



**Washington State Supreme Court
Commission on Children in Foster Care
December 12th, 2016
Meeting Minutes**

Members Present

Justice Bobbe Bridge (ret.), Washington State Supreme Court, Commission Co-Chair
Mr. Jim Bamberger, Director, Office of Civil Legal Aid
Judge Kitty-Ann van Doorninck, Superior Court Judges' Association (designee for Judge Michael Downes)
Mr. Mike Canfield, Co-Chair of Foster Parents Association of Washington
Mr. Sabian Hart, Foster Youth in Care Representative
Ms. Kristy Healing, NW Intertribal Council
Ms. Jeannie Kee, Foster Youth Alumni Representative
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
Dr. Dan Newell, Office of Superintendent of Public Instruction (designee for Randy Dorn)
Ms. Carrie Wayno, Attorney General's Office (designee for Bob Ferguson)

Members Not Present

Rep. Ruth Kagi, Washington State House of Representatives
Ms. Jennifer Strus, Assistant Secretary, Children's Administration, Commission Co-Chair
Senator Steve O'Ban, Washington State Senate

Guests

Ms. Cindy Bricker, Sr. Court Program Analyst, AOC
Mr. David Del Villar, DSHS/Children's Administration
Mr. Nicholas Oakely, Center for Children and Youth Justice
Ms. Jess Lewis, Office of Superintendent of Public Instruction
Ms. MeLisa Carson, Center for Children and Youth Justice
Ms. Shannon Mead, Foster Innovation Lab
Mr. Patrick Dowd, Office of the Family and Children's Ombuds
Ms. Liz Trautman, The Mockingbird Society

Staff Present

Ms. Melanie Nadon, 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.

DSHS/Children's Administration Updates

Mr. David Del Villar from the DSHS's Children's Administration began the meeting by providing an update from the Department on nine different issues. Mr. Del Villar first spoke about the results of the CA Presentation to Governor Inslee, highlighting strong performance of the Department and CPS caseworkers despite significant increases in intake and vacancies/turnovers. Governor Inslee recognized the difficulty of the Department's work and stated that he sees improving the pay of CPS caseworkers as important and he plans to communicate this to the Legislature.

Mr. Del Villar then discussed the issue of staff retention in the Children's Administration, noting that the Department was still struggling with retaining staff over the past two years. The Department is stabilizing slowly, but Mr. Del Villar said that the problem is not yet resolved. In addition to the Department's focus on better staff retention, Mr. Del Villar discussed the Department's focus on increased and more appropriate placement options for children/youth. Although the state is grappling with a lack of homes/placements for children/youth, the Department has seen improvements including greatly reduced frequency of hotel/office stays for kids due to the advent of two BRS level emergency receiving programs opening in Region 2. Mr. Del Villar also described the Department's engagement with the Sequel Program, which CA staff are hopeful that Washington will benefit from in 2017.

Region 1 also has a new Regional Administrator in Jeff Kincaid. Mr. Del Villar introduced Mr. Kincaid briefly and highlighted his work with the DLR and his 18 year commitment to public child welfare service. Mr. Del Villar then proceeded to his next update on the CA's preparation for the Rapid Permanency Reviews (RPR). CA is actively engaged with both state and national Casey Family Programs partners in developing the RPR process. CA is anticipating review of approximately 1,500 cases in order to collect aggregate data for both case-based and systemic barriers to permanency. Reviews should begin in February/March of 2017.

Then, Mr. Del Villar explained the CA's current engagement with Wendy's Wonderful Kids, which is considering expansion of the program in Washington State. If Washington is selected for expansion, a number of "difficult to adopt" children would benefit from additional adoptive home recruiters to help the Department in securing adoptive home options. CA currently benefits from two Wendy's Wonderful Kids recruiters associated with Children's Home Society in Seattle and Tacoma and an LGBTQ children/youth recruiter with Families Like Ours in Seattle.

