from foster placement	7		
Failure to share information about child with caregiver	1		
<b>Other Findings</b>	<b>--</b>	<b>1</b>	<b>1</b>
Failure to provide meaningful assistance and services to adoptive family		--	1
Failure to protect referent's confidentiality		1	--
<b>Number of findings</b>	<b>52</b>	<b>42</b>	<b>33</b>
<b>Number of closed complaints with one or more finding</b>	<b>36</b>	<b>31</b>	<b>24</b>

## RECOMMENDATIONS TO IMPROVE SUPPORT TO FOSTER PARENTS

### Expand Support Programs for Foster Parents

- **Foster Parent Liaison/Peer Mentor and FIRST Programs**  
Foster parent liaisons and peer mentors enhance the working relationship between the Department case workers and foster parents, and provide expedited assistance for the unique needs of children in foster care. Many of the concerns raised by foster parents could likely be resolved quickly and informally with the assistance of a liaison or mentor. Additionally, the Department should establish foster parent liaison positions within each office to respond to inquiries and concerns from foster parents.
- **Foster Parent Support Groups**  
Foster parents cited various peer support programs as an essential element to successful fostering. These programs include support provided by the Foster Parents Association of Washington State (FPAWS), Fostering Together, and through the foster hub home and constellation within the Mockingbird Family Model. State and private child welfare agencies should build on these programs and dedicate resources to ensure local support groups are accessible to all foster parents throughout the state.

### Increase Collaboration with Foster Parents in Case Planning Process

Maximize foster parent participation in case planning events such as case staffing, permanency planning, Family Team Decision Making meetings, and review hearings, and let foster parents know their contributions are valued. Collaboration with foster parents should also encompass encouraging contact between foster parents and the child's parents and relatives, and foster parent involvement with family reunification and a child's transition to a new placement.

### Improve Communication with Foster Parents

While Department policy requires that case workers return calls within 48 hours or the next business day, many foster parents report this often does not occur. Mobile technology should enable caseworkers to answer calls and e-mails while in the field. Identify and address workload or other barriers that impact case workers' abilities to communicate with foster parents in a timely manner.

Continue to implement technological solutions such as "Our Kids App" which will allow foster parents to access a child's medical and educational records. Hold quarterly meetings with foster parents in each DCFS office so foster parents, private agency staff, area administrators and supervisors can discuss local issues and developments impacting foster parents and children in state care.

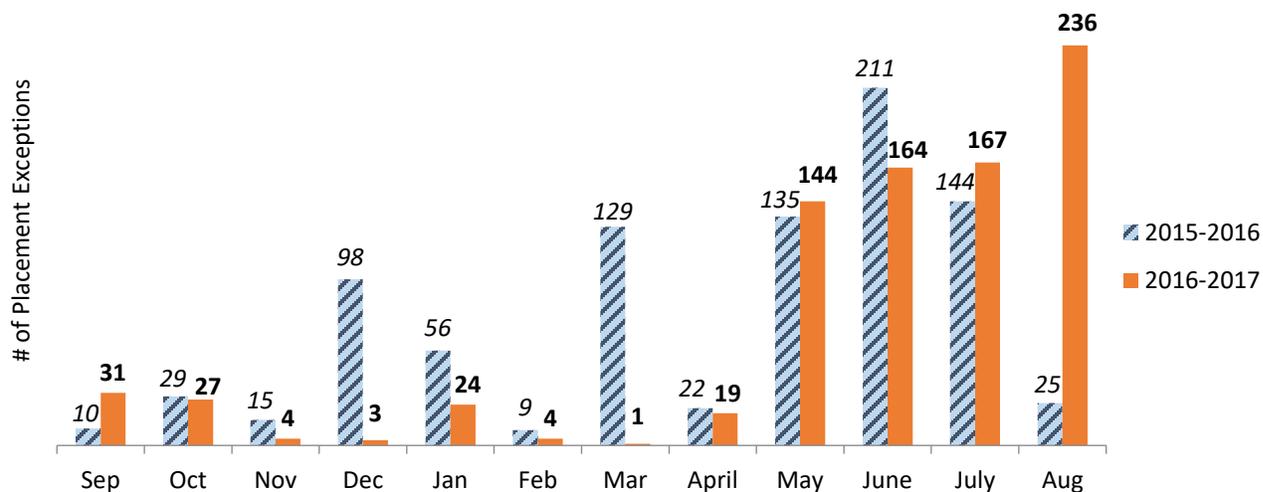
### Support and Retain Case Workers

Increase efforts to reduce workload and retain caseworkers. Manageable caseloads for case workers and appropriate ratios of supervisor to case workers are essential to achieving positive outcomes for children and families, and supporting caregivers. Washington State was recently selected as one of eight sites to partner with the Quality Improvement Center for Workforce Development to address and study potential solutions to specific workforce issues. The goal is to build a stronger workforce with less turnover and a more supportive organizational environment that improves outcomes for vulnerable families and children.

