



**Washington State Supreme Court
Commission on Children in Foster Care
March 8, 2021
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
Mike Canfield, Foster Parent Allies of Washington State
Peggy Carlson, Office of Superintendent of Public Instruction (Designee for Chris Reykdal)
Judge Kitty Ann van Doorninck, Superior Court Judges' Association
Jeannie Kee, Foster Youth Alumni Representative
Carrie Wayno, Attorney General's Office (AGO; Designee for Bob Ferguson)
Laurie Lippold, Partners for Our Children
Jill Malat, Office of Civil Legal Aid
Jill May, Washington Children & Families
Tonia McClanahan, Parent Advocate Representative
Sophia Byrd McSherry, Deputy Director, Washington State Office of Public Defense (OPD)
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
Senator Jeannie Darneille, Washington State Senate
Tory Gildred, Coordinated Care
Representative Tana Senn, Washington House of Representatives

Guests Present:

Brett Ballew, Washington State Office of Public Defense
Kwesi Booker, DCYF Assistant Secretary of Child Welfare Field Operations
Sarah Burns, Spokane FJCIP Coordinator,
Patrick Dowd, Director, Washington State Office of Family and Children's Ombuds
Tracy Freckleton, Foster Parent Allies of Washington State
Lauren Frederick, Mockingbird Society
Steven Grilli, DCYF Director of Child Welfare Programs
Barbara Harris, Disproportionality Legal Training Coordinator, OPD
Allison Krutsinger, DCYF Government Affairs Deputy Director
Jess Lewis, DCYF Director of Adolescent Programs
Angela Murray, Washington Court Appointed Special Advocate (CASA) Association
Jorene Reiber, WAJCA Representative
Em Rose, Partners for Our Children
Dawn Marie Rubio, State Court Administrator, Administrative Office of the Courts
Kelly Warner-King, Court Improvement Training Academy (CITA) Director

Staff Present:

Cindy Bricker, Administrative office of the Courts (AOC)
Moriah Freed, AOC
Susan Goulet, AOC

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.

Approval of the Minutes

Justice Madsen invited a motion to approve the December 2020 meeting minutes. The motion to approve the minutes passed.

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

Kwesi Booker reported on a new committee within Field Operations looking at racial equity and disproportionality in their case and hiring practices, and decided they are looking at possibly implementing race blind removals into their practice. They are putting together a committee to see what they want it to look like in Washington, and where to put it into their case practices to be effective for their team. Also they met with Nassau County and Casey Family Programs (Casey). The approach takes away the racial bias of staff, and a committee focuses entirely on the safety issues without discussing the family's name or cultural dynamics. The committee consists of field representatives and child welfare program staff. Steve Grilli said the committee has not met yet but Regina McDougall, their Practice Model Administrator, will coordinate the work. It was suggested that additional members be added, similar to the diverse membership of the COVID Rapid Response Work Group, and Steve said as they work out the details of this new committee, he expects they will add additional members.

Steve Grilli provided an update on Child Welfare Programs' recent work, which included the following five topics:

- (1) Program Improvement Plan (PIP) - They are engaging in a focus on supervisory workforce competencies. Also in the PIP realm, they are working with external stakeholders to discuss language of the core principles of the safety framework and providing a multidisciplinary training that discusses those core principles of safety and decision making. They have also been focusing on engagement and the quality of contacts for children, youth, parents, and caregivers, and providing tools and resources for DCYF staff to be intentional and purposeful in the contacts they are making.
- (2) Family First - They are in the implementation phase and are focused now on satisfying federal requirements so they can get the FAR (Family Assessment Response) programs moving under Family First, making technology changes, and identifying pilot offices.
- (3) Practice Model - Regina McDougall is meeting with many people to get a lay of the land and establish relationships, and just began some of the co-design sessions which will stretch into August.
- (4) Racial equity work - They are doing some specific things in their division, including recruiting and hiring practices, and thinking differently about how they do their work.
- (5) Hotel stays - They have pulled together a plan that focuses both on cross-system issues and practice issues within DCYF. They are working on expanded kinship definition; more intentional FTDMs (Family Team Decision Making Meetings); medical consultations; and cross-

systems issues with their partners at the Health Care Authority and Developmental Disabilities Administration to better serve children.

Rachel Sottile requested continued updates during Commission meetings on this issue, to see that the good work DCYF is doing on the cross-system issues and practice issues continues until we actually see a reduction in the hotel stays over time. Jill May thanked Steve and Kwesi for the great work they have done towards reaching out to providers and partners for solutions and the work they have done with them. Laurie Lippold asked if the expanded kinship definition that DCYF is looking at could be shared. Steve will check on the status of the final draft and report back.

