



**Washington State Supreme Court
Commission on Children in Foster Care
March 7, 2022
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
Jim Bamberger, Director, Office of Civil Legal Aid (OCLA)
Jolie Bwiza, Tacoma Chapter Leader, Mockingbird Youth Network
Judge Alicia Burton, Superior Court Judges' Association (SCJA)
Mike Canfield, Foster Parent Alliance of Washington State (FPAWS)
Alyssa Connolly, Northwest Intertribal Council
Veronica Gallardo, Office of Superintendent of Public Instruction (Designee for Chris Reykdal)
Larry Jefferson, Washington State Office of Public Defense (OPD)
Jeannie Kee, Foster Youth Alumni Representative
Laurie Lippold, Partners for Our Children
Jill May, Washington Association for Children & Families
Tonia McClanahan, Parent Advocate Representative
Ryan Murrey, Washington Association of Child Advocate Programs (WACAP)
Rachel Sottile, Center for Children & Youth Justice (CCYJ)
Emily Stochel, Youth Who Has Been Reunified; College Success Foundation
Carrie Wayno, Attorney General's Office (Designee for Bob Ferguson)
Bailey Zydek, Children's Representation Program Manager, OCLA

Members Not Present:

Beth Canfield, Foster Parent Allies of Washington State
Sydney Doherty, Coordinated Care of WA; Foster Care Physical/Mental Health Representative
Representative Tana Senn, Washington House of Representatives
Senator Claire Wilson, Washington State Senate

Guests Present:

Katie Anderson, Family & Youth Justice Programs, Administrative Office of the Courts (AOC)
Raven Arroway-Healing, Northwest Intertribal Council
Linda Benson, Interim Executive Director, Washington CASA Association
Keisha Bigby, Foster Care Assessment Program Harborview Abuse and Trauma Center
Sarah Burns, Statewide Innovation Coordinator, Family & Youth Justice Programs, AOC
Jill Bushnell, HB 1227 Project Manager, DCYF Office of Strategic Initiatives & Collaboration
Peggy Carlson, Office of Superintendent of Public Instruction (OSPI)
Cynthia Delostrinos, Office of Court Innovation Associate Director, AOC
Rima Ellard, Foster Care Assessment Program
Carly Fa'ataualofa, Budget Assistant to the Governor, Early Learning and Child Welfare, Office of
Financial Management
Erin Shea McCann, Legal Counsel for Youth & Children
Claire Phillips
Jorene Reiber, Washington Association of Juvenile Court Administrators
Dawn Marie Rubio, State Court Administrator, AOC
Liz Trautman, Mockingbird Society

Laura Vogel, Family & Youth Justice Programs, AOC
Vickie Ybarra, Director of DCYF's Office of Innovation, Alignment, and Accountability

Staff Present:

Kelly Warner-King, 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.

Justice Madsen announced that Raven Arroyo-Healing is stepping down from her position on the Commission as Northwest Intertribal Court System (NICS) Representative, and Commission members thanked Raven for her years of service to the Commission. Raven then introduced Alyssa Connolly, who was just appointed by the NICS as the new NICS Representative on the Commission, and she expressed her confidence that Alyssa will represent the NICS well on the Commission. Alyssa thanked Raven and said she is proud to be here to serve on the Commission, and expressed her passion for tribal sovereignty and child welfare. Justice Madsen thanked the NICS for providing a new member on the Commission.

Justice Madsen also announced Senator Claire Wilson is the new Chair of the Senate Human Services, Reentry & Rehabilitation Committee, and she will fill Senator Jeannie Darneille's vacancy on the Commission. Senator Wilson was unable to attend today and will be formally introduced at a future Commission meeting.

Lastly, Justice Madsen announced that Veronica Gallardo is replacing Martin Mueller as the new Office of Superintendent of Public Instruction (OSPI) Designee for Chris Reykdal. Veronica shared that she is a former teacher and has been an Assistant Superintendent with OSPI for three years, and she is honored to serve on the Commission. Justice Madsen thanked Veronica, and asked her to give Martin the Commission's appreciation for his service to Commission over the years.

