



**Washington State Supreme Court
Commission on Children in Foster Care
March 18, 2019
Meeting Minutes**

Members Present

Justice Bobbe J. Bridge (ret.), Washington State Supreme Court, Commission Co-Chair
Ms. Jody Becker, DCYF, Commission Co-Chair
Justice Barbara Madsen, Washington State Supreme Court, Commission Co-Chair
Ms. Raven Arroya-Healing, NW Intertribal Council
Mr. Jim Bamberger, Office of Civil Legal Aid
Ms. Jolie Bwiza, Tacoma Chapter Leader, Mockingbird Youth Network
Judge Kitty-Ann van Doorninck, Superior Court Judges' Association
Ms. Jeannie Kee, Foster Youth Alumni Representative
Ms. Jill Malat, Office of Civil Legal Aid
Ms. Tonia McClanahan, Parent Advocate Representative
Mr. Martin Mueller, Office of Superintendent of Public Instruction (designee for Chris Reykdal)
Mr. Ryan Murrey, Executive Director, Washington State CASA
Ms. Joanne Moore, Washington State Office of Public Defense

Members Not Present

Mr. Mike Canfield, Co-Chair of Foster Parents Association of Washington State
VACANT, Washington State House of Representatives
Senator Steve O'Ban, Washington State Senate
Ms. Carrie Wayno, Attorney General's Office (designee for Bob Ferguson)

Guests

Mr. Jacob Braxton, Passion2Action
Ms. Cindy Bricker, Sr. Court Program Analyst, AOC
Ms. Peggy Carlson, Program Supervisor Foster Care Education, OSPI
Ms. Carissa Greenberg, Attorney General's Office
Mr. David Del Villar Fox, DCYF
Ms. Tracey Freckleton, Foster Parents Association of Washington State
Ms. Lauren Frederick, Public Policy and Advocacy Manager, Mockingbird Society
Ms. Laurie Lippold, Partners for our Children

Staff Present

Ms. Akanksha Jayanthi, CCFC Staff Intern, Center for Children & Youth Justice

Call to Order

Justice Bobbe J. Bridge (ret.) called the meeting to order at 1:07 pm. She welcomed Commission members and guests and invited everyone to introduce themselves.

Justice Bridge then introduced new Commission member Ms. Jolie Bwiza, who will serve as the Youth in Care Representative. Ms. Bwiza introduced herself, noting she is the Tacoma chapter

leader for Mockingbird Society, and she recently received a full-ride scholarship to attend St. Martin's University in the fall with plans to study international relations or political science.

Approval of Minutes

Justice Bridge invited a motion to approve the December 2018 meeting minutes. Judge Kitty-Ann van Doorninck moved to approve the minutes, and Ms. Jill Malat seconded the motion. The motion passed.

Legislative Updates

Ms. Laurie Lippold provided updates on the following child welfare-related bills.

HB 1561: Ensuring participation on the DCYF Oversight Board

This bill would add three new members to the Department of Children, Youth, and Families (DCYF) Oversight Board. Two of those members would be youth – one representing lived experience with foster care and one representing lived experience with juvenile justice – and the third member would be a pediatrician. The bill also calls for five members of the oversight board to be from Eastern Washington. Currently, three members represent Eastern Washington, so two of the proposed three new members would also need to represent Eastern Washington.

HB 1631: Child Welfare Workers Bill

This bill, which died, was meant to support case workers. It would have reduced caseload size to 18 cases per 1 social worker. The bill also included language around training and improving child welfare workforce culture. Ms. Lippold said the bill wasn't controversial, but it died on the House floor partly because legislators thought they can amend the bill onto SB 5955, a Department request "technical cleanup bill".

SB 5826: Maximize federal funding for prevention and family services and programs

This legislation was requested by DCYF. It seeks to codify the state's implementation of the federal Family First Prevention Services Act and the expansion of preventive services, as well as being able to use Title IV-E money to fund these services. Ms. Lippold said the Senate passed this bill, but legislators decided to use the House Bill, which is HB 1900.

SB 5096: Allowing case aides to provide temporary assistance for foster parents

In 2018, SB 5890 eliminated means-testing for kinship caregivers and created a support program where case aides can provide temporary assistance to foster parents as needed. Now, this new bill would allow case aides to work on a volunteer basis. The bill moved through the Senate and is held up in the House, likely due to scheduling challenges.

