



**Washington State Supreme Court
Commission on Children
in Foster Care**

**12/12/2022
1:00-4:00 p.m.**

Attend Online at:
<https://wacourts.zoom.us/j/94795682193>

Meeting ID: 947 9568 2193
Dial by your location:
+ 1 253 215 8782

Or In-Person at:
DCYF Headquarters
1500 Jefferson Street SE
Olympia, WA

ANNOTATED Agenda

<p>1:00 pm 7 min</p>	<ol style="list-style-type: none"> 1. Welcome and Introductions 2. Land and Forced Labor Acknowledgment 3. Please type your name and agency in the chat in lieu of roll call 4. If you have suggested agenda items for the next meeting, please type them into the chat or email Kelly Warner-King or the Co-Chairs before February 13, 2023. 	<p>Justice Barbara Madsen, <i>Co-Chair</i></p> <p>Secretary Ross Hunter, <i>DCYF; Co-Chair</i></p>
<p>1:07 pm 3 min</p>	<ol style="list-style-type: none"> 5. Approval of September 2022 Minutes 	<p>Justice Barbara Madsen, <i>Co-Chair</i></p>
<p>1:10 pm 25 min</p>	<ol style="list-style-type: none"> 6. ICWA and <i>Brackeen vs. Haaland</i> Discussion 	<p>Secretary Ross Hunter, <i>DCYF; Co-Chair</i></p> <p>Carissa Greenberg, <i>AAG</i></p>
<p>1:35 pm 20 min</p>	<ol style="list-style-type: none"> 7. Decision Packages <ul style="list-style-type: none"> • DCYF Housing Decision Package • AOC Family Treatment Court One Pager 	<p>Michael Mirra, <i>FTC Steering Committee</i></p> <p>Allison Krutsinger, <i>DCYF</i></p> <p>Kelly Warner-King, <i>AOC</i></p>
<p>1:55 pm 30 min</p>	<ol style="list-style-type: none"> 8. Family Well-Being Community Collaborative Update <ul style="list-style-type: none"> • Shelter Care changes coming with HB 1227, Keeping Families Together Act • Overview of FWCC structure and participants • Demonstration of tools for courts and court partners • Cross-system preparation for July 2023 implementation • Feedback from Commission members 	<p>Laura Vogel and Kelly Warner-King, <i>AOC</i></p>
<p>2:25 pm 10 min</p>	<ol style="list-style-type: none"> 9. BREAK 	

2:35 pm <i>10 min</i>	10. Children's Legal Representation Update: <ul style="list-style-type: none"> • CCFC letter to Legislature sent with reports • Next steps <ul style="list-style-type: none"> ○ Representation for children under 8 years old ○ Evaluation 	Bailey Zydek, <i>OCLA</i>
2:45 pm <i>20 min</i>	11. Race Equity Discussion: Attorney General's Office	Carrie Wayno, <i>AAG</i>
3:05 pm <i>45 min</i>	12. FIRST Clinic and Pre-Filing Representation	Adam Ballout and Gina WasseMiller, <i>FIRST Clinic</i>
New Business		
3:50 pm <i>5 min</i>	13. National Adoption Day: Written Report from Lorrie Thompson	Justice Barbara Madsen, <i>Co-Chair</i>
3:55 pm <i>5 min</i>	14. 2023 Commission Meeting Schedule	Justice Barbara Madsen, <i>Co-Chair</i> Secretary Ross Hunter, <i>Co-Chair</i>
4:00 pm	Adjournment	
	<u>2023 Meetings:</u> March 13, 2023 May 8, 2023 September 11, 2023 December 4, 2023	



**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.



Brackeen v. Haaland:
Constitutional challenges to the
Indian Child Welfare Act

PRESENTED BY:

CARISSA GREENBERG, AAG

WASHINGTON STATE SUPREME COURT COMMISSION
ON CHILDREN IN FOSTER CARE
DECEMBER 12, 2022

Marshall Trilogy + Federal Trust Responsibility

- ▶ Johnson v. M'Intosh, 21 U.S. 543 (1823)
 - ▶ Indians did not own land outright, but that they had rights to occupy lands and only the discovering nation (U.S.) could settle those land rights. Indians could not sell lands to individuals and states do not have legal standing to settle aboriginal land claims.
- ▶ Cherokee Nation v. Georgia, 30 U.S. 1 (1831)
 - ▶ Cherokee Chief tried to protect Cherokee lands, fight off removal, and to keep the laws of Georgia from being imposed on them by asking for an injunction in the United States Supreme Court.
 - ▶ Cherokee Nation argued that it is a foreign nation and the laws of Georgia did not apply
 - ▶ Held: Tribes are not foreign nations, but are a 'domestic dependent nation.'
 - ▶ The relationship between the tribes and the United States was like that of a 'ward to a guardian.'

Marshall Trilogy + Federal Trust Responsibility

- ▶ Worcester v. Georgia, 31 U.S. 515 (1832)
 - ▶ A missionary was preaching on tribal lands without a license in violation of Georgia law. Georgia arrests him.
 - ▶ Missionary claims that Georgia has no right to regulate activity on Cherokee lands
 - ▶ Held: the Cherokee Nation is a sovereign nation, a distinct community, occupying its own territory, and within which the laws of Georgia could have no force
 - ▶ Only the federal government has authority over sovereign Native lands
- ▶ Federal trust responsibility:
 - ▶ The Federal Government has a responsibility to protect Indian lands and resources, and to provide essential services to Indian people. This comes from the fact that the federal government took away the vast majority of Indian lands, and in return promised to provide these things.

ICWA: Congressional Findings

- ▶ Recognizing the special relationship between the United States and the Indian tribes and their members and the Federal responsibility to Indian people, the Congress finds--
 - ▶ that clause 3, section 8, article I of the United States Constitution provides that ``The Congress shall have Power * * * To regulate Commerce * * * with Indian tribes and, through this and other constitutional authority, **Congress has plenary power over Indian affairs;**
 - ▶ that Congress, through statutes, treaties, and the general course of dealing with Indian tribes, has **assumed the responsibility for the protection and preservation of Indian tribes and their resources;**
 - ▶ that **there is no resource that is more vital to the continued existence and integrity of Indian tribes than their children and that the United States has a direct interest, as trustee, in protecting Indian children who are members of or are eligible for membership in an Indian tribe;**
 - ▶ that **an alarmingly high percentage of Indian families are broken up by the removal, often unwarranted, of their children from them by nontribal public and private agencies and that an alarmingly high percentage of such children are placed in non-Indian foster and adoptive homes and institutions;** and
 - ▶ That the **States**, exercising their recognized jurisdiction over Indian child custody proceedings through administrative and judicial bodies, **have often failed to recognize the essential tribal relations of Indian people and the cultural and social standards prevailing in Indian communities and families.**

Brackeen Background: Who?

- ▶ Lawsuit initiated on October 25, 2017 in the US District Court for the Northern District of Texas (Forth Worth Division)

Plaintiffs

Individuals (7)

Adoptive parents
Biological parent
Foster parents

States

Texas
Indiana
Louisiana

Defendants

USA
DOI & BIA
DHHS

(Incl. Secretaries
and Directors)

Intervenor Defendants

Cherokee Nation,
Oneida Nation,
Quinault Indian
Nation, &
Morongo Band of
Mission Indians

Denied Intervention

Navajo Nation

Selected Amici

7 States, incl. WA

100+ Tribes, incl.

Jamestown S'Klallam Tribe,
Lower Elwha Klallam Tribe,
Nooksack Indian Tribe,
Puyallup Tribe of
Indians, Samish Indian
Tribe, Sauk-Suiattle Indian
Tribe, Shoalwater Bay
Indian Tribe, Squaxin Island
Tribe, The Suquamish Tribe,
& Tulalip Tribes

Brackeen Background: What?

Plaintiffs argue ICWA is unconstitutional, alleging the following violations:

14th Amendment
Equal Protection
Clause

10th Amendment
Anti-Commandeering
Doctrine

Article I
Commerce Clause
Non-Delegation
Doctrine

**Administrative
Procedures Act**

5th Amendment
Equal Protection
Due Process

Brackeen: District Court

- ▶ Cross motions for summary judgment
- ▶ October 4, 2018, the federal district court issues an order granting nearly all of Plaintiff's motions for summary judgment

★ **14th Amendment**
Equal Protection
Clause

★ **10th Amendment**
Anti-Commandeering
Doctrine

★ **Article I**
Commerce Clause
★ Non-Delegation
Doctrine

★ **Administrative
Procedures Act**

★ **5th Amendment**
Equal Protection
Due Process

2016 Rules are invalid to the
extent they are binding on
State Plaintiffs

Brackeen: Fifth Circuit

- ▶ Grants motion for stay pending appeal
- ▶ Amici efforts grow:

District Court Amici

7 States, **incl. WA**

100+ Tribes, incl.

Jamestown S'Klallam Tribe, Lower Elwha Klallam Tribe, Nooksack Indian Tribe, Puyallup Tribe of Indians, Samish Indian Tribe, Sauk-Suiattle Indian Tribe, Shoalwater Bay Indian Tribe, Squaxin Island Tribe, The Suquamish Tribe, & Tulalip Tribes

Fifth Circuit Amici

21 States, **incl. WA**

325 Tribes, incl. 20 tribes in Washington

Adding: Yakama Nation, Colville, Hoh, Kalispel, Muckleshoot, Nisqually, Port Gamble S'Klallam, Skokomish, Snoqualmie, & Swinomish


85% of federally recognized tribes are located in these states

Brackeen: Fifth Circuit Panel

- ▶ On August 9, 2019, the three-judge panel filed its decision
 - ▶ Reverses the district court's grant of summary judgment finding ICWA unconstitutional
 - ▶ Renders judgment in favor of the defendants
 - ▶ Includes a footnote that one of the judges will file a partial dissenting opinion shortly, which is then filed on August 16, 2019
 - ▶ "Certain of the ICWA's provisions are a transparent attempt to foist onto the states the obligation to execute a federal program and to bear the attendant costs."
 - ▶ Qualified Expert Witness testimony
 - ▶ Record-keeping requirements



Brackeen: Fifth Circuit En Banc

- ▶ On November 7, 2019, the Fifth Circuit decides to rehear the case en banc
 - ▶ Briefing and argument again
 - ▶ Heard on January 22, 2020
 - ▶ 14 months later, on April 6, 2021, the Court issues its opinion
 - ▶ 325 pages long, with two 150 page opinions, neither of which garnered a majority
 - ▶ Also includes five concurrences/dissents
- 

Brackeen: Fifth Circuit En Banc

- ▶ The majority agreed on some things:

14th Amendment
Equal Protection
Clause

10th Amendment
Anti-Commandeering
Doctrine

Article I
Commerce Clause
Non-Delegation
Doctrine

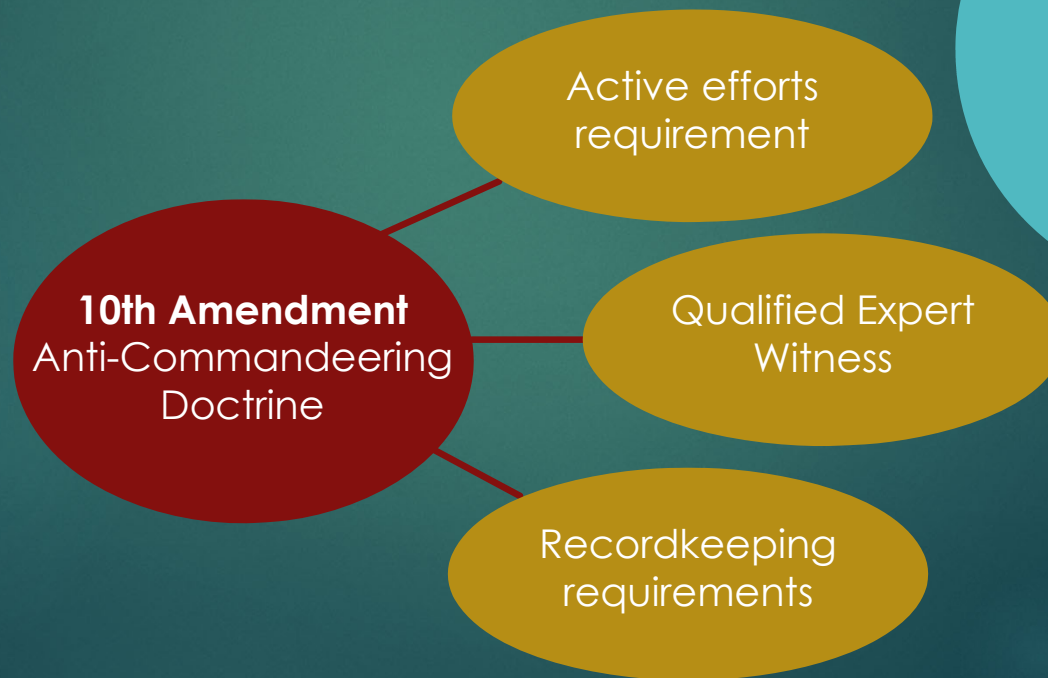
**Administrative
Procedures Act**

5th Amendment
Equal Protection
Due Process



Brackeen: Fifth Circuit En Banc

- ▶ The majority agreed that some parts of ICWA are unconstitutional as applied to the States in the Fifth Circuit:



Brackeen: Supreme Court

- ▶ Both sides request the Supreme Court grant review
- ▶ Court grants all four petitions and consolidates
- ▶ Oral argument on November 9, 2022

Amici

23 States, **incl. WA** +
Washington DC

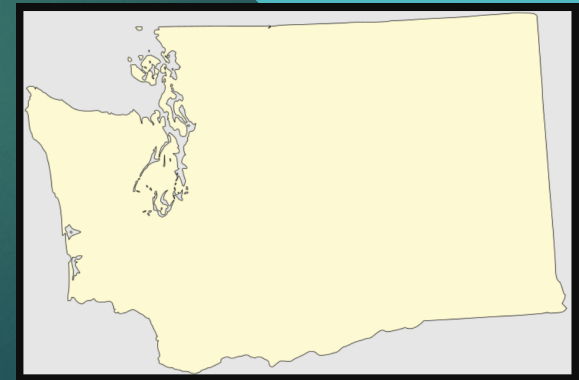
497 Tribes, incl. 28 tribes
in Washington
(all 29 involved since
Quinault Indian Nation
intervened)

Brackeen: State Amicus

- ▶ ICWA is a critical tool that fosters state-tribal collaboration in order to improve the health and welfare of Indian Children
 - ▶ State-tribal MOUs, per ICWA
 - ▶ DCYF Indian Child Welfare Policies and Procedures
 - ▶ Reduced disparity in child removals
- ▶ ICWA is an appropriate exercise of Congress' plenary power to legislative in the field of Indian affairs
- ▶ ICWA does not violate the 10th Amendment anti-commandeering rule which reflects the principle that the constitution confers upon Congress the power to regulate individuals, not states.
- ▶ ICWA does not violate equal protection principles because it is based on political classifications, not racial classifications

Brackeen: Additional Considerations

- ▶ Washington is one of at least 8 states that has a comprehensive state ICWA
- ▶ WICWA was enacted in 2011
- ▶ Important to remember that the 29 federally recognized tribes in Washington have children and families who live outside of Washington, including in states that may not have a state ICWA



DCYF 2023-25 Agency Request Legislation and Decision Package Overview

Allison Krutsinger
Director of Public Affairs

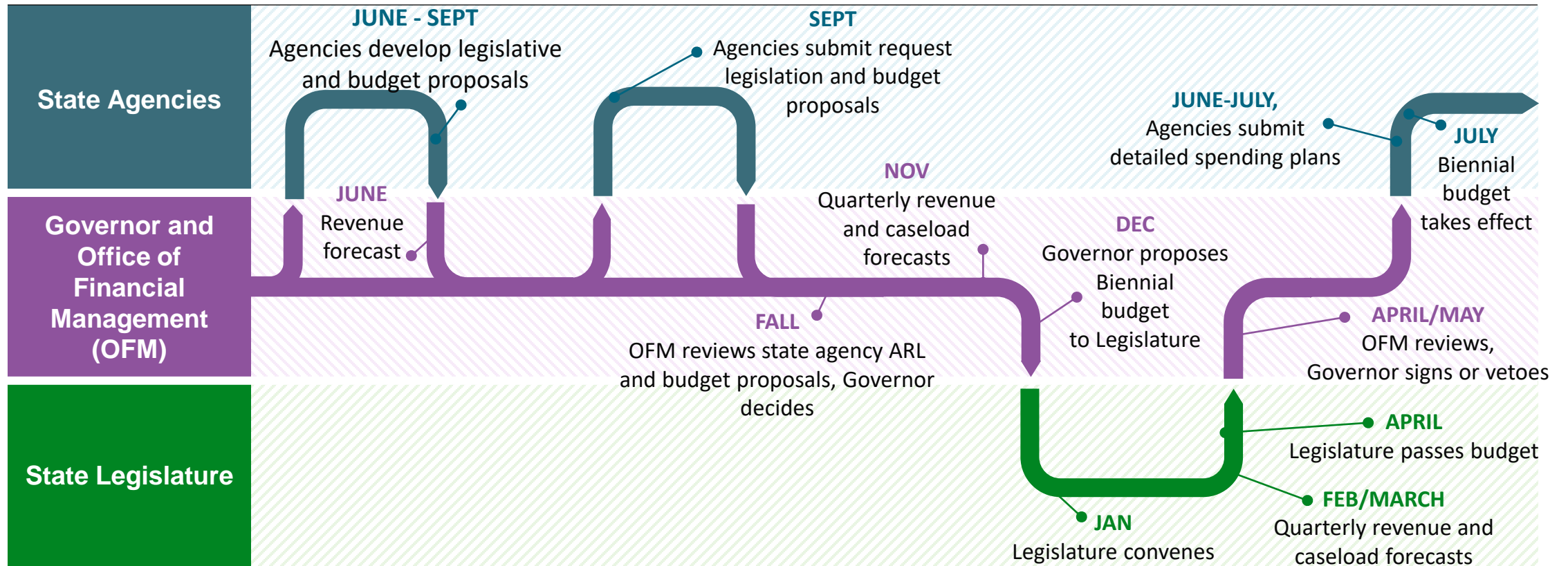
*Commission on Foster Care
December 12, 2022*



