



**Washington State Supreme Court
Commission on Children in Foster Care
December 7, 2020
Meeting Minutes**

Members Present:

Jody Becker, Department of Children, Youth, and Families (DCYF), Commission Co-Chair
Justice Barbara Madsen, Washington State Supreme Court, Commission Co-Chair
Raven Arroway-Healing, Northwest Intertribal Council
Jim Bamberger, Office of Civil Legal Aid (OCLA)
Jolie Bwiza, Tacoma Chapter Leader, Mockingbird Youth Network
Senator Jeannie Darneille, Washington State Senate
Judge Kitty Ann van Doorninck, Superior Court Judges' Association
Jeannie Kee, Foster Youth Alumni Representative
Carissa Greenberg, Attorney General's Office (Designee for Bob Ferguson)
Laurie Lippold, Partners for Our Children
Jill Malat, Office of Civil Legal Aid
Jill May, Washington Children & Families
Martin Mueller, Office of Superintendent of Public Instruction (Designee for Chris Reykdal)
Joanne Moore, Washington State Office of Public Defense
Ryan Murrey, Washington Association of Child Advocate Programs
Rachel Sottile, Center for Children & Youth Justice (CCYJ)
Emily Stochel, Youth who has Reunified (New CCFC Position); Mockingbird Society (Tacoma)

Members Not Present:

Beth Canfield, Foster Parent Allies of Washington State
Mike Canfield, Foster Parent Allies of Washington State
Tory Gildred, Coordinated Care
Tonia McClanahan, Parent Advocate Representative
Representative Tana Senn, Washington House of Representatives

Guests Present:

Kwesi Booker, DCYF Assistant Secretary of Child Welfare Field Operations
Peggy Carlson, Office of Superintendent of Public Instruction (OSPI)
Laurie Dils, OSPI Sexual Health Education Program Supervisor
Lauren Frederick, Mockingbird Society
Steven Grilli, DCYF Director of Child Welfare Programs
Allison Krutsinger, DCYF Government Affairs Deputy Director
Jess Lewis, DCYF Director of Adolescent Programs
Julie Lowery (attending for Tory Gildred from Coordinated Care)
Angela Murray, Washington CASA Association
Jorene Reiber, WAJCA Representative
Phyllis Sutton, Mockingbird Society
Kelly Warner-King, Court Improvement Training Academy Director

Staff Present:

Cindy Bricker, Administrative Office of the Courts
Cynthia Delostrinos, Administrative Office of the Courts
Moriah Freed, Administrative Office of the Courts
Susan Goulet, Administrative Office of the Courts

Call to Order

Justice Madsen called the meeting to order at 1:03 p.m. Introductions and roll call were conducted virtually through the Zoom meeting chat box.

Justice Madsen announced that Joanne Moore is retiring and this will be her last Commission meeting. The Commission honored Joanne for her service to the Commission and for all the work she has done over the years.

Justice Madsen informed that she, Jody Becker, and Cindy Bricker presented at the Board for Judicial Administration meeting on November 20, 2020, regarding the Commission's work. The presentation included Commission work on the Supreme Court order on dependency and termination cases, the COVID Rapid Response Workgroup; the Youth Leadership Summit; and the State Team Action Plan.

Approval of the Minutes

Justice Madsen noted a correction was needed on page 7 of the September 2020 minutes, correcting Peggy Lewis' name to Peggy Carlson, and asked if any additional corrections were needed. With no further corrections noted, Justice Madsen invited a motion to approve the September 2020 meeting minutes. Jim Bamberger and Jorene Reiber abstained. The motion to approve the minutes passed, with the one clerical correction to page 7.

Department of Children, Youth, and Families (DCYF) Updates

Kwesi Booker reported on Field Operations' recent work, including kinship placements, identifying gaps in practice, regional trainings for new staff, properly applying safety framework, and staff response to family time and other pandemic related issues.

