



**Washington State Supreme Court
Commission on Children in Foster Care
December 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)
Alyssa Connolly, Northwest Intertribal Council
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)
Emily Stochel, Youth Who Has Been Reunified; College Success Foundation
Carrie Wayno, Attorney General's Office (Designee for Bob Ferguson)
Senator Claire Wilson, Washington State Senate
Bailey Zydek, Children's Representation Program Manager, OCLA

Members Not Present:

Jolie Bwiza, Tacoma Chapter Leader, Mockingbird Youth Network
Beth Canfield, Foster Parent Allies of Washington State
Veronica Gallardo, Office of Superintendent of Public Instruction (Designee for Chris Reykdal)

Guests Present:

Katie Anderson, Early Childhood Courts, AOC
Adam Ballout, FIRST Legal Clinic
Jo Bechtold, Mockingbird Society
El Berendts, Mockingbird Society
Sarah Burns, Statewide Innovation Coordinator, Family & Youth Justice Programs, AOC
Gina Cumbo, CCYJ
Jacob D'Annunzio, Washington State OPD, Parents Representation Program
RaShelle Davis, Director of Operations, OCLA
Sydney Foster, Office of the Governor
Arina Gertseva, Washington Center for Court Research, AOC
Carissa Greenberg, Attorney General's Office (AGO)
Jennifer Harley, CV/GAL, Cowlitz County Child Advocates (CCCA ED)
Savanna Navarro Kresse, AGO
Allison Krutsinger, DCYF Director of Public Affairs
Tamara Lewis, Mockingbird Society
Erin Shea McCann, Legal Counsel for Youth & Children

Chelsea McElroy, CCYJ
Alison Mendiola, Coordinator/Counsel, Senate Human Services, Reentry & Rehabilitation Committee
Michael Mirra, FTC Steering Committee
Matthew Mitnick, Mockingbird Society
Lacey Morgan, Mockingbird Society
Emily Nicewonger, CCYJ Associate Directors of Programs
Nicholas Oakley, CCYJ
Ryan, Mockingbird Society
Kelly Ryan, Washington Association of Juvenile Court Administrators
James Siap, AGO Racial Equity Unit
Morgan Silverman, CCYJ
Jim Theofelis, NorthStar Advocates
Buffy Via, Pierce County Juvenile Court
Laura Vogel, Family & Youth Justice Programs, AOC
Caitlin Wallin, Mockingbird Society
Gina WasseMiller, FIRST Legal Clinic
Julie Watts, DCYF Government Affairs
Cheryl White, Washington CASA Association Executive Director
AMH (name not provided)

Staff Present:

Kelly Warner-King, Family & Youth Justice Programs, AOC
Susan Goulet, Family & Youth Justice Programs, AOC
Barbara Murphy, DCYF

Call to Order

Justice Madsen called the meeting to order at 1:04 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 September 2022 meeting minutes. The motion to approve the minutes passed.

ICWA and *Brackeen vs. Haaland* Discussion

Carissa Greenberg, Assistant Attorney General, provided a high-level overview of the *Brackeen vs. Haaland* case to the Commission. Her presentation included a PowerPoint (PPT) presentation titled, “*Brackeen v. Haaland: Constitutional Challenges to the Indian Child Welfare Act*”, which was included in the meeting materials. Carissa’s presentation provided a thorough overview of the history and progression of the case, and the potential implications of the decision, expected in early summer 2023. Details can be referenced in the PPT slides.

Justice Madsen thanked Carissa for the helpful presentation and invited members’ questions. Discussion included whether or not DCYF will be changing its practice related to ICWA and WICWA while a decision is pending. Secretary Hunter said that WICWA and recent Washington Supreme Court decisions have guided DCYF practice and resulted in a reduction of disproportionality since 2011, when WICWA was passed. DCYF will not change practice until required to by a decision from the U.S. Supreme Court. Commission members were invited to contact Carissa with additional questions.

