



**Washington State Supreme Court
Commission on Children in Foster Care
September 12, 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)
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 May, Washington Association for Children & Families
Tonia McClanahan, Parent Advocate Representative
Ryan Murrey, Washington Association of Child Advocate Programs (WACAP)
Representative Tana Senn, Washington House of Representatives
Rachel Sottile, Center for Children & Youth Justice (CCYJ)
Jim Richardson on behalf of Carrie Wayno, Attorney General's Office (Designee for Bob Ferguson)
Bailey Zydek, OCLA Children's Representation Program Manager

Members Not Present:

Jolie Bwiza, Tacoma Chapter Leader, Mockingbird Youth Network
Beth Canfield, Foster Parent Allies of Washington State
Alyssa Connolly, Northwest Intertribal Council
Veronica Gallardo, Office of Superintendent of Public Instruction (Designee for Chris Reykdal)
Emily Stochel, Youth Who Has Been Reunified; College Success Foundation
Senator Claire Wilson, Washington State Senate

Guests Present:

Emily Abell, Mockingbird Society and Olympic Community Action Programs
Judge Sharonda Amamilo, Thurston County Superior Court
El Berendts, Mockingbird Society
Sarah Burns, Statewide Innovation Coordinator, Family & Youth Justice Programs, AOC
Peggy Carlson, Office of Superintendent of Public Instruction (OSPI)
S. Annie Chung, Legal Counsel for Youth and Children, Legal Center for Youth and Children
Gina Cumbo, CCYJ
D'Adre Cunningham, Washington Defender Association
Jacob D'Annunzio, Washington State OPD, Parents Representation Program
Cynthia Delostrinos Johnson, Office of Court Innovation, AOC
Chori Folkman, Youth Attorney, Tulalip Office of Civil Legal Aid
Lauren Frederick, Mockingbird Society
Megan Grace
Nick Guzman, Mockingbird Society
Jennifer Harley, CV/GAL
Sabian Hart-Wall, Mockingbird Society

Sarah Beth Huot, Child Attorney, Huot Law PLLC
Professor Lisa Kelly, University of Washington School of Law
Julie Lowery, Family Treatment Court Project Manager, Family & Youth Justice Programs, AOC
Jill Malat, OCLA Consultant
Erin Shea McCann, Legal Counsel for Youth & Children
Professor Suparna Malempati, Atlanta's John Marshall Law School
Carl McCurley, Office of Court Innovation/Washington Center for Court Research, AOC
Miranda, Mockingbird Society Seattle Chapter Member
Jorene Reiber, Washington Association of Juvenile Court Administrators
Sierra Rogers, Mockingbird Society
Dawn Marie Rubio, State Court Administrator, AOC
Chris Stanley, Management Services Division Director, AOC
Jim Theofelis, NorthStar Advocates
Dre Thornock, Tribal Foster Care Alumni
Ryan Tobiasson, Mockingbird Society
Tara Urs, King County Department of Public Defense
Judge Megan Valentine, Grays County District Court Judge
Laura Vogel, Family & Youth Justice Programs, AOC
Cheryl White, Washington CASA Association Executive Director
Danielle Whitham, CCCA Clark/Cowlitz County

Staff Present:

Kelly Warner-King, Family & Youth Justice Programs, AOC
Susan Goulet, Family & Youth Justice Programs, 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.

Approval of the Minutes

Justice Madsen invited a motion to approve the May 2022 meeting minutes. The motion to approve the minutes passed.

Mockingbird Youth Leadership Summit Follow Up

In follow up to the [2022 Mockingbird Youth Leadership Summit](#), Lauren Frederick, Mockingbird Interim Director of Public Policy & Advocacy, and Mockingbird chapter members reported on the current status of topics presented at Summit. The following topics were discussed.

Expanding Extended Foster Care

El Berendts explained that the Seattle and Youth Advocates Ending Homelessness (YAEH) Chapters' proposal to expand Extended Foster Care (EFC) includes expanding accessibility and available resources, allowing any dependent youth in Washington to enroll in EFC, whether or not they are engaged in a federal qualifying activity, increased monthly payment amounts, and aftercare support for youth ages 21-26. They are currently meeting with stakeholders, DCYF, and Senator Claire Wilson, and are working on drafting the actual bill.