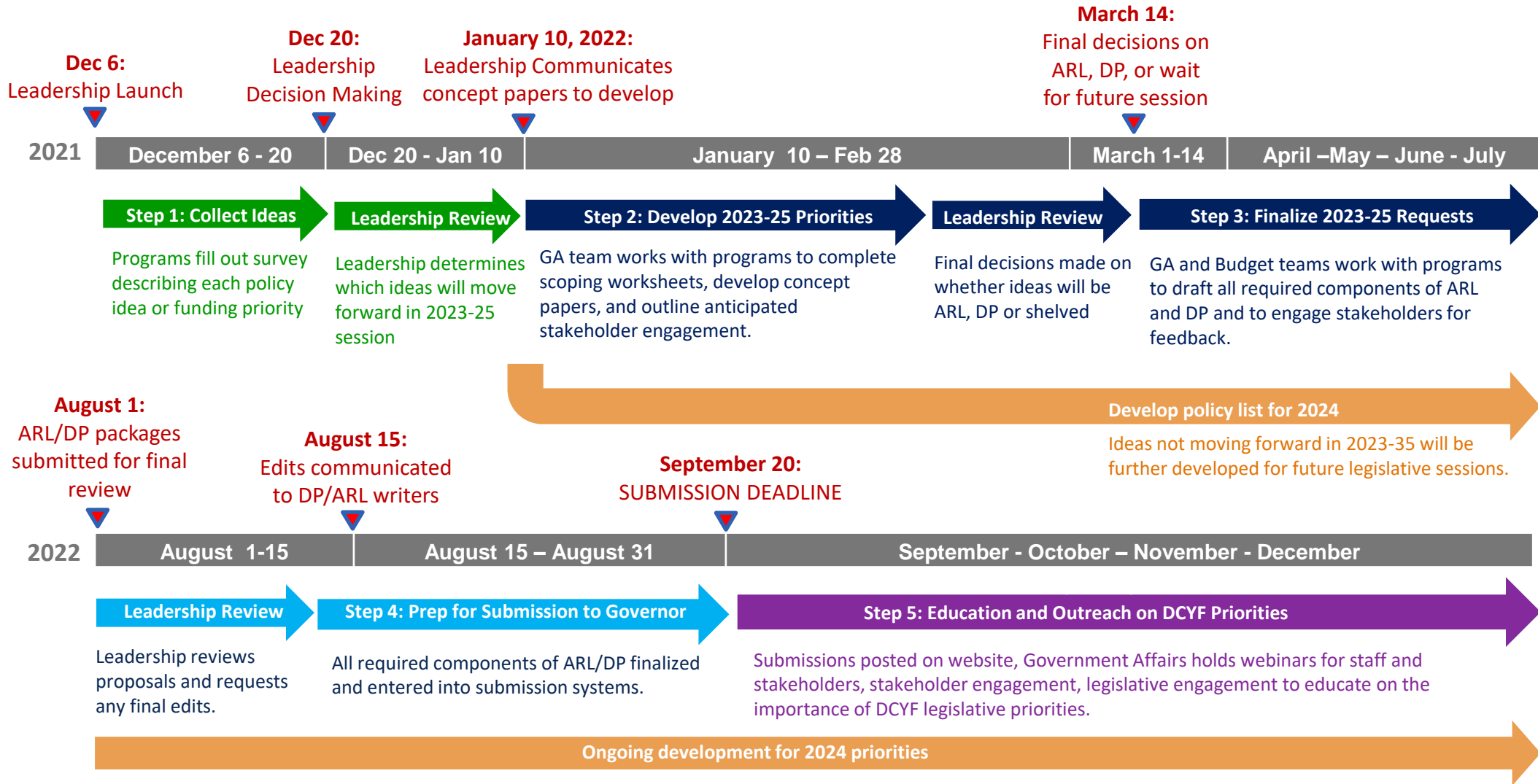
Washington State Department of
CHILDREN, YOUTH & FAMILIES



Preparing for Legislative Session



ARL/DP Process and Timeline – 2023/25 Biennium



Guiding Principles for Development

- Prioritize programs and services that reduce racial and ethnic disparities in outcomes and access to services across all DCYF systems of care.
- Prioritize resources that focus on core responsibilities outlined in DCYF's vision and strategic plan.
- Prioritize prevention services and intervention solutions to keep children, youth and families safe in their community and not going deeper into the DCYF system.
- Prioritize funding for programs and policies that have demonstrated their effectiveness in improving outcomes through evidence-based and promising practices.
- Think big, bold, and with innovation in mind.

DCYF Strategic Priorities

EQUITY

Eliminate racial disproportionalities and advance racial equity

INTENTION

Safely reduce the number/rate of children in out-of-home care by half

Create successful transitions into adulthood for youth and young adults in our care

Create high quality, integrated B-8 system

CAPACITY

Improve quality and intention of our practice

Improve quality and availability of provider services



Thriving Families Initiative

DCYF is organizing the system transformation required by our strategic plan and legal changes into a series of projects. These inter-related projects make up the Thriving Family Initiative.

DCYF is organizing this work around our Child Welfare Family Practice Model.

The Thriving Families Initiative Will:

- Support families so children and youth remain safely at home
- Place children and youth with relatives/kin if they cannot remain safely at home
- Ensure all placements are safe, stable, and support permanency

Prevention

\$24.626M

DCYF Strategic Priority Alignment

- Reduce the number of children and youth in out-of-home care by half

What?

Investment in prevention services and interventions to reduce the number of families entering into child welfare and to promote child and family well-being

Why?

- DCYF is charged with preventing harm to children and youth and implementing services and supports upstream
- Changing the trajectory of rates of child maltreatment and promoting well-being for children and families requires universal, targeted, and individualized approaches

Components:

- Services and supports for substance use disorder treatment
 - Network of substance use disorder professionals across the state
 - Expanding Plan of Safe Care Statewide
 - Expanding Pregnant and Parenting Intake Pilot
 - Support for HCA DPs: treatment beds for families and PCAP expansion
- Continuation and expansion of Strengthening Families Locally, a community-based prevention initiative
- Home visiting expansion, workforce investments, and infrastructure investments such as professional development and data system improvements
- Re-design of DCYF's Family Reconciliation Services

Rising Strong West

Capital Budget DP
\$13M

DCYF Strategic Priority Alignment

- Reduce the number of children and youth in out-of-home care by half

What?

Capital funding for the construction of a site for the Rising Strong model on the west side of the state. Rising Strong is a holistic, family-centered drug treatment and housing program supporting families in staying together while they begin to recover from addiction and heal from trauma.

Why?

- Substance use disorder is a top contributing factor for the placement of children into out-of-home care, especially young children
- Western Washington currently does not have any program where families can stay together while recovering from Substance Use Disorder

Components:

- Funding for capital costs to build a new residential treatment program on the west side of the state

Combined In Home & Transition Services

\$15.376M

DCYF Strategic Priority Alignment

- Eliminate racial disproportionality and advance racial equity
- Safely reduce the number of children and youth in out of home care
- Improve quality and availability of provider services
- Create successful transitions to adulthood for youth and young adults in our care

What?

Investments in combined in-home and transition services allowing for increased access to services for DCYF clients across divisions.

Why?

- DCYF is seeking to lay the foundation for a robust continuum of services and move toward service integration
- Recent legislation and court cases continue to create demand for additional services to be provided to DCYF clients

Components:

- In-Home Services Expansion and Quality Improvement
 - Combined in-home service expansion, including culturally responsive services
 - Capacity building grants to bring on new providers and provide quality improvement supports to providers
- Transition Services
 - Independent Living expansion to additional young people exiting foster care and young people in the Juvenile Rehabilitation system
 - LifeSet expansion statewide and maintenance of current programming

Caregiver Placement Supports

\$53.94M

DCYF Strategic Priority Alignment

- Advance racial equity and reduce racial disproportionality
- Reduce the number of children in out of home care by half

What?

Support for kinship caregivers and family foster homes to meet the needs of children/youth in foster care. This will result in more equitable redistribution of financial assistance and support services to kinship caregivers.

Why?

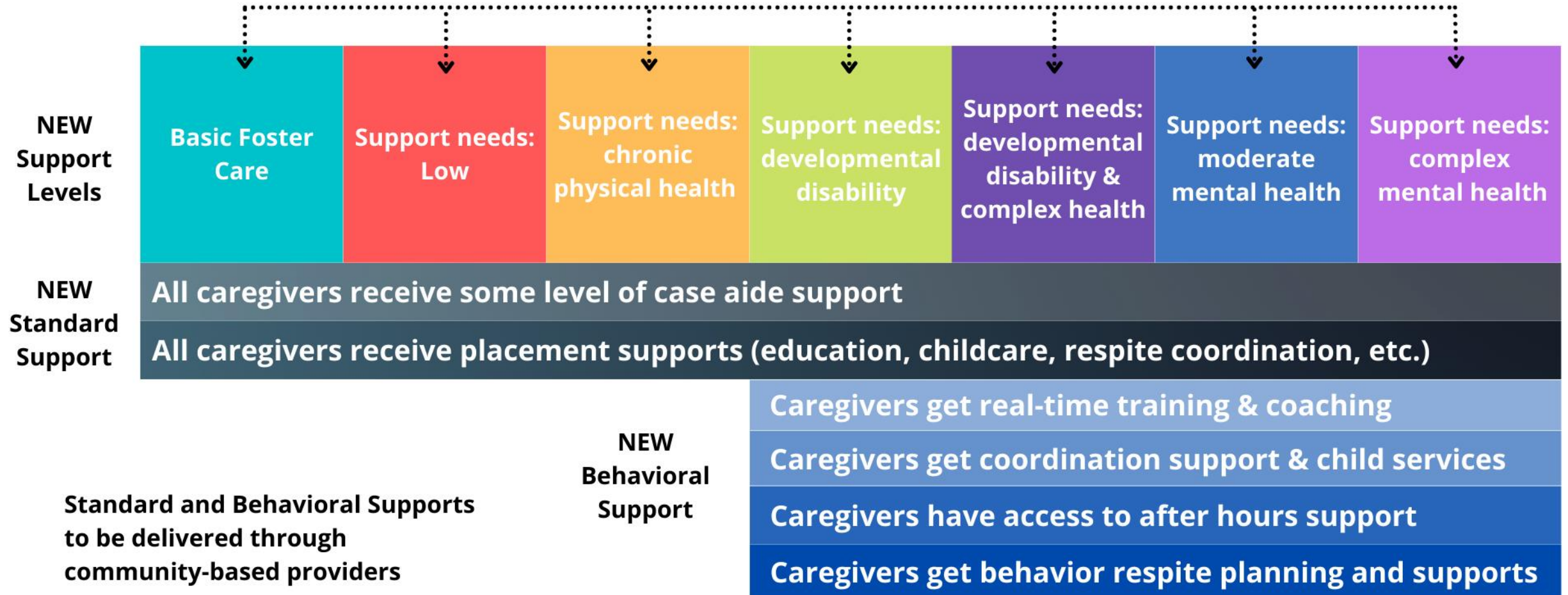
- The current foster care rate system directs more resources to non-relative, mostly white family foster homes
- This has been a multi-year project to address placement instability
- A root cause of placement instability in the foster care placement continuum is inadequate supports for caregivers
- This is particularly true when children have high levels of behavioral and mental health support needs

Components:

- New foster care maintenance payment
- New placement supports to all caregivers
- Expand access to educational support
- Increase rates to Child Placing Agencies for certifying foster parents
- 1 FTE to implement this work

NEW: Caregiver Support Levels and Services

Health history data paired with a new tool for collecting qualitative information from clients and youth

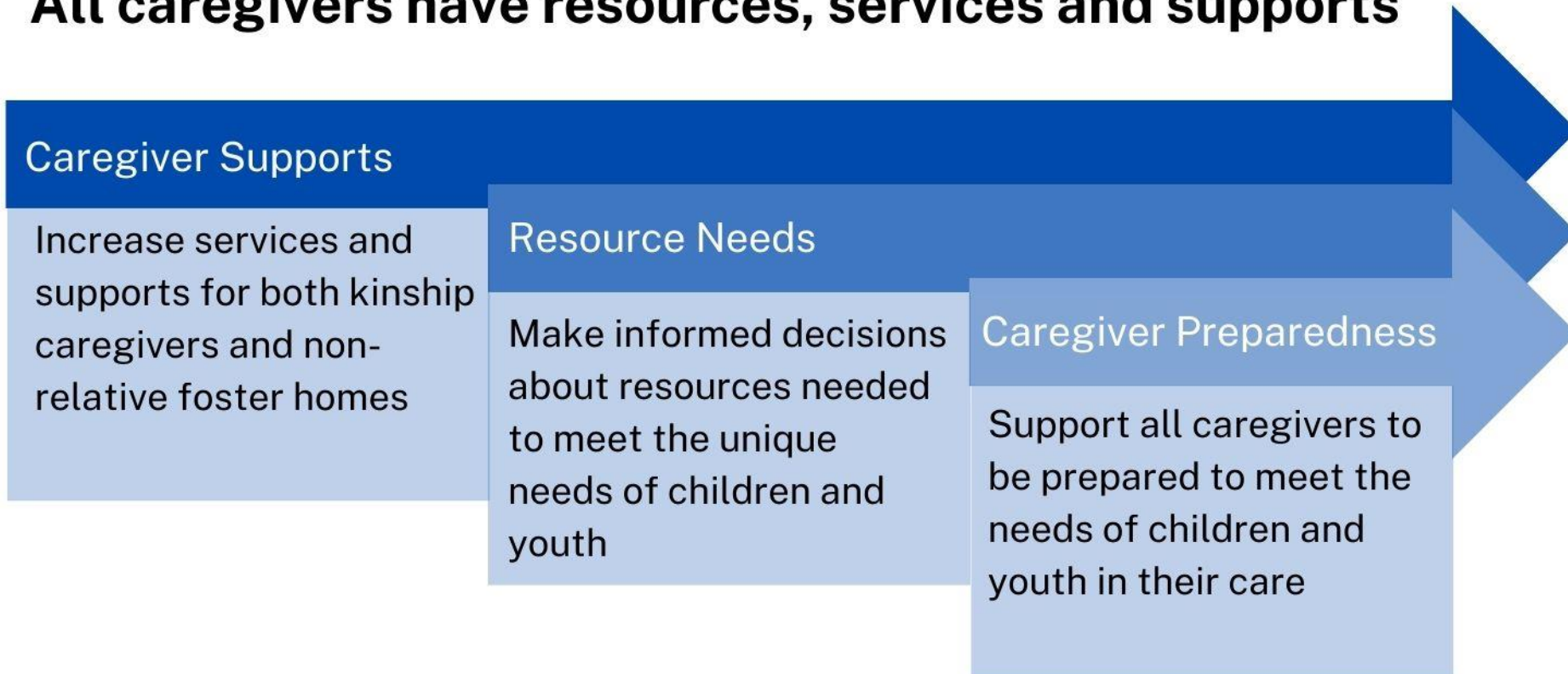


Caregiver Supports Decision Package

(formerly known as Placement Continuum Project)

BUILD SUPPORTED PLACEMENTS:

All caregivers have resources, services and supports



Housing Access and Supports

\$17.3M

DCYF Strategic Priority Alignment

- Safely reduce the number/rate of children in out-of-home care
- Create successful transitions to adulthood for youth and young adults in our care

What?

Supportive housing services for youth exiting child welfare and juvenile rehabilitation, as well as statewide support for families to obtain housing when there is an imminent risk of an out-of-home placement or to aide in reunification.

Why?

