



**Washington State Supreme Court
Commission on Children in Foster Care
May 6, 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, Incoming Commission Co-Chair
Ms. Raven Arroway-Healing, NW Intertribal Council
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. Ryan Murrey, Washington State CASA
Ms. Joanne Moore, Washington State Office of Public Defense

Members Not Present

Mr. Jim Bamberger, Office of Civil Legal Aid
Ms. Beth Canfield, Foster Parents Association of Washington State
Mr. Mike Canfield, Foster Parents Association of Washington State
Mr. Martin Mueller, Office of Superintendent of Public Instruction (designee for Chris Reykdal)
Ms. Carrie Wayno, Attorney General's Office (designee for Bob Ferguson)

Guests

Ms. iLeana Areiza, Mockingbird Society
Ms. Annie Blackledge, Mockingbird Society
Ms. Cindy Bricker, Administrative Office of the Courts
Ms. Peggy Carlson, Office of Superintendent of Public Instruction
Mr. David Del Villar Fox, DCYF
Ms. Katie Ferguson, Amara
Ms. Laurie Lippold, Partners for our Children
Mr. Matt Orme, Washington State Center for Court Research

Vacant

Washington State House of Representatives
Washington State Senate

Staff Present

Ms. Cynthia Delostrinos, Administrative Office of the Courts
Ms. Moriah Freed, Administrative Office of the Courts
Ms. Akanksha Jayanthi, CCFC Staff Intern, Center for Children & Youth Justice

Call to Order

Ms. Jody Becker called the meeting to order at 1:06 pm. She noted May is Foster Care Month, and also that it was Ms. Cindy Bricker's birthday. She then invited everyone to introduce themselves.

Ms. Becker started the meeting by acknowledging that it is Justice Bobbe Bridge's last meeting as co-chair and Ms. Akanksha Jayanthi's last meeting as the CCFC staff intern. She invited Commission members to offer comments or thoughts on Justice Bridge's departure and legacy.

Ms. Joanne Moore read prepared remarks about Justice Bridge's accomplishments as an integral part of forming the Commission and carrying out its work. Many Commission members shared their gratitude to Justice Bridge for her work, dedication, and guidance throughout the years.

Staffing Updates

Justice Bridge shared the courts and CCYJ have decided to continue with the status quo and have another CCYJ intern from the University of Washington Evans School of Public Policy and Governance be the staff person for the Commission.

En Banc Presentation Recap

Ms. Jayanthi then briefly summarized the en banc presentation and reported delivered to the Supreme Court in the first week of April. She said the Court was interested in hearing the activities and accomplishments of the Commission. The Court asked questions about how they can support Commission work in the future and whether there have been decreases in racial disparities and outcomes in timeliness and dependency hearings. Overall, the Court reaffirmed the work of and their support of the Commission.

Dependency Timeliness Report 2018

Mr. Matt Orme from the Washington State Center for Court Research presented findings from the 2018 Dependent Children in Washington State: Case Timeliness and Outcomes Report. He first outlined basic changes to the Report data changes and methodologies. He said there are new targeted data elements in the new DCYF family system regarding final discharge outcome types, and there is more information related to extended foster care placement types. The biggest difference in this year's Report is that there is no data from King County because the county has its own case management system, and they have not been able to migrate data between that database and the database the other counties use. Mr. Orme said IT teams are working on the data migration and hope to have some of that data extracted by July and entered into a database repository with all the other counties for a statewide data pull.

All of this means this year's Report is county-based. They can't do a statewide pull because of King County, and there are no specific reports on FJCIP counties because King County is one of those. Mr. Orme's presentation highlighted findings from Thurston, Pierce, and Snohomish Counties.

Flow of dependency filings

Mr. Orme said the flow of filings -- how many cases are coming into the system versus how many are exiting the system -- indicates the pressure on the system, or the backlog of cases.

Snohomish County faces a high pressure on its system, as there is a “tremendous amount” of filings entering the system, exceeding those that are dismissed. In 2018, Snohomish County reported 485 dependency filings and 186 termination filings, and 502 dismissals. Thurston County’s backlog peaked in 2013 and has since leveled out. In 2018, there were 147 dependency filings, 68 termination filings, and 142 dismissals. Pierce County had been rising since 2012, but in 2018 there was a decline in the backlog. They had 617 dependency filings, 248 termination filings, and 660 dismissals. Mr. Orme said Pierce County’s backlog is falling partly due to the county’s new preventative approach in which they conduct a secondary review of the filings before taking the case in. These secondary reviews provide the courts an added opportunity to use a family assessment response system to take advantage of volunteer replacement agreements or short-term stays with relatives, diverting children from entering the system in the first place. Mr. Orme said it will be interesting to watch how well Pierce maintains this trend and keep an eye on re-dependency or re-entry to see if these cases come back in to the system.