Student To Adulthood Readiness Training

Ryan Tobiasson explained that the Eastern Chapter's proposal, Student To Adulthood Readiness Training (START), includes creating a required high school course, START, that provides life skills training. Based on feedback from the Summit, they are currently working on engaging with the Board of Education, OSPI, school districts, and other community partners, and they hope to have an ambassador soon. Lauren reported that it appears there may not be a legislative pathway for their proposal in the up-coming legislative session. Secretary Hunter recommended that they work with the State Board of Education and offered to talk with them about how to go about that. Lauren said they would be happy accept his help and will be in contact after the CCFC meeting.

Minor Access to Shelter

Emily Abell explained that the Peninsula Chapter's proposal, Minor Access to Shelter, would allow young people to self-initiate shelter stays. It also includes a possible extension of the amount of time shelters can provide services to youth before contacting a youth's parents (if it is in the best interest of the youth), and access for youth whose parents can't be located or whose parents refuse permission for the youth to stay in shelter. They want to focus on the self-initiation aspect, with the requirement for contacting parents only if it is in the best interest of the youth. They are currently engaging with the community partners and the Washington Coalition for Homeless Youth Advocacy (WACHYA) subcommittee to decide which elements to tackle this year, as they expect this will likely to be a multi-year effort.

Limiting Access to Juvenile Records

Sabian Hart-Wall explained that the Northern Chapter's proposal regarding Juvenile Records includes making juvenile justice records confidential, which is somewhat of a change of direction from last year's advocacy focus. Because juvenile records are being shared when they should be sealed, the chapter wants to create a system of accountability for those who share juvenile records. Their proposal would establish a \$15,000 fine for improperly sharing sealed records, with \$10,000 going to the impacted person and \$5,000 going to a community restitution fund to address outstanding restitution, which is a barrier to sealing. When juvenile records are improperly shared, it causes real harm - adversely impacting young people as they try to find employment, rent a home, etc. That is why the penalty is important. Mockingbird is working with community partners and building a coalition with Stand for Children and Columbia Legal Services. They also recently met with the Juvenile and Children's Advocacy Project of Texas (JCAP) that created a program to ensure that juvenile records were actually sealed in that state. The chapter requested help from Commission members to develop ideas for making juvenile records confidential.

Jacob D'Annunzio asked for clarification about which juvenile records the group wants to seal and for whom. Sabian explained that they are focused on juvenile offender records, not dependency records. He explained that when a young person commits a crime, often out of necessity, they want to make sure that person can move forward with their life and not have their criminal records come back to haunt them. Justice Madsen said the Supreme Court's Minority and Justice Commission has been working on this issue and requested that Mockingbird be connected with the Commission staff. Cynthia Delostrinos provided contact information for Frank Thomas, AOC staff to the Minority and Justice Commission, in the chat box, and Lauren said they will contact him.

Representative Tana Senn talked about new federal legislation regarding firearms and wonders if that could complicate efforts to seal juvenile records. Lauren said they were not aware of it and will look into it. Sabian spoke about how people of color are less likely to have their juvenile records sealed. While Washington has a process to get juvenile records automatically sealed, race appears to

be a factor in whether or not automatic sealing is approved. Mockingbird would like to gather data about who's records get approved to be sealed.

Sierra Rogers requested that this conversation not end here, and she thanked everyone for continuing to support Mockingbird and the Youth Leadership Summit. She also asked members to contact her or Lauren to get information out to them if needed. Justice Madsen said the Summit is an avenue for the Commission to hear from Mockingbird, and the chapters should not hesitate to reach out to the Commission if we can help you anywhere down the line. Larry Jefferson also offered OPD's assistance to Mockingbird with the juvenile records sealing. Justice Madsen expressed her appreciation to Mockingbird members, and said the Commission appreciates hearing from them.