SB 5533: Concerning certificates of parental improvement

This bill, which died, would have allowed somebody with a founded allegation of abuse or neglect to petition through DCYF for an eligibility certificate that would allow them to volunteer at their child's school, become licensed, or get a job working with kids or volunteering at an assisted living or nursing facility. In the Senate Ways and Means Committee, legislators had concerns about somebody with such a founded allegation

chaperoning a field trip. Sen. John Braun introduced an amendment to remove considerations for somebody with a founded allegation being a chaperone, but leaving an exception that would allow someone with a certificate to potentially volunteer in a nursing home or assisted living facility. Ultimately, legislators decided to not bring the bill up on the Senate floor and instead continue to work on it during the interim.

Ms. Malat suggested legislators could exclude from the bill people with founded allegations regarding sexual and physical abuse and instead permit those with founded allegations of neglect, which account for 75-80% of founded allegations.

Ms. Lippold said there are also other ways to amend the bill, like not allowing unsupervised contact. She said she is optimistic it can be worked out.

SB 5604: Concerning the uniform guardianship, conservatorship, and other protective arrangements

Next, Ms. Lippold mentioned SB 5604, a bill dealing with guardianships, specifically addressing concerns with non-parental custody. She said kinship caregiver groups and parent advocates have reached some agreements. Judge Kitty-Ann van Doorninck said lawmakers have addressed the majority of the concerns from the judges' point of view.

SB 5651: Establishing a kinship care legal aid coordinator

This bill would establish a system of legal supports for kinship caregivers. It would give the Office of Civil Legal Aid \$214,000 to contract out to the King County Bar Association to build capacity for pro- and low-bono attorneys statewide to provide guidance to kinship care givers. The bill passed out of the Senate 48-0 and will next be heard in the Civil Rights and Judiciary Committee.

SB 5718: Establishing child welfare housing assistance program to support reunification

Ms. Lippold said the primary barrier to reunification is a lack of appropriate housing. This bill would establish a state-funded program to assist parents with housing costs and other support services for a limited time if they meet eligibility criteria. The House bill died in appropriations, but the Senate bill that limits the proposed program to a pilot program is moving forward.

SB 5892: Concerning factors to be considered in a shelter care hearing

Ms. Lippold invited Mr. Ryan Murrey to introduce SB 5892. The bill did not advance, but it would have provided courts more information from various parties at the 30-day status check with the intention of helping cases move forward faster.

Next, Ms. Lippold discussed three bills regarding children's mental health, noting there is significant overlap with children's welfare, adding that some of the proposed services may be able to draw from IV-E funding depending on the status of the child.

HB 1216: concerning non-firearm measures to increase school safety and student well-being

The School Safety and Wellbeing Bill, also known as the mass shootings bill, presents recommendations on improving school safety with a focus on addressing behavioral health issues. One such recommendation is to have three additional full-time employees for every educational service district (ESD), one of which would focus on expanding the capacity for behavioral health services in school districts across the state. Ms. Lippold said an ESD navigator conducted a pilot of this program with positive results. One of the ESDs became a qualified mental health center, so it was able to use Medicaid dollars. The bill passed through the House and is being heard in the Senate.

HB 1874: Implementing policies related to expanding adolescent behavioral health care access

This bill addresses parent concerns with accessing information about their child in the parent-initiated treatment (PIT) process. Following a PIT, parents often are unable to access information about their child due to privacy and disclosure laws. Federal law does not permit information disclosure related to substance use treatment, but does allow for information regarding mental health. The bill would increase parents' access to information about mental health services as well as permit the PIT process for outpatient, intensive outpatient, and partial hospitalization services. The bill passed the House and is scheduled for hearing in the Senate Behavioral Health Subcommittee.

SB 5903: Concerning children's mental health

The last bill Ms. Lippold discussed compiles a number of recommendations coming out of the Children's Mental Health workgroup. Those recommendations include creating partnership access lines for schools to link students with a school-based child psychiatrist or psychologist, expanding child psychiatry residency programs, and language about the aforementioned ESD pilot expansion. The bill died in the House, but unanimously came off the Senate floor. It is scheduled to be heard in the Human Services and Early Learning Committee.

Justice Bridge opened the floor to anyone else who wants to bring up issues related to the legislature. Ms. Raven Arroway-Healing expressed concern around SB 5437, legislation requested by the Governor expanding eligibility to the Early Childhood Education and Assistance Program. She said the Department did not want to include the word "Indian" in the bill because of fears it would be considered unconstitutional and determine eligibility based on race. However, she noted the legislation should include the word "Indian" because not only is the goal of the law partly to increase service to tribal members, but it's also legal under federal law and Washington state law to do so.

Transition Plan

Justice Bridge updated the Commission on her upcoming transition as she steps down as co-chair. There are continuing discussions on how the Commission will be organized moving forward, including leadership and how the Evans School and Center for Children and Youth Justice will fit in the organizational structure. Justice Bridge's last meeting as co-chair will be in May. She introduced Justice Barbara Madsen, who Chief Justice Mary Fairhurst has appointed to succeed Justice Bridge as co-chair.