Steve Grilli reported on Child Welfare Programs' recent work, which included the following: (1) They are in the 2nd quarter of implementation of the Program Improvement Plan (PIP) and a child welfare dashboard was created in the 1st quarter. (2) The Permanency From Day One grant is moving forward with the youth-directed process for finding adoptive homes, and the permanency outcomes facilitators are up and running. (3) The Prevention Plan and Qualified Residential Treatment Program (QRTP) plan are now approved, and are actively working to get everything in place to draw down funds in accordance with the Family First Prevention Services Act. (4) They are weaving race equity and social justice into the fabric of who they are and practice and programs.

Jess Lewis, reported on Adolescent Programs' work, which includes the following: SB 5718 (housing pilot project) is contracted and underway. HB 1775 (concerning commercially sexually exploited children.) is in the RFP process. They are hiring a Missing and Exploited Youth Program Manager and also going through a reorganization process, which will include orienting

their pillars in these areas: (1) preventing additional trauma, (2) trauma-centered healing, and (3) support of building adult relationships.

Allison Krutsinger discussed DCYF's 2021 legislative priorities. DCYF is working on budget realities and trying to protect funding for DCYF staffing, programs, and services. They are also looking at a DCYF bill to establish a child-specific license to allow their foster care maintenance fee (IV-E funding) and clarify the definition of fictive kin, to provide a more efficient pathway for kin to get licensed. In addition, they are looking to move youth from facilities into communities.

Jody said Commission members may put questions for DCYF staff into the chat box or connect with them outside of the meeting too. In addition, Jody said DCYF is recruiting again for the JRA Assistant Secretary position and asked members to share the recruitment with their networks; in the meantime Rebecca Kelly will continue as Interim Assistant Secretary. Jody also thanked everyone for all they are doing to cope during the COVID-19 challenges, and on behalf of DCYF thanked everyone for coming to the table with them on issues. They appreciate all the conversations and being pushed do as much as they can. Justice Madsen echoed all that Jody said, and said it is amazing how everyone has come together on all of this.

COVID Rapid Response Workgroup Update

Steve Grilli gave an update on the COVID Rapid Response Workgroup. The Workgroup currently meets weekly regarding Family Time. It is co-facilitated (not just DCYF facilitated), mutually supportive, and task oriented. Steve said there is no easy solution to the issues they discuss, but all of the Workgroup members are in it together to support kids and families, increase positive outcomes, etc. In addition, Ryan Murrey, Kelly Warner-King, and others created a really impressive tool for conversations regarding family time during the pandemic. Steve said if there is a problem they talk about it and work on it, and the task-oriented nature of the Workgroup really delivers. He then asked other Workgroup members for their thoughts and feedback.

- Joanne Moore said, although she is not on the Workgroup, it has been a great experience. In 20 years, she has never seen a process like this, but it has moved forward and really made a difference, rather than wasting time and/or miscommunication.
- Jill Malat said she really appreciates Steve and Kwesi's efforts, and it is clear it is a new day. She really appreciates the new approach.
- Laurie Lippold agreed, and she said something action oriented is good and she appreciates people's willingness to do that.
- Justice Madsen said it has been so interesting to her to see so many different perspectives. Being willing as a group to listen, to consider/accommodate other perspectives, and to problem solve has been great.
- Kelly Warner-King talked about a new subgroup: COVID Mental Health of Youth in Care. They want to get data on whether or not there is an increase in suicide for children in care, and what are other impacts of COVID for this population. The workgroup welcomes anyone from the Commission who would like to be part of it.
- Jill May agreed with what others are saying too. Being part of the provider side, it has been difficult, but nothing anyone would have dreamed of having to deal with, and she appreciates

hearing DCYF's perspective on this. Getting everyone to realize the challenges they have has been extremely challenging.

Justice Madsen said that she hopes this collaboration will continue even when COVID ends.