- Young people exiting foster care and juvenile rehabilitation continue to enter homelessness within 12 months after exit, even after the passage of HB 6560
- Stable housing can support a speedier reunification and prevent entry to child welfare where housing instability is a factor in removal

Components:

- Contracted provision of housing support services to young people exiting foster care and juvenile rehabilitation
 - Housing support services include housing navigation, housing location assistance, individual case management, etc.
- SB 5718: Child Welfare Housing Pilot Expansion
 - 5718 also provides housing support services to families
- Regional Housing Capacity – regional staff to engage in housing initiatives and efforts

RGAP

1.262M

Agency Request Legislation

DCYF Strategic Priority Alignment

- Reduce the number of children and youth foster care by half

What?

Expanding eligibility for the Relative Guardianship Assistance Program (R-GAP) to support guardianship with relatives as a permanency option when children and youth in foster care cannot be safely reunified with their parents.

Why?

- Children placed with relatives have better outcomes compared to those in non-relative foster care
- Kinship caregivers are twice as likely to live in poverty than non-relative caregivers
- Guardianships established by tribal governments and many relative caregivers are not currently eligible for R-GAP
- Fewer than 2 in 5 children/youth in out-of-home placement are Title IV-E eligible

Components:

- Create a state-funded R-GAP subsidy
- Expand eligibility to non-IV-E cases
- Expand eligibility to suitable persons as described in RCW 13.34.130
- Expand eligibility to guardianships established by the tribal court of a federally recognized tribe located in Washington as defined in RCW 13.38.040

Licensed Kinship Placements

\$10.952M

DCYF Strategic Priority Alignment

- Improve the quality and intention of practice
- Improve the quality and availability of provider services

What?

Resources to support increased licensed kinship placements. Placements with licensed kin are increasing and will continue to increase with the implementation of the Keeping Families Together Act (HB 1227) and various court cases. This package seeks to lay out the first phase of a strategy to accomplish these goals.

Why?

- Relative placement promotes stability, decreases likelihood of re-abuse and institutional abuse, and leads to better behavioral and mental health outcomes. Relatives/kin need supports to care for unexpected household members
- The D.S. settlement and vocal advocacy from stakeholders are pushing DCYF to reframe its approach to placing children with kin and supporting those kin families through the life of the placement

Components:

- Kinship Caregiver Engagement Unit
- Maintain licensing staff ratios as more kin placements become licensed

Background Checks and Licensing Fees and Schedules

\$14.73M

Agency Request Legislation

DCYF Strategic Priority Alignment

- Create high quality integrated B-8 system
- Improve quality and availability of provider services

What?

Eliminating fees for mandatory background checks and licensing activities, lengthening the frequency for child care provider background check renewals and lengthening the amount of time foster care providers are eligible for an initial license.

Why?

- Completing and maintaining a license (child care or foster care) requires applicants to pass through steps that require time and resources.
- Proposed changes and funding will support providers and kin move successfully through our licensing process.

Components:

- Permanently eliminate background check fees for child care and group care staff
- Change child care background check renewal schedule (every 5 years instead of 3)
- Permanently eliminate child care licensing fees
- Increases time limit for kin initial license (90 days to 6 months, renewal up to 2 years)

D.S. Compliance

\$35.052M

DCYF Strategic Priority Alignment

- Reducing the number of children in out-of-home care by half
- Improving quality and intention of practice

What?

Investment to meet the agency's obligations under the settlement agreement in the D.S. lawsuit on behalf of youth experiencing placement instability through night-to-night placements and hotel and overnight stays in DCYF offices.

Why?

- In June 2022, DCYF reached a settlement agreement which DCYF to make system improvements and offer services and supports to class members

Components Include:

- Emerging adulthood housing program/Adolescent transitional living pilot expansion
- Professional therapeutic foster care
- Statewide hub home model program
- Revision of licensing standards
- Family group planning
- Referrals and transitions
- Qualified residential treatment program
- Monitoring and implementation

Family Time

\$21.918M

DCYF Strategic Priority Alignment

- Safely reduce the number/rate of children in out-of-home care by half
- Improve quality and availability of provider services

What?

Resources to support frequent and regular family visitation when children are placed out of home. In addition, DCYF will expand the Network Administrator model statewide for Family Time contracts.

Why?

- Frequent and regular family visits result in stronger attachment, lower levels of depression and higher a likelihood that a child will be reunified with parents
- Without additional funding to cover certain costs, families will experience disruptions in their visit plans and DCYF may face potential non-compliance with court-ordered visitation

Components:

- Covering separate billable items
- Expanding the Network Administrator model statewide

Other bills we're hearing about!

- Legal counsel for parents considering voluntary placement agreements
- Requiring Open Adoption Plans when parental rights are terminated
- Access to DDA services when children and youth are in foster care
- Ending reimbursement for the cost of care from SSA benefits
- Access to mental and behavioral health services for children and youth
- Expand EFC through age 25
- Minor initiated access to safe shelter and housing

THANK YOU

Allison Krutsinger

Allison.krutsinger@dcyf.wa.gov



Washington State Department of
CHILDREN, YOUTH & FAMILIES

A photograph of a white card with the words "Thank you" written in blue cursive. The card is placed on top of a brown envelope. The background is a plain, light-colored surface.

Thank you

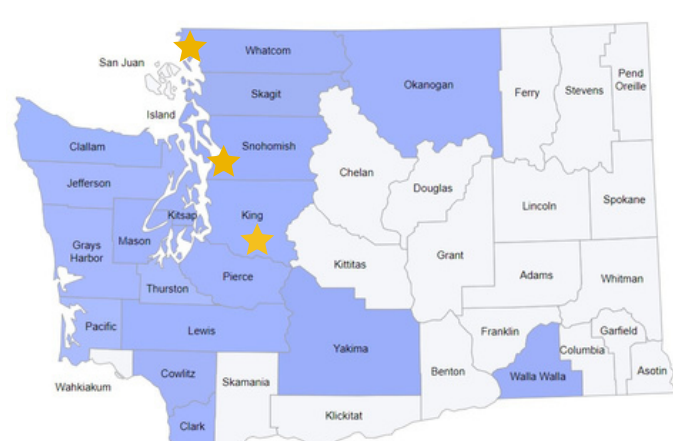


Administrative Office of the Courts Continue Family Treatment Court Team 2023 Budget Request

The Need <<<

Half (48%) of children in dependency court were removed because of a parent's Substance Use Disorder (SUD).

- These families often experience:
- Poorer case outcomes
 - Children less likely to reunify
 - More time spent in foster care
 - Higher rates of termination of parental rights



! Washington has experienced significant increases in Fentanyl-related overdoses and deaths

>>> Family Treatment Courts

- Family Treatment Courts (FTCs) address the needs of the whole family through a strengths-based, team approach.
- FTCs that utilize best practices produce considerably better reunification outcomes and parent treatment results than conventional court and child welfare services.

Before AOC's federal grant program, FTCs lacked coordinated training and data, and access to reliable funding

AOC's Three-Year Federal Grant 2020-23

Training & Technical Assistance

- Best practices trainings for 450 individuals
- Role-specific practice improvement groups for FTC team members
- [Online training modules](#)

Data & Quality Improvement

- All FTCs completed National Evaluation of Family Treatment Courts
- Court observation and feedback for all
- FTC performance measures disaggregated by race and gender

System Change

- FTC Steering Committee addresses barriers to treatment and housing
- Work with HCA and DCYF to improve access to treatment and data
- Exploring stable funding for local FTCs

Equity & Access

- Focus on increasing engagement and enrollment of BIPOC families
- Training and resources for rural FTCs

Federal grant ends September 2023 - sustainable funding required to maintain AOC's important statewide FTC work.

Future of this Work

- >>> Add lived expertise to AOC's FTC Team to improve family engagement and equitable outcomes
- >>> Evaluate FTCs to identify effective treatment, services, supports, and court practices
- >>> Based on what we learn, expand use of court teams to improve outcomes for all families in dependency courts

Proposed Funding

Annual Cost:
\$1,043,800
(with additional \$24,000 start-up costs in FY24)

FY 24-25 Biennium - \$2,111,600
FY 26-27 Biennium - \$2,087,600

Statewide FTC Team staffing costs: \$813,000 annually

- Program Manager
- Researcher
- Trainer
- Lived Expert/Peer Support Specialist
- Administrative Assistant

Contracts - \$77,000 annually

- Lived experts for training and statewide steering committee
- Web design

Travel and training - \$100,000 annually

- Travel for court observation and conferences
- Training costs

Grants to local FTCs for data systems - \$54,000 annually

From: Michael Mirra <michaelmirratacoma@outlook.com>
Sent: Tuesday, October 25, 2022 7:24 PM
To: Noha Mahgoub (Noha.Mahgoub@GOV.wa.gov); Sydney Forrester (sydney.forrester@gov.wa.gov)
Cc: ACSW Joel Odimba - WA State DSHS (joel.odimba@dcyf.wa.gov); Aley Thompson; Andrew Calkins; Applebee, Erik L (DCYF); Debi Hood (dhood@reliableenterprises.org); Emily Nicewonger (enicewonger@ccyj.org); Greg Williamson (greg.williamson@dcyf.wa.gov); James Richardson (james.richardsoniii@atg.wa.gov); Janice Pitt (Janice.pitt@dcyf.wa.gov); Jason Bragg (jasonb@parentsrepwa.org); Warner-King, Kelly; Kimberly Mays; Kimbowa, Alice; Kirsten Jewell; KristyJ@kcha.org; Laurie Lippold (E-mail) (laurielippold@gmail.com); 'Leigh Hofheimer'; Lisa Dabalos-McMahon (Lisa.Dabalos-McMahon@opd.wa.gov); Lisa Wolters (LWolters@seattlehousing.org); Liza Burell (liza.burell@buildingchanges.org); Lowel Krueger; Lowery, Julie; Meredith Wang (mrwang98@uw.edu); Michael Heard (Michael.Heard@opd.wa.gov); michaelmirratacoma@outlook.com; Morgan Silverman (msilverman@ccyj.org); mputnam@seattlemca.org; Nicholas Carr; Perez, Dorene (DCYF); Renee Jones; rwhite@nchcw.org; Sarah Kendall; Shane Silverthorn (Shane.silverthorn@co.yakima.wa.us); Sharonda Amamilo (Sharonda.d.amamilo@co.thurston.wa.us); Sprute Garland, Mary (DCYF); Tonia McClanahan (Tonia.ssw.wa.opd@gmail.com)
Subject: DCYF's Budget Proposal of \$17.2 million for an innovative Housing & Child Welfare Collaboration in Washington State
Attachments: DCYF Housing ^0 Child Welfare Decision Package Flyer 2020-10-24.pdf; AOC Memo Housing Child Welfare MOU FINAL 2022-10-24.pdf; DCYF-HOUSERS Child Welfare-Housing MOU DRAFT v13 2022-6-7.pdf

ATTENTION: Noha Mahgoub and Sydney Forrester

Dear Governor Inslee:

I write on behalf of the Steering Committee of the Washington State Administrative Office of the Courts (AOC). I am co-chair of its Housing & Child Welfare Subcommittee. Members include representatives from the AOC; Department of Children, Youth & Families; Office of Public Defense; superior court judges and commissioners who serve on the dependency dockets of the state; public housing authorities; family and child welfare advocates; a national organization that studies the relationship between housing and foster care; and social service agencies.

I write to convey the Steering Committee's strong support for the **\$17.2 million** appropriation that the Department of Children, Youth & Families has asked you to include for its operations in your proposed budget in the coming legislative session. This budget request arose from lengthy and detailed discussions and planning from the Steering Committee. The money will allow for a nationally innovative collaboration between DCYF and the state's public housing authorities and non-profit housing organizations. The collaboration is worth the money, even in a tight budget, especially since data show that the expenditure will save more money than it costs by avoiding or shortening a child's need for expensive out-of-home placement.

The appropriation will serve several purposes. Here are eight of them. Each is important:

- (1) *Avoid the Harm of Unnecessary Family Separation:* It will avoid the damage to children and families resulting from unnecessary family separation and free up foster care resources for necessary placements;

- (2) *Support DCYF's Legal Duty to Make "Reasonable Efforts"*: It will help DCYF to fulfill its obligations under federal and state law to make "reasonable efforts" to prevent the need for foster care;
- (3) *Equip DCYF to Meet the Goals of the Family Unification Program (FUP)*: Equip DCYF to effectively use federally funded Family Unification Program (FUP) vouchers for families for whom the lack of adequate housing is a significant factor in the imminent placement or retention of the family's child or children in out-of-home care.
- (4) *Equip DCYF to Comply with Court Orders*: It will give DCYF more tools to comply with orders of the Dependency Court, authorized under present law, for DCYF to provide housing assistance when the court determines the assistance would prevent or shorten the need for out-of-home placement.
- (5) *Save Taxpayers' Money*: Providing housing and supportive services will save money. The partnership in this proposal will equip DCYF caseworkers with housing assistance for their use when in their judgment or the judgment of the Dependency Court it would work to prevent or shorten the need for out-of-home placement. Avoiding unnecessary foster care placements will result in a net savings. The National Center for Housing & Child Welfare estimates that Washington State, after investing money in this MOU, would realize a **net savings of \$12 million per year**. See attached memo.
- (6) *Support a Successful Transition for Young People Aging Out of Foster Care*: It will support the housing needs of young people aging out of foster care or other types of state custody who would otherwise start their independent adulthood by experiencing homelessness.
- (7) *Equip DCYF Caseworkers, Judges and Commissioners for their Challenging Jobs*: It will provide additional tools for DCYF caseworkers and dependency judges and commissioners to perform what may be the hardest, and most important, jobs in state service.
- (8) *Make Washington State More Competitive to Get More Federal Vouchers*: This state-level MOU collaboration among the Housers, DCYF, and local and regional partners would be nationally innovative. This would make Washington State more competitive to get more Family Unification Program (FUP) vouchers and Foster Youth to Independence (FYI) vouchers from the U.S. Department of Housing & Urban Development (HUD). More vouchers can be used not only to serve current DCYF clients, but also to provide a predictable revenue stream to help create actual housing units (stock) for DCYF client youth and families.

I attach three documents that explain why DCYF's proposed appropriation is important:

- *Two-page flyer explaining its budget request.*

This flyer provides a good short summary of the proposed collaboration and the need for the \$17.2 million to get it done. As a token of the wide support for DCYF's request, the flyer shows the logos of not only DCYF but also the Washington State Administrative Office of the Courts, our Steering Committee, the Association of Washington Housing Authorities, and the National Center for Housing & Child Welfare.

- *Memo from the Steering Committee explaining the proposed collaboration.*

This memo states the detailed case for the appropriation. It is 12 pages long, with three pages of attachments. The memo starts with a good two-page summary.

- *Draft MOU.*

The appropriation will allow DCYF to sign the attached MOU with the housing authorities, and nonprofit housers. Local service providers will sign local agreements that the MOU contemplates. Without this appropriation, DCYF and the housing organizations will not be able to sign.

We ask you please to include DCYF's **\$17.2 million** request in your proposed budget to the legislature.

If you need any further information about this important matter, I and the Steering Committee are at your service.

Thank you.

Michael

Michael Mirra

(253) 345-0582 CELL

michaelmirratacoma@outlook.com

To:	Governor’s Office Washington State Legislators Washington State Department of Children, Youth, and Families Leaders Washington State Public Housing Authorities and Nonprofit Housing Leaders Washington State Superior Court Dependency Judges and Commissioners Washington State Office of Public Defense and Local Defender Offices Leaders Dependency Guardians Ad Litem and CASAs
Date:	October 24, 2022
Re:	Proposed MOU to match federally funded and other housing assistance with state-funded supportive services to prevent or shorten the need for foster care placements and to prevent homelessness among young adults who are aging out of foster care

The Family Treatment Court Steering Committee convened by the Washington Administrative Office of the Courts proposes the attached Memorandum of Understanding (MOU). The MOU would form an innovative collaboration among the following:

- Washington State Department of Children, Youth, and Families (DCYF);
- Washington State public housing authorities;
- Washington State nonprofit housing organizations;
- Washington State nonprofit service providers.

The MOU’s purpose is to match housing assistance from the housing organizations with supportive services from DCYF and its service partners for use in dependency cases when those resources would work for any of the following three purposes:

- prevent the need for a child or youth’s out of home placement;
- shorten the length of stay for a child or youth in out of home care;
- prevent a youth who is aging out of foster care or leaving other forms of state custody from beginning their adulthood by being homeless.

DCYF and public housing authorities and non-profit housing providers of the state have stated a preliminary willingness to sign this MOU if the legislature provides DCYF with the funds to allow it to fulfill its service obligations under the MOU.

Doing this will serve eight (8) purposes, all of them important:

- (1) *Avoid the Harm of Unnecessary Family Separation:* It will avoid the damage to children and families resulting from unnecessary family separation and free up foster care resources for necessary placements;
- (2) *Support DCYF’s Legal Duty to Make “Reasonable Efforts”:* It will help DCYF to fulfill its obligations under federal and state law to make “reasonable efforts” to prevent the need for foster care;
- (3) *Equip DCYF to Meet the Goals of the Family Unification Program (FUP):* Equip DCYF to effectively use federally funded Family Unification Program (FUP)

vouchers for families for whom the lack of adequate housing is a significant factor in the imminent placement or retention of the family's child or children in out-of-home care.