Mr. Orme also talked specifically about children removed from parents because of parents’ substance use. He said Snohomish County specifically has faced a large opioid crisis, with about half of dependency caseloads resulting from parental substance abuse. The rate in Pierce County is slowly increasing in these cases, which Mr. Orme said is representative of the entire state. Thurston County’s numbers had been falling from 2012 to 2014, but have been rising again since then, currently just under 60%.

Further, the biggest age group of children entering dependency filings are infants, between 0 and 2 years old. Infants made up 46% of dependency filings in 2018 in Pierce County, 45% in Snohomish County, and 44% in Thurston County. The percentage of infants entering dependency filings because of parental substance abuse was 60% in Pierce and Snohomish counties and 63% in Thurston County.

Mr. Orme discussed the rising number of intakes overall. There was a 39% increase in intakes for Child Protective Services from 2010 to 2018. Overall, cases which required a face-to-face response increased by 60% during this time frame. More specifically, the number of emergent cases requiring a face-to-face meeting within 24 hours where many kids enter the system right away has increased by 185% from 2010. Cases requiring a 72-hour response increased by 22% during that same time period.

Ms. Annie Blackledge commented that the effects of the Great Recession are ending for most at-risk families, and wondered if there might be some correlation with the rise in intakes. Mr. Orme said there was a confluence of factors in 2010 that has led to the current state of affairs, including significant turnover at departments as well as the opioid epidemic. He also noted positive changes, like the improving economy and slightly more resources. The department is still navigating the wake of these changes, he said, so it often feels like they are playing catch up.

Ms. Moore asked if the data analysis makes adjustments for population increases. Mr. Orme said they look at filing rate counts, so looking at the number of filings per 100 people, for example. This allows for comparisons between counties with varying populations.

Exiting the System: Adoptions and Reunifications

Statewide, reunifications have slightly increased while adoptions slightly decreased. In Pierce County, 41% of reunifications took less than 15 months, while 32% of reunifications took more than 24 months. In Snohomish County, 51% of reunifications took less than 15 months while 20% took more than 24 months. In Thurston County, 43% of reunifications took less than 15 months while 19% took more than 24 months.

On the other hand, adoptions tend to take much longer. In Pierce County, 82% of adoptions took more than 24 months. Adoptions took more than 24 months in 75% of cases in Snohomish County and in 66% of cases in Thurston County.

Extended Foster Care

Mr. Orme said the courts have been tracking extended foster care outcomes for a couple of years now. One measure is whether a caretaker was given adequate timely notifications for hearings. While some counties are not documenting this outcome at all, some of the bigger ones – like Pierce, Snohomish, and Grays Harbor – are. Mr. Orme specifically highlighted Thurston County, which gave 1,000 timely notifications to caregivers, including orders for review hearings, first review hearings, and permanency planning hearings. He said Thurston County is a good example of what can be accomplished when a county has leadership from the bench.

Other Findings

Pierce County saw a decline in the percent of cases with fact-finding within 75 days of petition between 2017 and 2018 (from 84% to 77%), which they do not think should be happening. Snohomish and Thurston Counties both reported increases in percent of cases with fact-finding within 75 days of petition. Snohomish went from 64% in 2017 to 72% in 2018, and Thurston went from 77% in 2017 to 88% in 2018.

As for having a permanency planning hearing within 12 months, Snohomish County has fallen slightly in this realm from 84% in 2017 to 80% in 2018, and they are not quite sure why. Both Pierce and Thurston Counties have increased the percentage of permanency planning hearings, both at 96% in 2018.

For percent of termination petitions filed within 15 months of out-of-home care, Pierce County fell from 78% in 2017 to 70% in 2018, while both Snohomish and Thurston Counties increased during that same time frame, from 72% to 75%, and 87% to 92%, respectively.

Overall, Mr. Orme mentioned that Pierce County is facing some challenging times right now, and much of the turmoil is due to staffing challenges.

He also mentioned Thurston County has decided to implement more oversight on these cases, like having workers come to the court and give reviews on timeliness. The county has attributed some of the lateness in these filings to a lack of dedication on the social worker side and is trying to have more oversight or conversations around that.