Jess Lewis, reported on Adolescent Programs' work, as follows:

(1) With the federal stimulus bill passage on December 31, 2020, Chafee received a significant financial boost, and her team is gathering stakeholder feedback about a legislative proposal for spending those dollars. For Chafee eligible youth, that is about 8.74 million dollars of new money. Traditionally DCYF funds all of their independent living services for about 4600 eligible youth with 3 million dollars. Independent living services and transition services have been underfunded, so this is an opportunity to infuse some resources in the service array, while also offering youth direct financial assistance. They are also looking into a Family Reconciliation Services (FRS) pilot, by creating a primary prevention plan with those pilot dollars and intervening prior to families ever getting to DCYF, which they think potentially could be a more successful way to engage families earlier before families go into the system. In addition, they are going to continue providing services to youth who would typically age out at 21 and to youth who have aged out and are eligible to reenter, including transition housing support, etc.

(2) HB 1775 (concerning Commercially Sexually Exploited Children [CSEC]) moved to Adolescent Programs in December. They have since then hired Cameron Norton as the Missing and Exploited Youth Program Manager, and are also hiring program managers, one on the eastside and one on the westside. They currently have a successful bidder on the eastside and the contract is under negotiation. The RFP is still open for the westside, and they are looking for a westside bidder to run a CSEC receiving center.

(3) They are currently hiring and expect that all of their new positions will be posted this week, and will send those postings to Commission members for distribution. The new postings include a Prevention Program Manager; an Emerging Adulthood Program Manager; a Transitions Program Administrator; a Systems of Care Administrator; an Extended Foster Care Administrator, and an Assistant Director of Adolescent Programs. They are reaching out to those with lived experience, and their objective is to incorporate the folks with lived experience throughout their entire process to inform all of their work.

Allison Krutsinger discussed DCYF's 2021 legislative highlights. DCYF's two major agency request bills relevant to the Commission's work are as follows:

(1) SB 5151 (concerning DCYF's foster care and child care licensing): continues to move along and establishes a child-specific license pathway, which is a strategy and tool to bring kinship providers into the licensed space and remove barriers.

(2) HB 1186 (concerning juvenile rehabilitation): one of DCYF's strategic priorities is creating and building successful transitions for young people exiting their systems of care, so they are looking to establish a community transitions program which would allow young people who are incarcerated and in custody on the juvenile rehabilitation side of their work to have a step-down

opportunity and exit the institutional or community facility setting while still under sentence with supportive transition work, supported connection to employment, to education, and to healthcare in the community. The goal is to move them out of that institutional setting as soon as safety possible and into their community to practice and build skills for successful and supported transition.

(3) Other bills they are tracking: HB 1227 (concerning protecting the rights of families responding to allegations of abuse or neglect of a child) and HB 1194 (concerning strengthening parent-child visitation during child welfare proceedings).

Jody said if Commission members have additional questions, thoughts, or ideas, they can reach out to her directly or to any of the DCYF presenters here today, and they will get the information to them. In addition, Jody reminded that DCYF still has an open recruitment for an Assistant Secretary of Juvenile Rehabilitation, and asked members to share that with their respective networks if they have not already.

COVID Rapid Response Work Group Update

Steve Grilli reported that the Work Group continues to meet bi-weekly to look at family time during COVID. The Work Group started out with a need to look at Family Time and how to keep it moving during the COVID-19 pandemic and keep people safe, and it has since broadened a little to include anything that needs to be addressed during COVID with a rapid response. It is co-chaired by five people, Cindy Bricker, Laurie Lippold, Alise Morrissey, Jacob D'Annunzio, and himself. The four major items the group has been working on over the last several months are as follows: (1) Guidance on COVID-aware family time plan (including a tool that was put together and posted on DCYF website). (2) Visit locations (with the colder rainy weather, it has been hard to find places for visits, so they have reached out to schools, non-profits, churches, etc.). (3) Terminations of parental rights during COVID (including looking at the data, making sure they get messaging out to teams internally at DCYF to consider during COVID whether families have had access to the appropriate services, making decisions on how to take terminations forward, and getting messages out to courts regarding what to think about in that realm). (4) A subgroup has been looking at the mental health of youth in care during COVID. Kelly Warner-King talked about the subgroup and how it is being encouraged to think about how to provide training and support to families. Kelly plans to get the subgroup back together soon to talk about how they want to get that work done, and she would appreciate any thoughts from Commission members on supports for families who are caring for kids who experienced trauma, or are experiencing trauma from COVID themselves, and for providers, to make sure they stop and think about how trauma could be playing out as a pandemic response. Justice Madsen said there is a lot of work being done through the Work Group so she is glad they continue to meet, and she asked Commission members to let the Work Group know if they have ideas regarding any of those four areas, and particularly thoughts on Family Time meeting places at this time.

