



**Washington State Supreme Court
Commission on Children in Foster Care
September 27, 2021
Meeting Minutes**

Members Present:

Justice Barbara Madsen, Washington State Supreme Court, Commission Co-Chair
Steven Grilli, representing Ross Hunter, Department of Children, Youth, and Families (DCYF),
Commission Co-Chair
Jim Bamberger, Office of Civil Legal Aid (OCLA)
Judge Alicia Burton, Superior Court Judges' Association (SCJA)
Jolie Bwiza, Tacoma Chapter Leader, Mockingbird Youth Network
Mike Canfield, Foster Parent Allies of Washington State
Senator Jeannie Darneille, Washington State Senate
Sydney Doherty, Coordinated Care of WA; Foster Care Physical/Mental Health Representative
Larry Jefferson, Washington State Office of Public Defense (OPD)
Jeannie Kee, Foster Youth Alumni Representative
Laurie Lippold, Partners for Our Children
Jill May, Washington Children & Families
Ryan Murrey, Washington Association of Child Advocate Programs
Rachel Sottile, Center for Children & Youth Justice (CCYJ)
Emily Stochel, Youth who has Reunified; Mockingbird Society (Tacoma)
Carrie Wayno, Attorney General's Office (Designee for Bob Ferguson)

Members Not Present:

Raven Arroway-Healing, Northwest Intertribal Council
Beth Canfield, Foster Parent Allies of Washington State
Jill Malat, OCLA
Tonia McClanahan, Parent Advocate Representative
Martin Mueller, Office of Superintendent of Public Instruction (Designee for Chris Reykdal)
Representative Tana Senn, Washington House of Representatives

Guests Present:

Ezra Alem, Mockingbird Society
Sarah Burns, Administrative Office of the Courts (AOC)
Angela Bishop (formerly Murray), Washington CASA Association
Peggy Carlson, Office of Superintendent of Public Instruction (OSPI)
Kevin Cottingham, AOC
Tom Creekpau, AOC
Patrick Dowd, Office of the Family and Children's Ombuds
Brianna Fenske, Mockingbird Society
KC Chiu, Mockingbird Society
Scotty Jackson, AOC
Charlotte Jensen, AOC
Katie LeBret, Mockingbird Society
Erin Shea McCann, Legal Counsel for Youth & Children
Joy Moore, AOC

Jorene Reiber, Washington Association of Juvenile Court Administrators
Dawn Marie Rubio, State Court Administrator, AOC
Liz Trautman, Mockingbird Society
Felice Upton, DCYF Juvenile Rehabilitation
Laura Vogel, AOC
Bailey Zydek, OCLA

Staff Present:

Kelly Warner-King, AOC
Moriah Freed, AOC
Susan Goulet, AOC

Call to Order

Justice Madsen called the meeting to order at 1:01 p.m. Introductions and roll call were conducted virtually through the Zoom meeting chat box. In addition, new Commission members were introduced and welcomed, and departing Commission members were recognized, as follows:

- DCYF Secretary Ross Hunter is the new Commission Co-Chair in place of Jody Becker who changed jobs at DCYF, and Steve Grilli filled in for Secretary Hunter today.
- Judge Alicia Burton, Pierce County Superior Court, is the new Designee for the Superior Court Judges' Association President in place of Judge Kitty Ann van Doorninck. Justice Madsen recognized Judge van Doorninck's many years of service to the Commission, and an e-card was set up for members to thank Judge van Doorninck for her service to the Commission since she was unable to attend today's meeting.
- Sydney Doherty, Manager of Clinical Operations for Foster Care Program at Apple Coordinated Care, is the new Foster Care Physical/Mental Health System Rep in place of Tory Gildred.
- Larry Jefferson is the new Director of the Office of Public Defense in place of Joanne Moore.
- Senator Jeannie Darnielle, Chair of the Senate Human Services, Reentry & Rehabilitation Committee, will retire from the Legislature in a couple weeks to head up the new Women's Prisons Division at the Department of Corrections, which has been a passion of hers for years. Justice Madsen and the Commission recognized and thanked Senator Darnielle for her many years of service and collaboration with the Commission. Her position on the Commission will be filled by the new Chair of the Senate Human Services, Reentry & Rehabilitation Committee.

