



**Washington State Supreme Court  
Commission on Children in Foster Care  
December 13, 2021  
Meeting Minutes**

**Members Present:**

Justice Barbara Madsen, Washington State Supreme Court, Commission Co-Chair  
Ross Hunter, Department of Children, Youth, and Families (DCYF), Commission Co-Chair  
Raven Arroway-Healing, Northwest Intertribal Council  
Judge Alicia Burton, Superior Court Judges' Association (SCJA)  
Mike Canfield, Foster Parent Alliance of Washington State (FPAWS)  
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 Malat, Office of Civil Legal Aid (OCLA)  
Jill May, Washington Children & Families  
Tonia McClanahan, Parent Advocate Representative  
Ryan Murrey, Washington Association of Child Advocate Programs  
Representative Tana Senn, Washington House of Representatives  
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:**

Jim Bamberger, Office of Civil Legal Aid (OCLA)  
Jolie Bwiza, Tacoma Chapter Leader, Mockingbird Youth Network  
Beth Canfield, Foster Parent Allies of Washington State  
Martin Mueller, Office of Superintendent of Public Instruction (Designee for Chris Reykdal)  
Vacant, Washington State Senate

**Guests Present:**

Ashleigh Barranza, FPAWS Board President  
Angela Bishop, Washington CASA Association  
Sarah Burns, Administrative Office of the Courts (AOC)  
Peggy Carlson, Office of Superintendent of Public Instruction (OSPI)  
Peggy Devoy, DCYF  
Patrick Dowd, Office of the Family and Children's Ombuds  
Jazz Dozier, FPAWS Board Vice President  
Sydney Forrester, Governor's Office  
Tracy Freckleton, FPAWS  
Lauren Frederick, Mockingbird Society  
Lisa Kelly, University of Washington (UW) School of Law  
Erin Shea McCann, Legal Counsel for Youth & Children  
Carl McCurley, AOC, Washington State Center for Court Research  
Miracle Negron, Mockingbird Society  
Jorene Reiber, Washington Association of Juvenile Court Administrators

Dae Shogren, DCYF  
Liz Trautman, Mockingbird Society  
Laura Vogel, AOC  
Bailey Zydek, OCLA

**Staff Present:**

Kelly Warner-King, AOC  
Susan Goulet, AOC

**Call to Order**

Justice Madsen called the meeting to order at 1:02 p.m. Introductions and roll call were conducted virtually through the Zoom meeting chat box.

Justice Madsen announced that Jill Malat will be leaving the Office of Civil Legal Aid at the end of February, and she thanked Jill for all the work she has done for children in the foster care system, and for all she will continue to give to the community going forward.

Justice Madsen then introduced DCYF Secretary Ross Hunter, who is the new Commission Co-Chair, and welcomed him to the Commission. Secretary Hunter thanked Justice Madsen and the Commission for all the work they do to try to make the world better for kids in foster care, and he talked about the work he hopes to accomplish going forward, which includes focus on getting kids out of the foster care system and reducing racial inequity in the system. He knows that will involve a lot of hard work for everyone, but he is committed to that work and looks forward to working together with the Commission to achieve those goals.

**Approval of the Minutes**

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

**Written Reports from Commission Workgroups**

Justice Madsen noted that written reports from the following Commission workgroups are included in the meeting materials for Commission members' review: COVID Rapid Response Work Group, IDCC Re-Vision Work and Priorities, State Team, and Normalcy Work Group.

**Children's Legal Representation Update**

*Presentation on Evaluation of the Dependent Child Legal Representation Program*

Dr. Carl McCurley, Manager of AOC's Washington State Center for Court Research (WSCCR), gave a presentation regarding the 2021 Evaluation of the Washington State Dependent Child Legal Representation (DCLR) Program. He reported that the study results were released in early November 2021, and he gave the history of how the study came to be. Data collection started for the pilot project in 2017 and ran for two years, with the last new case in August 2019. The observations are now closed for analysis but data is still being accumulated, and they plan to return to the data and conduct analysis with larger data set, to see if the data is consistent with outcomes. The control groups for the study (Douglas and Whatcom Counties) were compared to the DCLR study counties (Lewis and Grant Counties), and difference in design and cost benefit analysis were looked at. Findings showed that youth in the DCLR program had (1) significant increase in permanency (45% greater expectation for reunification), (2) lower out-of-home placement rates (vast majority were placed with relatives), and (3) lower rates of non-normative school transitions (30% decrease in school moves). In addition, there was a cost benefit of \$1.2 million across 50,000

children/youth, which works out to approximately \$24 per child, and means that the program essentially paid for itself. Lastly, the results were robust and held up across the method and increase in sample size as observation continued. This is the second study in Washington State that looked at the impact of legal representation for children; the first was a QIC study which was also positive.

