



**Washington State Supreme Court
Commission on Children in Foster Care
September 22, 2014
Meeting Minutes**

Members Present

Justice Bobbe Bridge (ret.), Washington State Supreme Court, Commission Co-Chair
Mr. Jim Bamberger, Office of Civil Legal Aid
Dr. Ken Emmil, Office of Superintendent of Public Instruction
Ms. Jeannie Kee, Foster Youth Alumni Representative
Mr. Ryan Murrey, Executive Director of Washington State CASA
Ms. Joanne Moore, Office of Public Defense
Ms. Christina Parker, Chair of the NW Intertribal Council
Ms. Carrie Wayno, Attorney General's Office

Members Not Present

Assistant Secretary Jennifer Strus (co-chair); Ms. Beth Canfield and Mr. Mike Canfield, Co-Chairs of Foster Parents Association of Washington; Mr. Ryan Cummings, Youth in Foster Care Representative; Representative Ruth Kagi; Ms. Tonia Morrison, Parent Advocate Representative; Rep. Mary Helen Roberts, Washington State House of Representatives; Judge Kitty-Ann van Doorninck, Superior Court Judges' Association

Guests

Ms. Janis Avery, Treehouse – Graduation Success Program; Ms. Alicia LeVezu, University of Washington School of Law; Ms. Hillary Madsen, Columbia Legal Services; and Ms. Jill Malat, OCLA

Staff Present

Ms. Paula Malleck-Odegaard (AOC)

Call to Order

Justice Bridge called the meeting to order at 1 p.m.

Welcome and Introductions

Justice Bridge welcomed Commission members and guests. Judicial representatives are at Fall Judicial Conference and are unable to attend. Members introduced themselves.

Approval of May 12, and July 2, 2014, Meeting Minutes

Justice Bridge presented the meeting minutes from May 12, and July 2, 2014. There was a motion to approve the minutes with no changes. The motion was seconded. The May 12, and July 2, 2014, meeting minutes were approved unanimously.

Discuss 2014 Youth and Alumni Leadership Summit Recommendations

Justice Bridge reported on the recommendations that came from the Foster Youth Summit on July 2, 2014. Since the Summit, the Statewide Leadership Network has refined some of their recommendations and will set their priorities for the 2015 legislative session later this fall. Details of the recommendations can be found on pages 2-4 of the 2014 Foster Youth Summit minutes.

As Justice Bridge reported, the first recommendation from the **Everett Chapter** related to group care. Group care should be rare, therapeutic and involve well planned transition stages. Representative Ruth Kagi is interested in this and has put it on her list of issues to address.

Second, the **Spokane Chapter** raised the issue of undocumented youth. They hope to better identify undocumented kids who are in state custody, have been found to be dependent, or their criminal rights have been terminated. Congressman Reichert expressed interest in this issue.

The **Seattle Chapter** discussed the full implementation of extended foster care and recommended the inclusion of children with documented medical conditions. Justice Bridge identified the misunderstanding of current eligibility requirements as a central roadblock to extending care until the age of 21.

The **Olympia Chapter** reported that inappropriate levels of psychiatric medications are being prescribed and administered to kids in foster care. Congressman Reichert recommended increased conversation with Medicare and additional follow up. Ms. Hillary Madsen reported that Columbia Legal Services is contemplating the inclusion of psychotropic medication as a topic for this legislative session.

Both the **Yakima and Tacoma Chapters** recommended more effective trainings for foster parents, which could include the authentic engagement of former and current foster youth into the curriculum.

Mr. Murrey confirmed that Court Appointed Special Advocates for Children (CASA) has received these recommendations. Justice Bridge proposed that Mockingbird should do a dress rehearsal presentation to CASA in preparation for its legislative advocacy.

Confronting Commercial Sexual Exploitation of Children Judicial Training

Justice Bridge said the judicial officer training was a great, engaging training and was very well attended. Ms. Danielle Pugh-Markie and Ms. Jessica Birklid represented their respective commissions well, and organized a fantastic group of speakers for the event, including Ms.

Leslie Briner, Ms. Tammy Sneed, and Court Commissioner Catherine Pratt of the Compton Juvenile Court. Justice Bridge suggested that Ms. Pugh-Markie create a report for the Commission on the evaluations from the event.

Normalcy Workgroup

Ms. Jeannie Kee announced that four new members have joined the workgroup. The completed Care Member' Guidelines was distributed to all caregivers and social workers in August 2014. The workgroup is in the process of examining best practices for extended foster care. Ms. Kee also plans to bring a draft of the "Myth Buster Report" – answers to common questions revolving around foster youth and normalcy – to the December Commission meeting.

President Obama is expected to sign H.R. 4980, Preventing Sex Trafficking and Strengthening Families Act, in October. The legislation is aimed at reducing child sex trafficking, increasing adoptions and improving child support collections, and also incorporated normalcy standards for foster care children. The normalcy practices are seen as preventative measures for kids and adolescents, thereby reducing the likelihood of them running away from foster placement. Ms. Kee summarized the main contents of the legislation:

- Title 1: Requires state child welfare agencies to identify, document, and determine appropriate services for children in foster care or who are otherwise involved in the child welfare system, and who are victims of child sex trafficking or at risk of becoming victims. Also requires welfare agencies to promote "normalcy" for youth in foster care allowing them to more easily participate in age appropriate social, scholastic and enrichment activities.
- Title 2: Improves the adoption incentives program and extends it for three years. It also extends the Family Connection Grant Program for one year.
- Title 3: Requires all states to implement electronic processing of income withholding, as most states already do. This will improve the collection of child support and save taxpayers \$48 million over 10 years.