Court Improvement Spotlight – Family Treatment Court (FTC) Team

Julie Lowery, FTC Project Manager with AOC's Family & Youth Justice Programs (FYJP), presented to the Commission regarding the Washington Family Treatment Court (FTC) Project. Her presentation included a PowerPoint presentation (PPT) which is available here: [PPT](#). Julie reported that Washington State has 20 FTCs in 19 counties and three Tribal Healing to Wellness Courts, and that many FTCs operate in rural counties. A map of Washington's FTCs and other specialized dependency courts is available here: [WA Specialty Court Map](#). The FTC Project was made possible through a \$1.75 million, three-year grant from the Office of Juvenile Justice and Delinquency Prevention (OJJDP), awarded in September 2020. The AOC partnered with DCYF and the Health Care Authority (HCA) to apply for funds to enhance existing family drug courts and implement drug court practices to intervene more effectively with parents, children, and families affected by substance use and/or co-occurring mental health disorders who are involved in the child welfare system.

Julie was hired to coordinate the FTC Project Grant in March 2021, and by May 2021 the full FTC team was hired and onboarded. The FTC team includes an FTC Project Coordinator, Senior Research Associate, Training Coordinator, and Administrative Assistant. Julie noted that they are the only grantee that has a state team, and they could not have done all they have without the full team. Julie discussed the FTC Project goals, Washington State FTC Steering Committee, how the FTC Project Team has worked towards aligning FTCs to Best Practice Standards, and the learning opportunities provided to local FTC teams; details are available in the [PPT](#). In addition, the [FTC webpage](#) on the FYJP website includes an overview of the FTC Project and its major accomplishments to date, as well as links to FTC training, data resources, newsletters, best practices, and more.

The FTC Steering Committee began meeting in July 2021, and it is comprised of lived experts and cross-agency leaders from the AOC, HCA, DCYF, and OPD. Its members are focused on using their roles in their individual agencies to break down barriers commonly experienced by FTCs. The group created a housing subcommittee that has collaborated with housing authorities and other housing organizations and DCYF to develop a decision package for the 2022-2023 legislative session. A copy of the draft decision package was included in the meeting materials. Members may contact Kelly Warner-King with any questions.

Larry Jefferson noted that he would like to see more intersectionality between FTCs and Criminal Drug Courts when clients have children. He would like them to be transferred to FTC so they could receive the benefits of the best treatment possible for families.

Children’s Representation Standards Workgroup

Jill Malat, co-chair of the Children’s Representation Standards Workgroup, presented to the Commission the Workgroup’s final draft of the proposed updated Child Representation Practice Standards for attorneys representing children in dependency proceedings. The proposed updated Standards were sent to Commission members ahead of time for their review, and were also provided in the meeting materials. Jill reported that the Workgroup reached agreement on the updated Standards, and the Workgroup is asking the Commission to adopt the updated Standards today. Members of the Workgroup were also in attendance to answer the Commission’s questions. Justice Madsen noted that the extra time to update the Standards proved to be useful; it also gave Commission members time to consider the Standards and make sure they are appropriate. The Workgroup then addressed the following questions and comments.

It would be valuable for the Workgroup to seek the input of dependency judges and commissioners regarding the Standards before they are finalized.

Judge Sharonda Amamilo confirmed that dependency judges and commissioners, some whom served as youth attorneys prior to taking the bench, were part of the Workgroup and Standards approval process. Jill agreed and said they were very fortunate to have Judge Amamilo and Judge Megan Valentine on the Workgroup.

Why does footnote 3 state this: “These standards reflect an understanding that the “stated interest” and “legal interest” models of legal representation are the best safeguards against both implicit and explicit biases that are unavoidable under the “best interest” model and are otherwise consistent with the ethical practice of law.”?