Jim Bamberger asked Kwesi Booker, who is involved in the racial equity conversations and review? Is it purely internal, or does it include external stakeholders and those directly affected/harmed by or witness to the Department's practices? Kwesi said, they are looking at field operations and working with their clients, and as an agency they do have a team who works with external stakeholders. Jim said experience tells us it is critical that those who have perspectives, patterns, and behaviors should be at the table, and when you don't have the right voices at the table, it is preordained we do not have the right solutions. Steve said, it may help to know that DCYF is now talking about how to do that, bring people in. He said it is not solved yet, but it is in their minds on how to go forward that way.

Jody Becker said that was part of the purpose of creating their Office of Racial Equity and Social Justice. They also launched affinity groups that meet regularly and have gotten good feedback on that. Also they have been working on what conversations they should have internally and looking at what needs to be done externally, and they are working on a strategic plan. Jody knows there are a series of webinars, and she will send them to Cindy to send to the Commission. She would like feedback on how to take it on, as everyone has a role to play, and we also want to attack this issue from a Commission perspective. There was also discussion about work being done to prevent families of color from coming into the system.

The issue of training for attorneys to address racial equity issues was discussed. The Office of Public Defense new Disproportionality Legal Training Coordinator, Barbara Harris, has developed, through data and research, ways attorneys can address racial inequity issues and anti-racism for the courts, and plans on reaching out to the department. Carissa Greenberg said the Attorney General's Office is putting together a report of the equity training they've had and thinks it would be great for all their attorneys to get training together, and have discussions through that training. Jim suggested having OCLA, OPD, and AAGs work together on this. Justice Madsen said this is a great start, and if people bring ideas they have into the training, it would help it to be well-rounded. Kelly Warner-King said CITA would also like to be involved, so they can make sure judicial officers receive it as well. Justice Madsen said, if anyone else wants to be involved, please let Cindy know.

Normalcy Workgroup/SB 5395 (Sex Education Bill) Update

Jeannie Kee reported that the Normalcy Workgroup has not met, and that Senate Bill (SB) 5395 (Comprehensive Sexual Education bill) passed. Laurie Dils, OSPI's Sexual Health Education Program Supervisor, provided the Commission with an update regarding SB 5395. She said there has been a lot of misinformation about the bill so she is glad to be able to speak on it. The bill was signed into law in March 2020 and was put on the November 3, 2020 election ballot as Referendum 90. Referendum 90 passed in the November election, and it requires all public schools to teach "Comprehensive Sexual Health Education (CSHE)" to all students by 2022-2023. CSHE is defined in the bill as: Recurring instruction in human development and reproduction that is medically accurate, age-appropriate and inclusive of all students. The bill

phases in over time. Beginning in the 2021-22 school year, CSHE must be provided to all students in grades 6-12. Beginning in the 2022-23 school year, CSHE must be provided in all grades. Parents and guardians will be notified of planned instruction and have the right to opt their child out of CSHE instruction at any time.

In grades K-3, there is no curriculum required for K-3, but districts can do that if they want. Instruction for grades K-3 must be [Social Emotional Learning](#) (learning skills to do things like managing emotions, setting goals, establishing healthy relationships, and making responsible decisions) and must be consistent with [Social and Emotional Learning Standards and Benchmarks](#). There is no sexuality content required for students in grades K-3.

For grades 4-12, most school districts are already providing some sex education. That means there are likely no significant changes for them—just a few updates to reflect current recent changes. Other detailed information about SB 5395 is available on the following webpages: <https://www.k12.wa.us/student-success/resources-subject-area/sexual-health-education>, and <https://www.k12.wa.us/student-success/resources-subject-area/sexual-health-education/new-legislation-senate-bill-5395-comprehensive-sexual-health-education>. Laurie will also make her PowerPoint presentation available, and Commission members may contact Laurie if they have questions.