Normalcy Workgroup/SB 5395 (Sex Education Bill) Update

Jeannie Kee reported that the Sex Education Bill (SB 5395) passed into law and the task to create the curriculum is done; therefore, the Normalcy Workgroup can now get back to the focus of their original tasks, which include: (1) looking at normalcy for youth in group homes and young adults in extended foster care, (2) contacting DCYF about developing a normalcy workshop to be included in the adolescent track training through the Alliance, and (3) talking with DCYF about how they are insuring that normalcy is happening for kids in care now. Justice Madsen asked members to reach out to Jeannie if they can help.

Children's Representation Workgroup

Jim Bamberger thanked the Yakima Mockingbird youth advocates for their work on children's representation, and if HB 1219 passes it will expand the right to counsel for children, principally children 8 years and older, and in cases of children under 8 years where termination has been filed counsel would also be appointed for both the termination and the dependency cases.

In addition, OCLA has encouraged those working on this bill to include a technical request to the Commission to begin the process and designate somebody to begin updating the standards, and OCLA has offered to take on the responsibility to pull together a workgroup. OCLA will outline the approach they plan to take and present it at the next Commission meeting. OCLA anticipates meeting with critical stakeholders and partners before they would submit their proposal to the Commission, and they believe they can undertake all the work and submit a set of updated standards, that are responsive to the charge in the bill, by December 31, 2021. Justice Madsen said there are also many people on the Commission who could share collectively and individually some experiences that might help with what these standards need to look like.

Jim agreed and also said he has invited a peer review from NACC (National Association of Counsel for Children) to take a look at their entire program and give them constructive, practical, and operational feedback. Emily Stochel indicated in the chat box she would like to be a part of the workgroup and have her voice heard. Justice Madsen also said that the Commission is the right place to have that oversight and that OCLA is the right organization to undertake putting together the committee. Therefore with no objections from the Commission, Justice Madsen gave OCLA the green light to go forward and come back to the Commission with a plan.

Cindy Bricker said that child representation is part of State Team Action Plan she presented at the December meeting. She then introduced Sarah Burns, who will be joining AOC as the new Statewide Innovation Coordinator, and therefore will be working on the State Team Action Plan, as well as on the Safe Babies Court Team work, and will be attending Commission meetings going forward.

Racial Equity Discussion

Discussion on this topic was started at the December meeting. Justice Madsen said this is going to be a regular agenda item going forward, and the Commission will hear updates on what various Commission member agencies are doing and continue the discussion regarding multi-disciplinary training. She said we are starting with OPD today, and the Commission will ask other agencies to report out on what they are doing at a later date.

Sophia Byrd McSherry, Deputy Director of OPD, and Barbara Harris, OPD's Disproportionality Legal Training Coordinator, gave a presentation to the Commission on what OPD is doing to address the issue of racial equity. A one-page summary of OPD's primary program areas was provided in the materials, and Sophia shared that their race equity work spans all of those programs. In addition, this topic has been an ongoing focus and effort within OPD for many years, and they have endeavored to identify and address bias in the legal system. They were an early partner with the Washington Race Equity and Justice Initiative (aka REJI). They maintain an office library of equity and inclusion books and other publications that are available for staff to checkout. Their staff meets for a free forum race equity discussion about every two weeks, on a voluntary basis, and they have a robust and ongoing conversation. They also have a book club internally in their office that meets about every two months. In addition, as the result of a three year effort, OPD was recently able to hire Barbara Harris, their new Disproportionality Legal Training Coordinator, in January 2021. A big focus of Barbara's position is to work with

attorneys to help them learn to use data and develop legal arguments that can bring to light/address racial equity issues in individual cases for individual clients, but ultimately also start to address the racism that is imbedded in our justice system and society. OPD also provides training in a number of practice areas for their contractor and criminal attorneys around the state.

