



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

**12/04/2023  
1:00-4:00 p.m.**

**Attend Online at:**

<https://wacourts.zoom.us/j/83504945915>

Meeting ID: 835 0494 5915

Dial by your location:

+ 1 253 215 8782

**Or In-Person at:**

DCYF Headquarters

1500 Jefferson Street SE

Olympia, WA

## Agenda

1:00 pm 5 min	<p>Welcome and Introductions</p> <ul style="list-style-type: none"> <li>• Land Acknowledgment</li> <li>• Please type your name and agency in the chat in lieu of roll call</li> </ul>	<p>Justice Barbara Madsen, <i>Co-Chair</i></p> <p>Asst. Secretary Natalie Green, <i>DCYF—standing in for Secretary Ross Hunter, Co-Chair</i></p>
1:05 pm 3 min	Approval of September 2023 Minutes	Justice Barbara Madsen, <i>Co-Chair</i>
1:08pm 2 min	FWCC Written Update & Next Meeting Date	Kelly Warner-King, <i>AOC</i>
1:10 pm 8 min	Welcome and Introduction to CCFC Re-Visioning Facilitators	Jenny Heddin, <i>DCYF</i> and Kelly Warner-King, <i>AOC</i>
1:18 pm 7 min	Connecting Exercise	Betsy Fordyce & Fisher Qua, <i>Facilitators</i>
1:25 pm 15 min	Child Welfare Court System Culture	Asst. Secretary Natalie Green, <i>DCYF</i>
1:40 pm 20 min	Parent Representation Work Force Issues	Larry Jefferson & Jacob D'Annunzio, <i>OPD</i>
2:00 pm 10 min	BREAK	

2:10 pm <i>50 min</i>	Conversing	Betsy Fordyce & Fisher Qua, <i>Facilitators</i>
3:00 pm <i>30 min</i>	Gathering Insights	Betsy Fordyce & Fisher Qua, <i>Facilitators</i>
3:30 pm <i>20 min</i>	Protein for All – A Micro-Response to System Challenges	Dr. Kristen Allott, <i>Dynamic Paths</i> ; Ambrosia Eberhardt, <i>Children’s Home Society</i> ; & Tonia McClanahan, <i>OPD</i>
3:50 pm <i>8 min</i>	Providing Input for Next Steps	Betsy Fordyce & Fisher Qua, <i>Facilitators</i>
3:58 pm <i>2 min</i>	March Re-Design Meeting	Kelly Warner-King, <i>AOC</i>
<b>4:00 pm</b>	<b>Adjournment</b>	Justice Barbara Madsen, <i>Co-Chair</i>



**Washington State Supreme Court  
Commission on Children in Foster Care  
September 11, 2023  
Meeting Minutes**

**Members Present:**

Justice Barbara Madsen, Washington State Supreme Court, Commission Co-Chair  
Ross Hunter, Department of Children, Youth, and Families (DCYF) Secretary, Commission Co-Chair  
Mike Canfield, Foster Parent Alliance of Washington State (FPAWS)  
Stacey Klim, Office of Superintendent of Public Instruction (OSPI, on behalf of Veronica Gallardo, OSPI Designee for Chris Reykdal)  
Jeannie Kee, Foster Youth Alumni Representative  
Laurie Lippold, Partners for Our Children  
Jill May, Washington Association for Children & Families  
Ryan Murrey, Washington Association of Child Advocate Programs (WACAP)  
Representative Tana Senn, Washington House of Representatives  
Rachel Sottile, Center for Children & Youth Justice (CCYJ)  
Emily Stochel, Youth Who Has Been Reunified; College Success Foundation  
Carrie Wayno, Attorney General's Office (Designee for Bob Ferguson)  
Senator Claire Wilson, Washington State Senate

**Members Not Present:**

Jim Bamberger, Director, Office of Civil Legal Aid (OCLA)  
Judge Alicia Burton, Superior Court Judges' Association (SCJA) President Designee  
Jolie Bwiza, Tacoma Chapter Leader, Mockingbird Youth Network  
Beth Canfield, Foster Parent Allies of Washington State  
Alyssa Connolly, Northwest Intertribal Council  
Sydney Doherty, Coordinated Care of WA; Foster Care Physical/Mental Health Representative  
Larry Jefferson, Washington State Office of Public Defense (OPD) Director  
Tonia McClanahan, Parent Advocate Representative  
Bailey Zydek, Children's Representation Program Manager, OCLA