Professor Lisa Kelly explained that no model of representation is completely void of implicit and explicit bias. The subcommittee that created recommendations for representation of children under eight reviewed empirical research and law review literature to determine which model of representation was most free from implicit and explicit bias. She shared that the “stated interest” model is best because it puts the client in the driver’s seat. A well-trained attorney can usually interview their client and obtain the information needed to advocate for what a client wants and asks to happen. However, very young children and infants cannot tell you what they want, yet they are especially vulnerable and have legal rights that should be protected. The subcommittee examined the best interest model and found that scholars and researchers come down harshly on the best interest approach because it gives the attorney too much power to determine what should happen for a child, and is somewhat inconsistent with an attorney’s role. The group landed on the “legal interest” model for children under eight because it constrains the discretion of the attorney to address the rights in play for a given child at a particular moment – preserving the child’s legal rights until such time that the client can tell the attorney what they want.

Professor Kelly asserted that the field needs more empirical research, but the research that we have supports the legal interest standard in several ways. Alicia LeVezu conducted a study in Washington State and found that children who had been assigned an attorney had their legal rights and interests advocated for more often than those who had been assigned a CASA or had no advocate; there is strength in having an attorney in the room. Older studies that were cited by CASA raise the issue of attorney bias, given the amount of time attorneys spent with white child clients compared to child clients of color. Those findings are contradicted somewhat by the recent findings of the Washington child representation pilot project, conducted by Dr. Carl McCurley. While more research would be helpful, the subcommittee looked at ways the system can address the critical biases we all care about, and the legal interest standard is the best option. Justice Madsen asked Professor Kelly to comment on whether there was disagreement with regard to this model of

representation among subcommittee members. Professor Kelly reported that there was no disagreement, in fact, the members were all on the same page and supported the decision.

What kinds of data points do you have, and how will they measure the efficacy of the Standards?

Professor Kelly deferred to Dr. Carl McCurley as the expert on evaluation. She suggested that whichever outcomes are identified, it would be advisable to disaggregate by the child's age. It might also be useful to ask attorneys what model of representation they believe they are using.

How was the Under Eight Subcommittee selected? What was their expertise, and who approved the members?

Jill reported that the entire workgroup was approved by the Commission. Individuals who were on the subcommittee included Jill Malat and Emily Stochel, co-chairs; Dre Thornock, Tribal Foster Care Alumni; Dorian Brajkovich, Youth Advocate; Jolie Bwiza, Youth Advocate; Esther Taylor, Youth Contributor; Annie Chung and Colleen Shea Brown, Children's Attorneys, Legal Center for Youth and Children; Tonia McClanahan, Parent Advocate; Chori Folkman, Youth Attorney, Tulalip Office of Civil Legal Aid; Natalece Washington, Policy Counsel, National Association of Counsel for Children; Professor Lisa Kelly, Bobbe and Jonathan Bridge Professor of Children and Family Advocacy, University of Washington School of Law; Carl McCurley, Court Research Manager, Washington State Center for Court Research; Judge Megan Valentine, Grays County District Court Judge, former youth attorney; D'Adre Cunningham, Washington Defender Association; Judge Sharonda Amamilo, Thurston County Superior Court Judge, former youth attorney; Erin McKinney, LICSW, CMHS; Sarah Burns, Family and Youth Justice Programs/Administrative Office of the Courts; and Professor Suparna Malempati, Director of Advocacy Programs, Atlanta's John Marshall Law School, legal ethics expert. Professor Kelly said they had a good variety of professional and personal expertise.

3.1 Experience (on page 5 of the Standards, the last sentence says): "It is assumed that attorneys new to this area of law will receive lower caseloads to meet the standards for child representation for at least a three-month period or until their proficiency is assessed to be sufficient, whichever is longer." What is the standard caseload—"lower" is not clear? Is there a recommended standard? If not, how will the caseload be assessed?