Approval of the Minutes

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

DCYF Presentation and Discussion

Dr. Vickie Ybarra, Director of DCYF's Office of Innovation, Alignment, and Accountability (OIAA), and Secretary Hunter presented to the Commission regarding OIAA research and the implications of the KW Decision for DCYF practice. Copies of the [Research Brief: Child Outcomes in Kinship Care in Washington State](#), [Research Report: Examination of Infants Indicated for Substance Exposure/Affected at Birth](#), and the [In re Dependency of K.W. Supreme Court Decision](#) were provided in the meeting materials. Secretary Hunter began the presentation. He shared that this research is looking at child outcomes particularly in kinship care in Washington, and that Washington is slightly higher than the national average for kinship placement. In addition, he shared that the KW case will significantly change how DCYF will approach kinship cases, but they cannot say yet how DCYF will implement those changes.

Dr. Ybarra shared that her background as a public health nurse informs her work with DCYF with a prevention lens, and that when DCYF was created, the mission required the agency to get as far

upstream as possible to help children. She worked with Holly Luna and Doug Klinman on the kinship research brief, utilizing data from three main areas: national research, surveys of Washington youth not living with parents, and assessments of children and youth in DCYF care and authority. The research brief concluded that: (1) National research and Washington data show, on average, children in out-of-home care experience better well-being in kinship care than in non-relative foster care, and (2) Washington State's kinship placement rate is above average compared with other states, but still has room for growth (based on what they have seen from other states). She discussed 2011-2020 data for total children <18 in out-of-home placement (which they look at annually), and she reported Washington's percentage of children in kinship care is above 40% in kinship (which is high compared to many other states and is above the national average). In addition, compared with children in non-kinship foster care, children in kinship care on average experience fewer behavioral problems, fewer mental health disorders, better well-being, and less placement disruption. Dr. Ybarra also shared results from the 2018 Healthy Youth Survey showing that youth in relative foster care report that they felt less hopelessness than their peers who were in non-relative foster care (who reported the most hopelessness). Further, they looked at the percentage of "at risk" on PTSD screener of DCYF placements from 2016-2019, and they concluded that on average children and youth ages 6-17 placed in kinship care showed greater improvements on their PTSD scores over the course of the first six months in out-of-home care as compared to those in non-relative care. Finally, they looked at the percentage of "at risk" on a PSC-17 Externalizing Scale for DCYF Placements from 2016-2019, and they concluded that children and youth in kinship care demonstrate better outcomes on externalizing behavioral than those placed in non-relative foster care.

Dr. Ybarra and Secretary Hunter then addressed Commission members' questions regarding the research brief, which included the following. Tonia McClanahan asked what the small slice of "Other" was on the "Total Children <18 in Out-of-Home Placements by FY 2011-2020" graph; Dr. Ybarra said that includes hospital, juvenile rehabilitation, and county detention. Emily Stochel said she would like to see this data broken down by age ranges of those in care. Secretary Hunter said DCYF will be drilling into more of that data; although, the challenge is when they look at the data they are not always able to share the research, but they will when they can. Jill May asked what percentage of kinship care providers are licensed? Secretary Hunter said DCYF does not know right now, but he wants kinship caregivers to have what they need. He also said the total number of children in placement is less than 7,000; relative and kinship are comparable with relative being a little lower; and he would like to make the "Kin" on the graph completely licensed. Alyssa Connolly commented that, the results of the study are the reasons why, in many Tribal Youth Codes, relative placement is the primary placement preference; Secretary Hunter agreed with that comment. Laurie Lippold asked if DCYF has contacted other states with higher kinship placement numbers to ask how they have done it, and she asked how recent changes (funding for kinship engagement, SB 5151, and HB 1227) are coming together. In addition, Laurie noted she recently learned that 20% of kinship providers are licensed. Secretary Hunter said all of that movement is in the same direction, they all share an interest in linking that up, and the KW Decision will have enormous changes/impact on their practice.

Dr. Ybarra then discussed the OIAA research regarding the *Research Report: Examination of Infants Indicated for Substance Exposure/Affected at Birth*. She reported that, in 2020, Washington State ranked third highest in the nation for the percentage of infants (children less than 1 year old) entering placement, with 24% of all children who entered care. In addition, 63% of children ages 0-1 who were placed out of home and 79% of newborns who were placed out of home had parental substance use as a contributing factor in their cases. While the total screened-in intakes for

children age 0-1 decreased 9% from 2019-2020, young children placed in care with parental substance use decreased just 2.8% (ages 0-1) and 4.4% (first 30 days). Statewide, the number of newborns placed within the first 30 days with parental substance use was 585 with 47% in King, Pierce, and Spokane Counties. Dr. Ybarra provided the following information about pregnant and parenting women (PPW) and access to inpatient treatment in Washington:

- HCA reports that there are nine PPW inpatient treatment providers in the state with 144 beds statewide.
- Not nearly enough PPW inpatient treatment beds exist to meet the need, and they do not exist at all in Pierce and King Counties.
- FFPSA (Families First Prevention Services Act) allows supplemental foster care payments to be made to these providers, but as of August 2021 only three providers have billed.
- From 2012 to 2020, there was an almost 300% increase in the number of infants reported to child welfare as substance-exposed/affected. One third of these children were placed in out-of-home care within 30 days of intake, and 20% of referrals that screened out due to the child not being born yet ('unborn victim') were subsequently referred as newborns.