**Guests Present:**

Emily Abell, Tacoma Chapter Leader for The Mockingbird Society & Youth Services Lead at Olympic Community Action Programs  
Katie Anderson, Early Childhood Courts Statewide Coordinator, AOC  
Elizabeth Bokan, Deputy Director, Office of the Family and Children's Ombuds  
Sarah Burns, Statewide Innovation Coordinator, Family & Youth Justice Programs, AOC  
Mira Cardozo, Central Chapter Leader for The Mockingbird Society  
Taylor Cooper, Eastern Engagement Coordinator, The Mockingbird Society  
Patrick Dowd, Director, Office of the Family and Children's Ombuds  
Sydney Forrester; Senior Policy Advisor, Human Services; Office of the Governor  
Fabio Foster, Central Chapter of The Mockingbird Society  
Arina Gertseva, Washington State Center for Court Research, AOC  
Nick Guzman, Outreach and Engagement Manager for The Mockingbird Society  
Sabian Hart-Wall, The Mockingbird Society Northern Regional Engagement Coordinator & Alumni of Care/Homeless  
Sharn Kaur, Director of Youth Programs, The Mockingbird Society  
Allison Krutsinger, DCYF Director of Public Affairs

Natalie Lente, Executive Director, The Mockingbird Society  
Erin Shea McCann, Legal Counsel for Youth & Children  
Lacey M., King County Chapter of The Mockingbird Society  
Alison Mendiola, Coordinator/Counsel, Senate Human Services, Reentry & Rehabilitation Committee  
Lucas Neuman, Youth Advocates Ending Homelessness Chapter, The Mockingbird Society  
Jenn Nguyen, Statewide FJCIP Coordinator, Family & Youth Justice Programs, AOC  
Matt Orme, Washington State Center for Court Research, AOC  
Leroy Pascubillo, Amara Family Connections Program  
Karyn Pierre-Louis, The Mockingbird Society Public Policy & Advocacy  
Eduardo Rodriguez, Central Engagement Coordinator, The Mockingbird Society  
Jalayna Ruland, Puget Sound Engagement Coordinator for The Mockingbird Society  
Kelly Ryan, Washington Association of Juvenile Court Administrators  
Jarel Sanders, Partners for Our Children  
Charles Smith, Public Policy & Advocacy Director, The Mockingbird Society  
Jenni Rebecca Stephenson, The Mockingbird Society  
Commissioner Karl Triebel, Washington State Court of Appeals Division II  
Tara Urs; Special Counsel; Civil Policy & Practice, Training & Employee Development at King  
County Department of Public Defense  
Caitlin Wallin, Eastern Chapter Leader for The Mockingbird Society  
Aryel (Last Name Unknown), Northern Chapter of The Mockingbird Society  
Lauren (Last Name Unknown)

**Staff Present:**

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

**Call to Order**

The meeting was called to order at 1:01 p.m. Introductions and roll call were conducted virtually through the Zoom meeting chat box.

Kelly Warner-King, Manager of Family & Youth Justice Programs, provided a land acknowledgment.

**Approval of the Minutes**

Justice Madsen invited a motion to approve the May 2023 meeting minutes. The motion to approve the minutes passed.

**Mockingbird Youth Leadership Summit Follow Up**

In follow up to the [2023 Mockingbird Youth Leadership Summit](#), Sabien Hart-Wall and Mockingbird chapter members reported on the current status of topics presented at the summit. A list of the 2023 Youth Advocacy Topic Summaries which describes each topic in detail by chapter was provided in the meeting materials.

*Youth Advocates Ending Homelessness (YAEH) Chapter*

Jalayna Ruland introduced the YAEH Chapter's focus on seeking state funding for mental healthcare and crisis centers serving young adults. The chapter hopes to connect with a local team implementing new crisis centers in King County and expand the model to eastern Washington. Lucas Neuman reported that King and Pierce Counties recognize there is a crisis, but they are struggling to find a solution that works and they lack an effective implementation plan. Support is needed to improve the initial response to a young person experiencing a mental health crisis. King

County has a program that pairs licensed social workers with the Seattle Police Department on mental health calls; however, this model has some challenges. These include:

- Long wait times for the social worker to help with de-escalation (i.e. 6 hours of waiting during a mental health crisis)
- Effective de-escalation requires more staff time and resources
- Police presence can result in a response that includes using force during a mental health crisis
- Support is needed to prevent burnout for first responders.