DCYF Updates

Ms. Jody Becker said the Department of Children, Youth, and Families is gearing up for its next big transition, in which the Office of Juvenile Justice, Juvenile Rehabilitation, and the Child Care Subsidy Program will join DCYF on July 1, 2019. In addition to Deloitte serving as change management consultants, she said the Department is developing its own internal change management program to sustain the organizational transformation on its own.

DCYF Recruitment

Ms. Becker discussed three positions for which DCYF is recruiting. The first is the Assistant Secretary for Child Welfare Operations overseeing the work of the field staff, which is made up of about 2,000 people across six regions. Ms. Becker said she currently has taken on many of those responsibilities. The second position is the Director of Adolescent Programs. This is a new position that will be part of the DCYF leadership team that seeks to address the unique needs of adolescents, a cohort for which the Department feels it does not have an organizational strategy. Ms. Becker said this position will require higher level strategies for adolescents regarding housing, education, relationships, and behavioral health, as well as figuring out how to bring authentic youth voice into the work. The third position is the Family First Prevention Services Administrator, a role requiring facilitation and project management skills and the ability to lead and motivate large groups.

Mr. Jim Bamberger asked what DCYF is doing in the recruitment process to ensure inclusion, diversity, and expanding the racial composition of the leadership team.

Ms. Becker said one of the strategies is to engage in a fair and competitive recruitment process, which depends on having a strong candidate pool. The focus right now is how to strengthen that candidate pool. She said they are trying to spread the word about these openings as widely as they can, particularly to places and people who may not be on the state government website looking for these types of positions. She said they are recruiting nationally.

Child and Family Services Review

Next, Ms. Becker shared results of the state's Child and Family Services Review, a review required by the Children's Bureau to assess how well states meet certain federal child welfare requirements. The review was conducted between April and September 2018 and included a case review and stakeholder interviews. The review found Washington does well in quality assurance, the foster care licensing system, community engagement, coordination of services with federal agencies, and training provided to foster parents. Areas for improvement include case worker contact throughout the life of a case, individualizing services to meet unique needs of kids and their families, timely permanency, and worker retention and supervision.

In response, the state has to develop a Performance Improvement Plan (PIP) to address the areas for improvement. Ms. Becker said a team at DCYF has been looking at data and identified the following four focus areas to guide the PIP:

1. A supported, competent, and engaged workforce
2. Engagement from day one to help drive permanency
3. Comprehensive assessment and response
4. Delivering the right services at the right time

The PIP is due to the federal government in early May.

Ms. Becker said DCYF also has to draft a five-year Child Services Plan that is due to the federal government in June. While the PIP focuses on shorter term changes (18-24 months), the Child Services Plan considers a longer term strategy.

Ms. Malat brought up some concerns highlighted in the state's CFSR, namely that the state measures at 17% for stability of children while the child welfare requirement is 90%. One of the elements considered in the stability of children is whether the reason for moving the child is in the child's best interest. The CFSR found 32% of the time, the move was not in the child's best interest, which Ms. Malat noted is a huge area for concern. She said she sees the most concerning part of the child welfare system to be the lack of stability, and stability should be a focus when talking about CFSRs.

Ms. Malat also mentioned that conversations around worker retention rarely deal with vicarious trauma for workers. She said this secondhand trauma is certainly contributing to low worker retention rates, yet meetings about worker retention do not address such concerns.

Ms. Becker said DCYF is engaged in conversations about what a trauma-informed care system looks like. Currently there is a peer support network, but she said the system does not have an overarching strategy to address vicarious trauma on a system-wide level.

Ms. Joanne Moore said the Family First Prevention Services Act seems to be the most basic answer to trauma for families, and the Department should embrace this act as soon as possible. She said preventive services and reducing workers' caseload should be a big part of the PIP.

Mr. Bamberger agreed and noted the importance of distinguishing between primary and secondary trauma. While lawyers and social workers represent the primary victims, he said there needs to be an intentional approach to building systems, training, and support for secondary trauma victims.

Ms. Tonia McClanahan said a trauma-informed, multi-stakeholder workgroup meets monthly at court in Thurston County where they discuss how to integrate trauma-informed practices into their work. They discuss everything from the décor of buildings where children and parents sit to how cases are called to administrative processes. She encourages other counties to do the same.