- (4) *Equip DCYF to Comply with Court Orders:* It will give DCYF more tools to comply with orders of the Dependency Court, authorized under present law, for DCYF to provide housing assistance when the court determines the assistance would prevent or shorten the need for out of home placement.
- (5) *Save Taxpayer's Money:* Providing housing and supportive services will save money. The partnership in this proposal will equip DCYF caseworkers with housing assistance for their use when in their judgment or the judgment of the Dependency Court it would work to prevent or shorten the need for out of home placement. Avoiding unnecessary foster care placements will result in a net savings. The National Center for Housing & Child Welfare estimates that Washington State, after investing money in this MOU, would realize a net savings of **\$12 million per year**. See attachment from [National Center for Housing & Child Welfare](#)
- (6) *Support a Successful Transition for Young People Aging Out of Foster Care:* It will support the housing needs of young people aging out of foster care or other types of state custody who would otherwise start their independent adulthood by experiencing homelessness.
- (7) *Equip DCYF Caseworkers, Judges and Commissioners for their Challenging Jobs:* It will provide additional tools for DCYF caseworkers and dependency judges and commissioners to perform what may be the hardest, and most important, jobs in state service.
- (8) *Make Washington State More Competitive to Get More Federal Vouchers:* This state-level MOU collaboration among the Housers, DCYF, and local and regional partners would be nationally innovative. This would make Washington State more competitive to get more Family Unification Program (FUP) vouchers and Foster Youth to Independence (FYI) vouchers from the U.S. Department of Housing & Urban Development (HUD). More vouchers can be used not only to serve current DCYF clients, but also to provide a predictable revenue stream to help create actual housing units (stock) for DCYF client youth and families.

The Committee is available to answer questions about this proposal and to elicit your support. Please direct questions to:

<p>Michael Mirra, Co-Chair Housing & Child Welfare Subcommittee michaelmirratacoma@outlook.com; (253) 345-0582</p>

Should you have questions on what DCYF's role would be in the MOU, please contact:
Greg Williamson, Housing Program Manager, DCYF – greg.williamson@dcyf.wa.gov
Mary Sprute Garland, Policy Advisor, DCYF – mary.sprutegarlant@dcyf.wa.gov

As a head start on discussions, this memo provides some further information below.

1. THE FAMILY TREATMENT COURT STEERING COMMITTEE of the ADMINISTRATIVE OFFICE OF THE COURTS and its HOUSING & CHILD WELFARE SUBCOMMITTEE

In 2021, the Washington Administrative Office of the Courts (AOC) convened an advisory committee to help improve outcomes for all families and children in the state’s child welfare system. It is called the Family Treatment Court Steering Committee. That Committee established its Housing & Child Welfare Subcommittee. It did this to acknowledge the child welfare system’s well-known lack of housing resources that could prevent or shorten the need for foster care placements and could house teenagers aging out of foster care and other forms of state custody who would otherwise begin their independent adulthood by becoming homeless.

The members of the Committee and Subcommittee represent a wide array interests and experience in the child welfare system. The roster of members is attached. Members include representatives from the AOC, DCYF, Office of Public Defense, superior court judges and commissioners, public housing authorities, family and child welfare advocates, a national organization that studies the relationship between housing and foster care, and social service agencies.

2. WASHINGTON STATE’S DEPENDENCY SYSTEM NEEDS HOUSING RESOURCES TO PROTECT CHILDREN AND FAMILIES FROM UNNECESSARY FOSTER CARE, TO SUPPORT FULFILLMENT OF ITS LEGAL DUTIES, AND TO SAVE MONEY

2.1 Housing Resources Can Prevent or Shorten Foster Care Placements

The lack of housing can cause or prolong a child’s need for foster care. The provision of housing assistance in these instances can prevent or shorten the need for foster care. This has long been evident from national data that estimate that thirty percent (30%) of placement cases can be avoided or shortened if the family had housing.¹

This national data matches the experience in Washington State. In 2017, the Office of Public Defense surveyed its attorneys and contract attorneys representing families in dependency court. Of the 111 respondents, 25% reported that the lack of housing featured in “all or almost all” of out-of-home placement cases; another 45% reported this to be the case is “most of my cases”. See Attachment for full survey results. In 2020, in a follow up survey, the OPD collected narratives of specific cases from its attorneys and social workers. See Attachment. The problem shows in every Washington County.

“For Grant County, I can tell you that the MAIN issue we run across for our clients is the complete lack of housing. I have several examples of clients who are in outpatient treatment but are homeless. It is a very difficult time for them.”

[OPD Family Attorney, Grant County 2020]

¹ See e.g.: Harburger, D., and White, R., “Reunifying Families, Cutting Costs: Housing – Child Welfare Partnerships for Permanent Supportive Housing,” *Child Welfare*, Vol. 83, #5 Sept./Oct. 2004, p.501; Poe, J. and Kendall, P., “Cases of Neglect May Be Only Poverty in Disguise,” *Chicago Tribune*, Dec. 24, 1995, p. 6; National Center on Housing & Child Welfare (see attachment).

2.2 Young Adults: Housing Resources Can Avoid Homelessness Among Teenagers Aging Out of Foster Care

Washington State data show that 9% of young adults exiting foster care will be homeless within 3 months. After 12 months, 29% of them will be homeless.² The problem shows in every county. *Id.* at 4.

2.3 DCYF Needs Resources to Support Fulfillment of Its Legal Obligation to Provide Housing Assistance

Federal and state law direct DCYF to provide housing assistance when the assistance would prevent or shorten a child’s need for foster care. The law does this in three ways.

2.3.1 Federal Law Requires DCYF to Make “Reasonable Efforts” to Prevent or Shorten the Need for Foster Care Placements, including housing assistance.

Federal law requires Washington State, as a condition of receiving its federal child welfare funding, to have an approved plan for DCYF’s child welfare activities. That plan must require DCYF to make “reasonable efforts” “to preserve and reunify families prior to the placement of a child in foster care, to prevent or eliminate the need for removing the child from the child’s home; and (ii) to make it possible for a child to safely return to the child’s home; . . .” 42 U.S.C. § 671(a)(15)(B). Numerous dependency courts around the nation, including in Washington State, have applied this requirement to require the child welfare department to provide housing assistance when the assistance is necessary to prevent or shorten a child’s need for a foster care placement.

“For efficiency purposes, can I list my cases where lack of housing ISN'T a barrier to reunification? That list is much shorter.”

[OPD Family Attorney, Kitsap County 2020]

2.3.2 Washington State Statutes Codify the Federal Requirement and Specify Housing Assistance

Washington has codified this federal requirement into state law governing dependencies. Washington’s statutes either specify housing assistance as part of the reasonable efforts requirement or restate the requirement in ways that must include housing if the requirement is to have real meaning in the real lives of the homeless families entangled in the state’s child welfare system: For example:

- *Notice of Rights:* Upon removing or seeking to remove a child from a family, DCYF must provide the parents with a “written notice of custody and rights” Among other information, the required notice must state that “You have important legal rights . . .” RCW 13.34.062(2)(b). The statute lists those rights to include the following:

² [Homelessness Among Youth Exiting Systems of Care in Washington State page 2 \(DSHS 2020\)](#)

- “If the court decides to place your child in the custody of the department of children, youth, and families or other supervising agency, the department or agency will create a permanency plan for your child, including a primary placement goal and secondary placement goal. **The department or agency also will recommend that the court order services for your child and for you, if needed.**” (emphasis added).
- “The department or agency is required to make reasonable efforts to provide you with services to address your parenting problems,”
- *Shelter Care Housing Inquiry:* At the initial shelter care hearing, the court must “examine the need for shelter care and inquire into the status of the case.” RCW 13.34.065(4). “At a minimum, the court shall inquire into the following: “(d) What services were provided to the family to prevent or eliminate the need for removal of the child from the child's home. If the dependency petition or other information before the court alleges that experiencing **homelessness or the lack of suitable housing was a significant factor contributing to the removal of the child, the court shall inquire as to whether housing assistance was provided to the family to prevent or eliminate the need for removal of the child or children; . . .**” (emphasis added).
- *Service Agreement:* “Following shelter care and no later than thirty days prior to fact-finding, the department shall convene a case conference as required in the shelter care order to develop and specify in a written service agreement the expectations of both the department and the parent regarding voluntary services for the parent. . . .The written service agreement expectations must correlate with the court's findings at the shelter care hearing. The written service agreement **must set forth specific services to be provided to the parent.**” RCW13.34.067(1)(emphasis added).
- *Order of Disposition:* If the court finds a child to be dependent, the court must enter an order of disposition that keeps the child with parents or removes the child into foster care. In either case, the court order must review and determine the provision of necessary “housing assistance”:
 - “Order a disposition that maintains the child in his or her home, which

“I have a current client right now who is living in a motel. The Dept is allowing overnight visits at the motel (or they were until COVID 19) . . . So he has to work 6 days a week as a traveling mechanic to pay for the motel. He travels between Thurston, Pierce and King Co. for jobs. He has been unavailable to participate in his last service, a parenting class, because he has to work so much to keep his housing. We are facing a termination trial because the child is still out of the home after two years. We are trying to figure out a way for the Dept and myself to pay for his motel room once a week so he can take time off to complete the parenting class so that he can have his child returned to him. If he had real housing, he wouldn't be so vulnerable to homelessness and could complete the parenting program and have his child in his care.”

[OPD Family Attorney,
Snohomish County 2020]

shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In determining the disposition, the court should choose services to assist the parents in maintaining the child in the home, **including housing assistance, if appropriate**, that least interfere with family autonomy and are adequate to protect the child.” RCW 13.34.130(1)(a)(emphasis added).

- “An order for out-of-home placement may be made only if the court finds/ that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home, specifying the services, **including housing assistance**, that have been provided to the child and the child's parent, guardian, or legal custodian, and that prevention services have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home,” RCW13.34.130(6)(emphasis added).

- *Permanency Plan:* “Whenever a child is ordered to be removed from the home, a permanency plan shall be developed no later than 60 days from the time the department assumes responsibility for providing services, including placing the child, or at the time of a hearing under RCW 13.34.130, whichever occurs first. The permanency planning process continues until a permanency planning goal is achieved or dependency is dismissed. The planning process shall include reasonable efforts to return the child to the parent's home.” RCW 13.34.136. “The permanency plan shall include:

- “[A] specific plan as to where the child will be placed, what steps will be taken to return the child home, what steps the department will take to promote existing appropriate sibling relationships and/or facilitate placement together or contact in accordance with the best interests of each child, and what actions the department will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.” RCW 13.34.136(2)(b).

“I have one case that was on its way to term (a termination trial) because the parents struggled to make progress in services while they were homeless. The case was transferred to Spokane where it got a fresh look and the parents were able to secure housing through a housing specialist in the area. Now we are negotiating a return home. Even though the parents hadn't made progress in services for probably a year before, the parents were able to make progress in services in just a couple months after they secured housing.”

[OPD Family Attorney, Snohomish County 2020]

- “**The department's plan shall specify what services the parents will be offered to enable them to resume custody, what requirements the**

parents must meet to resume custody, and a time limit for each service plan and parental requirement.” RCW 13.34.136(2)(b)(i) (emphasis added).

- **“The department shall provide all reasonable services that are available within the department, or within the community, or those services which the department has existing contracts to purchase. It shall report to the court if it is unable to provide such services;”** RCW 13.34.136(2)(b)(vii)(emphasis added).
- *Review Hearing:* “If the child is not returned home, the court shall establish in writing:
 - (i) Whether the department is making reasonable efforts to provide services to the family and eliminate the need for placement of the child. If additional services, **including housing assistance,** are needed to facilitate the return of the child to the child's parents, the court shall order that reasonable services be offered specifying such services;” RCW 13.34.138(2)(c) (emphasis added).
 -
 -
 - “(vii) Whether a parent's experiencing homelessness or lack of suitable housing is a significant factor delaying permanency for the child by preventing the return of the child to the home of the child's parent **and whether housing assistance should be provided by the department;”** RCW 13.34.138(2)(c) (emphasis added).
 -

“I have a case right now where a father is making progress in services, works full time and housing has been hard to come by financially, and also having the time to search and do everything else he needs to do to stay in compliance with court orders and work! The Department just tells him when he finds a place they can look into paying first month's rent even though and they will not help him look! . . . He needs someone to help him seek out housing funding, resources to support that and safe place for his kids to reunify with him. We really could have the judge order the kids placed with him immediately if he had safe housing that he could afford!”

[OPD Family Attorney, Pierce County 2020]

For these purposes, RCW 13.34.030(15) defines housing assistance broadly: “‘Housing assistance’ means appropriate referrals by the department or other agencies to federal, state, local, or private agencies or organizations, assistance with forms, applications, or financial subsidies or other monetary assistance for housing. For purposes of this chapter, ‘housing assistance’ is not a remedial service or family reunification service as described in RCW 13.34.025(2).”

2.3.3 *Washington Case Law Recognizes the Authority of Dependency Courts to Order DCYF to Provide Housing Assistance*

Washington appellate courts have ruled that dependency courts have the authority to order DCYF to provide housing assistance when the lack of housing is a “primary factor” in causing or prolonging a child’s need for foster care. The leading case is the Supreme Court’s ruling in *Washington State Coalition for the Homeless v. DSHS*, 133 Wn.2d 894 (1997).

In its decision, the court first noted the federal requirement that the state’s child welfare agency make “reasonable efforts” to “prevent or eliminate the need for removal of the child from his or her parents and to make it possible for the child to be returned to his parents. *See* 42 U.S.C. § 671(a)(15).” *Id.* at 919. “Washington implements this federal requirement through RCW 13.34.” The court reviewed the various provisions of Chap. 13.34 RCW governing the state’s duty to provide services for prevention and reunification purposes. *Id.* at 919 – 921. (See above section). The court ruled:

*“We hold that a juvenile court hearing a dependency proceeding **has authority to order DSHS to provide the family with some form of assistance in securing adequate housing in those cases where homelessness or lack of safe and adequate housing is the primary reason for the foster placement or the primary reason for its continuation.**”* *Id.* at 924 (emphasis added).

In 2009, the legislature amended Chap. 13.34 RCW in ways that both expand and purport to limit the Court’s ruling. It amended RCW 13.34.138, which now reads:

“The court's authority to order housing assistance under this chapter is: (a) Limited to cases in which a parent's *experiencing* homelessness or lack of suitable housing is a significant factor delaying permanency for the child and housing assistance would aid the parent in providing an appropriate home for the child; and (b) subject to the availability of funds appropriated for this specific purpose.” RCW 13.34.138(4).

The change evident in this provision expands the court’s authority to order housing assistance not only to cases where the lack of housing is a “primary” factor in causing or prolonging a foster care placement, but also to cases where it is a “significant factor”. The same reference to “significant factor” appears in other amendments to Chap. 13.34 RCW (*See above*).

The second change purports to limit the court’s ‘authority to order housing assistance to cases where the assistance or funding is available:

“Nothing in this chapter shall be construed to create an entitlement to housing assistance nor to create judicial authority to order the provision of such assistance to any person or family if the assistance or funding are unavailable or the child or family are not eligible for such assistance.” RCW 13.34.138(4).

This is precisely the limitation the Court rejected in *Washington State Coalition for the Homeless v. DSHS*, 133 Wn.2d at 923. The Court noted there that there is also no “specific appropriation for other kinds of services, such as counseling, or drug and alcohol treatment, which are routinely provided to families of dependent children under the “reasonable efforts” clause.” *Id.*

It is not clear if the statutory change would limit the Court’s ruling, which is based on federal as well as state statutes. Recent Washington State appellate courts have rejected this limitation and found authority to order housing assistance without requiring a showing of specific appropriated funds for the purpose. *See Matter of Dependency of G.L.L.*, 499 P.3d 984, 988 (Wash. Ct. App. 2021). While that ruling upheld a termination of parental rights because of other parental deficiencies besides the lack of housing, the court clearly states that if lack of safe and stable housing is identified as a parental deficiency, providing services to remedy this deficiency is required as part of the Department’s duty to provide all necessary services, reasonably available, and capable of correcting the parental deficiency. It cited *Washington State Coalition for the Homeless v. DSHS*.

Requiring specific appropriated funds as a precondition to the court’s authority to order housing assistance would pose four difficulties. **First**, such a limitation would clash with the federal requirement, which is decidedly not limited to appropriated funds, and in fact is a condition of federal funding the state receives. **Second**, such a requirement appears to clash with the other provisions of Chap. 13.34 RCW that show above. Also, RCW 13.34.025 states that DCYF shall provide and pay for “remedial services” “to the extent funding is appropriated in the operating budget or otherwise available to the department for such specific services.” But in defining “housing assistance” RCW 13.34.030(15) expressly states that it “is not a remedial service or family reunification service as described in RCW 13.34.025(2).” And, therefore, housing assistance is not subject to the budget limitation in that section.