#### *King County Chapter*

Lacey M. shared that the King County Chapter's focus is on ensuring that every foster youth finds support, guidance, and a sense of community. To make this possible, they want to create a foster care complaint process for young people. They plan to collaborate with DCYF, the Office of Family and Children's Ombuds (OFCO), and other key partners to create it. The chapter also wants to create a peer to peer support program for youth with lived experience in the foster care system, modeled on the Parents for Parents (P4P) program. Chapter members are meeting with OCLA and OPD to network and launch a workgroup. Charles Smith shared that Mockingbird plans to work directly with P4P to understand the how their program came about and utilize their expertise to pursue funding and future legislation.

#### *Eastern Chapter*

Caitlin Wallin provided a summary of the chapter's education project. In Washington State, addressing the issues of underfunding and the inequitable allocation of funds to school districts and Educational Service Districts (ESDs) is critical. These problems lead to a reduction in the courses and programs offered by schools, particularly in low-income school districts, that disproportionately impacts BIPOC students and contributes to the achievement gap. By centering youth voices in the educational decision-making process, they aim to bridge gaps in educational opportunities, uplift marginalized communities, and foster a more just and inclusive learning environment. Since the Summit, the chapter has contacted organizations that already do this work, and they are waiting on responses to their meeting invites. They also have a meeting scheduled with Secretary Hunter at the end of September. Secretary Hunter said he is looking forward to the meeting.

#### *Olympia Chapter*

Sabian Hart-Wall provided a summary of the Olympia Chapter's proposal to expand Extended Foster Care (EFC). The chapter is advocating for the implementation of a stipend program that would extend eligibility for young people aging out of EFC through the age 25. The pandemic emphasized the importance of an extended age range, as it provides vital stability and a successful transition into adulthood for these individuals. They recently held an EFC listening session with young people and share the following highlights:

- Case workers always made a big impact—whether good or bad.
- Most young people had more positive experiences with their Independent Living caseworker than with their DCYF caseworker. Many felt that DCYF case workers were often overworked and frequently weren't aware of resources available, which can make young people feel like they are a burden because caseworkers also need support.
- Most learned about EFC from non-DCYF staff.
- Everyone felt that Independent Living needs to be consistent with EFC, to support youth as a team.
- EFC payments should be tiered to reflect the cost of living where young people reside.

### *Tacoma Chapter*

Emily Abell described the Tacoma Chapter's plan to improve access to stable housing and supports for young adults. The Chapter is actively working with the Office of Homeless Youth (OHY), via a bi-weekly workgroup, to improve and expand Youth and Young Adult (YYA) Master Leases in Washington State. The initial step was creating the collaborative workgroup, and the chapter is now working to identify and recruit additional organizations to participate. The workgroup will focus on reducing barriers for YYA Master Leases and increasing access to services for youth and young adults, including free access to licensed mental health counselors, a financial counselor, etc.

### *Northern (Everett) Chapter*

Aryel shared that the Northern Chapter would like to expand outreach and resources for youth experiencing homelessness in rural and under-served areas across Washington State. To do this, they want to reinstate quarterly meetings with young people from Mockingbird and the Office of Homeless Youth (OHY), to share information and identify potential solutions, including providing all young people facing homelessness with access to a long-term case manager through the age of 25. The case manager should assist young people in learning about and accessing resources, finding and maintaining stable housing, and connecting them with their community. Case work should be proactive, seeking out youth who are homeless and sharing that services are available to help them. Additionally, the chapter wants to ensure that resources tailored specifically for people of color and LGBTQ+ people are available in all communities. At minimum, they are seeking mandated training for providers about how to effectively work with marginalized people. Currently, the chapter is working with OHY to develop two surveys to assess current practice and what works – one for young people and another for service providers. The survey results will inform the development of the chapter's five-year plan.

### *Central Chapter*

Mira Cardozo and Fabio Foster shared that the Central Chapter is focused on providing BIPOC and LGBTQ+ youth in foster care more autonomy and choice in decisions about where and with whom they are placed. The chapter is seeking the adoption by DCYF of a 3-check system that will:

- 1) Give youth more say in decisions about the home in which they will be placed by creating a form for youth to identify a variety of preferences for where and with whom they want to live.
- 2) Increase training and resources help prevent abuse in foster care, including training for youth about how to identify when they are in unsafe situations and steps they can take to protect themselves.
- 3) Create a more comprehensive system for checking in with foster youth to ensure they feel safe and comfortable in their home, and making it easier for them to officially request a change if they feel unsafe.