Approval of the Minutes

Justice Madsen invited a motion to approve the May 2021 meeting minutes. The motion to approve the minutes passed.

Update on Children's Representation Standards Work Group

Jill Malat was unable to attend the meeting; therefore, a report will be given at the December meeting. Laurie Lippold and Rachel Sottile requested that there be some kind of update on what is going on with the workgroup before December. Bailey Zydek will follow up with Jill on that.

IDCC and COVID Rapid Response Work Group Updates

Steve Grilli gave a brief update on recent changes at DCYF, which included the following.

- Kwesi Booker will no longer lead Field Operations.

- Secretary Hunter is creating a new leadership Team, which includes:
 - Natalie Green as Interim Assistant Secretary of Field Operations (in Kwesi’s place)
 - Felice Upton as Assistant Secretary of Juvenile Rehabilitation
 - Luba Bezborodnikova as Assistant Secretary of Licensing
 - Two new Assistant Secretary positions:
 - Assistant Secretary of Early Learning (Nicole Rose)
 - Assistant Secretary of Prevention and Client Services (Steve Grilli has stepped into this role, which includes more focus on prevention and integrating services DCYF provides.)

Steve reported that the IDCC is in the midst of a reboot. Focus is shifting to include:

- Prevention (reducing the number of families coming into care and court)
- Increasing equity and addressing disproportionality
- Working on discrete projects and initiatives, including implementation of HB 1227.

The COVID Rapid Response Workgroup may become part of the IDCC. Recent topics included approval of vaccinations for children under age 12, and what it will take for the system to be prepared. The COVID Rapid Response Workgroup will continue to meet, as COVID continues to be a public health challenge.

Mockingbird Youth Leadership Summit Follow Up

Justice Madsen thanked the Mockingbird Society for another great summit this year, and she explained that, like last year, the primary purpose of the September Commission on Children in Foster Care (Commission) meeting is to review and further discuss the proposals submitted by the Mockingbird Society at the Youth Leadership Summit. Commission members were provided a copy of the Youth Leadership Summit proposals to review prior to the meeting. Steve Grilli facilitated the discussions. Ezra Alem provided Group Agreements for the discussions, which included:

- If you are not talking, please mute yourself
- Know and respect people’s pronouns
- Be present, be mindful
- Assume best intentions
- Address impact.

1. Support for youth ages 12 and up who are involved with CPS – Tacoma-Yakima Chapter

Liz Trautman and Ezra provided a summary of this topic. Many Tacoma Chapter members were failed by Child Protective Services (CPS), especially when involved with CPS at the age of 12 or older. Some suffered through years of severe abuse before being removed from their abusive homes. The Chapter has also seen the disproportionate rates of Black and Native American youth coming into care for non-issues. They feel that equitable protection of children’s safety and well-being can improve through youth engagement and expertise, as well as an improved risk assessment process. They are calling on DCYF for a designated person who is not the assigned social worker or supervisor to review all safety framework paperwork. They are also asking to implement a youth-created extension of the safety framework that explicitly addresses equity and safety for youth ages 12-18.

Emily Stochel, Brianna Fenske, Jolie Bwiza provided an update on action taken since the Summit. Mockingbird has met with Laura Vogel and Kelly Warner-King at AOC to talk about safety

summits. They also plan to meet with Laura again, and with Melissa Krouse and Kelly Boyle of DCYF, to discuss safety framework. Kelly Warner-King reported that the safety summit process has been a very productive collaboration, with a focus of increasing safety conversations in the court setting. The next step is to figure out how to engage young people in the safety assessment process, to include their perspectives. Mockingbird members are signed up to attend upcoming safety summits.

Questions and Comments from Commission Members included:

- Laurie said she thought at some point they talked about having a separate safety assessment for older youth, and asked if that is something that is being explored? Brianna said, yes, that still is something they want to explore, but right now they are working on what will be the most effective thing (i.e. updating the current framework, safety assessment tools, etc.).
- Jill May asked for more information about what the safety summits cover, and Laura provided a quick overview of the safety summit process and the counties participating (PIP Counties and Skagit County). The goal is to help systems develop common language to talk about child safety. They are planning to make this a very practical training, with resources and information about how to apply the safety framework in dependency cases. The training is a partnership through DCYF, AOC, and Casey Family Programs. Rob Wyman, from Casey, and Kelly Boyle, from DCYF, will deliver the trainings. Laura explained that the last hour of the event will include creating an action plan, and they will continue to work with sites after the training.