Legislative Decision Packages

DCYF Housing Decision Package

Michael Mirra, Co-Chair of the Housing & Child Welfare Subcommittee of AOC's Family Treatment Court (FTC) Steering Committee, discussed the Housing & Child Welfare initiative of the AOC's Family Treatment Court Steering Committee. In addition, he provided the following in the meeting materials to help describe the initiative and its importance:

- October 25, 2022 email to the Governor (which describes DCYF's decision package for the housing initiative and explains its importance);
- DCYF's two-page flyer;
- AOC's longer memo with full details;
- Draft MOU between DCYF and public housing authorities and non-profit housing organizations; and
- A 37-second video that a homeless young woman took of herself the moment she walked into her new apartment at THA's Arlington Drive Campus for Homeless Youth and Young Adults.

Michael described the current difficulty that many Washington residents experience finding affordable housing, and reported that over half of renters cannot afford their housing. Child welfare data tells us that if DCYF caseworkers had access to housing for families, it could avoid or shorten around 30% of out of home placements. Statistics for teens in foster care show that 9% are homeless and 24% are unhoused. DCYF is not a housing organization and needs funding and the support of other agencies to help families and youth secure safe, stable housing. A collaboration between DCYF, non-profit housers, and the Housing Authority—brought together by the AOC's Family Treatment Court Steering Committee—has resulted in a preliminary commitment to reserve 1,800 vouchers and units for families and youth involved in the child welfare system. These housing resources would shorten or eliminate the need for out of home placements for many families, and prevent the damage caused by unnecessary separation.

DCYF will be able to formalize this commitment with an MOU once it can provide housing navigation services to families and youth. In order to fund these navigation services, DCYF requested \$17.2 million through the Governor's budget. Michael requested the Commission's formal support that he can share with legislators.

Rachel Sottile asked for more detail about what the 1,800 vouchers and units would provide for families and youth. Michael explained that there are 1,600 housing vouchers to pay rent to private landlords and 200 actual apartments set aside for this purpose, where the household would be required to contribute a third of the household income for rent. Allison Krutsinger, DCYF Director of Public Affairs, pointed out that the Decision Package includes funding for case management and support services that would be contracted for in communities. The housing would be provided by the partners to the MOU, non-profit and government housing organizations. Laurie Lippold shared that a bill is also in the works to make permanent a pilot family housing program that has successfully operated in Lewis County and is a model for the housing navigation work.

It was asked if DCYF plans to collaborate with cities to access local funding for housing. Secretary Hunter acknowledged that local funding would be good to have, but cautioned that, as a statewide agency, DCYF wants to ensure that the solutions they promote work statewide in order to avoid access/justice by geography. He is convinced that Washington could access a lot of federal housing

funds if DCYF can get the funding to provide the case management and supportive services - and that seem appropriate to be offered by DCYF.

Rachel Sottile invited a motion to approve the Commission writing a letter of support for the DCYF Housing Decision Package. This vote is on the “Housing portion” of the Decision Package only. The motion passed. Justice Madsen and Carrie Wayno abstained.

Justice Madsen said we will need a letter from the Commission to the governor with our support. Secretary Hunter said he will contact Sydney Foster, Office of the Governor.

AOC Family Treatment Court Team Decision Package

Kelly discussed the AOC Family Treatment Court (FTC) 2023 Decision Package, and provided a copy of the FTC one-page flyer in the meeting materials. She explained that the federal grant that currently funds the FTC program will end September 2023, and the AOC is seeking sustainable, state funding to maintain the statewide FTC work. Through research and technical assistance, the FTC Team seeks to understand and share what works for families with Substance Use Disorder who enter the child welfare system and require oversight of the court. The budget request would support the current FTC team and add a member with lived experience. Kelly reported that the annual cost will be \$1,043,800, which includes Statewide FTC Team staffing costs, contracts, travel and training, and grants to local FTCs for data systems.

It was suggested that the AOC may want a letter of support for the budget request, and Kelly confirmed that would be helpful. Larry Jefferson stated there is nothing more magical than when a multidisciplinary team of people come together to support a family, and he referenced the positive results the FIRST Clinic is experiencing. He said he wants to see the courts become a place of reunification and healing, and he thinks the Commission should write a letter of support.