Congressman Reichart is engaged and energized on these issues and how they impact Washington adolescents. Ms. Kee asked that the Commission keep tabs on implementation and actual rolling out of these new rules.

Implementation of Right to Counsel for Juveniles in Dependency/Termination Proceedings

Ms. Hilary Madsen introduced Ms. Alicia LeVezu, University of Washington School of Law. Ms. Madsen, the new staff attorney for Columbia Legal Services in Olympia, proposed that the Commission convene a workgroup to consider some of the issues that have arisen in implementation of children in dependency proceedings. Materials were distributed to Commission members that included background information, the formal request to create a workgroup, the Office of the Family and Children's Ombuds 2013 Annual Report, and an op-ed by Justice Bridge on the provision of attorneys' for children in foster care.

The nexus for the workgroup formation is Senate Bill 6126. SB 6126 requires counsel to be appointed to each "legally free" child six months after the order making them legally free. Pursuant to RCW 12.34.100(7)(a), the court may appoint an attorney on its own initiative or

following the request of a child, caregiver, or parent. The combination of the new law and court opinions will mean more kids in care are going to be requesting attorneys.

Ms. Madsen hoped the proposed workgroup could examine some of the issues and develop policy recommendations for the respective agencies and commissions in order to establish a statewide universal approach to the new legislation. Ms. Madsen listed the following opportunities for dialogue within the workgroup:

- the application of attorney-client privilege to children in dependency cases;
- the negotiation of transportation for a child involved in proceedings; and,
- the extent to which records will be shared between interested parties.

Justice Bridge suggested that rather than forming a new workgroup, the Commission should reconstitute the Children's Legal Representation workgroup from 2010. The 2014 workgroup would search for a systemic solution, as well as follow up on progress from its recommendations from 2010.

Justice Bridge suggested the idea be developed over the next couple months. Ms. Molly Donahue, new CCFC Intern, will draft a formal charter and list of prospective participants for the workgroup to be presented at the next Commission meeting in December.

Legislative Update

Ms. Laurie Lippold appeared by phone to lead the Commission in a discussion of projected issues for the 2015 legislative session. It will likely be a difficult session, perhaps extending into one or more special sessions. Agencies have been asked to prepare budgets with significant cuts, but also to identify and prioritize "buy backs" should revenue enhancements be available. Ms. Lippold reported that the Children's Administration (CA) has identified a \$5-7 million deficit in the 2013-2015 biennial budget and has made cuts in contracted services to fill the gap. The Legislature may be asked to restore some or all of these services through a Supplemental budget early in the session.

Other potential issues of relevance to the Commission's work are:

- adding supervised visitation costs to forecast;
- consideration for mitigating the high cost of CA liability in legal action without sacrificing child safety; and
- targeting educational outcomes for kids in care.

Graduation Success Program

Justice Bridge introduced Ms. Janis Avery, the Executive Director of Treehouse to discuss the Treehouse Graduation Success Program. Ms. Avery explained that Treehouse is trying to change the way the Office of Superintendent of Public Instruction (OSPI) and CA deal with education for youth in foster care. Treehouse produces an annual report for the Legislature summarizing foster care youth educational outcomes, and also provides services to target the most obvious service gaps for these kids. The focus for Treehouse in King County is improving high school graduation rates, and targeting foster care students in middle and high school. Ms.

Avery reported that if students are not pushed toward graduation, they are at great risk of negative outcomes, including incarceration and/or having children at a young age.

The current foster parent trainings provide no real standards nor structure to allow parents to be educational advocates for their foster children. Ms. Avery said the tendency is to wait until a problem presents, rather than proactive advocacy. The proposed Graduation Success Program will:

- coach and provide professional development, clinical supervision;
- facilitate conversations with students to help determine life goals;
- encourage self-determination in students;
- help build a network of resources for each student that might include teachers, attorneys, foster parents, religious and other community members.

The Program is entering its third year, and has already seen refinements on its implementation strategy. The response to the program has been positive throughout King County public schools. Treehouse is also in the process of establishing Graduation Success programs to other school districts in Spokane, Yakima, Evergreen, Franklin, Pierce, and Tacoma. Moving forward, Ms. Avery hopes that Commission members will keep the educational needs of foster children a top priority. Justice Bridge offered the support of the Commission to the Treehouse Graduation Success Program.

New Business

- October 7-8 – Child Welfare Summit – Great Wolf Lodge.
- November 2-3 – Washington State CASA Conference. All are invited to attend.
- November 14 – Juvenile Law Symposium – University of Washington School of Law.

Mr. Bamberg reported that in response to SB 6126, the Office of Civil Legal Aid (OCLA) has secured contracts with counties representing the vast majority of children who qualify to represent children in dependency proceedings. OCLA has completed the primary engineering of a case management system. Even though OCLA was directed to outcomes reporting and a research component, they concluded that a first priority should be tracking information related to the effectiveness of the assignment of an attorney to these cases.

Old Business

Justice Bridge reminded members to review the Committee Roster and make sure the contact information is correct, and to please list an assistant if one is available as a secondary contact. Members are to send updates to Ms. Paula Malleck-Odegaard.

Next Meetings

December 8, 2014

Ms. Donahue will also be sending proposed dates for the 2015 Commission meetings to members within the next month. The Youth and Alumni Leadership Summit will be celebrating its 10th anniversary in August 2015, and the Commission is considering an evening Commission meeting to allow for a reception to follow.

Meeting Adjourned

There being no further business, the meeting was adjourned.

Respectfully submitted,
Molly Donahue, CCYJ