Jim Bamberger said Standard 3.1 and Standard 4 address that, but he deferred the question to Bailey Zydek who is administering the program. Bailey reported that OCLA will adhere to the revised case load standards recommended by the Standards Workgroup. She provided the example of her practice: If she is considering contracting with an attorney who is newer/inexperienced, she looks at what their level of training, experience working with juveniles in the past, the complexity of the caseload (are they coming into a county with a significant number of older youth, or a county with a significant number of 0-7 year-olds), complexity of the cases, how much training can they get before their start date, negotiating situations where they are participating in significant training, etc. The plan would then be to gradually increase the attorney's caseload as they gain experience, monitoring every step of the way. Bailey reported that she has excellent people on her team helping with oversight, court observations, technical support, and assessing the overall composition of attorneys on the panel. OCLA is also planning to put in place attorney mentors. Secretary Hunter encouraged OCLA to decide what the evaluation criteria is going to be, and design the experiment before they run the experiment. He would very much like to have Dr. Carl McCurley and his WSCCR research team look at outcomes for kids. Jill noted that Sec. 8 of HB 1219 calls for the Washington State Center for Court Research to study the impact of standards-based legal representation on outcomes for children.

If a child/youth attends a hearing, is there a way to ensure the child/youth will have a safe space to debrief afterwards with an experienced person? The unintentional harm of things discussed at hearing should be considered.

Jill said she does not know the answer to that, but she does know that attorneys are required to prepare and debrief their clients for hearings. Annie Chung shared that, as an experienced child and youth attorney, she participated in the subgroup that wrote most of the Standards. The reason that the training Standards are so detailed is because attorneys for youth and children have an important role. Jill further noted that the workgroup acknowledged that attorneys have bias, as does everyone, which is part of the reason why they need training—to help them recognize and address their own biases.

How will attorney training requirements be verified?

Bailey reported that participating in training is a contractual obligation. The attorneys must complete the full 20+-hour series of training on the OCLA website. In addition, they are required to have a minimum of eight hours of training related to child welfare, per year, approved by the Washington State Bar Association. OCLA monitors the trainings/trainers, and is highlighting the core areas they want attorneys to focus on. They are cycling through the Standards to be sure that training is offered for all Standards. Local intensive, day-long training sessions are available, in addition to the eight-hour annual requirement. If attorneys are not meeting their mandatory training requirements (which they must certify annually), then OCLA can and will address it through the contract process.

Laurie Lippold thanked the workgroup for the report and recommendations, and for the details that were addressed. She said, it seems like the Workgroup has done a really thorough and responsible job on this. She stressed that coming up with additional research questions will be important. Kelly noted that FYJP will be working with Bailey to support attorney training, and also FYJP is offering an [Attorney Academy on Reasonable & Active Efforts](#) in 2023 that child attorneys will be included in. Dre Thornock commented that, as a practitioner, there are many opportunities for training in the area of legal practice: OCLA is one source; FYJP (formerly CITA) is a great resource; NACC has a good yearly three-day training for children attorneys in dependency cases and monthly online trainings; the ABA has a yearly conference for children's attorneys; and he has always gotten a lot out of attending trainings at DCYF's Children's Justice Conference. Bailey thanked Dre and said OCLA actively promotes those great training opportunities on the child rep listserv and directly with their contractors as well.

After the Commission's questions and comments were addressed, Justice Madsen discussed sending a letter from the Commission, along with the updated Standards and the under eight report, to the Legislature. She shared a sample letter that other commissions have used in the past when transmitting a report to the Legislature. She offered that the co-chairs will create a similar letter and, if the Commission agrees, the co-chairs will work up a similar cover letter from the Commission and send it to the Legislature with the reports. The Commission discussed what language should be included in the letter. It was agreed that language from HB 1219, stating that the Commission did what it was requested to do in in the bill—convene the Children's Representation Workgroup, review and update the standards of practice for attorneys representing children and youth in dependency cases, and develop recommendations to the Legislature regarding the appropriate model of representation for children under eight years old—should be included.

Justice Madsen invited a motion to approve sending a letter to the Legislature, along with the updated Standards and the under eight report, with the Commission's blessing, and including the language in HB 1219. The motion passed. Ryan Murrey abstained.

Next Steps:

Kelly will work with the Commission co-chairs to draft the letter to the Legislature, and work with Bailey to send it out to the Legislature along with copies of the updated Standards and the report on representation of children under eight years old.