Barbara Harris then provided a PowerPoint presentation (PPT) to the Commission, with an emphasis on OPD's Parent Representation Program, which provides counsel to indigent parents in child welfare cases. She talked about what OPD is doing to address racial equality and social justice, and emphasized that the program operates in all 39 Washington counties. In addition, OPD did a survey to see what kind of training attorneys needed, and with that feedback an effort is being made to provide trainings that address those needs, including providing tools needed to have difficult conversations, and training that consistently addresses structural, institutional, and systemic racism. OPD also maintains an Advocacy Resource Page which provides attorneys with technical assistance to develop arguments around race, inequity, and disproportionality in cases; data to strengthen disproportionality advocacy; and resources and tools to strengthen their advocacy for their Black, Brown, Indigenous and other clients of color (the Advocacy Resource Page is available here: <https://www.opd.wa.gov/index.php/program/trial-defense/12-pd/223>). Barbara then showed a list of training events that that OPD held in 2021, and talked about how OPD teaches attorneys how to assemble different data sources to tell their client's story or challenge bias that may be occurring at a particular point in the process of the case. OPD believes it has a responsibility to develop the lens through which the attorney advocates on behalf of their clients and has taken the lead in cultivating the type of training that is really going to be valuable in child welfare to meet the different needs. OPD also implements quality management oversight. OPD's upcoming 2021 training events include a "Train the Trainer: Strategies for Facilitating Courageous Conversations on Race" in April and May; collaboration with Washington Defender Association to do a "data camp" training curriculum; and continued discussion with OCLA and the AGO for joint development of a statewide race equity training for legal professionals. For more information, a copy of Barbara's PPT was provided in the meeting materials, and members may reach out to Sophia and Barbara if they have questions.

Proposal to Designate CCFC as the CIP Multi-Disciplinary Task Force

A copy of the Proposal to Designate the Commission on Children in Foster Care (CCFC or Commission) as the Multi-Disciplinary Task Force Required for the Court Improvement Program (CIP) was provided in the meeting materials. Cindy Bricker explained that there have been discussions about the number of child welfare-related committees that are often attended by the same or similar stakeholders. So court and child welfare partners decided to review the purpose of these various committees to determine whether efficiencies could be identified, while maintaining important collaborative efforts and relationships. The details of this effort are provided in the Proposal.

Cindy said, it was determined that it makes sense to place federal CIP related committee work under the Commission. She informed that the federal CIP is a federal Children's Bureau grant that goes to the highest state court in each state. The Supreme Court in Washington has delegated the management of that program over to the AOC. In order to receive this grant funding there are certain requirements, and one of the requirements is for each state to operate a collaborative, multi-disciplinary group focused on improving the dependency court system. Two years ago, the AOC partnered with DCYF to create the Innovative Dependency Court Collaborative (IDCC) to do this work. Since then, several important collaboration projects have

emerged, including the need to work together to respond to the COVID-19 pandemic, and it seems like more of our work has shifted to under the Commission, rather than the IDCC. Because of COVID-19, staff and committee member resources were stretched thin and the work and meetings of the IDCC were put on hold, and most of the work was done under the COVID Rapid Response Work Group that was under the Commission. As things have evolved over the last year, it seems to make more sense for the CIP work to fall under the Commission. Therefore, the Proposal includes eliminating the IDCC, and also the CIP Steering Committee (which meets once a year as an advisory group to the AOC regarding the CIP strategic plan, annual assessment, and budget), and absorb the key functions of these groups into the work of the Commission, creating a more efficient approach to child welfare/court system reform and ensuring that CIP requirements are met.

Cindy further explained that in order for that transformation to happen, there are a few changes the Commission will need to consider. Many of the current members of the Commission fit the required and recommended members of the CIP multidisciplinary task force, but some membership changes will need to be considered. Also, the meeting schedule and content will require modifications. Cindy discussed those changes, and they are included in the Proposal. In addition, the CIP leads the efforts of the State Team Action Plan, and the Commission voted at its December meeting that they would oversee those efforts, so the State Team Action Plan will be incorporated into the CIP 5-year strategic plan that is in the process of being developed. Lastly, the Commission would likely need to meet every-other month (rather than quarterly).

Laurie Lippold said she likes the idea, but suggested still incorporating innovation conversations, maybe once or twice a year, where people can hear what is happening both inside and outside of DCYF since innovation was one of the original intents of the IDCC. Cindy said that would likely be a workgroup they would create. Cindy then shared her screen and addressed members' questions and concerns about the membership changes; schedule change, including the desire that Commission meetings continue to occur remotely (because it saves time) and continue to be on Mondays (because it works for most people); and voting structure of the Commission. Justice Madsen said another amended order would also likely be needed. Members requested additional time to consider this proposal. There was also a request to see a revised list of DCYF members prior to making a final decision. The Commission will vote at their May meeting on whether or not to accept the Proposal. Cindy, Jody, and Justice Madsen will also work on how they can mainstream it, and members should contact them if they have questions about the Proposal before the next meeting.

Member Updates/Discussion

Justice Madsen asked Commission members to let Cindy, Jody, or her know if there are any agenda items they want to see on the next Commission meeting agenda. The next Commission meeting is on May 3, 2021.

Adjourned at 3:10 pm by Justice Barbara Madsen.