Laurie Lippold asked about the executive summary conclusion and if HB 1219 is applicable to children 8 years old and over? Dr. McCurley confirmed that the findings apply to children of all ages. Secretary Hunter stated that he is supportive and enthused about the results, and said we need to continue to collect data. Justice Madsen asked about ongoing data collection. Dr. McCurley said the data that was used for the four counties can be collected for all counties in Washington State, and they hope to produce performance reports on an annual or semi-annual basis with periodic evaluation. Commission members may email Dr. McCurley at [carl.mccurley@courts.wa.gov](mailto:carl.mccurley@courts.wa.gov) with questions.

#### *Children's Representation Standards Workgroup*

Jill Malat provided an update on the Children's Representation Standards Workgroup. The Workgroup is composed of individuals bringing a variety of experience, including young people in care, children's attorneys, national experts in child representation and legal ethics, parent allies, and others.

The Workgroup is on track to generate training standards, caseload standards, recommendations regarding representation for children under 8 years old, and to update the current standards of practice. The members have broken into four sub-committees to address each of these direct mandates from the legislation. Those subcommittees are meeting regularly and working through the issues, and they have set a January deadline for the subcommittees to finish and report back to the larger Workgroup. Jill expects a final draft will be done by the end of February, and then the Workgroup will need to provide the draft to the Commission for their input before it goes to the Legislature.

Jill is on the caseloads subcommittee. Emily Stochel reported she and Jolie Bwiza have been working on youth engagement, and they have started holding preparation and debrief meetings to support the youth who are involved. Professor Lisa Kelly reported she is on the workgroup for children under 8 years old, and they are looking at the requested recommendations from the Legislature. Two of her of her students, informed by the group, are taking the lead on this. They have been interviewing leaders from a variety of states using different models for representation. They are in process of interviewing Washington lawyers in pilot counties who have done legal interest representation (for children unable to direct counsel), and are starting interviews with parent and youth representatives. They've been looking at different models of child representation for birth to 8 years old, and the group is looking at the language in section 1.17 of the standards that describes how lawyers need to be trained if they are representing young children. She expects they will probably recommend the current model but more robustly describe the training required.

In response to a questions from Justice Madsen, Professor Kelly said the majority of states offer representation at all ages and all stages of a child's development. Washington is in the minority in that we do not provide representation to all children in dependency. Professor Kelly also stated that Washington leads the country in evaluating child representation, along with Florida. Studies from both states showed positive child outcomes with representation.

When asked about the process for stakeholder involvement in HB 1219 implementation, Jill said an advisory group will be created. Emily and Jill invited Commission members to attend meetings of the Standards Workgroup.

Jill was asked if the Standards Workgroup had discussed issues related to attracting and retaining BIPOC attorneys and solo practitioner attorneys. She responded that she considered recruitment details to be an implementation question, which OCLA will address starting in January. She also asserted that OCLA highly values diversity of the attorney workforce, especially for those working with children and youth in the dependency system. OCLA already actively recruits BIPOC attorneys and works with law schools to identify potential attorneys.

Barriers and potential solutions to the lack of diversity in the legal profession were discussed by Commission members who all agreed that the need to recruit and train attorneys of color is necessary. Larry Jefferson reported that he has looked at law school numbers of who is available, and considered moving upstream to high schools and even elementary schools to encourage students of color to pursue careers in the law. OPD has worked with interns to engage them in issues key to representing families and children. Larry and Rachel Sottile expressed interest in working with OCLA to consider ways to grow the pipeline for potential BIPOC attorneys. Lisa provided her perspective from UW School of Law. She agrees we need to look at the pipeline very early and appreciates the interest and commitment of this group. She noted that, when HB 1219 passed, OCLA leadership reached out to all three Washington law schools to work on this issue of having a diverse pipeline. She hopes these efforts continue, and she would love as many hands on deck as possible to do this. Justice Madsen noted that the Supreme Court understands this is a problem but needs to hear from the field. She also mentioned that diversifying the legal field could include non-lawyers, such as legal technicians. Rachel noted that this question does not have a quick answer, and she requested to be able to keep conversation open, with periodic updates on the recruitment and diversity of OCLA attorneys.