CA is also considering an RFI/P to assess provider/agency interest in developing child/youth drop in centers in areas with dense populations. These centers would support kids who are awaiting placement or are not yet in school for brief periods who need a structured day program over long days spent in DCFS offices. The Administration is hoping for sufficient interest in developing a model for these centers so that children/youth can benefit from a structured environment that supports education/learning, socialization, and recreation.

Mr. Del Villar then gave an update on the IT situation for the Department and discussed the foster care parent mobile application, Our Kids, which is being developed. The app is on the cusp of deployment and should soon be available to foster parents and relative care providers. Additionally, the Foster Parent Portal should be ready by the start of 2017. This website will allow current foster parents to access the mobile application and additional enhancements will follow which will allow prospective foster parents to begin the application process electronically.

Lastly, Mr. Del Villar addressed the Commission on the CA's preparation for the 2018 Child and Family Services Review (CFSR), which is a federally mandated audit of each state's public child welfare system. As part of the process, the CA's Continuous Quality Improvement Section began a campaign to better support the well-being needs of children in care. The process focused on using monthly health and safety visits to better assess and respond to education, physical/dental health, and mental health needs.

After his update, Mr. Del Villar opened the floor for questions. Justice Bridge asked about the new budget. Mr. Del Villar responded that the budget request for the Department had been submitted and that they had been told that there would be no budget increases for the Department. However, the Governor's Office changed its mind due to some outside efforts and departments will be allowed to resubmit budget requests. The Department's request included basic requests to maintain the Department's operation at its current levels. Mr. Hart asked for clarification on the drop in center's funding and whether or not those centers would be separate from Hope Beds. Mr. Del Villar answered that funding was from the state for these centers and that the resource was separate from Hope Beds.

Justice Bridge then asked Mr. Canfield if he could report any information on the new foster care app discussed in the Department update. Mr. Canfield reported that the app has been good news and has simplified many processes for the foster parents using it. Mr. Hart added that the app connects parents to each other, as well, and that there could be great benefits in that process. Ms. Malat asked the last question, inquiring about what CA is doing to recruit new foster parents/homes. Mr. Del Villar explained that CA will be splitting some of its recruitment for foster parents with contractors and trying to find balance in that division. He also noted that a big part of the foster parent retention problem could be resolved with continuing to better the treatment of foster parents. Ms. Morrison added that the solution to the problems faced by foster parents are often viewed as a social worker problem that has a one-size-fits-all solution. Mr. Canfield agreed and added that increased foster parent retention is going to require clearer trainings and flexible solutions for parents as well as social workers, who are all simply human and still learning about the system they have entered into.

eQuality Protocol

Mr. Nicholas Oakley from the Center for Children and Youth Justice shared an update on the eQuality Project. Mr. Oakley had previously reported to the Commission in March of 2016 about the initiative and initial results of the project's research. Mr. Oakley provided some background information on the initiative, which is based on research done in 2013 on LGBTQ youth involved in the juvenile justice and child welfare systems. The study engaged focus groups of youth, alumni, and other stakeholders and professionals in the system. The results confirmed national literature of LGBTQ negative experiences in these systems. The final report is titled

“Listening to Their Voices.” The Report suggests that there is no legislative fix but that solutions come down to stakeholder practices and policies.

The next stage in the project was to develop and pilot a Protocol for Safe and Affirming Care which will guide stakeholder practices and policies. This protocol has now been drafted. Mr. Oakley shared with the commission the purpose, vision, and principles of the Protocol and its 10 foundations: 1) Rights of Youth; 2) Training for professionals, volunteers, and caretakers; 3) Safe and affirming spaces for all; 4) Talking about sexual orientation and gender identity with youth; 5) Services for LGBTQ+ youth; 6) Housing for LGBTQ+ youth; 7) Healthcare for LGBTQ+ youth; 8) Responding to Families of LGBTQ+ youth; 9) Data collection on LGBTQ+ youth, and 10) Accountability for professionals, volunteers, and caretakers. Mr. Oakley noted that the protocol should be finalized soon and will then be piloted in King County in the Juvenile Court, Juvenile Detention Center, and the Children’s Administration.