Commission Support of Policies and Legislation

At the September 2020 Commission meeting, the Mockingbird Society requested a statement of support for: (1) legal representation issue for children and youth in foster care, and (2) the intergovernmental task force for Native American young people. Commission members were unclear as to whether they could take such a position and if the Commission has done so in the past regarding legislative bills and specifically regarding any positions taken regarding child representation. Research of Commission minutes was requested to determine: (1) whether the topic of child representation has been supported and (2) if there has been any discussion or decision about whether the Commission as a group has previously decided to support something that is a legislative policy and/or budget issue. Cindy Bricker researched the past history and practice of the Commission supporting positions and legislation and provided a written summary of what she found and some excerpts from the minutes in the meeting materials.

As stated in the summary, Cindy reported that the minutes go back through 2005. Research shows that the Commission has shown support in varying degrees at different times, and most hesitation was due to budget issues. As for supporting legislation, there was a statement that said “Also, except for that which is proposed by the Commission, the Supreme Court Commission on Children in Foster Care will not take positions on proposed legislation.” Back in the beginning, on February 17, 2005, there was a press release regarding the newly formed Commission, which included the statement: “Commission members will monitor the effectiveness of policies and programs in the foster care system and the courts; recommend changes in policies, laws and court rules; and report their findings to lawmakers and the public in an annual report, with a goal of increasing awareness of child welfare trends and issues.” At the Commission’s first meeting, held on February 24, 2005, the Commission discussed the mission and goals. The strategic goals were unchanged, and the statement following the strategic goals was revised as follows: “The Commission can achieve its goals through initiating policy decisions and needed legislative and

court rule changes.” At the June 21, 2007, meeting of the Commission, it was moved and unanimously carried that: “Except for that which is proposed by the Commission, the Supreme Court Commission on Children in Foster Care will not take positions on proposed legislation.” At the previous meeting this discussion occurred after the Pew Commission Resolution approval and at the end of the agenda after child welfare budget and legislative proposals had been discussed earlier in the meeting. No details were given regarding the discussion, but proposed language was to be developed for review at the next Commission meeting; then they came up with that statement. Also work Groups were developed, and the March 6, 2006, agenda included reports from several work groups, including Rules for Expedited Appeal and also Legal Representation/Advocacy for Parents and Children. So child representation has been an issue of discussion and action throughout the life of the Commission.

Cindy also reported that in December 2010 the Commission voted unanimously to adopt the report of the Children’s Representation Workgroup to be transmitted to AOC. This included the Children’s Representation Practice Standards, which preface included the statement, “All children subject to dependency or termination of parental rights court proceedings should have legal representation as long as the court jurisdiction continues.” In December 2012, Columbia Legal Services asked for support of the commission regarding a legislative proposal regarding legal representation for most vulnerable children. Justice Bridge summed up the discussion and said there are concerns about the fiscal implications and concerns about competing interests from the levels of government and other stakeholders (i.e. CASA).

Jim Bamberger thanked Cindy for her work and said that it is a very clear statement of the history. It makes it clear that the Commission endorses representation. Jody Becker shared her perspective that it’s one thing to endorse policy and another to endorse specific legislation. There can be a dilemma when asked to support as a Commission, as some members may need to abstain. The Commission is now 15 years old and a lot has evolved since the foundational work at the beginning. It may be time to revisit mission, vision, values and goals, as the landscape has changed.

- Jill May said it would be very hard to say she could or could not, so they would likely have to abstain, and that would be challenging for her.
- Joanne Moore said, having been on the Commission during that time, looking at page 2 of that handout from Cindy, at the June 21 meeting of the Commission, it was moved and unanimously carried: Commission will not take a position on legislation. Six months later the Commission agreed to support obvious legislation. So she wonders if the Commission can agree on policy here but not actually endorse a bill without making any one member take a position. In addition, it is important to be aware of budget constraints, and the Legislature’s job is to figure out funding, not ours.
- As designee for Attorney General’s Office (AGO) Carissa believes there is good in a policy level, and that seems like a better place. She does not have the authority of the Attorney General’s Office (AGO) to commit to anything; she is there on behalf of an elected official that changes every few years. The AGO would need to have something pre-written, so they could look at it before voting on it.