CASA / VGAL Discussion

Chris Stanley, AOC Management Services Division Director, presented to the Commission regarding the AOC Draft Decision Package request to Stabilize and Improve Best Interests Model in Dependency Cases. Dave Reynolds, from the Washington Association of Juvenile Court Administrators (WAJCA), was unable to attend the meeting. Chris reported that the judicial branch asks courts to inform AOC if they want to make a request of the Legislature. This year, WAJCA requested additional support for CASA/VGAL program operations in the 2023-2025 biennium. Ryan Murrey, of WACAP, and Dave Reynolds and Dennis Rabidou, of WAJCA, have been working with AOC to develop the budget request. Chris reported that he has discussed this with a number of advocates working on issues related to children under eight in dependency cases.

The AOC decision package requests \$8.7million and includes the following requests:

- DEI program officer at WACAP to coordinate equity education and policy
- Centralized enhanced technical assistance for VGAL participation in legal proceedings
- Local CASA/VGAL program funding inflationary adjustment - \$3.5 million annually
- Statewide evaluation of the VGAL model in Washington.

CASA/VGAL programs have not received a rate increase since 2008, so they are requesting an increase of 38% to address inflation. As for the evaluation, the expectation is that WSCCR will design a study that is similar to the Texas study, but also addresses the criticisms of the study's design.

Justice Madsen said she understands this has been a collaborative effort, and she asked if the Superior Court Judges Association (SCJA) was part of the development of the decision package. Chris confirmed that they were and, from what he has heard, judicial officers have expressed a need for the child-related information that CASAs and VGALs provide to the court. Chris also reported that, Judge Forbes is in strong support of the request.

Laurie Lippold asked how this budget request is different from the CASA/VGAL request made last session, which was not successful. Chris shared that last year's request was for lawyers to represent CASA/VGAL volunteers. This year's request would create centralized technical, legal assistance from lawyers to help programs be more efficient by supporting filing of legal paperwork, etc. The attorneys would be housed at WACAP but serve different areas of the state.

Larry Jefferson stated that the use of mostly white volunteers is not likely going to help address the inequities in the dependency system. Our statistics don't show that the CASA opinion is better for the people of color. Chris acknowledged the challenges presented by race and the volunteers who have traditionally served in the CASA/VGAL roles. Last year, funds were allocated to support Americorps volunteers to recruit more diverse people to serve as CASAs and VGALs. This request

is building on those efforts. The system is not perfect, but it is what we have. Ryan pointed out these challenges exist across the system, including recruiting and keeping attorneys of color. Ryan would like to hire the DEI position to support focused efforts to engage BIPOC communities, and they are trying to address that problem. Larry reported that he appreciates that effort.

Judge Amamilo remarked that a significant barrier to BIPOC representation in the system is the background check process. She agreed that we need people with appropriate backgrounds; at the same time, we also know there are many people of color who have issues in their backgrounds (that are often decades old) that negatively affect their ability to participate. She asked if, in WACAP's outreach, Ryan is looking at all the issues that are disproportionately affecting people of color that WACAP wants to bring on? Ryan said, yes absolutely. Ryan stated that they use the Secretary's list, which has been updated to be more inclusive. Secretary Hunter asked, if CASA/VGAL advocates have unsupervised access to the children. Ryan replied that they do, and Secretary Hunter emphasized the need to ensure that they all have background checks. Ryan assured him that background checks are required and are often conducted by the juvenile court.

Laurie, asked if members of the public have been invited to comment on the WACAP/CASA decision package, given that there was a lot of opposition to last year's budget request. She also suggested that it would make sense to fund and conduct the evaluation first, before committing substantial funding to the program and new efforts. Justice Madsen responded that, during the legislative session we do get many public comments, so we would probably benefit from hearing those comments now. She also wants Commission members to know this is not an action item, but she thought it would be important for the Commission to hear about it and to have a chance to ask questions. It is important to know that the AOC is trying to take some next steps and give the Commission the opportunity to comment.