Mr. Oakley opened the floor to questions after his presentation on the Protocol. Ms. Morrison asked what the youth group that was surveyed for the initial eQuality research project looked like. Mr. Oakley responded that the youths were ages 18-25 and came from across the state and from multiple different systems. Mr. Oakley noted that remaining in contact with the same youth in order to gather their input on the Protocol and research results has been difficult, but that the youth are being compensated for their time. Ms. Lewis then asked if Mr. Oakley would be working with The Alliance on this project in the future. Mr. Oakley responded that the hope is to have changes to The Alliance curriculum in the long term but not immediately.

Mr. Hart then followed-up by asking if Family Reconciliation Services would also be involved or able to help. Justice Bridge responded that while the issues like those LGBTQ+ youth and their families are facing are the reasons that FRS was created, FRS is too under-resourced to be much help in the implementation of the Protocol at this point. Ms. Wayno then asked if it was services from CA’s faith-based contractors that were contributing the most to the problems faced by these youth. Mr. Oakley responded with “yes”, but elaborated that LGBTQ+ kids also have a faith and they do need faith-based guidance and the knowledge that some churches will accept them. CCYJ will be taking on a master’s of divinity student as an intern in the coming months to help with outreach to resolve this tension.

Family Advocacy Center Updates

Ms. MeLisa Carson from the Center for Children and Youth Justice spoke to the Commission about CCYJ’s Family Advocacy Center (FAC). The Family Advocacy Center, which was implemented in Renton in April of 2016, is a team model with an attorney, a social worker, and a parent ally who work together to resolve an outstanding legal issue that would result in preventing a child’s placement into foster care or a child’s prolonged stay in care. Ms. Carson recently joined the Family Advocacy Center as the team’s Social Worker. The FAC is modeled after the Detroit Center for Family Advocacy which was implemented to great success out of the University of Michigan’s Law School.

The FAC program has dealt with a number of “but for” legal issues including creating parenting plans, resolving housing and landlord issues, and providing services to resolve custody issues. The program is currently operating at 160% reach of its goals, having taken 67 referrals in 2016,

80% of which were relevant cases. Justice Bridge commented that the FAC project is currently far ahead of University of Michigan's pilot model, which was not particularly inclusive, taking fewer cases and involving fewer stakeholders. Ms. Morrison then posed a question about what the FAC does for transient cases. Ms. Carson responded that the regular rules of dependency cases with just one parent apply, but the process will be longer – 90 days instead of 30 days. Justice Bridge then noted that the Family Advocacy Center is hoping to expand and pilot a program in Spokane in 2017.

The Foster Innovation Lab

Ms. Shannon Mead then presented on her work with the creation of The Foster Innovation Lab. Ms. Mead has a background as a strategy consultant and formed the Lab with three other foster parents with the hope of uniting her two worlds and interests. The goal of the Foster Innovation Lab is to fill the gap of retaining quality foster homes by finding a way to make the fostering process less of a struggle. Ms. Mead hopes to achieve this goal by bringing strategy and business principles such as continuous quality improvement to the realm of foster care.

There are three steps in the Foster Innovation Lab's process: 1) clarify the problem, 2) conduct an experiment, and 3) learn and share. To illustrate this process, Ms. Mead discussed the example of confirming delivery of caregiver reports. The experiment carried out for this problem was simple – have a sample of foster parents hand deliver or mail their reports with a self-addressed-stamped-envelope and a cover sheet that asks the clerk to stamp as received and return. This sample of foster parents would be surveyed about their satisfaction before and after the experiment to see if this small change made any difference.

Mr. Hart asked why the caregiver reports were an issue of such importance that could change caregiver satisfaction. Judge van Doornick explained that report writing is an extensive process and reports are used in every court proceeding for the child, but that foster parents still often do not receive confirmation if they complete these reports. Mr. Murrey asked why the Lab focused solely on foster parent satisfaction. Ms. Mead noted that ultimately the focus of the project was on foster parent retention and that foster parents' lack of satisfaction was often a reason for the lack of retention. Ms. Moore then asked if the Foster Innovation Lab was collaborating with the courts, government, or CA in any capacity. Ms. Mead responded that the Lab was hoping to bypass social workers and Administration as much as possible simply because those jobs are already overwhelming and dealing with their own issues. She hopes that the Lab can effectively operate within the government and Administration, but that it can focus solely on foster parents.