Third, as the court stated in *Washington State Coalition for the Homeless v. DSHS*, such a limitation would cast doubt on the dependency court’s ability to order a full range of services, such as counseling and drug treatment, which courts routinely order without requiring a showing of specific appropriation for the purpose.

Fourth, housing assistance to prevent or shorten the need for a foster care placement would not cost the state money. It would save money. See next section.

2.3.4 Either Interpretation of the Law Supports the Need for Legislative Appropriation to allow DCYF to Sign the MOU

Even if RCW 13.34.138(4) is understood to condition the state’s obligation upon the availability of appropriated funds to pay for housing assistance and services when necessary to prevent or shorten a child’s need for foster care, such an understanding would merely fortify the case for legislative appropriations to fund the MOU.

2.4 Housing Assistance Can Save the State of Washington Money in Averted Foster Care Costs

The state’s provision of housing assistance when it would prevent or shorten the need for a child’s foster care placement would save the state money. The savings arise from the averted costs of foster care, which are higher than the housing assistance that would avoid it. The National Center for Housing & Child Welfare calculates Washington State’s savings to total **\$12 million** annually. *See Attachment.*

In these ways, when it is unnecessary, foster care is a very expensive form of subsidized housing.

3. THE MOU PROPOSAL

The proposed MOU revives a MOU from 2012 signed by the Department of Social and Health Services (DSHS), seventeen (17) public housing authorities and four (4) nonprofit housing organizations. The 2012 MOU was not successful because DSHS lacked the funds it needed to comply. Like the 2012 MOU, the present one has the following elements:

Housing Resources for DCYF to Use

The housing organizations commit to provide housing resources to DCYF, at no expense to DCYF, for the use by DCYF caseworkers when in their judgment or the judgment of the dependency courts the assistance would work to do one of the following:

- prevent the need for a child’s foster care placement;
- shorten the need for a child’s foster care placement;

- prevent a teenager aging out of foster care from beginning adulthood by being homeless.

These housing resources would include specialized Family Unification Program (FUP) and Foster Youth to Independence (FYI) vouchers, which housing authorities (which have access to these vouchers) are already providing to the state for these purposes. Other Housing Authorities are providing other housing vouchers for the DCYF population, and other Housing Authorities are interested in applying for vouchers under competitions or non-competitive processes through HUD. Under the 2012 MOU, there were 912 of these specialty vouchers. Housing authorities now will have more of them to contribute. The MOU would ease DCYF’s use of these purposes vouchers by strengthening the necessity coordination between the housing authority and DCYF’s local and regional offices. Moreover, the MOU contemplates that the housing organizations will provide additional “local funded” vouchers and apartments. In 2012, the housers committed 249 of these additional housing resources worth an additional \$2.241 million annually to the state’s child welfare resources.

“I would love to give you an individual example, but I first want to state that housing is a major barrier for many, if not most, of the parents in dependency cases. As we who work in the field know all too well, the majority of families that are targeted for removal are poor, unemployed, disenfranchised people.

“An example in one of my cases is a client, who is a dad who has worked tirelessly to reunify with his children. He has been clean and sober for many, many months. The social worker has been ready to send his children home to him for many, many months, as well. The only barrier: housing.”

[OPD Family Attorney, Pierce County 2020]

DCYF Enhanced Supportive Services:

In return for the commitment of housing assistance from the housers, DCYF would commit to providing or securing a commitment for the provision of required supportive services to the households using the vouchers or apartments. These supportive services include housing search assistance and housing stability services to help families find housing, paying application fees, first and last month’s rent, utility deposits, coaching on how to engage with prospective landlords, and assuring prospective landlords that DCYF caseworkers will be available should difficulty arise. These supportive services are also valuable to housing organizations. DCYF households can have trouble finding landlords willing to rent to them. These households may

also need help maintaining a tenancy once they find housing. These difficulties make it harder for housing authorities to put and keep the vouchers in use. DCYF's services can make these client families, and the housing authorities, more successful.

The 2012 MOU was not successful. DSHS was not equipped or funded to provide or arrange the enhanced supportive services that the MOU required of it. As a result, the 2012 fell dormant in most communities, and is only functional in some communities to the extent that other temporary resources have been available.

Since the beginning of FUP, HUD has required Housers to provide vouchers, and (especially since the 2018 changes to FUP) has required DCYF to provide or secure a commitment for the provision of required supportive services – everything else necessary to make the vouchers effective and sustainable. DCYF is not a housing or housing case management agency, but through community-level contracting has found recent success both with families and with youth – through effective community partnership – which is creating a vision of what is possible with improved support.

Currently, supportive services are being provided for families in DCYF Region 6 with dependent children to enable reunification, under contract with Reliable Enterprises, through funding provided through the state Legislative budget proviso for 2019's SB 5718 Child Welfare Housing Assistance Program. The services are not currently available in all Regions or counties throughout the state, but have shown success in Region 6, despite the effects of COVID on the housing market. For young people, supportive services are provided through the Federal John A. Chafee program for Independent Living, and this is being done effectively in nearly a dozen communities, but there is a gap in services. Community-level contracted Independent Living services are only available to age 23, although voucher eligibility goes to the 25th birthday, and because the vouchers are now good for five years, the offer of supportive services now would extend as far as age 29 for some voucher holders.

For these reasons, the effort described in this new MOU would require additional state Legislative funding to match Federal FUP and FYI housing vouchers, to enable DCYF to perform the service commitments that HUD imposes with the acquisition of each new voucher.

4. ONE MORE ADVANTAGE FROM THE MOU: IT WOULD MAKE WASHINGTON COMPETITIVE FOR MORE HOUSING RESOURCES FOR DCYF

HUD requires DCYF and PHAs to collaborate to match the voucher with state supportive services. HUD requires that collaboration to show in an MOU. This proposed MOU will help make that showing. Also, Washington State public housing authorities want to apply to HUD for more FUP and FYI vouchers. Getting them is very competitive. This proposed innovative MOU will make Washington state PHAs more competitive.

The MOU contemplates an innovative collaboration between DCYF, public housing authorities, nonprofit housing organizations, the Washington State Legislature, and a range of regional and community partners, creating a system of supports for families and transition-aged youth affected by the child welfare system. It will be nationally notable. It will have Washington conform to an emerging best practice in the child welfare field:

“Lack of adequate housing and homelessness makes it harder for child welfare agencies to be successful in protecting children and keeping families together, and

has significant cost implications for child welfare systems. As such, getting into the “housing business,” through dedicating resources and developing partnerships with housing agencies is critical to the success of child welfare agencies. The provision of housing as a prevention or protective strategy against child maltreatment has not been widely used by child welfare agencies, however. Some child welfare workers have noted that “CPS is not a housing agency” (Shdaimah, 2009, p. 218) because the agency does not control housing resources, public housing agencies do. Recently the U.S. Department of Housing and Urban Development (HUD) and the U.S. Department of Health and Human Services (HHS) encouraged child welfare agencies, public housing agencies, and homeless-service providers to “closely collaborate with each other” (Henriquez et al., 2014 especially with the U.S. Department of Housing and Urban Development (HUD)).³”

The new MOU and its innovative collaboration would make Washington State more competitive for getting more vouchers from HUD for DCYF’s use, which will create more opportunities to improve effective transitions and housing sustainability for DCYF clients.

“Client, ‘Jane’, was a participant of the Lewis County drug court program and also was involved in a dependency. She was in full compliance for many months with drug court, about a year. She was also engaged fully in a plethora of services required by DCYF. Housing became the only barrier to reunification with her termination of parental rights trial pending. Though the court continued the termination trial there was still 6-8 months that passed during which the child would have been home except for housing. Jane was eventually able to get housing through funding to a local housing program coming in for a dozen families or so, of which Jane was one. Jane has gone on to obtain housing and is awaiting the establishment of her parenting plan before dismissal of the dependency. The cost of foster care during this time would have been much better spent on housing assistance, as it would have caused less strain on the family and saved money as this family had to spend extra time in the court dependency system because of lack of housing.”

[OPD Family Attorney, Lewis County 2020)

³ Mary Cunningham and Michael Pergamit, *Housing Matters for Families: Promising Practices from Child Welfare Agencies* (CHILD WELFARE:vol 94, No. 1: Special Issue: Housing, Homelessness and Economic Security), (2016) page 124.

FAMILY TREATMENT COURT STEERING COMMITTEE ROSTER
Housing & Child Welfare Subcommittee
Advisory to the
Washington State Administrative Office of the Courts

Name	Position	Other Organizational Affiliation
Sharonda Amamilo	Thurston County Superior Court Judge	Administrative Office of the Courts (AOC) Family Treatment Court Steering Committee
Shane Silverthorn	Yakima County Superior Court Commissioner	
Tonia McClanahan	Office of Public Defense (OPD) social services worker; parent with lived experience	
Jason Bragg	OPD social services worker, parent with lived experience	
Michael Heard	OPD. Social Services Manager	
Laurie Lippold	Public Policy Director, Partners for our Children	
Lisa Dabalos-McMahon	OPD managing (defense) attorney	
Julie Lowery	AOC, FTC Project Manager	
Kelly Warner-King	AOC, Manager of Family and Youth Justice Programs	
Michael Mirra	Unaffiliated (former ED of Tacoma Housing Authority)	
Kimberly Mays	Parent advocate	
Greg Williamson	Department of Children, Youth & Families (DCYF) Housing Program Manager	
Maria Zdzieblowski	DCYF	
Erinn Havig	DCYF	
Kui Hug	DCYF	
Vickie Ybarra	DCYF	
Steve Grilli	DCYF	
Liz Venuto	Health Care Authority (HCA)	
Kim Wright	HCA	
Mandy Huber	HCA	
Sarah Pine	HCA	
Kris Shera	HCA	
Shawn Powell	P4P	
Chris Desmond	Parent Attorney	
Melissa Macdougall	Youth Attorney	
Tonia McLanahan	OPD	
Jason Bragg	OPD	
Judge Andrea Jarmon	Industrial Appeals	
Kristy Johnson	King County Housing Authority	

Name	Position	Other Organizational Affiliation
Andrew Calkins	King County Housing Authority	Association of Washington Housing Authorities (AWHA)
Lisa Wolters	Seattle Housing Authority	
Ruthie White	National Center for Housing & Child Welfare	
Liza Burell	Building Changes	
Joel Odimba	DCYF	
Kirsten Jewell	Kitsap County	
Aley Thompson	Tacoma Housing Authority	
Lowel Krueger	Yakima County Housing Authority	
Renee Jones	OPD Social Worker	
Debi Hood	Reliable Enterprises	
Jim Richardson	Office of the Attorney General	
Meredith Wang	DCYF Intern	
Sarah Kendal	Housing Stability Coordinator	Washington State Coalition Against Domestic Violence