Dr. Ybarra then provided information about the DCYF SUD Pregnant Pilot, started in 2020 in partnership with the Harvard Government Performance Lab (HGPL Fellows Program). This project started with three partner DCYF offices: Tacoma, Puyallup, and Spokane Central. Over the last year they have been able to (1) work through an AAG opinion to clarify DCYF authority to offer voluntary services for screened out referrals [HB 1661 shows they have the authority]; (2) identify and engage community organizations to serve as care coordinators; (3) engage DCYF Intake Units as key prevention partners, and create new practices for those staff; (4) develop information sharing permissions; and (5) create a tribal pathway for AI/AN referrals. The DCYF SUD Pregnant Pilot is now at the point that all of the eligible intakes are referred to care coordinators in their pilot areas and they are ready to implement the pilot into King County. If successful, adding King County would mean the program would cover 60% of eligible referrals statewide.

For clarification, Secretary Hunter asked: if a pregnant person is referred to a coordinator, will they be referred to treatment? Dr. Ybarra said if clients are able and willing, the program does all it can to ensure the clients get treatment. The program hasn't been evaluated yet, but they plan to conduct an evaluation. Secretary Hunter said he would like to see clients who are referred to coordinators ultimately get treatment, thereby avoiding removal of their children.

Larry Jefferson asked if there is a connection to the FIRST Clinic, and Dr. Ybarra confirmed that the FIRST Clinic is one of the pilot partners. Larry said that OPD would like to help expand the FIRST Clinic, including requesting funds from the Legislature next year to expand the FIRST Clinic across the state. Rachael asked about an indication/measure of the need for SUD treatment. Dr. Ybarra reported that DCYF has identified areas of the state where access to treatment is chronically limited, and they have known for some time what the treatment needs are. Secretary Hunter said we all need to coordinate and target the high-need areas first, including working with housing authorities. Laurie informed the group that there is a small amount of funding in the capital budget to support ongoing planning for creating a Rising Strong program on the west side of the state and she anticipates a full budget request in 2023. Tonia commented that Dr. Kaitlan Baston, national pediatric expert, says when a baby is affected by opiates it is best that the baby be held and breast fed by the mom to naturally detox, and she asked if Washington implementing this? Dr. Ybarra shared that some hospitals around the state are utilizing the Eat, Sleep, Console program

that does that. She also posted the following RDA Study on Substance Abuse Treatment Needs/Services among Child Welfare Involved Caregivers in the chat: <https://www.dshs.wa.gov/ffa/rda/research-reports/substance-use-disorder-treatment-penetration-among-child-welfare-involved-caregivers>. Secretary Hunter said DCYF would be interested in getting ahead on these topics, doing some research in advance would be great, and Commission members should keep DCYF informed on things they learn about as well. Larry added that OPD would also appreciate research topic suggestions from the Commission. Kelly asked Dr. Ybarra if DCYF could share Family Time data for young children, once they have it. Dr. Ybarra noted that Family Time data is on their minds too now, and they are looking forward to doing more work on that. If Commission members have questions or comments, they can contact Dr. Ybarra (vickie.ybarra@dcyf.wa.gov) or Secretary Hunter. Dr. Ybarra also offered to keep attending these meetings to keep the Commission informed if they would like.

DCYF 1227 Implementation Update

Jill Bushnell, HB 1227 Project Manager for DCYF's Office of Strategic Initiatives & Collaboration, provided a high-level overview of DCYF's HB 1227 Keeping Families Together Act work plan. Jill explained that HB 1227 was enacted in 2021, and it will go into effect July 1, 2023. The law is intended to: (1) safely reduce the number of children in foster care, (2) reduce racial bias in the system, and (3) remove children from their home only when necessary to prevent imminent physical harm. She further explained that this work overlaps with other efforts happening in DCYF, including the FFPSA, Family Practice Model, PIP (Program Improvement Plan), court decisions and other legislation. The specific focus of the HB 1227 work plan is on preparing the agency for shifts in practice before HB 1227 goes into effect. The agency is preparing internally with a project governance & implementation structure, overseen by Steve Grilli and Natalie Green. In addition, they have a number of DCYF implementation planning workgroups that will be making recommendations for changes through the different phases of implementation. Jill shared DCYF's HB 1227 implementation timeline through June 2023, and the details of what each workgroup will be doing. The following shows when each workgroup will be doing its work:

DCYF Stakeholder Workgroups

(January-April 2022)

- 1.1 Diligent Efforts
- 1.3 In-Home Dependencies & Voluntary Services
- 1.4/1.6 Enhance Safety Framework & Pre-Dependency Consultations
- 1.8 Placement with a Relative or Suitable Other
- 1.9 Cultural Shift Approach
- 2.1 Service Array Plan

(Varies; May 2022-June 2023)

- 1.5 Training Plan
- 1.7 Policy Changes
- 3.3 Support for Kinship Licensing Decision

Internal DCYF Workgroups

(Varies, though June 2023)

- 1.2 Service of Notice to Parents
- 3.1 Streamlining Licensing & Payment
- 3.2 IT Changes for Licensing & Payment
- 3.4 Policy/WAC Changes for Licensing & Payment

AOC/FWCC Court Workgroups

(Through June 2023)

- Ex Parte Removal Workgroup
- Shelter Care Removal Decisions Workgroup
- Appropriate Placement Decisions Workgroup

Jim Bamberger pointed out he didn't see racial equity called out in the presentation and asked how DCYF is addressing that. Jill said that is embedded in the workgroups with a focus on culturally appropriate and responsive services; there is not a separate workgroup formed to address equity. Secretary Hunter asked for feedback on how best to do that. Suggestions included getting feedback from BIPOC people about the overall work; seeding workgroups with people of color; inviting families to share their voices in order to drive recommendations and suggestions in each community across the state, and compensating them for their contributions. Tonia McClanahan asked if the Cultural Shift Workgroup could work on addressing equity. Jim suggested that equity needs to be part of the charter—openly articulated and structures built on the front end decision making, to make sure racial equity issues are being addressed. Secretary Hunter said he will come back to the group and provide more clarity on this.

Laurie asked about how to deal with bias related to character and confidence issues (i.e. criminal background) when certifying caregiver. Secretary Hunter said the KW Decision clearly addresses the need to reduce bias in the background check process and in decisions made based on the results of background checks. He said DCYF cannot rely on an old criminal conviction; they need to articulate the specific reasons justifying a decision. DCYF plans to reduce opportunities for bias to come into play in background checks by creating a more reliable, consistent model. Secretary Hunter said he would love to come and present to the Commission once DCYF has a chance to look more closely at the KW Decision.

Reports from Commission Workgroups

Family Well-Being Community Collaborative (FWCC)

Kelly reported that the Innovative Dependency Court Collaborative (IDCC), was redesigned and is now the Family Well-Being Court Collaborative (FWCC). This group serves as the Court Improvement Program's required cross-system workgroup. Kelly shared the FWCC's mission statement: "Collaborate to keep families safely together and supported in their communities and to radically reduce inequities within the child welfare court system." She explained that the FWCC is focused on upstream efforts to avoid entry into the system by addressing the impacts of poverty and trauma on families, and for families who require the oversight of court, ensuring that they receive effective, culturally-relevant services in a system that is equitable, accountable, and hope-centered. The FWCC is organized in the following four workgroups:

1. Ex Parte Removal Hearings Workgroup
2. Shelter Care Removal Decisions Workgroup
3. Appropriate Placement Decisions Workgroup
4. Family Time and HB 1194 Implementation Workgroup

These workgroups are action-oriented, with clear timelines and plans to develop resources and training to support effective implementation of the new laws. More details about the FWCC and its workgroups are available here: <https://www.wacita.org/family-well-being-community-collaborative-fwcc/>.

State Team Action Plan

Sarah Burns shared the history of the State Team Action Plan, including attendance at the National Center for State Courts (NCSC) “Change Collaborative: Continuing Upwards from the Summit” event on December 15, 2021. This event was designed for teams to reflect on the progress achieved in 2021 and to look ahead to 2022. Sarah also provided a copy of the original State Team Action Plan (which includes the State Team’s list of members and strategies from the 2020 National Judicial Leadership Summit on Child Welfare). Following the December 2021 event, State Team members developed priorities for 2022: (1) remove barriers to placement with family (including criminal history and prior unfounded allegations), (2) provide meaningful parent representation prior to shelter care hearing by enforcing RCW 13.34.090 regarding the provision of counsel and discovery prior to shelter care, and (3) improve practice at shelter care hearings by emphasizing safety planning and expanding in-home dependencies.