Larry invited a motion to approve the Commission writing a letter of support for the AOC Family Treatment Court Decision Package. The motion passed. Secretary Hunter and Carrie Wayno abstained.

Next Steps:

Kelly will work with the Commission co-chairs to prepare and send letters of support for the DCYF Housing Decision Package and the AOC Family Treatment Court Decision Package.

Family Well-Being Community Collaborative Update

Kelly Warner-King, Manager of AOC’s Family & Youth Justice Programs (FYJP), gave an update regarding the Family Well-Being Community Collaborative (FWCC), a workgroup of the Commission. She explained that the FWCC is action-oriented and operates through workgroups that take on specific projects related to the collaborative’s mission: Collaborate to keep families safely together and supported in their communities and to radically reduce inequities in the child welfare court system. Currently, the workgroups are focused on implementation of HB 1227, the *Keeping Families Together Act*, and HB 1194, *Strengthening Parent-Child Visitation*. More information about the FWCC workgroups can be found on the [FWCC webpage](#).

Laura Vogel, FYJP’s Child Welfare Training and Court Improvement Specialist, reported on the different ways the FWCC is helping to prepare court systems for the Keeping Families Together Act changes coming in July 2023. Workgroups are developing tools that are intended to be used by the entire system. These include the following:

- Statutory Crosswalks – Crosswalks identify each new statutory change and how it will impact the court system.
- Judicial Decision-Making Tool called “iDecide”
- Court Readiness Assessment
- Harm of Removal Guidance
- Training:
 - Annual FYJP Judicial Academy
 - Judicial Community of Practice (CoP)
 - Attorney Academy on Reasonable & Active Efforts
 - Safety Summits and Resources
 - Children’s Justice Conference
 - iDecide Training Library.

More information about these tools can be found on the [FWCC webpage](#) or by going to the [FYJP website](#). Laura provided demonstrations and additional information for each of the tools listed above. Demonstrations included an example of the crosswalk format and the iDecide tool.

Kelly and Laura then answered member’s questions. Secretary Hunter asked when iDecide will be implemented and how DCYF will be involved in testing it beforehand. Kelly reported that DCYF staff are well-represented on the workgroups, along with other system partners who have co-designed the tools. FYJP would be glad to work with DCYF field offices to help them understand and utilize the tools. Laura reported that iDecide should be complete by May, though significant sections are already completed and can be accessed on the FYJP website. In order to meet the timeline, all of the workgroups have been asked to complete their crosswalks by the end of March; then FYJP will conduct beta testing of iDecide with judicial officers. Laura also offered to provide training to other agencies and organizations.

Carrie noted that iDecide should include the specific findings required by judicial officers, along with instructions. Jacob said that a lot of work is going to be needed to incorporate changes into the pattern forms. He remarked that he is sure this is the first time the system has had this kind of support with implementing legal changes, and there has been a valiant effort that went into this. He thanked AOC for their efforts, and said the FWCC is doing its best to make a non-uniform system be as uniform as possible. He also noted that each agency needs to make sure their people are coming to the table. Justice Madsen suggested that the judges would also benefit from having a benchcard, and that the pattern forms will make a big difference—those two will be critical. Kelly responded that the workgroups plan to create a benchcard and have already offered to make recommendations to the Pattern Forms Committee well in advance of July 2023.

Please let Kelly know if you want to be a part of this effort and/or one of the FWCC workgroups.

Children’s Legal Representation Update

Bailey Zydek, OCLA Legal Representation Program Manager, provided an update on the Children’s Representation Program (CRP). She introduced RaShelle Davis, OCLA’s new Director of Operations, and Jim Bamberger, Director of OCLA, who were also in attendance. Bailey reported that implementation of the CRP’s 1219 program expansion is now operational in the first three counties—Grant, Lewis, and Cowlitz Counties. OCLA has also been recruiting attorneys for the next

five counties—Yakima, Benton, Franklin, Walla Walla, and Kittitas—that will go live January 1, 2023.