## HOTELS AND OFFICES USED AS EMERGENT PLACEMENTS

For the past three years, OFCO has tracked the use of “placement exceptions”, specifically the use of hotels and Department offices, as emergency placements for children. From September 1, 2016 to August 31, 2017, OFCO received notice of **824 placement exceptions involving 195 different children**. This is a slight decrease from last year where OFCO documented 883 placement exceptions involving 221 children. The vast majority of these placement exceptions (773) involved children spending the night with social workers in hotels.

### “Placement Exceptions” by Month



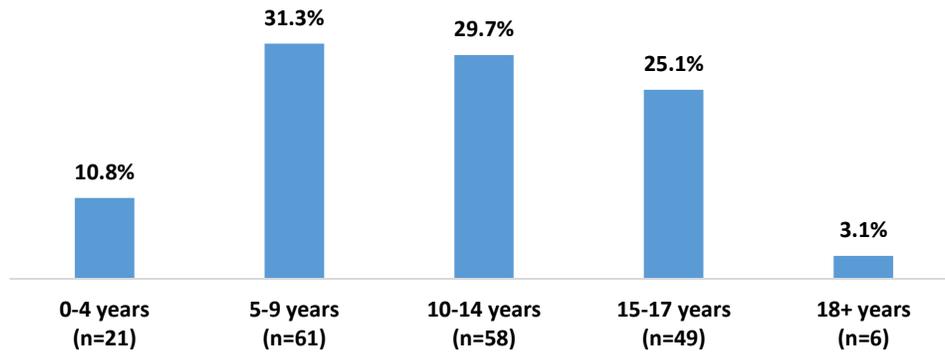
### Number of Placement Exceptions per Child, 2017

Children with Number of Placement Exceptions	Number of Children (n = 195)	Percent of Children
Only 1 placement exception	103	52.82%
2 to 4	41	21.03%
5 to 9	31	15.90%
10 to 20	11	5.64%
21 or more	9	4.62%

### Placement Exceptions by DSHS Region, 2017

Region	# of Placement Exceptions	% of All Placement Exceptions	% of WA Households with Children
Region 1 North	0	0.0%	12.4%
Region 1 South	0	0.0%	9.7%
Region 2 North	174	21.1%	16.9%
Region 2 South	528	64.1%	28.6%
Region 3 North	77	9.3%	16.3%
Region 3 South	45	5.5%	16.1%

## Child's Age in Placement Exceptions, 2017



## Child's Race and Ethnicity, 2017

	Placement Exception Population	Entire Out of Home Care Population*	Region 2 Out of Home Care Population**
Caucasian	45.64%	65.3%	49.6%
African American or Black	22.56%	8.8%	12.9%
American Indian or Alaska Native	4.62%	5.1%	5.5%
Asian or Pacific Islander	2.05%	1.9%	4.2%
Multiracial	23.59%	18.0%	14.7%
Latino / Hispanic	10.26%	19.0%	13.0%

## OFCO RECOMMENDATIONS

- Provide an adequate supply and range of residential placement options to meet the needs of all children in State care.
- Recruit, Train and Compensate “Professional Therapeutic Foster Parents”.
- Expand Programs that Support Foster and Kinship Families and Prevent Placement Disruptions.
- Ensure that Children in State Care Receive Appropriate Mental Health Services.

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## CONTACT US

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## PRINCIPAL POLICY GOALS OF THE WASHINGTON STATE JUDICIAL BRANCH

*“Justice in all cases shall be administered openly, and without unnecessary delay.”*  
Washington State Constitution, Article I, Section 10.

Washington State’s judicial branch is a constitutionally separate, independent and co-equal branch of government. It is the duty of the judicial branch to protect rights and liberties, uphold and interpret the law, and resolve disputes peacefully through the open and fair administration of justice in the state.

The judicial branch in Washington State is a local and state partnership where local courts, court managers and court personnel work in concert with statewide courts, judicial branch agencies and support systems.

The judicial branch maintains effective relations with the executive and legislative branches of state and local governments, which are grounded in mutual respect.

### **The Principal Policy Goals of the Washington State Judicial Branch**

1. **Fair and Effective Administration of Justice.** Washington courts will openly, fairly, efficiently and effectively administer justice in all cases, consistent with constitutional mandates and the judiciary’s duty to maintain the highest level of public trust and confidence in the courts.
2. **Accessibility.** Washington courts, court facilities and court systems will be open and accessible to all participants regardless of income, language, culture, ability, or other access barrier.
3. **Access to Necessary Representation.** Constitutional and statutory guarantees of the right to counsel shall be effectively implemented. Litigants with important interests at stake in civil judicial proceedings should have meaningful access to counsel.
4. **Commitment to Effective Court Management.** Washington courts will employ and maintain systems and practices that enhance effective court management.
5. **Sufficient Staffing and Support.** Washington courts will be appropriately staffed and effectively managed, and court personnel, court managers and court systems will be effectively supported and trained.