Ryan asked about the role of the Commission related to the recommendations. Justice Madsen said the Workgroup has been asked to share the recommendations and report with the Commission to provide input before they are provided to the Legislature. She prefers to work to consensus with recommendations that the Commission provides. The Commission may need to have a supplemental meeting for review of the Child Representation Workgroup's work product, separate from the next Commission meeting, to ensure sufficient time for discussion and feedback. Jill clarified that the recommendations are intended to inform work conducted by the legislature in the 2023 legislative session, and their deadline to submit recommendations for representation for children under 8 is March 31, 2022. Justice Madsen thanked Jill for continuing to work on this. Kelly will work with Jill to identify a date and time for a meeting with the Child Representation Workgroup to receive the Commission's input.

### **Racial & SOGIE Equity Discussion: Equity Issues in Foster Placements**

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

Dae Shogren, Racial Equity and Social Justice Administrator at DCYF's Office of Racial Equity and Social Justice, reported on behalf of DCYF. She discussed how important it is that we all collaborate and have ongoing, long-game engagement because DCYF cannot do it all themselves, and it will not happen overnight.

Dae discussed the trends DCYF is seeing in rate of occurrence and disproportionality index (DI) for all intakes. DCYF looked at rates per thousands of children/youth identified in intakes by race and

year, and at DI of all intakes (screened out or screened in). They found that American Indian/Alaskan Native and Black are disproportionately high, and Asian and Hispanic are underrepresented. She then discussed DCYF's race data related to placement array, including: (1) that about a quarter of their licensed foster homes, have at least one caregiver who is not White (out of 4,734 licensed foster homes, 1,252 foster homes have at least one caregiver who is not White); (2) the breakdown of 1,761 non-white caregivers (single homes may fall in more than one category) is Hispanic 706, Black African American 469, Asian 233, American Indian Alaskan 208, Native Hawaiian/Other Pacific Islander 76, Tribal Member 69, and 37 who declined to identify; and (3) that nearly 40% of children who come into care are placed with kin. She also discussed what they are seeing with children entering and exiting out of home placement from 2010-2021, which included that the numbers are decreasing and that more children are leaving foster care then are entering (which Secretary Hunter said is a good thing). As of September 30, 2021, there were 6,671 children in out-of-home care, including both licensed and unlicensed care, and there was an 18.3% decrease from the end of calendar year 2019 and an 8.8% decrease from the end of calendar year 2020. Of the 6671 children in out-of-home care on September 30, 2021, 183 (2.7% ) were in BRS congregate care, 127 (1.9%) were in BRS treatment foster care, 48.2% were placed with kin, and there are currently 7 DCYF depending youth placed in out-of-state congregate care placements. She also noted that the 48.2% of children placed with kin is a little above the national average. However relatives do not get foster care placement support/adoption support if they are not licensed. Secretary Hunter noted that he would like to increase the number of licensed kinship placements to 60% or 70% because it's better for children and usually reasonably racially balanced. Emily Stochel asked (in the chat), if young people have relatives out of state, are those options explored before non-kinship in-state placements, and Secretary Hunter said, yes.

Dae then discussed the efforts DCYF is making to better help LGBTQIA+ individuals. First she talked about DCYF's draft Administrative Policy 6.04 Supporting LGBTQIA+ Individuals. The purpose of the policy is to (1) support the specific needs of children, youth, and young adults who are developing, discovering, or identifying themselves as lesbian, gay, bisexual, transgender, questioning, intersex, asexual, or gender non-conforming (LGBTQIA+), and (2) respectfully treat individuals, including, but not limited to children, youth, young adults, employees, caregivers, contracted employees, volunteers, interns, and work study students who are developing, discovering, or identifying themselves as LGBTQIA+. The policy applies to DCYF employees, volunteers, interns, and work study students. In addition, Dae provided the following full list of DCYF's LGBTQIA+ efforts, and highlights about each and the work they are doing:

- DCYF Office of Racial Equity and Social Justice
- DCYF Administrative Policy 6.04
- Quarterly Foundational LGBTQIA+ Training
- DCYF LGBTQIA+ Leads, agency wide
- DCYF LGBTQIA+ Advisory Committee
- Pilot of CCYJ eQuality Protocol for Safe & Affirming Care
- Partnership with Amara CARES Program
- Active recruitment for LGBTQIA+ Caregivers
- Ongoing dialogue with Lived Experts
- Active membership with RAIN
- Active membership with HHS HCA Sex & Gender Identity Workgroup
- Active partnership with LGBTQ Commission

Raven Arroway-Healing suggested the following (in the chat): On the subject of supporting LGBTQ youth, it would be helpful if DCYF required all contract licensing agencies who license foster parents to collect data about demographics of applicants, and ties that data to whether the applicant is denied a license. I spoke with Amber Salzer at DCYF about this, and she told me that DCYF doesn't collect that data. This would really help clear up rumors about contracted licensers turning away LGBTQ foster parent applicants.

### *The Mockingbird Society*

Liz Trautman, Director of Public Policy & Advocacy at The Mockingbird Society, reported on *The Report Card: Statewide Survey of Young Adults with Experience in Foster Care* study that Mockingbird conducted. Mockingbird asked young people about their experiences in foster care. The study consisted of 219 online surveys of young adults who had experienced foster care (completed August through December 2020) where respondents graded the services they had received, and the reasons for the grades were explained in 63 follow-up one-on-one interviews (completed October 2020 through January 2021). The survey and interview design were developed by Mockingbird staff and participants with lived experience in foster care and/or homelessness, and the instruments and process were pretested with Mockingbird participants.

Results of the study included the following.

- The racial/ethnic mix and ratio of those identifying as LGBTQ+ were representative of the State child welfare system. BIPOC respondents (59%) slightly exceeded the population of white only (41%) youth in care, and 28% of respondents identified as LGBTQ+.
- The majority were more likely to enter the foster care system as pre-teens or teenagers (after age 10) and spent significant time in care (half spend five or more years in care), and 52% spent time in group home (Liz pointed out that this is powerful and important information; they are not being particularly well represented in care).
- The overall average “grades” for general services and supports shows a D to C score. “Education Supports” and “Non-Profit Services” (in general) received the highest grades (“A” and “B” grades). “Keeping the Same Social Worker” received the most “D” and “F” grades overall.
- Respondents who identified as either LGBTQ+ or BIPOC gave “C” average grades to services that might have helped them with any challenges related to those identities. Almost half of those who identified as LGBTQ+ rated any additional support from their social worker and/or foster parents as “D”, “F” or “Did not have.”
- LGBTQ+ young adults also reported less desirable outcomes than others; they were 50% more likely to have been homeless at some point; they were four times as likely to still be working on their GED; they were far less likely to have said that their physical health was “excellent” or “good”; and they were twice as likely to call their mental health “poor”.
- Respondents who identified as BIPOC reported similar outcomes to those who identified as “white”, and they tended to receive better cultural support than LGBTQ+ although there is still room for improvement.
- Respondents were asked about challenges related to cultural identity or LGBTQ+, and a higher percentage of LGBTQ+ noted challenges as overwhelming. Youth who identified as BIPOC were not that different from white regarding post-foster care outcomes, but LGBTQ+ were more likely to have difficulties including poor mental health.

The results of the study validate the need to listen to impacted youth, and show the following: Alignment with recommendations from youth advocates and others for many years, including the

need for culturally relevant services and safe and affirming placements for LGBTQ+ young people; LGBTQ+ young people report more challenging experiences during and after care; those experiencing foster care need an automated, regular feedback loop for the State to be aware of social workers who are under-performing, challenges in placement, and other issues; in general, there seems to also be a need for all those caring for youth in foster care—including teachers—to be better trained in trauma-informed care; and more qualitative data gathering, at and after exit, would be useful.

Carrie Wayno asked if they evaluated that in the BIPOC population, and to what degree did that change their experience. Liz said she does not think they were able to do an analysis of that data in a quantitative way, but that would be a good thing to explore in the future.