National Center for Housing & Child Welfare Cost Study for Washington State 2022

Counties	2021 Projected total	2021 Projected Housing Challenge Children (.30)	Projected # of Housing Challenge d HH (2.2 kids average)	Annual Cost of Out of Home Care (OHC) for housing challenged children	2 BR FMR County monthly	2 BR FMR County annual	2 BR annual FMR plus services	3 BR FMR County monthly	3 BR FMR County annual	3 BR annual FMR plus services	Annual cost per county 2 BR housing plus services for all housing challenged HHs	Pilot savings per county	Cost per family for OOC (2.2 children per family)	Cost per family for housing plus services	Annual savings per family	Cost per child for OOC	Cost per child for housing plus services	Cost or Savings per child
Adams	12	4	1	\$ 64,800.00	\$778	\$9,336	\$14,336	\$1,056	\$12,672	\$17,672	\$ 14,336.00	\$ 50,464.00	\$ 55,000.00	\$ 14,336.00	\$ 40,664.00	\$ 25,000.00	\$ 14,336.00	\$ 10,664.00
Asotin	5	1	0	\$ 25,920.00	\$885	\$10,620	\$15,620	\$1,223	\$14,676	\$19,676	\$ -	\$ 25,920.00	\$ -	\$ 15,620.00	\$ (15,620.00)	\$ 25,000.00	\$ 15,620.00	\$ 9,380.00
Benton	79	24	10	\$ 427,680.00	\$1,019	\$12,228	\$17,228	\$1,378	\$16,536	\$21,536	\$ 172,280.00	\$255,400.00	\$ 55,000.00	\$ 17,228.00	\$ 37,772.00	\$ 25,000.00	\$ 17,228.00	\$ 7,772.00
Chelan	29	9	3	\$ 155,520.00	\$1,107	\$13,284	\$18,284	\$1,511	\$18,132	\$23,132	\$ 54,852.00	\$100,668.00	\$ 55,000.00	\$ 18,284.00	\$ 36,716.00	\$ 25,000.00	\$ 18,284.00	\$ 6,716.00
Clallam	58	17	7	\$ 311,040.00	\$1,036	\$12,432	\$17,432	\$1,468	\$17,616	\$22,616	\$ 122,024.00	\$189,016.00	\$ 55,000.00	\$ 17,432.00	\$ 37,568.00	\$ 25,000.00	\$ 17,432.00	\$ 7,568.00
Clark	235	71	32	\$ 1,270,080.00	\$1,536	\$18,432	\$23,432	\$2,193	\$26,316	\$31,316	\$ 749,824.00	\$520,256.00	\$ 55,000.00	\$ 23,432.00	\$ 31,568.00	\$ 25,000.00	\$ 23,432.00	\$ 1,568.00
Columbia	5	1	0	\$ 25,920.00	\$1,038	\$12,456	\$17,456	\$1,298	\$15,576	\$20,576	\$ -	\$ -	\$ 55,000.00	\$ 17,456.00	\$ 37,544.00	\$ 25,000.00	\$ 17,456.00	\$ 7,544.00
Cowlitz	50	15	6	\$ 272,160.00	\$1,020	\$12,240	\$17,240	\$1,460	\$17,520	\$22,520	\$ 103,440.00	\$168,720.00	\$ 55,000.00	\$ 17,240.00	\$ 37,760.00	\$ 25,000.00	\$ 17,240.00	\$ 7,760.00
Douglas	24	7	3	\$ 129,600.00	\$1,107	\$13,284	\$18,284	\$1,511	\$18,132	\$23,132	\$ 54,852.00	\$ 74,748.00	\$ 55,000.00	\$ 18,284.00	\$ 36,716.00	\$ 25,000.00	\$ 18,284.00	\$ 6,716.00
Ferry	10	3	1	\$ 51,840.00	\$777	\$9,324	\$14,324	\$1,112	\$13,344	\$18,344	\$ 14,324.00	\$ -	\$ 55,000.00	\$ 14,324.00	\$ 40,676.00	\$ 25,000.00	\$ 14,324.00	\$ 10,676.00
Franklin	41	12	5	\$ 220,320.00	\$1,019	\$12,228	\$17,228	\$1,378	\$16,536	\$21,536	\$ 86,140.00	\$134,180.00	\$ 55,000.00	\$ 17,228.00	\$ 37,772.00	\$ 25,000.00	\$ 17,228.00	\$ 7,772.00
Garfield	0	0	0	\$ -	\$734	\$8,808	\$13,808	\$1,025	\$12,300	\$17,300	\$ -	\$ -	\$ 55,000.00	\$ 13,808.00	\$ 41,192.00	\$ 25,000.00	\$ 13,808.00	\$ 11,192.00
Grant	62	19	8	\$ 336,960.00	\$810	\$9,720	\$14,720	\$1,159	\$13,908	\$18,908	\$ 117,760.00	\$219,200.00	\$ 55,000.00	\$ 14,720.00	\$ 40,280.00	\$ 25,000.00	\$ 14,720.00	\$ 10,280.00
Grays Har	70	21	9	\$ 375,840.00	\$820	\$9,840	\$14,840	\$1,174	\$14,088	\$19,088	\$ 133,560.00	\$242,280.00	\$ 55,000.00	\$ 14,840.00	\$ 40,160.00	\$ 25,000.00	\$ 14,840.00	\$ 10,160.00
Island	24	7	3	\$ 129,600.00	\$1,091	\$13,092	\$18,092	\$1,561	\$18,732	\$23,732	\$ 54,276.00	\$ 75,324.00	\$ 55,000.00	\$ 18,092.00	\$ 36,908.00	\$ 25,000.00	\$ 18,092.00	\$ 6,908.00
Jefferson	17	5	2	\$ 90,720.00	\$964	\$11,568	\$16,568	\$1,380	\$16,560	\$21,560	\$ 33,136.00	\$ -	\$ 55,000.00	\$ 16,568.00	\$ 38,432.00	\$ 25,000.00	\$ 16,568.00	\$ 8,432.00
King	394	118	53	\$ 2,952,000.00	\$1,906	\$22,872	\$27,872	\$2,694	\$32,328	\$37,328	\$ 1,477,216.00	#####	\$ 55,000.00	\$ 27,872.00	\$ 27,128.00	\$ 25,000.00	\$ 27,872.00	\$ (2,872.00)
Kitsap	79	24	10	\$ 594,000.00	\$1,479	\$17,748	\$22,748	\$2,074	\$24,888	\$29,888	\$ 227,480.00	\$366,520.00	\$ 55,000.00	\$ 22,748.00	\$ 32,252.00	\$ 25,000.00	\$ 22,748.00	\$ 2,252.00
Kittitas	14	4	1	\$ 108,000.00	\$973	\$11,676	\$16,676	\$1,392	\$16,704	\$21,704	\$ 16,676.00	\$ 91,324.00	\$ 55,000.00	\$ 16,676.00	\$ 38,324.00	\$ 25,000.00	\$ 16,676.00	\$ 8,324.00
Klickitat	2	1	0	\$ 18,000.00	\$907	\$10,884	\$15,884	\$1,286	\$15,432	\$20,432	\$ -	\$ 18,000.00	\$ 55,000.00	\$ 15,884.00	\$ 39,116.00	\$ 25,000.00	\$ 15,884.00	\$ 9,116.00
Lewis	58	17	7	\$ 432,000.00	\$918	\$11,016	\$16,016	\$1,233	\$14,796	\$19,796	\$ 112,112.00	\$319,888.00	\$ 55,000.00	\$ 16,016.00	\$ 38,984.00	\$ 25,000.00	\$ 16,016.00	\$ 8,984.00
Lincoln	17	5	2	\$ 126,000.00	\$734	\$8,808	\$13,808	\$998	\$11,976	\$16,976	\$ 27,616.00	\$ -	\$ 55,000.00	\$ 13,808.00	\$ 41,192.00	\$ 25,000.00	\$ 13,808.00	\$ 11,192.00
Mason	46	14	6	\$ 342,000.00	\$949	\$11,388	\$16,388	\$1,297	\$15,564	\$20,564	\$ 98,328.00	\$243,672.00	\$ 55,000.00	\$ 16,388.00	\$ 38,612.00	\$ 25,000.00	\$ 16,388.00	\$ 8,612.00
Okanogan	7	2	0	\$ 54,000.00	\$818	\$9,816	\$14,816	\$1,162	\$13,944	\$18,944	\$ -	\$ 54,000.00	\$ 55,000.00	\$ 14,816.00	\$ 40,184.00	\$ 25,000.00	\$ 14,816.00	\$ 10,184.00
Pacific	14	4	1	\$ 108,000.00	\$865	\$10,380	\$15,380	\$1,192	\$14,304	\$19,304	\$ 15,380.00	\$ 92,620.00	\$ 55,000.00	\$ 15,380.00	\$ 39,620.00	\$ 25,000.00	\$ 15,380.00	\$ 9,620.00
Pend Orei	0	0	0	\$ -	\$962	\$11,544	\$16,544	\$1,230	\$14,760	\$19,760	\$ -	\$ -	\$ 55,000.00	\$ 16,544.00	\$ 38,456.00	\$ 25,000.00	\$ 16,544.00	\$ 8,456.00
Pierce	446	134	60	\$ 3,348,000.00	\$1,461	\$17,532	\$22,532	\$2,091	\$25,092	\$30,092	\$ 1,351,920.00	#####	\$ 55,000.00	\$ 22,532.00	\$ 32,468.00	\$ 25,000.00	\$ 22,532.00	\$ 2,468.00
San Juan	2	1	0	\$ 18,000.00	\$1,216	\$14,592	\$19,592	\$1,645	\$19,740	\$24,740	\$ -	\$ -	\$ 55,000.00	\$ 19,592.00	\$ 35,408.00	\$ 25,000.00	\$ 19,592.00	\$ 5,408.00
Skagit	38	12	5	\$ 288,000.00	\$1,225	\$14,700	\$19,700	\$1,753	\$21,036	\$26,036	\$ 98,500.00	\$189,500.00	\$ 55,000.00	\$ 19,700.00	\$ 35,300.00	\$ 25,000.00	\$ 19,700.00	\$ 5,300.00
Skamania	7	2	0	\$ 54,000.00	\$1,536	\$18,432	\$23,432	\$2,193	\$26,316	\$31,316	\$ -	\$ -	\$ 55,000.00	\$ 23,432.00	\$ 31,568.00	\$ 25,000.00	\$ 23,432.00	\$ 1,568.00
Snohomis	259	78	35	\$ 1,944,000.00	\$1,906	\$22,872	\$27,872	\$2,694	\$32,328	\$37,328	\$ 975,520.00	\$968,480.00	\$ 55,000.00	\$ 27,872.00	\$ 27,128.00	\$ 25,000.00	\$ 27,872.00	\$ (2,872.00)
Spokane	374	112	51	\$ 2,808,000.00	\$1,007	\$12,084	\$17,084	\$1,441	\$17,292	\$22,292	\$ 871,284.00	#####	\$ 55,000.00	\$ 17,084.00	\$ 37,916.00	\$ 25,000.00	\$ 17,084.00	\$ 7,916.00
Stevens	19	6	2	\$ 144,000.00	\$836	\$10,032	\$15,032	\$1,196	\$14,352	\$19,352	\$ 30,064.00	\$113,936.00	\$ 55,000.00	\$ 15,032.00	\$ 39,968.00	\$ 25,000.00	\$ 15,032.00	\$ 9,968.00
Thurston	79	24	10	\$ 594,000.00	\$1,241	\$14,892	\$19,892	\$1,776	\$21,312	\$26,312	\$ 198,920.00	\$395,080.00	\$ 55,000.00	\$ 19,892.00	\$ 35,108.00	\$ 25,000.00	\$ 19,892.00	\$ 5,108.00
Wahkiaku	0	0	0	\$ -	\$768	\$9,216	\$14,216	\$1,099	\$13,188	\$18,188	\$ -	\$ -	\$ 55,000.00	\$ 14,216.00	\$ 40,784.00	\$ 25,000.00	\$ 14,216.00	\$ 10,784.00
Walla Wal	34	10	4	\$ 252,000.00	\$1,103	\$13,236	\$18,236	\$1,579	\$18,948	\$23,948	\$ 72,944.00	\$179,056.00	\$ 55,000.00	\$ 18,236.00	\$ 36,764.00	\$ 25,000.00	\$ 18,236.00	\$ 6,764.00
Whatcom	70	21	9	\$ 522,000.00	\$1,245	\$14,940	\$19,940	\$1,782	\$21,384	\$26,384	\$ 179,460.00	\$342,540.00	\$ 55,000.00	\$ 19,940.00	\$ 35,060.00	\$ 25,000.00	\$ 19,940.00	\$ 5,060.00
Whitman	19	6	2	\$ 144,000.00	\$872	\$10,464	\$15,464	\$1,248	\$14,976	\$19,976	\$ 30,928.00	\$113,072.00	\$ 55,000.00	\$ 15,464.00	\$ 39,536.00	\$ 25,000.00	\$ 15,464.00	\$ 9,536.00
Yakima	194	58	26	\$ 1,458,000.00	\$1,044	\$12,528	\$17,528	\$1,468	\$17,616	\$22,616	\$ 455,728.00	#####	\$ 55,000.00	\$ 17,528.00	\$ 37,472.00	\$ 25,000.00	\$ 17,528.00	\$ 7,472.00
Total	2894	868	374	\$ 20,196,000.00							\$ 7,950,880.00	#####		\$ 17,834.46	\$ 35,755.28	average	\$ 17,834.46	\$ 7,165.54

Note: In Columns H and K, you will find that we have added an annual average cost for social services of \$5,000 per household. This estimate comes from the book by Young, N., Gardner, S., & Denis, K. (1999) "Responding to Alcohol and Other Drug Problems in Child Welfare, Weaving Together Practice and Policy" CWLA Press. Assumptions of Treatment Costs and Benefits for CWS Clients: " It is assumed that once parents are reunified, half will require Medicaid and other supportive services for four years at an average cost of \$5,000 per child.

MEMORANDUM OF UNDERSTANDING
among
WASHINGTON STATE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES
and
PARTICIPATING PUBLIC HOUSING AUTHORITIES and other HOUSERS of
WASHINGTON STATE
creating a
CHILD WELFARE SERVICES and HOUSING COLLABORATION
June 7, 2022; v.13

This Memorandum of Understanding (MOU) is an agreement among the Washington State Department of Children, Youth, and Families (DCYF) and the public housing authorities and other housing organizations in Washington State whose signatures appear below (HOUSERS). Other partner/community organizations will participate as signatories to Local Agreements contemplated in Section 5 below. DCYF and HOUSERS agree as follows:

1. PURPOSE OF THIS MOU

1.1 The MOU establishes a collaboration between DCYF and participating HOUSERS and DCYF-invited partners for the following purposes:

1.1.1 HOUSERS shall equip DCYF staff (including child welfare caseworkers) with HOUSING ASSISTANCE as they become available for DCYF clients' use when housing is necessary and would work to do one of the following:

- (a) prevent the need for a child's foster care placement;
- (b) facilitate a reasonably imminent reunification of a foster child with the child's family (generally within six (6) months of the start of receipt of HOUSING ASSISTANCE);
- (c) avoid homelessness of young adults (between their 18th and 25th birthdays) who are aging out of foster care or who are exiting from DCYF Juvenile Rehabilitation facilities or who are other young adults who are in such need.

These housing resources may take the form of housing units, housing vouchers, including Family Unification Program (FUP) vouchers and Foster Youth to Independence (FYI)

/

vouchers, or other forms of rental assistance (hereafter referred to as “HOUSING ASSISTANCE”).

1.1.2 DCYF shall provide, contract for, or otherwise arrange with partners, the provision of effective and responsive SUPPORTIVE SERVICES to families or young adults (as appropriate) receiving this HOUSING ASSISTANCE when the SUPPORTIVE SERVICES are necessary for either or both of the following purposes:

- (a) to help the assisted households seek and lease-up housing, including transitory or emergency housing;
- (b) to help the assisted households stabilize in housing, succeed as tenants, and maintain ongoing housing stability.

1.2 DCYF’s commitment to provide SUPPORTIVE SERVICES is not limited to the existence or duration of a dependency court’s jurisdiction over a family or young adult. Instead, its housing-related SUPPORTIVE SERVICES may precede, coincide with, or occur after or without that jurisdiction.

1.3 DCYF’s obligation under this MOU to provide, contract for, or arrange for SUPPORTIVE SERVICES may require services on an intermittent basis as a family or young adult need for them appears and abates.

1.4 Nothing in this MOU will limit or enlarge the authority of the dependency court to direct placement or service decisions.

2. HOUSING ASSISTANCE: HOUSERS’ RESPONSIBILITIES and DCYF’s COMPANION RESPONSIBILITIES

2.1 Each participating HOUSER, at no expense to DCYF, shall commit to DCYF’s use the amount of HOUSING ASSISTANCE set forth in ATTACHMENT A. This HOUSING ASSISTANCE will include all Family Unification Program (FUP), and Foster Youth to Independence (FYI) vouchers as they are or later become available. ATTACHMENT A, including any later amendment to it, shall also list any additional vouchers or units a HOUSER will make available to DCYF in their region (other Housing Choice Vouchers or Emergency Housing Vouchers or local funded vouchers or units, for example), and each Local Agreement pursuant to Section 5 below shall address the extent to which these additional resources shall be committed and any processes needed to enable their use. The availability of this HOUSING ASSISTANCE is contingent on DCYF’s making adequate and timely referrals pursuant to this MOU and other agreements with HOUSERS.

2.2 The HOUSER will make this HOUSING ASSISTANCE available in their local jurisdictions to families or young adults referred by DCYF for whom both of the following are true:

- /
- (a) They are eligible for the assistance under the eligibility rules governing the HOUSING ASSISTANCE. HOUSERS are responsible for determining if a client referred by DCYF is eligible for the HOUSING ASSISTANCE. HOUSERS will train DCYF housing staff in each region about those eligibility rules to the extent helpful in allowing them to identify which clients to refer for HOUSING ASSISTANCE;
 - (b) DCYF determines that the HOUSING ASSISTANCE is necessary and would work for one of the following purposes: (i) prevent the need for a child's foster care placement; (ii) facilitate a reasonably imminent reunification of a foster child with the child's family (generally within six (6) months of the start of receipt of HOUSING ASSISTANCE); (iii) avoid homelessness for a young adult age 18 to 25 years old aging out of foster care or exiting a Juvenile Rehabilitation facility or other young adults in such need to ease their transition to independence.

2.3 DCYF's Referrals for HOUSING ASSISTANCE

- 2.3.1 Each DCYF Region will monitor and track the housing needs of families and young adults on its caseload for the purpose of maintaining a centralized database of households and their housing status that is regularly updated (at least monthly). This will allow DCYF to make referrals as soon as housing resources become available. For the same purpose, DCYF will track a household's eligibility for Foundational Community Supports.
- 2.3.2 A key goal of this MOU is to ensure that all the units of HOUSING ASSISTANCE committed under this MOU are continuously in use. To this end the following provisions shall govern referrals, except to the extent that pre-existing FUP or FYI contracts between DCYF and a HOUSER direct otherwise:
 - (a) Each Houser shall inform DCYF as soon as a unit of HOUSING ASSISTANCE is available for use under this MOU. In some cases this may include an annual referral schedule published by the Public Housing Authority that projects the number of housing vouchers or units it anticipates being able to accept referrals for on a monthly basis;
 - (b) Within five (5) calendar days of receiving such a notice of an available housing resource, DCYF shall identify and refer to the HOUSER an eligible family or older youth that fits the criteria of section 2.2. If DCYF fails to make a timely referral (within five (5) calendar days) of being informed of the availability of housing resource, the HOUSER may redirect the housing resource to another source of referral to ensure the resource is utilized timely and in accordance with the HOUSERS obligations to its funders and investors. Before doing so, the HOUSER will give DCYF at least five additional (5) calendar days written notice of its intention to do so. Such redirection does not diminish the HOUSER's commitment of HOUSING ASSISTANCE set forth in ATTACHMENT

A. Also, a DCYF failure to make a timely referral for a FUP or FYI voucher shall not allow the HOUSER to redirect such a voucher for purposes not allowed by the FUP or FYI MOU.

2.3.3 To make a referral to the local HOUSER, DCYF shall provide the HOUSER with a written certification that a family qualifies under this MOU for the HOUSING ASSISTANCE. If the HOUSING ASSISTANCE is a FUP or FYI voucher, DCYF shall certify that the family or young person is FUP/FYI-eligible under the terms of the FUP or FYI MOU.

2.3.4 DCYF will designate a Housing Liaison within each local office to identify and refer the eligible families and young adult.

2.3.5 DCYF will work with community organizations serving young adults to identify and provide outreach to eligible young adults who had already aged out of foster care and are no longer on an active DCYF caseload. Such older youth can be included among those referred to the HOUSER.

2.4 Housing Search, Mobility Assistance and Tenant Information

The HOUSER, directly or with partner organizations, and with DCYF's cooperation, will provide families and young adults referred for a tenant-based housing voucher the following assistance in locating housing units and will work with landlords to secure appropriate units:

- a list of likely landlords to consider;
- a current list of other organizations that can help families or young adult find units in low-poverty census tracts;
- information on the benefits of living in low-poverty areas (such as improved educational, health and economic outcomes);
- information on tenant rights and responsibilities.

2.5 When a family or a young adult is no longer using HOUSING ASSISTANCE committed under this MOU, the HOUSER shall reassign the HOUSING ASSISTANCE to another family or young adult whom DCYF shall refer as necessary to keep in use at least the amount of HOUSING ASSISTANCE designated in ATTACHMENT A.

2.6 The terms and conditions of the HOUSING ASSISTANCE shall include: (i) any mandatory federal or local HOUSER requirement of the housing resource governing the program, such as the public housing program or the Housing Choice Voucher (Section 8) program, FUP and FYI program; (ii) any additional requirement that the HOUSER and the local DCYF office may set forth in a Local Agreement pursuant to Section 5 below, such as the HOUSER's requirements concerning tenant and criminal history and household size; and (iii) a requirement that the family or young adult using the housing resource sign a time-limited release of information (ROI) authorizing the HOUSER and

DCYF to share information about the family as it relates to the overall coordination of the housing program and the family ongoing housing stability.

2.7 The HOUSER shall consult with the assigned DCYF Housing Liaison within the local DCYF office before terminating the HOUSING ASSISTANCE for a family provided under this MOU.

2.8 HOUSERS may require families or young adult to pay rent at levels directed by the HOUSER's rules that govern the HOUSING ASSISTANCE including those rules pursuant to a Local Agreement devised pursuant to Section 5 below.

3. SUPPORTIVE SERVICES: DCYF's RESPONSIBILITIES and HOUSERS's COMPANION RESPONSIBILITIES

DCYF will provide, contract for, or otherwise arrange SUPPORTIVE SERVICES set forth in ATTACHMENT B to families or young adults who receive housing resources pursuant to this MOU when the SUPPORTIVE SERVICES are necessary for either or both of the following purposes:

- to help the assisted households seek and lease-up housing, including transitory or emergency housing;
- to help the assisted households stabilize in housing and succeed as tenants.