April 24, 2018

**TO:** Chief Justice Mary E. Fairhurst, BJA Chair  
Judge Laurel H. Siddoway, COA Presiding Chief  
Judge Blaine G. Gibson, SCJA  
Judge Scott K. Ahlf, DMCJA  
Justice Charles W. Johnson & Justice Mary Yu, Minority and Justice Commission  
Justice Steven C. González, Interpreter Commission  
Justice Sheryl Gordon McCloud & Judge Marilyn G. Papa, Gender and Justice Commission  
Justice Bobbe Bridge, (Ret.) & Ms. Connie Lambert-Eckel, Commission on Children in Foster Care  
Justice Mary Yu, BJA Public Trust & Confidence Committee  
Judge Judy Rae Jasprica & Judge Douglas J. Fair, BJA Court Education Committee  
Judge James W. Lawler, Certified Professional Guardian Board  
Judge Robert A. Lewis & Commissioner Tony Rugel, WINGS Steering Committee  
Ms. Susan L. Carlson, Court Management Council  
Ms. Callie Dietz, State Court Administrator

**FROM:** Judge Kevin Ringus, BJA Legislative Committee Chair

**RE:** BOARD FOR JUDICIAL ADMINISTRATION 2019 LEGISLATIVE AGENDA

The Board for Judicial Administration (BJA) has a standing Legislative Committee, which consists of judges from all levels of court. The purpose of the Legislative Committee is to develop a proactive legislative agenda on behalf of the BJA as well as recommend positions on legislation of interest to the BJA.

In order to prepare for the 2019 Legislative Session that convenes on January 14, 2019, we are soliciting legislation proposals. Examples of these from prior years include [HB 1285](#) (modifying oath requirements for interpreters in legal proceedings), [HB 1140](#) (extending surcharges on court filing fees for deposit into the Judicial Stabilization Trust account), and [HB 1111](#) (concerning court transcripts). The Legislative Committee will review all proposals and make recommendations to the BJA this fall.

While the Legislative Committee will consider all legislative proposals from the court community, we are particularly interested in proposals that further the Principal Policy Goals of the Judicial Branch (attached) and are at the request of a board, commission, association, or BJA committee. We invite you to submit ideas for our consideration using the attached form by August 15, 2018.

Please do not hesitate to reach out to Brady Horenstein, AOC Associate Director, Legislative and Judicial Relations at [brady.horenstein@courts.wa.gov](mailto:brady.horenstein@courts.wa.gov) or (360) 357-2113. As staff to the Legislative Committee, Brady is able to help craft proposals and answer questions about the process.

Thank you in advance for your proposals. We look forward to working with you to improve Washington's justice system.

Attachments

Washington Justice Leaders

April 24, 2018

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cc: Judge Marlin J. Appelwick, COA  
Judge Kitty-Ann van Doorninck, SCJA  
Judge Stephen Warning, SCJA  
Judge Samuel Meyer, DMCJA  
Ms. Kelley Amburgey-Richardson, AOC  
Ms. Crissy Anderson, AOC  
Ms. Judith Anderson, AOC  
Ms. Cindy Bricker, AOC  
Ms. Misty Butler Robison, BJA  
Ms. Carolyn Cole, AOC  
Ms. Cynthia Delostrinos, AOC  
Ms. Margaret Fisher, AOC  
Ms. Sharon Harvey, AOC  
Mr. Brady Horenstein, AOC  
Ms. Stacey Johnson, AOC  
Mr. Robert Lichtenberg, AOC  
Mr. Dirk Marler, AOC  
Mr. Ramsey Radwan, AOC  
Ms. Intisar Surur, AOC/SCJA

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WASHINGTON  
COURTS

## Board for Judicial Administration Legislative Committee 2019 Legislation Proposal Form

Please submit completed forms and any supporting documentation to Brady Horenstein, AOC Associate Director, Legislative and Judicial Relations at [brady.horenstein@courts.wa.gov](mailto:brady.horenstein@courts.wa.gov).

Proposals should be submitted by August 15, 2018.

### Request Title

Provide a one sentence title for the proposal.

### Requesting Entity (Organization & Contact Person)

Provide organization name, contact person and their contact information.

### Request Background

Provide a paragraph explaining how and why the proposal was developed. Is the proposal a product of a work group or task force?

### Summary/Request Justification

Summarize the request and explain how it will further the Principal Policy Goals.

### RCW(s) Impacted (please provide strikethrough if possible)

Provide RCWs and the requested changes to existing statutes. If requesting a new statute, identify RCW chapter(s) where it should be added.

### Court Level Impact

Summarize the court level impact and identify specific court levels (i.e., CLJ, Superior Court, Court of Appeals, Supreme Court).

### Fiscal Impact

If enacted, will there be costs to implement this proposal? Will AOC, courts, or other agencies have an ongoing fiscal impact as a result?

### Legislative Strategy Recommendations

Identify potential messages/talking points to legislators. Have legislators or staff participated in any discussions about the proposal? If known, identify specific legislators that could be champions or allies.

### Stakeholder Impact

Provide a list of all stakeholders and whether they are likely to support or oppose the proposal.

### Potential Opposition

Provide a list of organizations or entities that may oppose the legislation and a brief explanation of why if known.