#### *Washington Association for Children and Families*

Jill May, Washington Association for Children and Families (WACF), reported that WACF is made up of four different agencies across the continuum that provide family preservation and support services, child placing agencies, intensive services, and independent living. Jill also shared the WACF Members Equity Commitment, which states the following: “*Members must be committed to removing practices and policies that lead to poor outcomes for people of color in the child welfare system. WACF will ensure all policy, advocacy and practice improvement changes have a focus on removing racism. We value providing best practice that promotes improved outcomes for children and youth regardless of their economic status, sexual orientation, gender identity, race, ethnicity, language, or age.*” Jill explained that WACF is a good place to share with each other, break down silos, and discuss shared practices, and she was excited to be asked to talk about this. Services that members provide are where children are being served. WACF looked at racial equity and consultants were hired to help them. They also surveyed members, and there was a real interest in diversity in hiring.

WACF’s vision was to have a network of private providers united for racial equity. They thought about this work in three parts: organizational equity (examining and redesigning WACF advocacy, policies, strategies and investments to increase racial equity); capacity development (foundation of learning about history, individual and structural racism, and bias and vision for racial equity in child welfare); and equity in action (targeted equity impact projects). The agencies they work with are in different places; some have done a lot of racial equity work and others have done very little. So WACF started moving forward with a project to increase diversity in recruitment, and as they did, they found their agencies need to become trustworthy partners in order to recruit BIPOC families. They brought a group of stakeholders together, which included 50% BIPOC (including LGBTQ youth and indigenous youth), and they started small and looked at a few agencies. They now see where their barriers are, and eventually want to share those with their members.

Their next steps include: (1) implementing change ideas in three areas (increasing peer supports for current BIPOC foster parents, hiring diverse staff, and internal culture of equity); (2) sharing learnings (they have been sharing along the way with CPAs, DCYF, and other recruiting practice groups and will continue to do so); (3) following up on projects (i.e. project planning with DCYF recruiting team on barriers in licensing process that families of color are experiencing). They have also been having lots of conversations with DCYF about how best to partner and include data. Jill offered to share feedback with the Commission in the future.

### *Foster Parent Alliance of Washington State (FPAWS)*

Mike Canfield, Executive Director of FPAWS, and Ashleigh Barraza, Board President of FPAWS, presented together on the organizations efforts to improve care for LGBTQIA+ youth. Ashleigh said the FPAWS Board reflects a board range of people, and they are stronger because they are diverse. FPAWS offers training to adoptive and biological parents, networking, a helpline, and highly educated and thoroughly vetted expert speakers for their trainings. She reported some of their trainings include: “Transracial Caregiving”, “Sexual Health for All”, “Our Girls, Our Communities”, and “Cultivating Transracial Caregiving.” In FPAWS trainings, participants discuss issues and challenges, seek to dispel myths, and help families learn about significant things they can do to support the children. It is a supportive nonjudgmental place to grow, and they have received positive feedback from families. FPAWS wants to be part of the solution, and they are not just a community; they are about taking people from where they are now to making positive changes. Members may contact Mike Canfield with questions.

### **Request for Support of the FPAWS Parent Mentoring Program**

Jazz Dozier, Vice President of FPAWS Board, reported that the FPAWS Parent Mentoring Program is focused on the reunification of children with their families. The program is currently operating in the Clark County Family Treatment Court, and FPAWS wants to introduce the Parent Mentoring Program statewide. FPAWS believes that providing mentoring, support, education, skills, and viable solutions to parents and foster parents is necessary for them to become and remain successful. Program accomplishments include: 85% successful reunification rate compared to 44% without the program, parents have better understanding children’s needs and participate in making alternative parenting plans for their children, foster parent retention was enhanced by the foster parents’ involvement with the program, foster parent mentors had increased satisfaction with foster parenting and often remained licensed, and mentors continued their relationships with the parents they supported long after the official mentoring period was over. FPAWS is requesting funding from the Legislature to cover program costs, and would appreciate the Commission members’ support. Information about the FPAWS Parent Mentoring Program was provided in the meeting materials. Tracy Freckleton has been the lead on this project, and Commission members can contact Tracy with any questions.

### **2022 Commission Meeting Schedule**

Justice Madsen said she and Secretary Hunter have been discussing going back to the traditional 3-hour Commission meetings, and their intent is to do so. If Commission members would like to provide input about keeping the meetings shorter than 3 hours, we will provide an opportunity for you to give you feedback via email.

### **Closing & Adjournment**

The next Commission meeting is on March 7, 2022.

**Adjourned at 3:21 p.m. by Justice Barbara Madsen.**