In addition, the following provision shall govern the provision of these SUPPORTIVE SERVICES:

3.1 Case Management Services

DCYF shall provide case management services to each participating family for a minimum of one-year (the FUP voucher program sets no time limit for families, but local MOUs should include the time period to be covered) and up to either 36 or 60 months for young adults, based on their eligibility for voucher extension. These services shall include but are not limited to the following:

- 3.1.1 For every family or young adult receiving services pursuant to this MOU, DCYF shall assign a case manager.
- 3.1.2 DCYF, in collaboration with the family or young adult shall develop and implement a HOUSING PLAN to address issues related to the safety of a child or young adult and to enhance the household's ability to find and maintain stable housing. As appropriate and as agreed by the family or young adult, the HOUSER may participate in the development of these plans. The HOUSING PLAN shall have at least the following elements:
 - (a) identify the services from ATTACHMENT B to be provided or arranged for the household;
 - (b) identify the source of these services;

- /
- (c) provide a procedure that allows the landlord or HOUSER to alert a designated DCYF area liaison (or contracted staff as specified in each Local Agreement) when problems arise so that the case manager can intervene;
 - (d) decision making to adjust the HOUSING PLAN to account for changing needs and circumstances, including a determination to discontinue services. Non-court mandated services shall not be used as a condition of receiving HOUSING ASSISTANCE. Services may be discontinued upon a DCYF determination that they are no longer necessary for the safety of the child or young adult or for their ability to find and maintain stable housing. Such a discontinuation does not preclude a later DCYF determination to resume services if circumstances change.

The HOUSING PLAN may be incorporated into any other plan between DCYF and the family or young adult receiving HOUSING ASSISTANCE under this MOU.

- 3.1.3 For each family or young adult receiving HOUSING ASSISTANCE under this MOU, DCYF shall give a copy of the HOUSING PLAN to:
- the dependency court judge or commissioner presiding over the dependency case for the family or young adult;
 - the attorney for the family or young adult;
 - the Court Appointed Special Advocate (CASA) or child advocate assigned to the family or young adult.

3.2 HOUSERS's Companion Responsibility

- 3.2.1 HOUSERS shall give timely notice to the DCYF's caseworker or contracted case worker as described in each Local Agreement of any problems affecting the HOUSING ASSISTANCE.

4. ACCOUNTABILITY AND PROBLEM SOLVING

The following persons, within their respective scope of authority, will monitor how the collaboration established by this MOU is working, resolve issues and problems, and help to ensure the collaboration's success.

4.1 Housing Liaison in Each Regional DCYF Office and Each Houser

DCYF shall designate a Housing Liaison in each regional office. Each HOUSER shall designate a comparable Liaison person. These Liaisons shall have local responsibility for creating and sustaining a successful collaboration. They shall also be responsible for addressing local implementation issues and resolving disputes about particular families or young adult.

/

4.2 Regional Administrators

DCYF's Regional Administrators shall monitor implementation on a regional level and provide regional leadership for an effective collaboration among each of the signatory HOUSERS operating in the region. They shall be available to address systematic problems.

4.3 Leadership Consultation

The Secretary of DCYF, the President of the Association of Washington Housing Authorities (AWHA) or their designee, and representatives of other participating HOUSERS shall meet at least twice a year. The purposes of doing so shall include a review of the collaboration and ways to improve or expand it.

5. STATEWIDE UNIFORMITY, LOCAL AGREEMENTS, LOCAL COMMUNITY SERVICE PARTNERS;FUP/FYI AGREEMENTS

5.1 Participating HOUSERS, the regional DCYF office and local community service partners shall agree on further details of their collaboration and shall set forth these agreements in a Local Agreement.

5.2 Local agreements shall conform to the template set forth in ATTACHMENT C.

No local agreement between a participating HOUSER and a DCYF regional office shall include any term that conflicts with the terms of this MOU.

5.3 The parties anticipate that their duties under this MOU will assist their fulfillment of their obligations under the FUP/FYI MOUs. If there is any inconsistency between this MOU and a FUP/FYI MOU, the FUP/FYI MOU shall govern. In particular, any withdrawal of a FUP/FYI voucher from this MOU shall not affect the application of the FUP/FYI agreement governing that voucher.

6. ADDING OR WITHDRAWING UNITS OF HOUSING ASSISTANCE OR HOUSERS

6.1 Adding HOUSERS or Units of HOUSING ASSISTANCE

With DCYF's written consent additional HOUSERS may join this collaboration by signing this MOU and a HOUSER may increase its commitment of HOUSING ASSISTANCE.

6.2 Withdrawing HOUSERS or Units of HOUSING ASSISTANCE

Any HOUSER may withdraw all or some of its units of HOUSING ASSISTANCE from the collaboration by providing written notice to DCYF; provided that such withdrawal shall not terminate the HOUSING ASSISTANCE or SUPPORTIVE SERVICES already underway under this MOU to a specific family or young adult.

7. EVALUATION

7.1 The parties will seek to evaluate the effectiveness of the collaboration set forth in this MOU and to the degree possible facilitate data sharing agreements necessary to undertake

such evaluations. The evaluation will contribute to the existing knowledge on how best to serve low-income families and young adults involved with the child welfare system who are experiencing housing instability or homelessness. Results of the evaluation may help inform policy, program, and resource allocation decision-making at both the local and state level.

7.2 The parties seek to evaluate five primary outcomes: (1) improved prevention outcomes to safely allow families to remain intact; (2) improved or faster reunification of families through safe reduction in length of stay for children in out of home placement, and reduced placement re-entry for families involved with the child welfare system; (3) extent of successful transitions for older youths to independent and stable living and (4) potential cost and efficiency benefits through averted foster care costs; (5) rates of successful tenancies and usages of HOUSING ASSISTANCE by assisted families and young adults.

7.3 The parties shall confer to devise a plan to conduct this evaluation.

8. RIGHTS OF FAMILIES, YOUNG ADULTS AND OTHER THIRD PARTIES

Nothing in this MOU shall:

- confer any rights on third parties such as families or young adults receiving HOUSING ASSISTANCE or services, or organizations providing them;
- create an entitlement to HOUSING ASSISTANCE or services;
- enlarge or diminish the due process rights that families or young adult may have pursuant to the rules governing the programs that may be the source of the services and HOUSING ASSISTANCE they receive pursuant to this MOU.

9. COPY OF MOU TO DEPENDENCY COURTS AND OFFICE OF PUBLIC DEFENSE AND OTHER FAMILY ATTORNEYS

DCYF shall provide a copy of this MOU to the superior court judge or court commissioners presiding over the dependency docket of each county and to the Office of Public Defense. Parents Representative Program Attorneys, and offices of other attorneys representing households in dependency proceedings.

10. SIGNATURES

The parties may sign this document on multiple signature pages.

[signatures follow]

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Organization	Signature	Name and Title	Date
Department of Children, Youth, and Families		Ross Hunter Secretary	

DRAFT

/

HOUSER

Organization	Signature	Name and Title	Date

DRAFT

**ATTACHMENT A
HOUSERS Commitment of HOUSING ASSISTANCE**

Public Housing Authorities and Other Housers	FUP Vouchers		FYI Vouchers for Young Adults	Additional Local Funded Vouchers		Hard Units		Total Vouchers/Units		
	Families and Young Adults	Restricted to Young Adults		Families and Young Adults	Restricted to Young Adults	Families and Young Adults	Restricted to Young Adults	Families and Young Adults	Restricted to Young Adults	Totals
Bremerton Housing Authority										
Catholic Housing Services of Spokane dba St. Margaret's Shelter										
Housing Kitsap										
Island County Housing Authority*										
Kelso Housing Authority										
King County Housing Authority										
Longview Housing Authority										
Mercy Housing NW										
Okanogan Housing Authority										
Pasco/Franklin Housing Authority										
Peninsula Housing Authority										
Renton Housing Authority										
Seattle Housing Authority										
Second Step Housing										
Spokane Housing Authority										
Tacoma Housing Authority										
Thurston County Housing Authority										
Vancouver Housing Authority										
Walla Walla Housing Authority										

Public Housing Authorities and Other Housers	FUP Vouchers		FYI Vouchers for Young Adults	Additional Local Funded Vouchers		Hard Units		Total Vouchers/Units		
	Families and Young Adults	Restricted to Young Adults		Families and Young Adults	Restricted to Young Adults	Families and Young Adults	Restricted to Young Adults	Families and Young Adults	Restricted to Young Adults	Totals
Yakima Housing Authority										
YMCA of Greater Seattle										
TOTALS										

DRAFT

Attachment B DCYF Commitment of Supportive Services

DCYF shall offer and provide or arrange the services listed below to families or young adult as directed by the household's HOUSING PLAN contemplated in Section 3.1.2 of the Memorandum of Understanding. DCYF may provide these services directly, through its contractor or by referral to other available organizations in the community. It shall provide these services or these referrals at state expense, subject to governing law. Services governed by eligibility criteria are limited to those families or young adult who meet those criteria. Additionally, not all services are available in all parts of the state.

Service to be Provided	
1.	<p>Housing Search, Pre-Lease-Up Services, and Navigation Assistance:</p> <ul style="list-style-type: none"> ● a current list of landlords to try; ● coaching in how to shop for housing, how to present favorably to prospective landlords, how to negotiate with them ● accompanying the client to meet with prospective landlords; ● transportation necessary to shop for housing and view units; ● information on the benefits of living in low-poverty areas (such as improved educational, health and economic outcomes); ● information on tenant rights and responsibilities; ● landlord mediation; ● at least one of the following activities: neighborhood tours, unit viewings, landlord introductions in low-poverty census tracts, or financial assistance to participants for moving costs.
2.	<p>Cash Assistance for Housing Access Cash assistance to pay for housing related needs such as application fees, first and last month's rent, security deposits, utility deposits and hook-up fees, rent and utility arrears, moving expenses, and any other costs of accessing housing.</p>
3.	<p>Communication to Prospective Landlord and Advocating for Client Advocating with landlords on behalf of a client applying for housing. This will entail communication to and meeting with prospective landlords and assuring that DCYF will support the family or young adult with services and that, should problems arise, the landlord may call the caseworker to intervene.</p>
4.	<p>Financial Counseling budget counseling, credit counseling and credit repair</p>

ATTACHMENT C

**LOCAL AGREEMENT
among**

WASHINGTON STATE DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES

INSERT NAME OF LOCAL DCYF OFFICE

and

**the LOCAL PUBLIC HOUSING AUTHORITY, other local HOUSERS
and**

COMMUNITY SERVICE PARTNERS

creating a

LOCAL CHILD WELFARE SERVICES and HOUSING COLLABORATION

This is an agreement among the Washington State Department of Children, Youth, and Families), through its (*INSERT LOCAL DCYF OFFICE*), the (*INSERT NAME OF LOCAL PHA OR HOUSER*) local public housing authority, other housers (“HOUSERS”) and community service partners (SERVICE PARTNERS), whose signatures appear below. They agree as follows:

1. PURPOSE

The purpose of this Local Agreement is help implement the Memorandum of Understanding (MOU) among DCYF and HOUSERS creating a child welfare services and housing collaboration. Section 5 of that MOU directs the parties to set forth local details of that collaboration in this Local Agreement. In particular, that MOU directs:

- Participating HOUSERS, the local DCYF office and local community service partners shall agree on further details of their collaboration and shall set forth these agreements in a Local Agreement.
- Local agreements shall conform to the template set forth in ATTACHMENT C.
- No local agreement between a participating HOUSER and a DCYF office shall include any terms that conflict with the terms of this MOU.

Accordingly, this Local Agreement incorporates the terms of the MOU. The MOU shall govern any conflict between the MOU and this Local Agreement.

*

*

2. LOCAL TERMS AND CONDITIONS OF HOUSING ASSISTANCE

[The local parties may use this section to set forth terms and conditions that the HOUSER may set on the HOUSING ASSISTANCE it shall provide. Moving-to-Work (MTW) public housing authorities, for example, may wish to use different rules to govern public housing units or vouchers. These local terms and conditions may include the following:

- ***Term Limits:*** *Term limits on the duration of the HOUSING ASSISTANCE may offer several advantages to the local collaboration. They give the assisted household a reason to focus on their own efforts to stabilize and be ready for the private rental market. Term limits would then allow the collaboration to recycle the assistance to help the next household.*
- ***Conditions on the HOUSING ASSISTANCE:*** *The local collaboration may wish to condition the HOUSING ASSISTANCE on the ability and willingness of the family to cooperate with the Individualized Safety and Service Plan (ISSP). Such conditions may be useful in prevailing on the household to do its part. Provisions of this sort must provide for a process by which the HOUSER determines compliance or the lack of compliance. The Family Team should be the primary forum for making these determinations.]*
- ***Tenant Selection Criteria:*** *This is the place to set forth the HOUSER's selection criteria, such as tenant or criminal history restrictions.*

3. LOCAL COMMUNITY SERVICE PARTNERS

The SERVICE PARTNERS will provide SUPPORTIVE SERVICES set forth in ATTACHMENT 1 to participating families ~~and older youth~~ referred by DCYF.

4. LOCAL REFERRAL PROCESSES

[The local parties shall use this section to describe the details of how the LOCAL DCYF office will refer families and older youth to the LOCAL HOUSER for HOUSING ASSISTANCE. It should make use of the Housing Liaison that the MOU directs DCYF to designate in each office.]

5. LOCAL PROCESS FOR PROBLEM SOLVING

Section 4 of the MOU reads:

DCYF shall designate a Housing Liaison in each regional office. Each Houser shall designate a comparable Liaison person. These Liaisons shall have local responsibility for creating and sustaining a successful collaboration. They shall also be responsible for addressing local implementation issues and resolving disputes about particular families or young adults.

[In this section, the parties shall describe the process they will use to resolve problems that may arise in their implementation of the MOU.]

[Signatures follow]

LOCAL DCYF OFFICE: _____

[print name of DCYF office]

Signature

Print Name

Title

Date: _____

DRAFT

HOUSER: _____
[print name of organization]

Signature

Print Name

Title

Date: _____

DRAFT

COMMUNITY SERVICE PARTNER: _____
[print name of organization]

Signature

Print Name

Title

Date: _____

DRAFT

**Attachment 1 to Local Agreement
with
DCYF, HOUSERS
and
COMMUNITY SERVICE PARTNERS**

COMMUNITY SERVICE PARTNER COMMITMENT OF SERVICES

Name of Community Service Provider	Service



Administrative Office of the Courts

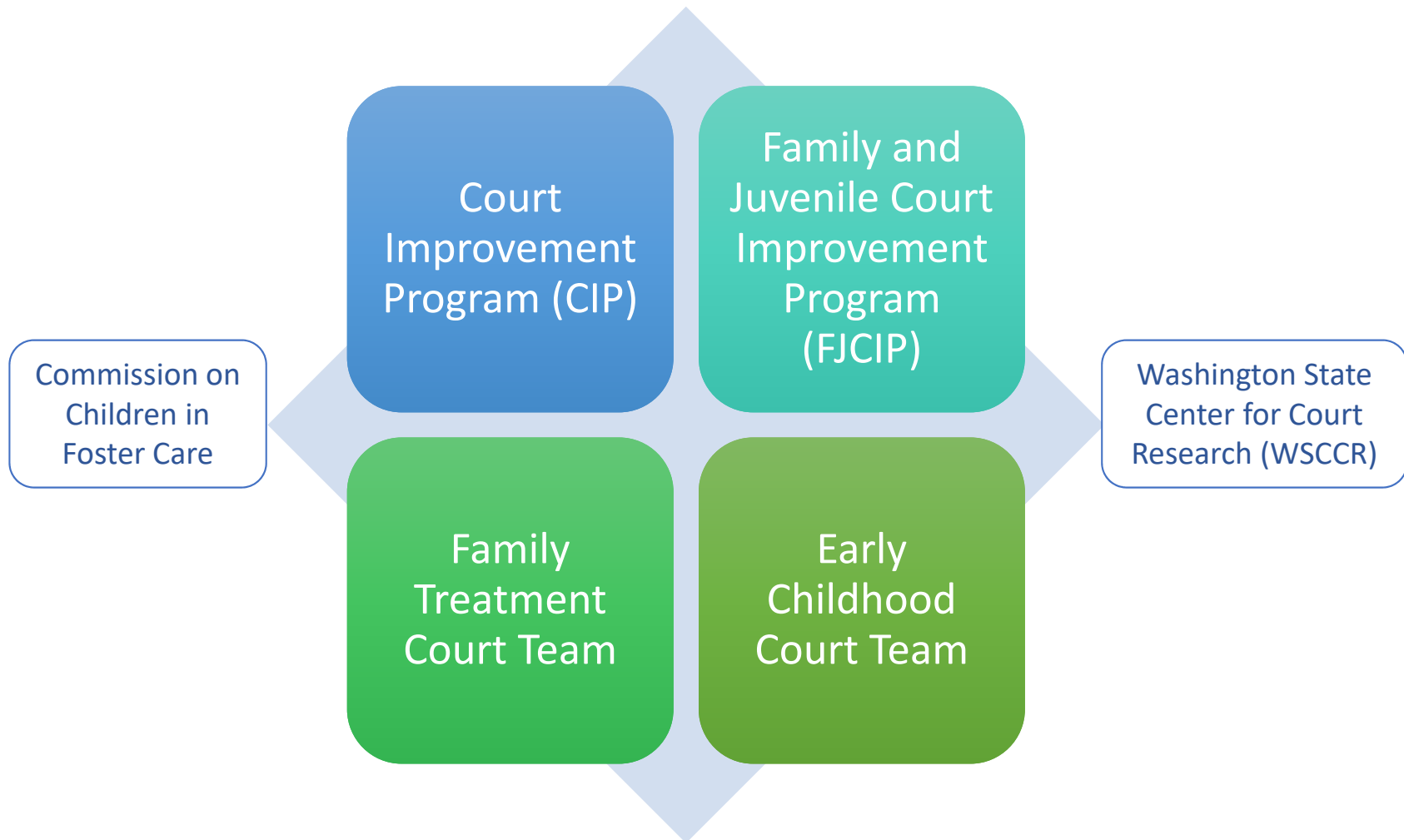
Family & Youth Justice Programs (FYJP)

*Transforming systems to promote thriving families
and equitable court communities*

www.wacita.org



Family & Youth Justice Programs - AOC



Family Well-Being Community Collaborative (FWCC)



Upstream

Working upstream to avoid entry into the system by addressing the impacts of poverty and trauma on families.