Looking at prior dependency and re-entry into the system, Thurston County has reported fewer re-entries (from 5% in 2017 to 4% in 2018) while there were more re-entries in Snohomish (9% in 2017 to 11% in 2018) and Pierce (6% in 2017 to 9% in 2018) Counties. Mr. Orme noted that

in Snohomish, every re-entry case coming back in at the two-year mark was due to a drug relapse. The judicial system there is trying to figure out how to provide more services to make sure kids can stay at home after reunification.

Mr. Ryan Murrey mentioned that the flip side of that statistic is that 90% of the parents did not relapse, which is a positive indicator. He said that in Snohomish County if only 22 families re-entered the system, that's an improvement in the grand scheme of things.

Ms. Tonia McClanahan mentioned how Thurston County has been highly successful with its Family Recovery Court, reaching 100% graduation rates. Mason County's Family Recovery Court is growing by the week. She said parents who are not in recovery court themselves are staffing the court. This approach has positively affected families, as they do not have to wait between 3 and 6 months to come to court, and instead they can be there every month.

Mr. Murrey asked if Mr. Orme will re-aggregate the data and provide an update when he gets the data from King County. Mr. Orme said they think the data will start coming in July, so he does not know if they will have time to issue a supplemental report with King County data before having to start working on the 2019 Report.

Normalcy Workgroup Actions and Update

Justice Bridge asked the Commission if they formally approved the recommendations the Normalcy Workgroup provided in December 2018 regarding comprehensive sexual health education for youth in foster care. Ms. Jeannie Kee recapped the main recommendation, which is to partner with the Office of Superintendent of Public Instruction to mandate comprehensive sexual health education for all students in public schools.

Judge Kitty-Ann van Doorninck motioned for approval of the recommendations. Mr. Murrey seconded the motion. The recommendations were unanimously adopted.

Ms. Kee then provided an update on SB 5395, the bill requiring comprehensive sexual health education for all students in public schools. The bill died in the House of Representatives, likely due to budget issues and fears around misinformation. The bill returned to the Senate Rules Committee.

While the bill remains in Committee, Ms. Kee said the Normalcy Workgroup is working on action plans to make sure youth in foster care receive some sort of sexual health education before exiting care. She mentioned the Licensing Division is considering creating a brochure highlighting reproductive health rights for which youth in care are eligible, including Medicaid to age 26.

Justice Bridge suggested Mockingbird Society could offer seminars or presentations in their chapter networks to provide this type of information as well. Ms. Kee added that a lot of youth in care and extended foster care are not aware of their reproductive rights, like access to birth control and exams, or services for which they are eligible. She said the Normalcy Workgroup is also considering talking to Child Health and Education Tracking program screeners to share this information. She mentioned adding or updating links on independence.wa.gov, a website with

resources on independent living for youth in care. The Workgroup also floated the idea of suggesting youth in care use Planned Parenthood's app which offers information about sexual health. Another option might be to develop their own app. Justice Bridge said that even with an app, the youth have to know it exists, which is where Mockingbird could use their networks to spread the word. Ms. Blackledge said Treehouse could also play a role in that process.

Justice Bridge said the Senate bill is great because it normalizes the experience of receiving sexual education and applies to all kids. However, she said if it needs to be responsive to the youth voice and the recommendations made to the Commission, they must ensure the youth voice is part of the process.

Ms. McClanahan asked if the Normalcy Workgroup has spoken with a pediatrician or found a way to get pediatricians on board with supporting the bill, as they can talk about how puberty is starting earlier and they are having conversations about puberty in their offices starting at 8 years old. Jeannie mentioned the Workgroup plans to work with local public health offices.

Mr. Murrey asked if this policy requires a legislative change or if OSPI can just implement the change themselves. Ms. Peggy Carlson said OSPI has an approved curriculum, but there are concerns with the cost of implementation of the curriculum, especially in districts that do not currently offer any type of sexual health education.

Ms. Blackledge said concerns about funding speaks to the larger issue of eliminating support positions in schools after the Recession. Some schools do not have a nurse or a health teacher.

Ms. Kee said one of the Workgroup's recommendations was to ask for a teen clinic in all schools, noting that places like King County have the money to do so. She said OSPI suggested they would work with foster care liaisons around the state, underscoring the importance of relaying sexual health information to youth. The driving force here is to normalize the experience for youth in care so they do not have to go somewhere separate to receive sexual health education. Further, she said she wants to normalize conversations around sexual health education in the public and legislature, so the next time the legislation comes up for a vote, it is easier to engage in the conversations. Ms. Kee said caregivers would like to have some type of training or support on having conversations about sexual health with youth in care, especially as they do not know when kids are going to need or ask for this information.