Bailey reported that the Commission’s letter to the Legislature, along with the Under 8 Report and the Updated Standards, was sent out on November 18, 2022. OCLA has not received any feedback yet, but they are happy to talk with anyone who has questions.

Bailey also provided an update on the efforts to assign attorneys for children under 8. She noted that drafters of HB 1219 originally contemplated representation for children under 8, but that is not where the law ended up. However, now that they have the report from the workgroup, she suspects they may start seeing efforts to expand the right to counsel in the future. Regarding the evaluation aspect of HB 1219, the Washington State Center for Court Research (WSCCR) is required to convene stakeholders to identify: (1) relevant outcome measures and data collection methods to effectively assess the number of youth subject to the phase-in; and (2) the short- and long-term impact of standards-based legal representation on case outcomes. OCLA is in communication with WSCCR on this, but they have not been able to hire someone for this position yet. They anticipate hiring someone at the beginning of 2023.

Bailey also reported some exciting successes they have had from OCLA’s perspective, including the following. Caseload limits under new Standards are already having some impact, and the simple act of identifying counties has enabled them to engage in those counties even before representation launched. For example, one county had a single attorney with 129 clients; OCLA was able to help that person shift some of their caseload to another attorney so that, in January 2023, the lawyer will be within the new caseload standards.

The work has also provided OCLA with an opportunity to positively impact attorney training. OCLA staff found in recruiting attorneys that some attorneys were refusing to take county-paid case assignments of youth without citizenship because they didn’t know how to handle those cases. OCLA put on a virtual training with an expert on special immigrant juvenile status cases with resources provided, and those attorneys participated. Doing that allowed them to take on those cases, and those youth who were in a state of limbo were able to get the support they needed. Lastly, Bailey has received feedback from a lot of new attorneys who appreciate the support they are getting from OCLA. The attorneys say it has transformed their practice, and they appreciate the on-the-ground training they are getting. Members may follow up with Bailey if they have any questions.

Race Equity Discussion: Attorney General’s Office (AGO)

Savanna Navarro Kresse, Acting Manager of the AGO’s Racial Equity Unit, presented an overview of what the AGO is doing to address racial equity. Her PowerPoint presentation was included in the meeting materials. Savanna shared about her own experience in the child welfare system and with kinship adoption, and thanked the Commission for the work they do. Savanna discussed racial equity and how it provides true situational fairness and equal opportunity to all people, and that racial equity is the AGO’s focus. The goal is justice for everyone. She further explained that the AGO’s Racial Equity Unit is placed in a strategic position in the organization—connected to high level staff and the Equity Advisory Workgroup, and supported by leadership—so they are in a position to make change. The AGO also partners with the Governor’s Office of Equity and is aligned with their work.

Savanna then discussed the Race Equity Unit's goals, which include: (1) creating division-specific racial equity strategic planning goals that align with the agency's overall equity strategic planning goals, (2) creating division-specific racial equity toolkits that can be applied in legal analysis or decision-making processes [32 divisions], and (3) providing resources and guidance on racial equity goals or issues that arise in the process of applying a racial equity analysis [i.e. glossary for agency wide use]. The AGO has an Anti-Racist Commitment and racial equity goals embedded in the AGO Strategic Plan 2022-2024, which include the following: (1) Serve the State, including supporting their clients in their efforts to combat racism that impacts the people of the State of Washington; (2) Protect the People, including combating racism that impacts the people of the State of Washington; and (3) Support and Value Our Employees, including promoting and advancing racial equity throughout the workplace. She explained that every division will be required to spell out what they are going to do to meet these goals. They will then design metrics to go along with that, to see if what they are doing is working, which can be adjusted as they go if needed.