ESSA Foster Care Requirements

Ms. Jess Lewis from the Office of Superintendent of Public Instruction updated the Commission on the new Foster Care requirements under the Every Student Succeeds Act (ESSA). The ESSA was signed into law on December 10th, 2015 and new foster care requirements under the act took effect on December 10th, 2016. Ms. Lewis spoke to the Commission about what the new law covers, how it will improve access to school for children and youth in foster care, and what we can all do to support the implementation of the new law. Ms. Lewis discussed the state and federal context that the new ESSA law would function within before explaining key changes that the law creates.

The first key change discussed was the requirement for the creation of a State Education Agency (SEA) Foster Care Point of Contact for child welfare agencies. This point of contact may not be the McKinney-Vento State Coordinator. The new point of contact will hopefully allow for better communication about the state of foster youth in schools. The second change that Ms. Lewis explained was that Local Education Agencies (LEA) that receive Title I, Part A funds must also designate a point of contact for the local child welfare agency, if the local child welfare agency notifies the LEA, in writing, that it has designated a point of contact for the LEA. Ms. Lewis explained that 284 out of 295 school districts receive Title I, Part A funds and that each district that receives these funds must designate a Foster Care Liaison (point of contact). In Washington State, the hope is for 100% school district participation.

Ms. Lewis defined the duties of foster care liaisons (an SEA or LEA point of contact) as follows: coordinate with Foster Care Education Program Supervisors at OSPI, serve as the primary contact person for DSHS/CA and case workers, facilitate the transfer of records and immediate enrollment, facilitate data sharing with child welfare agencies, consistent with FERPA and CA protocols, develop and coordinate local transportation procedures, manage best-interest determinations and disputes, and ensure that children in foster care are enrolled in, and regularly attending, school. Mr. Canfield asked a clarifying question about the law's implementation date and the impact it will have on local transportation procedures, noting that many foster parents have expressed concerns about returning from Winter Break and no longer having access to their transportation services. Ms. Lewis explained that while the law is being implemented in December and will change requirements for funding of transportation for foster youth, no changes to services provided to currently enrolled students will occur until the new school year.

The third new requirement that Ms. Lewis outlined was an amendment requiring school collaboration with state child welfare agencies to ensure that foster youth can remain in their school of origin, if in their best interest, or enroll immediately in a new school. The "School of Origin" is defined as the school in which a child is enrolled at the time of placement in foster care. An SEA and its LEA must ensure that a child in foster care enrolls or remains in his or her school of origin unless a determination is made that it is not in the child's best interest. Dr. Newell asked how big of a deal it was if a child wanted to remain at their school of origin. Ms. Lewis noted that often times it's hard to even get kids to go to school, so their desire to be at a particular school is a conversation that must be had.

If the child's foster care placement changes, the school of origin would then be considered the school in which the child is enrolled at the time of the placement change. Immediate enrollment is defined as student being enrolled in, attending, and participating fully in school activities without delay. Enrollment cannot be denied or delayed because documents normally required for enrollment have not been provided; the enrolling school must immediately contact a child's school of origin to obtain the relevant records and documents.

Lastly, Ms. Lewis discussed new requirements for state report cards, which now must disaggregate graduation, discipline, and academic achievement. Ms. Moore asked how partial credit would be handled under the new requirements. Ms. Trautman noted that this was an issue covered at the Youth Summit this year. Ms. Lewis responded that there is no requirement to offer partial credit, but that it is being strongly encouraged. Additionally, she explained that there is an

effort from The Mockingbird Society to make granting partial credit a requirement because currently foster youth often lack incentive to attend school once they are settled since they will not even receive partial credit for attendance.

Foster Youth Summit Report

Ms. Liz Trautman from The Mockingbird Society and Mr. Sabian Hart, the Foster Youth in Care Representative, presented the 2016 Foster Youth Summit Report to the Commission. Ms. Trautman and Mr. Hart discussed the Lead Policy Agenda, the Support Policy Agenda, and Community Led Proposals outlined at the Summit.