Indian Child Welfare Case Review

Next, Ms. Becker mentioned DCYF will launch an Indian Child Welfare Case Review in July or August. The last one was done in 2015. DCYF is partnering with the Attorney General's office to make sure the review is aligned with Bureau of Indian Affairs guidelines. She also mentioned the Department will work closely with tribal nations on the process for review.

Administration of Children and Families Grant

Ms. Becker then discussed a five-year, \$7.9 million grant DCYF received from the Administration of Children and Families to improve permanency. The Department is trying to align existing efforts to leverage as much capacity as possible.

Child Abuse Prevention Month

Next, Ms. Becker outlined upcoming events. April is Child Abuse Prevention Month, so on March 31st DCYF plans to plant pinwheels at the Capitol to beautify the campus for the month of April. On May 19, DCYF is hosting its annual We Are Family event at a Mariners baseball game to support and recognize caregivers.

Questions and Comments

Returning to the permanency grant from the Administration of Children and Families, Ms. Jeannie Kee asked if DCYF has a parent and alumni of care representative helping to make decisions, as she said permanency means something different to alumni of care than it does to the child welfare system. Ms. Malat said there is both a parent and a youth voice on the grant.

Ms. Jolie Bwiza asked, in relation to the CFSR, what is meant by “community engagement”? Ms. Becker said that during the review process, reviewers spoke with people about their experiences in child welfare to understand what is working, what is not working, and where they would like to see improvements. The goal is to get feedback and try to understand their lived experiences in the system, details which are not apparent just by looking at case files.

Ms. Bwiza then asked what the Department does if they receive feedback about something that is impossible to change. Ms. Becker said they have to assess if it is lawful for the Department to take a particular course of action, and they also have to assess their capacity to make the change. She said she wants state agencies to do a better job of closing the loop after someone makes an inquiry or suggests an idea and tell that person that they’ve looked into the matter and outline what they can or cannot do about it.

Ms. Tracey Freckleton asked if the Department plans to include foster parents in helping birth parents work with their kids, particularly as foster parents have been caring for the kids for up to three years. Ms. Becker said agencies can do a better job of engagement overall, whether that means engaging birth parents, foster parents, or parents in tandem. She said she is having conversations with Casey Family Programs to try to bring in a national program to serve as a model in Washington State for how to have those conversations. Ms. Freckleton mentioned the Foster Parent Association of Washington State is working on a pilot program doing just that.

Mr. David Del Villar Fox noted the Governor’s proposed budget includes allocations for engagement with foster parents.

Ms. Bwiza asked what happens when foster parents continually have problems or mismatches with children placed in their care. Ms. Becker said the state would hopefully first work with those foster parents if such patterns emerged, such as more training on how to work with youth. She also said she would hope a case worker would be working really hard to find a good match for a foster placement and connect children in a home where they can thrive.

Mr. Ryan Murrey asked who will lead CSFR once April Potts leaves. Ms. Becker said that position, which focuses on quality assurance and improvement work, is open for recruitment. In the meantime, existing team members will help fill the gaps.

Commission members took a 10 minute break, and resumed at 2:38 pm.

Normalcy Workgroup Updates

Ms. Jeannie Kee provided updates from the Normalcy Workgroup regarding SB 5395, which would mandate comprehensive sex education for public school K-12 students across the state. Ms. Peggy Carlson added the bill would require school districts to either pick a curriculum OSPI approves or find a curriculum that would cover the same set of standards. School districts would be responsible for adopting the curriculum.

Workgroup members are still concerned with how to ensure a child receives sexual health education if their parent decides to opt them out of receiving that education at school via the prudent parent standard. Further, the Workgroup is considering how to check whether a child has received sexual health education. Ms. Kee said some youth do not want to be asked in court by a judge if they have received this education, as it may be a vulnerable topic of discussion. She said other options may be to have a check box at the planning meeting at age 17.5 indicating if they have received this education. If not, the care team could partner with community programs and providers to do so.

Ms. Tonia McClanahan said the 17.5 point marker might be too late for youth. Ms. Kee said that check-in would be the last chance to check before the youth leaves the system.

Thinking of the timeline of the proposed legislation, the requirement for public schools to provide sexual health education would go into effect in 2021. Ms. Kee said another question is what should be done for youth in the next two years? The Workgroup continues to explore options.

Title IV-E Funding to Parents' and Children's Representation

Next, Ms. Joanne Moore outlined and provided updates for the Office of Public Defense's Parents Representation Program for child welfare cases and updates to Title IV-E Funding affecting parent and child representation. The Parents Representation Program launched in response to a need for equitable legal representation in dependency and termination cases. In 2000, OPD asked the legislature for \$7 million to fund a pilot program to better pay parents' attorneys. The program has slowly expanded since then, and this year is the first year that the program has had statewide parents representation.