The Racial Equity Toolkits for different parts of the organization will utilize the same framework but emphasize context and data. The toolkits will include: issue identification, anti-racist analysis, solution development, action, and review. The AGO also has Equity Centered Groups, which include an Equity Advice Workgroup (which provides consistent advice—the goal is to help their clients reach their racial equity goals, and consistency is something they are focused on), Diversity Advisory Committee (DAC), and AGO Affinity Groups (which are for attorneys and staff—the groups meet regularly to have conversations). Everyone needs to be contributing, Savanna said. Commission members applauded Savanna for the goals they are moving towards.

Carrie Wayno, Senior AAG, recently became the Division Chief for the Children, Youth, and Families Division. This includes the unit that represents DCYF Headquarters and a second unit that provides representation in dependency and guardianship cases in Thurston and Grays Harbor Counties. Their goal is to develop a race equity toolkit that will impact litigation decisions and provide guidance to AAGs statewide. She also noted some of this toolkit will be work product that cannot be shared publicly, but there will also be parts that can be shared. Carrie offered to send a copy of the AGO organizational chart to Commission members.

Jacob D'Annunzio expressed appreciation for the difficult job of AAGs, who support individual case workers and ultimately represent the agency. He described that OPD sometimes learns about AAG practice at the trial level that seems to be in conflict with stated DCYF policy, or varies widely across counties. He asked if there is a way that court partners can communicate with the AG's Office when that happens. Secretary Hunter stated that he is the AG's client. Carrie suggested that the typical way to address local practice issues would be to talk to the DCYF Regional Administrator, and copy Carrie or Carissa Greenberg. Justice Madsen suggested that it would be helpful to have a clear understanding of the lines of communication for these kinds of issues and this could be a future agenda item for the Commission. Secretary Hunter stated that, with new laws and requirements, they are working to ensure consistency across the agency. He would like to think about how we have that conversation.

Justice Madsen thanked Savanna and Carrie for their presentation, and expressed her appreciation to the Attorney General for making this a high priority. Savanna said she hopes to be back again in the future with some progress to report. Commission members may contact Savanna with questions at savanna.kresse@atg.wa.gov.

Next Steps:

- Carrie will send Commission members a copy of the AGO organizational chart showing which divisions represent DCYF.
- The Co-Chairs will consider how to bring this issue back to the Commission for discussion.

FIRST Clinic and Pre-Filing Representation

Adam Ballout, President of the Family Intervention Response to Stop Trauma (FIRST) Legal Clinic, presented an update to the Commission on the FIRST Clinic's recent work. He informed that the FIRST Clinic is a non-profit organization focused on preventing trauma caused by family separation, and reported recent data they have gathered from working with 556 clients in 23 counties, including the following:

- 82% of clients they served had no dependency filed;
- Almost half of the parents they served had previous dependency history;
- 1/3 of the moms they served were in the dependency system as foster youth themselves; and
- 57% of the children they served were children of color.

The FIRST Clinic aims to prevent families from coming into the dependency system, and they have seen that when a family gets an attorney early in their involvement with DCYF, they often do not come into care. They find that they frequently have to dispel myths about DCYF that parents see on the Internet and YouTube, in order to help parents work with the Department. Adam reported that removals often occur because people think they can ignore the problem, but that many issues could have been prevented if someone was there to explain the implications and consequences of not working with DCYF. They have helped families avoid a dependency filing by attending Family Team Decision Meetings (FTDMs) and creating a safety plan, then supporting the client to work the plan (and FIRST explains to them the things they need to know about services and DCYF). Adam reported that, working in different counties, they have experienced different outcomes for families in similar situations, leading to justice by geography. There is variability in the way that DCYF applies policies, such as when voluntary placement agreements are offered and who can serve as placements.

The FIRST Clinic works with pregnant people and helps them get what they need (such as access to an evaluation, housing, drug or alcohol treatment, etc.) to help change their trajectory so they will not end up in the child welfare system down the line. As part of a medical-legal partnership with Swedish and Providence Hospitals, the FIRST Clinic is called at the same time that CPS is called when a person who comes to the hospital to give birth is suspected of using drugs. They also receive referrals for pregnant people who have screened out CPS intakes, with whom they conduct outreach to help prevent them from coming into the system.