Justice Madsen provided additional context for the State Team’s work regarding improved Shelter Care practice, including defining best practice regarding early assignment of attorneys and providing discovery and client contact information at least one day prior to the initial Shelter Care hearing. Secretary Hunter expressed concerns about the feasibility of completing all of this work in the first 72 hours of a case. Justice Madsen noted that some jurisdictions already get all of this done within 72 hours, and that suggested to her that it can be done. The group is interested in learning more about what motivated those jurisdictions.

Children’s Representation Standards Workgroup Update

Bailey Zydek provided an update on the Children’s Representation Standards Workgroup. The Workgroup is divided into four subcommittees that meet regularly. Bailey said they had a full Workgroup session today, and there was some discussion about the report on representation of children under 8 possibly being in conflict with the standards they are reviewing. The Workgroup wants to stay on track to get the report on children under 8 to the Commission by March 31st. However, it may be difficult to have it all done in time for the Commission to review it beforehand, and the Workgroup may need to ask for an extension. The standards committee has some more work to do, and they will be meeting by March 11th. They are prepared to meet with the Commission again sometime in April.

Ryan asked if the Commission will have a chance to review the report before it goes out. Bailey said, yes, that is their intent. Ryan also asked if the Legislature has been made aware that they will not be finished by March 31st. Bailey said the report on representation of children under 8 is the only document due to the Legislature and they may need to ask for an extension so the reports can be reconciled. Jim Bamberger informed that the statute does require the 8 and under report to be submitted by March 31st, and the Workgroup’s job now is to get the reports to the Commission. Secretary Hunter said there are no penalties for missing the deadline; OCLA just needs to notify the Legislature that they will miss the deadline.

Justice Madsen emphasized that Commission members will need sufficient lead time to review the report and recommended standards prior to the feedback meeting. Secretary Hunter requested that Commission members get at least two weeks to review the documents prior to the meeting. Bailey will communicate that request to the Workgroup. Kelly and Susan will work with Bailey to make sure that timeline will work and to schedule the meeting. Jim informed the Commission that Bailey has succeeded Jill as the Children’s Representation Program Manager at OCLA, and OCLA is also hiring for two new positions.

Rachel mentioned that she would like to develop a way for Commission partners to share their initiatives with the group so that everyone will be informed. She noted that the WACAP budget request to fund attorneys for child advocate programs came as a surprise to others working on child representation. Ryan agreed that open communication is important, but said this is something that has never come up in the Commission before. Justice Madsen said she will be interested to hear Commission members' feedback.

Court Improvement Updates – Family & Youth Justice Programs

Court Improvement Program

Kelly reported that the Court Improvement Program at the AOC has a new name; it is now called Family & Youth Justice Programs (FYJP). Current FYJP projects include: cross-system Safety Summits, the 2022 Reasonable and Active Efforts Judicial Academy (being held on March 31-April 1 and April 14-15), launch of Washington State Center for Court Research's public Dependency Dashboard 2.0, and development of an Equity and Engagement Framework.

In 2021, FYJP and DCYF co-facilitated safety summits and follow up on county action plans in Chelan, King, Kitsap, Mason, and Pierce Counties, and upcoming 2022 summits are being planned in Grays Harbor, Skagit, and Spokane Counties. Positive results that developed out of the 2021 safety summits include: Kitsap County developed three documents that they are having printed/laminated to distribute widely; development of mini trainings focused on specific parts of the safety framework (i.e. one will be looking at safety threats); and Mason County implemented the use of their walkaway order for parents. Some of the safety summit sites are integrating the science of hope into their work, and FYJP will continue to work with the courts/sites on the changes they desire to make. Kelly expressed her appreciation to DCYF, Ryan Murray, Jacob D'Annunzio, and others for their partnership on the safety summits and other FYJP trainings. More information about safety summits and child safety framework is available here: <https://www.wacita.org/safety-framework/>. For questions about FYJP trainings, Commission members can contact Laura at laura.vogel@courts.wa.gov.

Family Treatment Courts

This item was tabled until a future Commission meeting.

Early Childhood Courts

This item was tabled until a future Commission meeting.

Closing & Adjournment

The next Commission meeting is on May 9, 2022. Justice Madsen reminded members to send in their ideas for future agenda topics.

Adjourned at 4:00 p.m. by Justice Barbara Madsen.