MISSION: Collaborate to keep families safely together and supported in their communities and to radically reduce inequities within the child welfare court system.

Downstream

Ensuring that families who require the oversight of court receive effective, culturally-relevant services in a system that is equitable, accountable and hope-centered.

FWCC Workgroups

Focused on implementation of:

- Keeping Families Together Act (HB 1227)
- Strengthening Parent-Child Visitation (HB 1194)

Preparing Court Systems for July 2023

- Statutory Crosswalks
- Judicial Decision Making Tool – [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

Racial Equity Unit

SAVANNA NAVARRO KRESSE, ACTING MANAGER



What is racial equity?

True situational fairness and equal opportunity to all people.

Racial Equity is the practice of achieving fair outcomes for individuals and groups of people regardless of their racial identity.

- It focuses on eliminating disparities in access to resources, opportunity, and power between races.
- It seeks to create an equitable society where everyone has the same opportunity to succeed and thrive, regardless of their race.

What is the Difference Between Equity and Equality?

Equity recognizes each person has different circumstances and needs, and therefore different groups of people need different resources and opportunities allocated to them in order to thrive.

Equality is giving everyone the exact same resources across the board, regardless of individuals' or groups of people's actual needs or opportunities/resources already provided to them.

Why focus on race equity?

Focusing on racial equity provides the opportunity to introduce a *framework, tools and resources* that can also be adapted and applied to other areas of marginalization.

Targeted universalism is a social justice approach that seeks to promote equality and fairness for all while recognizing and addressing the particular needs of those furthest from justice.

Targeted universalism:

- seeks to address systemic injustices by focusing on groups that have been historically underserved, while also providing resources and services that benefit all members of society.
- acknowledges that some groups have experienced greater oppression and exclusion and must be provided with additional resources and support in order to achieve equity.
- recognizes that any system of social justice should strive to uplift all members of society, regardless of their differences.

Office of the Attorney General

Bob Ferguson
Attorney General

Mike Webb
Chief of Staff

Kristin Beneski
First Assistant Attorney General

Noah Purcell
Solicitor General

Shane Esquibel
Chief Deputy

Franklin Plaistowe
Chief Human Resources Officer

Brionna Aho
Communications Director

Sahar Fathi
Policy Director

Joyce Bruce
Legislative Director

Yasmin Trudeau
Racial Equity Manager

Mark Melroy
Financial Services Division Chief

Aileen Huang
Deputy

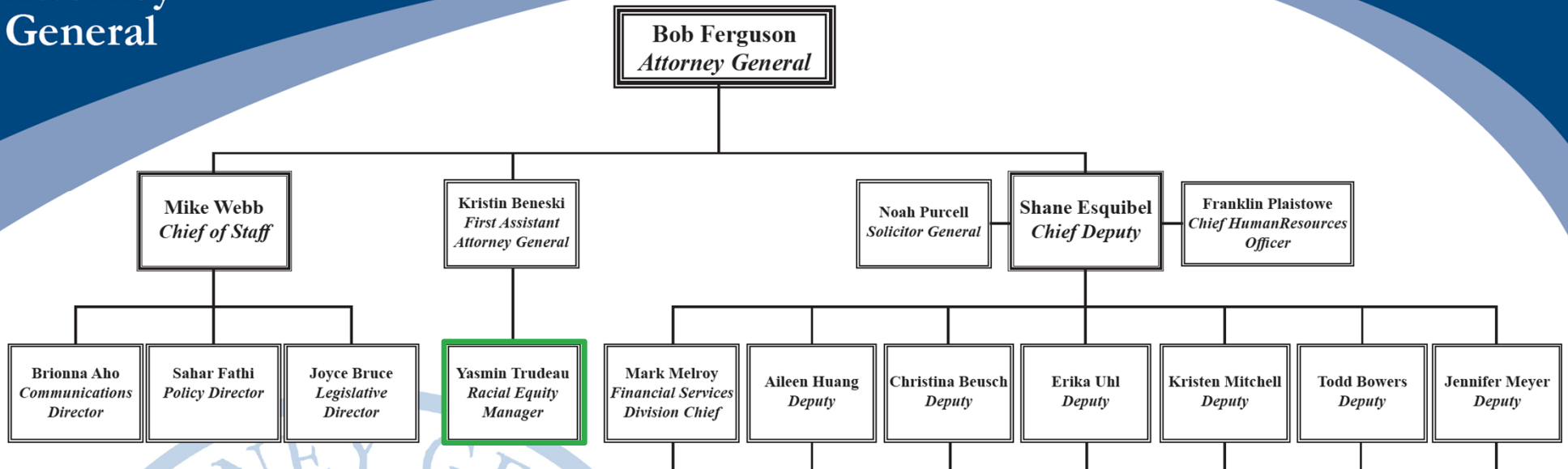
Christina Beusch
Deputy

Erika Uhl
Deputy

Kristen Mitchell
Deputy

Todd Bowers
Deputy

Jennifer Meyer
Deputy



Racial Equity Unit Goals



1. Create *division-specific racial equity strategic planning goals* that align with the agency's overall racial equity strategic planning goals.
2. Create *division-specific racial equity toolkits* that can be applied in legal analysis or decision-making processes.
3. Provide **resources and guidance** on racial equity goals or issues that arise in the process of applying a racial equity analysis.

ANTI-RACIST COMMITMENT

The Office of the Attorney General is **committed to recognizing, addressing, and eradicating all forms of racism within the scope of its work and operations.** Conversations about race require courage, respect, and compassion. We recognize that when we enter into these conversations, we may not always be comfortable and may need to lean into the discomfort. As an agency that strives to be anti-racist, **it is our goal to identify, discuss, and challenge racial inequity in the workplace** and the impact it has on our employees, and, within our authority, combat racism that impacts the people of the State of Washington.

Racial Equity Goals

WASHINGTON STATE OFFICE OF THE ATTORNEY GENERAL



AGO STRATEGIC PLAN 2022-2024



SERVE THE STATE - Provide excellent, independent, and ethical legal advice and representation to our client, the State of Washington.

PROTECT THE PEOPLE - Protect the legal rights of the people of the State of Washington within our authority.

SUPPORT AND VALUE OUR EMPLOYEES - Create a positive work environment that recognizes employees as its most valuable resource and fosters belonging, integrity, professionalism, civility, and transparency.

AGO Strategic Plan 2022-2024

SERVE THE STATE - Provide excellent, independent, and ethical legal advice and representation to our client, the State of Washington.

1. Deliver high quality, timely, and efficient legal services.
2. Improve the lives of Washingtonians by advising our clients in achieving their missions.
3. Proactively engage in risk management efforts to reduce the state's liability and improve outcomes for the public.
4. Protect and enhance the financial health and resources of the Office of the Attorney General including optimizing fund utilization and management.
5. Improve internal efficiency and effectiveness through the use of technology solutions and data.
6. **Support our clients in their efforts to combat racism that impacts the people of the State of Washington.**


AGO Strategic Plan 2022-2024

PROTECT THE PEOPLE - PROTECT THE LEGAL RIGHTS OF THE PEOPLE OF THE STATE OF WASHINGTON.

1. Defend civil rights and stand up for vulnerable Washingtonians.
2. Protect Washington's environment and public health and support its environmental justice goals.
3. Promote good government.
4. Protect all Washington consumers.
5. Strive for greater public safety and justice for all Washington communities.
6. **Combat racism that impacts the people of the State of Washington.**

AGO Strategic Plan 2022-2024

EMPOWER OUR EMPLOYEES - CREATE A POSITIVE WORK ENVIRONMENT THAT RECOGNIZES EMPLOYEES AS ITS MOST VALUABLE RESOURCE AND FOSTERS INTEGRITY, PROFESSIONALISM, CIVILITY, AND TRANSPARENCY.

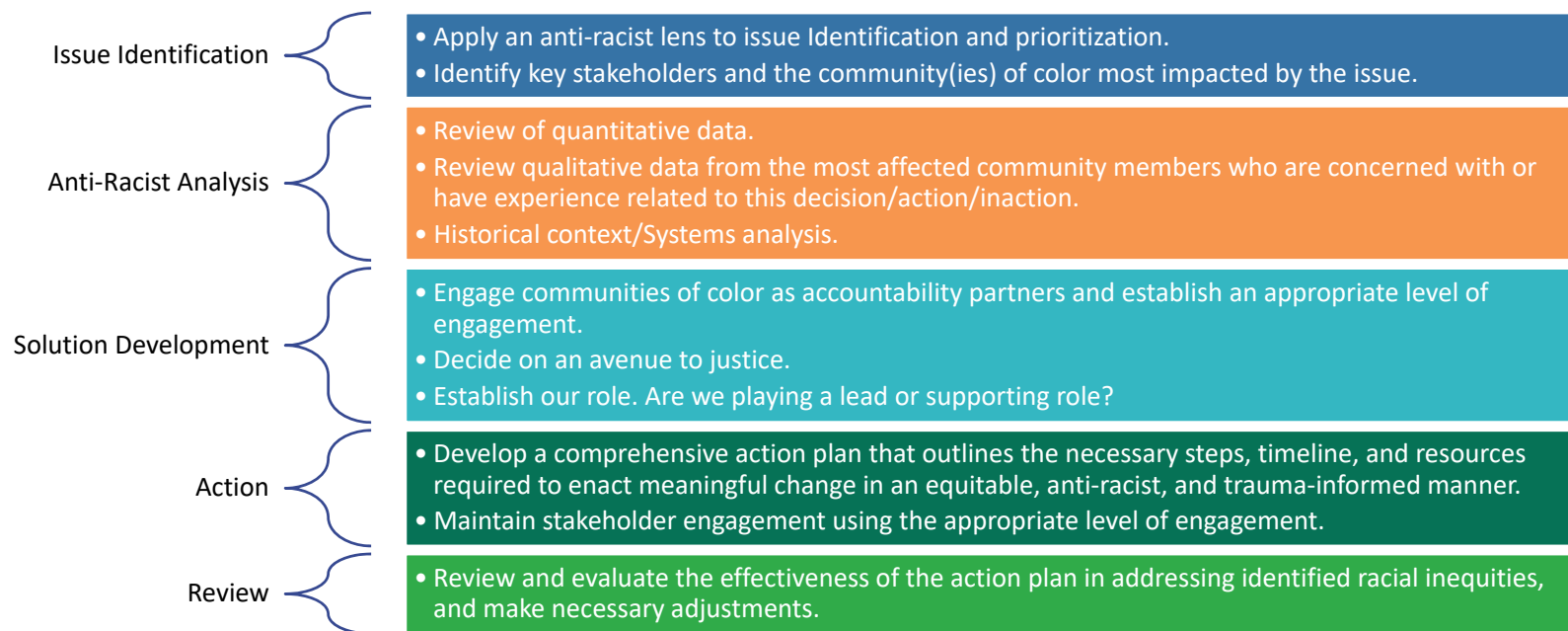
1. Enhance our commitment to being an employer of choice by recognizing, celebrating, supporting, and valuing AGO employees.
 2. Promote diversity, inclusiveness, and equity throughout the organization to recruit and retain a high quality, highly skilled, and highly effective workforce.
 3. Ensure employees have the training, tools, and resources to be successful, efficient, and effective.
 4. Promote the health, safety, and well-being of all employees.
 5. **Promote and advance racial equity throughout the workplace.**
- 

Racial Equity Toolkits

WASHINGTON STATE OFFICE OF THE ATTORNEY GENERAL



Racial Equity Toolkit Framework



Equity Centered Groups

Equity Advice Workgroup	Diversity Advisory Committee (DAC)	AGO Affinity Groups
<p>An internal Equity Advice Workgroup to coordinate advice provided to client agencies related to equity issues.</p> <p>The initial project for the group will be to discuss and coordinate client advice around the Office of Equity PEAR Plan and Playbook and Equity Impact Reviews (EIR) that agencies are doing. See the Executive Order regarding PEAR, 22-04 - Implementing PEAR (tmp).pdf (wa.gov).</p> <p>This group may also be a forum and resource for other DEI and equity-related client advice issues.</p>	<p>The DAC shall promote diversity and inclusion within the AGO by serving as a resource to management and others on diversity issues, providing assistance on recruitment and retention efforts and providing education, training and programs to promote awareness.</p>	<ul style="list-style-type: none">• Bereavement• Disability• Elder Care• Parents• POC• LGBTQ• Veterans• Women

Questions?

Contact Information

Savanna Navarro Kresse

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National Adoption Day 2022, final report



Braxton Atticus Bell is lifted onto his mother's shoulders and laughs after his adoption is made official during Adoption Day at the Snohomish County Courthouse on Friday, in Everett. (Olivia Vanni / The Herald)

National Adoption Day celebrations in Washington courts and communities in 2022 were a story of transitioning from tight pandemic restrictions into more open, but still careful, celebrations. More courts celebrated in 2022 than in the 2020-21 – 10 courts announced somewhat public events, while others (such as Chelan) celebrated only in-house -- but events were mainly smaller and some were hybrid public-remote events.

Several counties (such as Pierce) expressed interest and hope in returning to open, robust celebrations next year.

- ✚ An important note on the Commission's National Adoption Day Steering Committee – Longtime Committee Chair Judge Dean Lum retired at the end of 2021, and a number of Committee members have transitioned to new positions. For 2023, a new Chair needs to be appointed and the Committee needs to be refreshed by inviting new members to help re-energize Washington's statewide

celebration and communications. This is particularly needed because there are also many new people in the courts as well who are just learning about National Adoption Day celebrations.

Other notes on National Adoption Day 2022:

- King and Snohomish counties held open, robust celebrations for the first time since 2019. The Everett Herald ran a lovely story and many fun photos at <https://www.heraldnet.com/news/first-in-person-adoption-day-since-2019-held-at-snohomish-county-courthouse/>. King County posted a great blog with photos at <https://medium.com/@KingCountySuperiorCourt/celebrating-the-day-forever-families-are-made-51e3c4da136c> and also featured their event on KING TV.



From left: Wolfe Young, Hannah Kathryn | [hand icon] | [speech bubble icon] | [heart icon] [name]s McCulley pose for a photo at NAD 2022.

- For 2022, we again connected with the WARM 106.9 Teddy Bear Patrol and received several hundred new bears. We distributed about 200 bears to the different events.

- ✚ Outreach and messaging included a Proclamation from Gov. Inslee that was distributed to the courts and posted online, social media postings, a statewide [press release](#) , and updated of our state [National Adoption Day web page](#).
- ✚ At the beginning of November, 6,272 children were in foster care in Washington state, with 992 legally free to be adopted into new families.
- ✚ At least two counties – Grays Harbor and Snohomish – produced their own proclamations through their county leadership, who were involved in the events.
- ✚ For 2023, I recommend looking at renewing our National Adoption Day celebration starting no later than late Spring by appointing a new Steering Committee chair and inviting new members, and beginning the process of connecting with courts and child welfare workers in the Summer. We need to rebuild connections and communications with the many new staff members as (hopefully) COVID moves into a new mode.
- ✚ Please don't hesitate to email or call me with any questions. Thank you, -- Lorrie

Lorrie Thompson

Senior Communications Officer | Office of Communications and Public Outreach

Administrative Office of the Courts

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www.courts.wa.gov