Ms. Blackledge brought up the idea of an app again, saying Microsoft does a hackathon every year where people develop apps, so she can connect Ms. Kee to that. Ms. Lippold mentioned she can connect Ms. Kee there as well.

Reunification Steering Committee Update

Ms. Moore talked about updates to the Reunification Steering Committee, mentioning that Judge Jeffrey Bassett of Kitsap County is the chair.

June is Reunification Month, and events are held on different days throughout the month. Ms. Bricker found a way to offer a \$100 grant to any county or court that applies and wants to use those funds for a Reunification Day celebration. Additionally, Ms. Lorrie Thompson secured a

contribution of teddy bears, so everyone who participates in Reunification Day at their courts will receive on.

The Reunification Steering Committee has redrafted a proclamation for the Governor's Office to sign. Justice Bridge asked if the Committee should update the proclamation every year. Ms. Moore said that is definitely something they can do to show unified support for Reunification Day.

Reunification Day events offer food, photographer, resources tables, and more for participants. Ms. Moore said a lot of smaller courts are also participating in the festivities, including San Juan, Skagit, and Lewis Counties. She also mentioned how there has been good press for Reunification Day, including positive representations of child welfare and their families, which has been one of the objectives of Reunification Day.

Children's Legal Representation Pilot Update

Ms. Jill Malat next provided updates on the ongoing Children's Legal Representation Pilot study in Grant and Lewis Counties. The study began in 2017 to assess the effects of appointing lawyers to all kids at the initial shelter care hearing. The outcomes – case load standards and impacts to timeliness and wellbeing outcomes – are being compared to Whatcom and Douglas Counties among kids that do not have standard based representation. The Washington State Center for Court Research has contracted with the University of Washington School of Social Work to conduct the study, and they said they need more permanency episodes to have enough data samples to produce a statistically reliable dataset. Ms. Malat said the study recently received a year-long extension to collect the additional data. It did not require more money.

However, in Grant County there is a judicial officer who does not want to participate in the study. Ms. Malat said this is an isolated incident and not indicative of any larger movement. One attorney filed a Notice of Disqualification, which a lawyer files if they do not think the judge can be fair in a case. The judge does not have a choice when such a notice has been filed, but this judge did not accept the notice and heard the case.

Ms. Malat said she tried to initiate a conversation with the bench in Grant County to resolve the issue, but the bench did not seem open to doing so. She next found out the bench issued a letter in response to the Notice of Disqualification deciding to no longer appoint lawyers to kids in these shelter care hearings.

Ms. Malat noted that counties do not have to participate in the study, and the legislation does not require that judges appoint lawyers to these kids. She also said she recognizes that the legislature imposed this study on counties without getting buy-in from them; however, the study has been ongoing for two years. She said if the judges did not appoint lawyers to the kids, the study would have to end, and they would not have a statistically valid data set.

Ms. Malat notified the legislator who sponsored the original legislation creating the study and drafted a letter to the presiding judge. She said even though the judges were not appointing attorneys to these kids, the lawyers still showed up to the hearings and provided a Notice of

Appearance, which were recognized by the bench. Therefore, the study will continue on for the time being.

Fostering Family Initiative

Ms. Katie Ferguson from Amara spoke to the Commission about the new Fostering Family Initiative, which seeks to build more community support for foster kids and families. She mentioned how Amara's CEO John Morse wants to recognize the business community as an untapped resource for providing supports to families. The result is the Fostering Family Initiative, which is scheduled to launch May 16.

The initiative is a pilot project with two main goals. The first is to raise awareness about children in foster care, particularly in the Puget Sound region. The second is to transform that awareness into action and community-wide support. The key message of the initiative is that sometimes situations arise that affect a family's ability to be together. Regardless of the reason, everybody has a role to step up and support those kids and families. The tagline of the initiative is, "We all have a role. Find yours." Everyone can show up and offer support in their own ways. By reducing stigma and shame, the community can help improve outcome for kids and families all around.

The initiative has some calls to action, namely asking community members to listen to the foster care community and learn how they can be supportive. Ms. Ferguson said this initiative is not intended to be a recruiting event; a common misconception people have is they have to become a foster parent to be helpful. Instead, people can support foster families in whatever way makes sense to them, whether it be volunteering, giving donations, cooking a meal for a neighbor, or something else. In the next phase of the initiative rollout, people can go to the website and search by their geographic area to find opportunities to support their foster family neighbors. The website intends to gather partner organizations in one space so people can look for opportunities to help in one place instead of looking at individual organizations.