- Judge Van Doorninck thanked Cindy and echoed Jody's comment. She agrees with taking time for the Commission to go back over its mission, value statements, goals, etc., because the landscape, including racial equity, has changed.

Justice Madsen said Jody and she were on same page about policy being the right place for the Committee to land. Be able to discuss legislation at Commission meetings, and those who can endorse can do so. We want to err on side of caution. Also we should look at the mission, value statements, goals, etc., during one of the next couple meetings. Those who would be willing to brainstorm about this between meetings, please let Cindy know. Judge Kitty-Ann van Doorninck, Jim Bamberger, and Jill May volunteered in the chat box. Justice Madsen said, she, Cindy, and Jody will put a proposal together that the Commission can discuss and adopt at a future meeting.

Legal Representation for Children

Jill Malat stated the evaluation report regarding the pilot project for legal representation for children is not complete yet, but they are working on it with the Washington State Center for Court Research, University of Washington, and OSPI. She hopes to have a report at the next Commission meeting.

Youth Leadership Summit Follow Up

Jody said DCYF teams are working with Mockingbird closely to follow up on items from the Youth Leadership Summit. Lauren Frederick said they are working with Representative Senn on a bill she is likely to propose aimed at funding a school nurse or counselor before being able to put a school resource officer on a school campus. Emily Stochel said they have been trying to put together meetings but it has been tough to move ideas forward regarding the Intergovernmental Task Force for Native American young people, so any support with that would be appreciated. Emily said they have been trying to meet with Region 5 Racial Equity Board. The Tacoma Chapter would like a meeting with people regarding what board would look like. Justice Madsen said, if you want people to be at that meeting, please let Cindy know so she can let Commission members know.

State Team Plan

Cindy provided a copy of the state team action plan in the meeting materials. She explained there was a summit on a national level, and each state was asked to create a team and an action plan. The plan is philosophical in nature, and there is a lot of work that still needs to be done involving more stakeholders to further refine the action plan. The areas of focus are: (1) reduce racial injustice, (2) reduce the number of children unnecessarily entering foster care, and (3) improve high quality legal representation upstream. In addition, Cindy will provide Commission members with a handout from David Kelly, Children's Bureau, that includes the following questions he raised at the summit that should be considered when a family comes to our attention: (1) Is this really a poverty issue? (2) Is there a danger present to the child? (3) Are we mistaking surveillance for support? (4) Is this fair to the child and parents, and will they feel that it's fair? If we hold ourselves accountable to asking these questions at every step of our work and acting on the answers that we received, we can move towards justice together.

Cindy reported in order to move forward with this work, AOC plans on hiring a part-time project manager to facilitate the stakeholder workgroups, to further vet these ideas and what that looks like for each discipline involved, and how they can be strategic and tactical in fitting this work in with the systemic change already occurring. Court Improvement Program (CIP) funding, along with possible funding from Casey Family Programs, will support this position.

Cindy also asked the Commission where oversight of the state team should be, and if they want to provide oversight for the state team work or just be kept informed. Justice Madsen informed that the state team agreed, as a team, that they thought the Commission was the right place to oversee their efforts, and she thinks it is a good idea as well. The Commission discussed the question, and Judge van Doorninck made a motion to approve putting oversight of the state team's work under the Commission. Laurie Lippold seconded the motion, and the motion passed. Carissa Greenberg, Julie Lowery, and Angela Murray abstained. The state team will provide a report to the Commission at its next meeting.

Justice Madsen told members the next Commission meeting is on March 8, 2021. Cindy will send members the requested information from today's meeting, and they should contact Cindy if they need anything else.

Adjourned at 3:09 pm by Justice Barbara Madsen.