Mr. Hart first explained the 2017 Lead Policy Agenda: 1) Improve normalcy and access to independence by piloting a program to help foster youth with paperwork and fees necessary to obtain a driver's permit, license, and insurance; 2) Recruit and retain foster parents through renewing the budget proviso for Mockingbird Family Model constellations; 3) End youth detention for status offenses by eliminating the use of the Valid Court Order Exception; and 4) Prevent sexually transmitted infections and unwanted pregnancies by working with CA to ensure foster youth receive comprehensive, medically accurate information about sexual health and relationships.

There were also four items on a 2017 Support Policy Agenda: 1) Provide legal representation by granting legal counsel to all children and youth in foster care before their 72-hour shelter care hearings; 2) Improve educational outcomes by supporting an education package bill that requires consolidation of unresolved or incomplete coursework due to foster care placement transfers; 3) Prevent and end homelessness in schools through supporting the Homeless Student Stability Program budget request; and 4) Support at-risk youth and families by increasing funding to improve and expand the Family Reconciliation Services program.

Ms. Trautman then discussed the support for Community Led Proposals for reform in 2017. There are three priorities: 1) Enhance data collection to improve services for youth by allowing youth under 18 to consent to providing their personally identifying information for the Homeless Management Information System; 2) Re-envision a system of care for children and youth by supporting the creation of the new Department of Children, Youth, and Families; and 3) Improve statewide homeless youth services through advocacy for the implementation of the OHY Strategic Plan near-term action agenda. Justice Bridge recommended that all Commission members be sent the Blue Ribbon Commission report on the state of Children, Youth, and Families and the Report from the Office of Homeless Youth's Strategic Plan to read if they had not already done so.

New Business

Justice Bridge opened the floor for the discussion of any new business and invited Ms. Cindy Bricker, Senior Court Analyst with the Administrative Office of the Courts, to speak to recent loss of funding for the Court Improvement Project (CIP). Ms. Bricker explained that while one basic grant for the CIP was approved which would cover some salaries for those working on the CIP project, the training and data grants were lost due to their funding being imbedded in the federal Families First legislation, which did not pass.

Justice Bridge asked how we should do in order to best get what we need to continue the program. Ms. Bricker noted that the CIP could potentially work with the University of Washington in order to continue some training portions of the program. She also explained that the Dependency and Timeliness report provided by the CIP is mandated by the State and the CIP is therefore hoping to find some state funding to continue the reports. Ms. Bricker explained that every state receives CIP money and that the CIP project is funded through September of 2017. But, no funding for new projects will be approved and as of right now, funding for the overall project will be lost after September of 2017. Justice Bridge noted that we will continue to work on resolving the issue at the beginning of the new year and that Ms. Bricker should follow-up on this issue at future meetings.

Mr. Canfield then raised the issue of foster parent recruitment and retention. He explained that while foster parent recruitment and retention is a big issue, foster parents feel powerless in creating change or challenging anything coming out of CA for fear of retaliation. Mr. Dowd explained that there are more complaints from foster parents than anyone else and that those complaints have been increasing. However, while the initial complaints have to be confidential, that confidentiality is often lost as the complaint process continues and thus foster parents often do not complete the complaint process.

Mr. Canfield explained that foster parents may simply want a place to anonymously vent and share their stories because they want to feel respected and supported but often do not. Mr. Hart agreed and said that we need to encourage the assumption of positive intent on both sides of the issue. Justice Bridge asked how we should move forward with this issue and whether or not it would be an appropriate issue for the creation of a new Work Group. Mr. Dowd and Mr. Canfield both expressed interest in investigating this problem more thoroughly and speaking with foster parents about solutions. Ms. Mead also noted that this could be a problem that the Foster Innovation Lab could work on. Justice Bridge concluded that we should allow members to proceed with their proposed work and return to the next meeting with recommendations.

Adjourned at 4:05pm by Justice Bridge.