The other side of the Fostering Family Initiative is to leverage businesses as an untapped resource who have both internal reach among employees and external reach in communities. The biggest ask of businesses is to help the marketing aspects of the campaign, by donating paid marketing space, for example. They could also provide discounts to foster families. Ms. Ferguson mentioned she has been talking with Ms. Bricker about asking businesses to provide something for Reunification Day events.

Ms. Ferguson said that while Amara is leading the initiative, they are being intentional about having the Fostering Family Initiative under separate branding. The hope is that doing so will encourage people to take part of the initiative without feeling like it is Amara. Given the initiative is a pilot project, Ms. Ferguson said they will see how everything goes for the next two years and then re-evaluate.

Justice Bridge noted it is part of the Commission's responsibility – under Court order – to engage in efforts to raise public awareness of foster care, particularly of kids in foster care.

Mr. Murrey asked what kind, if any, of stewardship will be done after people make initial contact. Ms. Ferguson said she will be sending out regular digital newsletters for people to stay engaged. The overarching goal, though, is for people to be self-sufficient and simply go to the website to find opportunities to get involved.

Foster Youth and Alumni Leadership Summit

Ms. iLeana Areiza introduced Mockingbird's annual Foster Youth and Alumni Leadership summit, which offers Mockingbird chapter members the opportunity to develop and present policy ideas to the Office of Homeless Youth and the Commission. Ms. Jolie Bwiza outlined ideas chapters are planning to develop at the summit, including: LGBTQ+ training for foster parents; eliminating homelessness by addressing lack of housing assistance and other barriers to stability; culturally responsive housing options for foster youth and young people in extended foster care; addressing barriers to accessing IDs; eliminating restrictions on sibling visitations and eliminating sibling separations; and increased supports for returning to formal education.

Ms. Blackledge noted two recent successes stemming from last year's summit. SB 5290 ending the use of detention for status offenses has passed, as has a bill requiring young adults with lived experiences to be on the DCYF Oversight Board and the Office of Homeless Youth Advisory Council. She said the next steps are ensuring young people apply for those seats.

Ms. Blackledge said Mockingbird had a goal of doing work around improving transition planning, but the state budget did not include funding for it. However, Mockingbird has supportive partners with DCYF. She said the sexual health education piece discussed earlier fits with many of the other issues young people have brought up, like transition planning and financial literacy.

Justice Bridge said the financial literacy questions have been present for a long time, but the connections with resources in the community never get made. Ms. Blackledge said Mockingbird is trying to work with the Washington State Employee Credit Union to see if young people can get bank accounts before leaving care. There also are protections in place where departments can seal a young person's credit upon entering care and make sure they can resolve any potential discrepancies before exiting care.

Ms. Blackledge also mentioned other structural challenges, like youth in care accessing IDs. This problem will likely only become more challenging given the change to the enhanced ID required for air travel beginning in 2020.

Lastly, Ms. Blackledge discussed Mockingbird's Keep our Kids in Kent Initiative. She said they are creating constellations of foster families in that community to guarantee a young person can remain in the community if going into care. There is buy-in from all stakeholders in Kent, but the initiative did not get funded. Mockingbird is currently looking for other ways to continue advancing that work. There are 11 constellations in the state right now, but there is only funding for eight of them. The department is in discussions about how to keep the remaining three constellations operating. Ms. Blackledge said this is in contrast to Mockingbird in the United Kingdom, which has been in place for four years. There are almost 50 constellations in the UK.

Ms. Blackledge reiterated the Summit will be August 6 and 7, with the presentations to Commission members on the 7th. They are still waiting to confirm the location of the Summit.

Miscellaneous

Before wrapping up the meeting, Justice Madsen said she spoke with Rob Mead, the librarian for the Supreme Court library, who offered the Commission an embedded librarian who would be assigned to the Commission and conduct research. The Commission overwhelmingly accepted this offer.

Justice Madsen also mentioned that she and Justice Bridge will be interviewed on Inside Olympia. The interview might happen before the Youth and Alumni Leadership Summit, in which case they could highlight the summit on air. Justice Madsen also suggested having TVW televise the Summit. Ms. Blackledge said the main consideration would be filming youth under age 18, but said they could talk later to figure out logistics.

As her final words as co-chair of the Commission, Justice Bridge encouraged the Commission to continue doing what they are doing. She said there is always such energy in the room, and even though everyone is always extraordinarily busy, they come to meetings and participate and get the work done.

Adjourned 3:23 pm by Jody Becker.