Adam shared that the FIRST Clinic, working with DCYF, the Department of Health, the Housing Authority, and the American Academy of Pediatrics, held a summit to share their work. Several FIRST Clinic clients shared the challenges they experienced, including how they are treated at hospitals. Part of the work Adam and his team do is bridging silos - increasing communication and awareness between agencies and engaging non-traditional resources, with the help of parent allies, who they consider to be the "secret sauce" of the clinic. The approach is gaining momentum in other states, with 33 states trying out preventative legal projects.

Gina WasseMiller, Parent Ally for the FIRST Clinic, shared the impact the project is having with babies and families across Washington. She relayed that having a Parent Ally connect with a parent

in the hospital - who has no voice, is fearful, and feeling hopeless – is profound. Gina described how she works with parents. She will typically ask if they are willing to participate in a bedside assessment, and then if they are willing to follow go into a Pregnant and Parenting Women (PPW) program. Parent Allies help create a safe place for a parent to say yes – and then make sure the parent and child’s basic needs (such as clothes for baby and mom, a car seat, etc.) are met so that they feel like they matter when they leave the hospital. To stay connected, she will then see them every Friday for a weekly Zoom support group with people across the state.

Gina is also key to helping parents find and access resources. She helps them make phone calls and ensure that the resources are a good fit, which builds a relationship and trust that allows them to share what they are going through. She reported that she is able to make a big difference when working with pregnant women who are screened-out during CPS intake. Gina described reaching out to these parents and hearing their hope on the other end - that they want to engage. She helps them access prenatal care, connect with a doula and WIC, and get a substance use assessment if they need treatment. FIRST Clinic Parent Allies also help the parents create a “social bio,” so that when they go into the hospital they have a binder with everything documented showing the positive work they have been doing during their pregnancy. Parent Allies can also serve as birth support for the pregnant person, supporting them in the delivery room and bringing their baby to them after the birth, helping them feel safe. Gina said she is grateful that the FIRST Clinic is able to help these mothers thrive and grow in their parenthood, providing them with a safe space to come each Friday and watch their babies grow each week.

Adam said the FIRST Legal Clinic is changing the way the future looks and showing others what is possible. Early engagement, building trust, and accessing the right resources are critical to helping pregnant and new parents.

Justice Madsen thanked Adam and Gina for the inspiring presentation. Secretary Hunter shared DCYF’s enthusiasm for the FIRST Clinic, saying it works. Laurie Lippold asked if the Attorney General’s Office is involved in these cases prior to the filing of a dependency petition. Adam reported that AAGs sometimes participate in a FTDM meeting, especially if the parent has had a previous dependency case with another child. Larry Jefferson shared that funding to expand pre-filing support like the FIRST Clinic is a high priority for the Office of Public Defense (OPD), and they have a decision package request to extend the proviso supporting FIRST and expand to serve eastern Washington. Kelly offered to share the decision package with the Commission listserv. Larry stated that his goal is that attorneys represent clients when they get the first call – reducing the need for court.

Next Steps:

Larry will send a copy of OPD’s Decision Package to Kelly, and Kelly will send it out to the Commission listserv.

National Adoption Day: Written Report from Lorrie Thompson

A written report from Lorrie Thompson, Senior Communications Officer with AOC’s Office of Communications and Public Outreach, was included in the meeting materials for members review. Members may contact Lorrie with questions.

2023 Commission Meeting Schedule

Justice Madsen introduced the 2023 Commission meeting schedule and asked members if they want to continue the hybrid format for the upcoming meetings. Members agreed that today’s hybrid

meeting went well; therefore, the Commission meetings will continue in the hybrid format through 2023. The 2023 Commission meeting dates are as follows:

March 13, 2023

May 8, 2023

September 11, 2023

December 4, 2023

Next Steps:

Susan will send out calendar invites for the 2023 Commission meetings.

Closing & Adjournment

Justice Madsen thanked everyone for attending. Ideas for future agenda items may be sent to Kelly. The next Commission meeting is on March 13, 2023.

Adjourned at 4:03 p.m. by Justice Barbara Madsen.