2. Expunging juvenile records – Spokane Chapter

Ezra provided a summary of this topic. The Spokane Chapter is advocating for the expungement of all juvenile records at the age of 18 for youth in Washington State. Juvenile records have significant consequences for young people, and can cause youth to be denied for school, jobs, and homes, so they struggle to get on their feet as young adults. The only way to ensure records are not able to be released is through expunging (destroying) the record permanently. Black, Indigenous, and other youth of color are overrepresented in the juvenile legal system, facing higher rates of referrals to court and adjudications for criminal offenses than their white counterparts. Despite the existence of automatic sealing for some juvenile records, a number of offenses are not eligible for automatic sealing, or sealing is dependent on full restitution to victims. Many young adults aren't aware of the process and don't have someone who can help them through it. As a result, many juvenile records aren't sealed, or state agencies, the media, and others are able to obtain copies of sealed records, making the sealing process meaningless.

The Chapter has met with the ACLU, Team Child, and Columbia Legal Services, and they will also be presenting at OPD Advisory Board. Also Juvenile Court Administrators are still working on proposed SB 5339, and the Chapter is meeting with them soon to discuss whether they can partner.

Questions and Comments from Commission Members included:

- How can the Commission help?
- If DCYF and AOC may be opposed? Steve said he does not think DCYF is opposed, and he personally would love to see this. Justice Madsen said she thinks the AOC's issue with it is just their ability to do it. Kevin Cottingham, AOC Data Dissemination Administrator, reported that the AOC met recently to discuss this, and some of their concerns include that Washington State is a non-unified court system, that systems change over time, and that some superior courts manage their own case management system, as well as the volume of cases. Kevin said the

main thing is that AOC needs clarity of what is being asked and what is needed, if the AOC is going to be able to implement something successfully.

- Is there a way to focus on foster youth only (for example: when youth has a dependency and a youth offender case at the same time)? Kevin said he does not think AOC has the ability to tell whether or not children are in the foster care system, plus there are other criteria that make that a little more difficult. Charlotte Jensen, AOC Court Business Information Supervisor, said another thing AOC talked about is that, when they receive a bill that is being proposed, AOC has a process where they send it to their stakeholders, so they are able to look at it from a state perspective as well as from the perspective of their applications. Thus if Mockingbird could send AOC a proposed bill, they can share it with everyone at AOC to determine what all the impacts to AOC and the courts would be, and work with them to get their feedback. Further, the more specific the bill is, the easier it is for AOC to assess impacts and determine if it can be done automatically, or if that is not possible to determine if there an alternative.
- Justice Madsen asked for clarity on what foster care focused means/looks like, and how they can be helpful on the court end. Ezra said when they speak of at risk youth in foster care, they are referring to the vulnerable youth (for example: youth with disabilities, mental health, etc.), and he explained how extra support for them would be helpful. Liz Trautman further explained that the Chapter is still proposing a universal bill, because youth experiencing foster care and homelessness increases likelihood of being criminalized, and they are looking at how they can make this more equitable across the board.
- Laurie asked if they have met with Superior Court Administrators and Juvenile Court Administrators. Liz said they have not met with the Juvenile Court Administrators yet, but they are scheduled to meet with the Superior Court Administrators soon.
- Larry Jefferson said the Chapter plans to speak with the OPD Advisory Committee soon and offered the assistance of his office if they need to do some writing; he said OPD wants to be there to support them and put them in a position where their voices can be heard.
- Judge Burton said she is the Superior Court Judges' Association contact, and she is available if the Chapter wants to reach out to her.

3. Financial education and bank accounts for youth in foster care ages 12 and up – Seattle Chapter

Ezra provided a summary of this topic. Young people in Washington state who are in foster care and Extended Foster Care need access to independent living skills at an earlier age to help them be successful when they leave care, including financial literacy skills and the ability to set up their own bank account. As some Seattle Chapter members have experienced, when youth do not have financial education and a bank account, they can become trapped in a cycle of poverty. The Seattle Chapter is advocating for financial education for all youth in foster care starting at age 12, including a bank account and monthly allowance, so that youth have a hands-on way to learn about money management.