The program uses contract attorneys and imposes a case load limit of 80 cases per attorney. After the program expansion, Ms. Moore said the program has become underfunded, and the contracts are worth \$35,000 less than they were in 2004, adjusting for inflation. As a result, many attorneys are leaving the program because they can't afford to do the work anymore.

Ms. Malat then discussed the children's representation. A bill passed five years ago requiring counsel for all children when both parents' parental rights were terminated and they had not

reached permanency after six months. Last legislative session a study was created in Grant and Lewis Counties, and the Washington Center for Court Research is conducting an evaluation in those counties. The evaluation is due to the legislature in December, but OPD is requesting the study be extended a year to ensure they can analyze enough decision points to present an analysis with adequate statistical power.

Justice Bridge asked about the process for getting the extension. Ms. Malat said they are not asking for more money. They did not use the whole appropriation they received, so they're hoping the legislature will re-appropriate what OPD did not originally use.

Ms. Moore next talked about the Family Justice Initiative, a new collaborative initiative funded by the Casey Foundation that brings together parents' and children's attorney leadership. She said the two groups have so much in common they do not need to be fighting over resources or support. Partly in response to national movements of improving parents' and children's representation, the Children's Bureau issued a policy change in December 2018 reinterpreting Title IV-E administrative costs. The Title IV-E Program funds the federal part of foster care support, adoption subsidies, the Attorney General's office, and many administrative costs. The policy change permits states to seek administrative cost reimbursement from the federal government to pay for the cost of attorneys on behalf of the children in foster care in the state eligible for Title IV-E foster care benefits and their parents. Ms. Moore said OPD hopes this funding change helps meet the needs to increase compensation for these attorneys.

FPAWS

Tracey Freckleton spoke with the Commission about the Foster Parents Association of Washington State's Pacific Northwest Caregivers Conference and Shining Stars Awards Event at Great Wolf Lodge scheduled for the first weekend in May. The conference features classes and sessions to discuss and learn about relevant topics, including caregiver advocacy, self-care, creating relationships with birth parents, aggression replacement training, training on the needs of LGBTQ+ youth, keeping kids safe from social media, and more. There will also be a Kids Camp at the conference so kids have a program to engage in during the weekend as well. The Night of Shining Stars Event intends to recognize those who are making a difference in foster care communities and for foster families.

Ms. Freckleton also mentioned FPAWS recently signed a contract to bring 7 additional training conferences around the state that hope to make it easier for interested foster parents to attend, as a lack of child care tends to prohibit foster parents from attending such conferences. She said FPAWS is developing a teen program for these conferences so foster parents who do not want to leave their teenage kids at home can bring them to the conference where the teens will be able to learn something.

FPAWS is also planning its first large-scale fundraiser event in the fall. The event intends to raise awareness of the need of more foster families and change the culture between foster parents, birth parents, social workers, and agencies to more collaboratively find permanency for children. The fundraiser is scheduled for October 22 at the Museum of History & Industry in Seattle.

En Banc Presentation

Lastly, Justice Bridge and Ms. Akanksha Jayanthi introduced a new way to compile information for the Commission's annual Report to the Supreme Court. Previously, Commission staff would review meeting minutes from the prior year and select highlights to present to the court. This year the staff wanted to also ask Commission members directly if there were particular items they wanted the report to address. Justice Bridge mentioned the work from the Normalcy Workgroup should definitely be included. Ms. Carlson wanted to highlight the importance of the opportunities for the Commission to hear youth voice. Mr. Murrey mentioned how DCYF did a good job of keeping the Commission updated throughout the Department's transition.

Justice Madsen, incoming co-chair, offered the perspective of the Court, saying the justices are always interested in knowing how the courts are doing and what they can be doing differently. She said anything the Court can do to facilitate the success of the Commission is of great interest.

Ms. McClanahan reiterated that many of the conversations in the previous year were centered on the DCYF transition, which caused a bit of tension at times. Ms. Moore said one of the big progress areas was setting up the Reunification Day Steering Committee, adding the time is coming to get started on this year's Reunification Day plans.

Ms. Malat said it would be important to talk about the Youth and Alumni Leadership Summit, particularly as the requests the young people were asking for – like group homes without bedbugs and not exiting into homelessness – are basic things. She said it seems “shameful” that young people have to ask for these types of things.

Final Comments

Right before adjournment, Mr. Murrey noted the scheduled May meeting date conflicted with the Children's Justice Conference. Justice Bridge said Commission staff will look into rescheduling the CCFC May meeting so it does not conflict with the Children's Justice Conference.

Adjourned at 3:42 pm by Justice Bridge.