Lauren Fredrick noted that the young people at Mockingbird have talked a lot about the legal representation issue. She also reiterated Larry and Laurie's comments, and said it is important to look at other ways to do things. She thanked Chris Stanley for the opportunity to make comments early on. She called attention to the concerns regarding black and brown youth. When racism is happening, we need to look at other ways of doing things, and she expressed concerns about shoring up something that may not be working and harmful to BIPOC youth, children, and families.

Jim Theofelis remarked that this is not about intention, and he appreciates Mr. Stanley's comments. He believes that young people have identified other ways to get help for families and themselves, and sometimes we should be guided by what they want, rather than providing a perspective from a different, dominant culture. Jim said that conducting an evaluation first, before investing funds, makes more sense to him. He wants the money we will have to go to things we know will work.

Judge Angela Burton, the SCJA President's Designee to the Commission, echoed Chris Stanley's statements and confirmed that the SCJA is supportive of this Decision Package. She reported that the SCJA sent out a survey to dependency judicial officers and the results showed that they support keeping VGALs and CASAs involved in dependency cases. She thinks more can be done through training to address concerns, but it is not necessary to do away with VGALs and CASAs. Justice Madsen thanked Judge Burton, and said she wanted to make sure we heard from the SCJA. Ryan replied that we need to get the courts and judges involved and they report that the information gathering that CASAs and VGALs provide is what is important. Justice Madsen said, when a judge is in their courtroom, they want to get as much information as possible to make their decision.

Tara Urs suggested that what CASAs currently provide is less independent fact gathering and more their opinion. While the court might benefit from having more information, is what CASAs currently provide accurate and appropriate? Family and youth advocates are asking that the system do more research on this before increasing the budget.

Justice Madsen thanked everyone for their input, and reminded that this is an information item (not an action item). She informed the group that the Supreme Court Budget Committee will meet on September 23, 2022, so if anyone has additional comments, those should be sent to Chris Stanley (Christopher.Stanley@courts.wa.gov) before September 23rd. Also, for those who have already talked to Chris, there is no need to send more information to him; he already knows your position.

Kelly reported that Chris is also available to answer any questions about the Family Treatment Court (FTC) Decision Package. Justice Madsen asked if the FTC has been shown to produce better outcomes. Kelly replied that FTC best practices were established in the late 1990's and were updated in 2019. Courts that adhere to the eight best practices have been shown to produce better results for families than standard dependency courts. Justice Madsen wondered if FTCs produce less disproportionate outcomes. Kelly said that identifying and addressing disproportionality is a big part of the work the Statewide FTC Team is doing now. All of the evaluation metrics include breakdowns by race and ethnicity, where possible. The team is also assessing outcomes for ICWA cases. Some of the FTCs are already well versed in their data and disproportionality, such as King County. But many of the smaller courts lack the data systems and understanding to collect, analyze and use that data. Funds in the decision package are allocated to support all courts to have the data infrastructure they need.

Member Updates and Requests for Future CCFC Topics

Secretary Hunter proposed a hybrid option for the December Commission meeting, in which attendees could either attend online via Zoom or attend in person at the 1500 Building (Data Center) in Olympia. He said the rooms there have a modern sound system which works very well for hybrid meetings, and he has staff who can provide AV support. He also believes holding meetings in person provides a richer opportunity for relationship building. Justice Madsen said the next meeting is on December 12th and asked Commission members their thoughts on whether they prefer a hybrid option or strictly Zoom for the meeting. Several were in favor of the hybrid option. Laurie suggested hybrid at a minimum so we can continue to provide the Zoom option for the public. In addition, Justice Madsen pointed out that everyone comes from diverse places.

Representative Senn stated that she is considering proposing legislation that would prohibit juvenile and adult correctional facilities from denying inmates visitation with their children as a form of punishment. Secretary Hunter stated that Juvenile Rehabilitation (JR) does not allow that currently, though there may not be an RCW requiring JR to adopt it as policy. Commission members were supportive of Representative Senn's proposal.

Next Steps:

Susan will send an email out to the Commission listserv to determine how people want to attend the December meeting (in person or via Zoom), so we will know how many to plan for in person.

Closing & Adjournment

Justice Madsen thanked everyone for attending. The next meeting is on December 12, 2022.

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