Mockingbird had an initial conversation with Washington Asset Building Coalition, where financial education for all K-12 students was discussed. One option was creating a course that would be offered as an extra-curricular with an incentive.

Questions and Comments from Commission Members included:

- What are federal requirements for allocating funds to foster youth?
IV-E Funding is designated for support of youth in their foster care placement. Is there any flexibility to use funds for an allowance for foster youth?

- Public-private partnerships are also an option. OSPI has already developed a curriculum with the Financial Education Public Private Partnership (FEPPP). Tracy Godat is the Executive Director of FEPPP; tracy.godat@k12.wa.us. It might also be helpful to provide opportunities for foster parents to take the course.
 - Peggy Carlson of OSPI provided the following links:
 - <https://www.k12.wa.us/student-success/resources-subject-area/financial-education>
 - <https://www.k12.wa.us/sites/default/files/public/fePPP/docs/FAQsFinancialEducation.pdf>
 - <https://www.k12.wa.us/student-success/resources-subject-area/financial-education/reviewed-financial-education-curriculum>
- Felice offered to connect Mockingbird with a JRA project that teaches financial literacy and includes people with lived experience. The federal Trio Program serves first generation and low income students. Felice also provided the following links:
 - <https://www.genderjusticeleague.org/>
 - <https://www.genderjusticeleague.org/category/resources/>
- Steve said he will check with Shannon Matheson at DCYF regarding Title IV-E funding for bank accounts and also check with Jess Lewis about options for utilizing independent living resources.

4. Supportive foster care placements for LGBTQ+ young people in care – Youth Advocates Ending Homelessness Chapter (YAEH)

KC Chiu provided a summary of this topic. Lesbian, Gay, Bisexual, Transgender, Queer/Questioning (LGBTQ+) youth in foster care face a variety of challenges at increased rates compared to their peers. Approximately 22.8% of youth in out-of-home care identify as LGBTQ+, compared to roughly 3.8% of the general population. The Family Acceptance Project (FAP) found that LGBTQ+ young people who were rejected by their families engaged in more risky behaviors compared to LGBTQ+ young people with no family rejection. Conversely, 92% of the young people who felt comfortable in their placement believed that they would grow into a happy, healthy adult. The YAEH Chapter proposes requiring LGBTQ+ sensitivity training for foster parents in the licensing process, beginning with regional implementation.

Liz reported that Mockingbird has had some great conversations post summit, but they are still trying to figure out next steps. Briana Fenske said they have been meeting with Michael Tires from the Alliance. They have discussed existing training and creating a youth advisory board to include youth voice in all trainings.

Brianna reported they have met with DCYF regarding the home study tool, including Tyler McGee, and Holly Holstead. Mockingbird has also met with Jill May.

Questions and Comments from Commission Members included:

- What are next steps? First, need to nail down the specifics for a pilot project—one east and one west. Second, update the existing training, including assessing what is already available and what needs to be created.
- Kelly asked who this training is for. Katie LeBret responded that it is for all foster parents, since children tend to know very early what is really right for them, starting at age 9 or even sometimes younger. Informing foster parents will help prevent trauma.
- Secretary Hunter’s question (provided via email): Is training sufficient or do we need to match foster parents with foster youth who identify as LGBTQ+ youth? Katie responded that she

prefers that all foster parents be prepared to support young people, and if parents do not feel comfortable, they can reach out for help. Accountability for applying what they learned in training is a challenge. How would we know if foster parents are using it?

- Carrie Wayno shared that two recent federal lawsuits have been brought by foster parent applicants (not already licensed foster parents) asserting their rights to religious beliefs, as follows.
 1. *Blais v. Hunter*, where great grandparents applied to be foster parents. DCYF rules require that the home support the child's culture, sexual orientation, and gender identity. After a home study was conducted, DCYF denied grandparents' application, saying they would not support the child who might identify as LGBTQ+. The case resulted in a permanent injunction, requiring applicants to comply with the child's case plan, including respecting their sexual identity. The state must try to accommodate religious beliefs. Case was settled.
 2. *Hawk et al. v. Hunter* (Tacoma Western District of Washington) is still pending with the same legal argument.

Closing & Adjournment

Justice Madsen thanked everyone for their time and presentations. The next Commission meeting is on December 13, 2021.

Adjourned at 2:59 p.m. by Justice Barbara Madsen.