The chapter has started meeting with the YMCA and is working with OCLA to develop training for youth attorneys. They may develop a legislative ask for this effort.

### *Group Discussion*

Laurie Lippold noted that, regarding the YAEH Chapter's focus, the Legislature funded training for caseworkers and it would be helpful for Lucas and others to get involved in that effort. Laurie offered to help them connect to the right people. Charles will connect Laurie, Lucas, and himself via email to follow up.

For the Eastern Chapter's focus, Kelly noted that the CCFC has an OPSI representative member. Secretary Hunter also offered to help make an OSPI connection. Charles said, for the Eastern Chapter, he would like to invite OSPI to their upcoming November meeting.

Justice Madsen noted some crossover in the topics selected by the chapters and asked what they need to move forward. Sabian said that Mockingbird is prioritizing implementation and accountability to ensure that the changes they advocate for actually impact young people.

Justice Madsen asked if there is anything the Commission can do differently in the future. Charles said he would like to collaborate with and provide information to the Commission earlier in the summit planning process. He envisions future summits looking different, including the possibility of having the Commission members present to the Mockingbird youth regarding the support they can offer. While this year's summit was great, he believes that future summits can be better. Charles will connect with Kelly and figure out how Mockingbird and the Commission can incorporate DCYF, the Supreme Court, and other court partners into the Summit more effectively.

Sabian shared that he had respectful feedback for Secretary Hunter to help Mockingbird presenters feel heard and seen by DCYF. He felt that Secretary Hunter was not fully engaged at the Summit when he got up during a chapter presentation and when posing questions to young people. Sabian asked that Secretary Hunter try harder in the future. Secretary Hunter responded that certainly was not his intent, that he will work to be more collaborative, and he appreciated Sabian sharing his feedback. Secretary Hunter offered to meet with Sabian to discuss this in more depth.

Justice Madsen thanked Sabian for candidly sharing his feelings with the Commission and acknowledged that it is incumbent on the adult professionals on the Commission to use our power to address the challenges identified by the Mockingbird young people. She added that these are the reasons the Commission wanted to hear from Mockingbird after the summit about how the event went and what Commission members can do to support the chapter efforts.

She also said she loves the idea of the Commission engaging earlier in the process with Mockingbird's summit and issue development. Kelly noted that a discussion about the CCFC's strategic planning and re-design process is up next on the agenda, and that the Commission will be looking at how it can be structured to be more effective. Justice Madsen stated that, among other things, the re-design will consider changing the Commission's name and that Mockingbird's participation would be valuable in this process. Finally, she shared that Mockingbird staff and young people are always welcome to attend Commission meetings and provide their guidance to the Commission. The Commission values Mockingbird's feedback and looks forward to it, and they would appreciate any ideas they have on planning. Charles invited Commission members to attend Mockingbird's meetings as well.

If Commission members have additional questions about the topics presented at the summit, they may contact Sharn Kaur, Director of Youth Programs, at [sharndeeep@mockingbirdsociety.org](mailto:sharndeeep@mockingbirdsociety.org).

### **Next Steps:**

Next steps were identified as:

- Charles will connect Laurie, Lucas, and himself via email to follow up on YAEH chapter project and connections to ongoing mental health responder training efforts.
- Charles will connect with OSPI to support the Eastern Chapter's education work. Kelly and Secretary Hunter are available to help make connections to OSPI.

- Kelly and Charles will connect to identify ways that Mockingbird can participate in the re-design of the CCFC, including planning for more collaboration with the Mockingbird Summit.

### **CCFC Strategic Planning Update**

Kelly referred members to the CCFC One Pager document that was included in the meeting materials as an overview of the Commission’s current mission and work. She then gave an update on the CCFC strategic planning efforts. Kelly reported that she met with Andy Yost, a consultant who works with the national Capacity Building Center for Courts (CBCC) and is currently working on a project for DCYF. They propose the following plan for the CCFC re-visioning work:

- At the December Commission Meeting, schedule 90 minutes to start revising the CCFC mission, vision, etc.
- Utilize the March Commission Meeting as a full-day, in-person meeting devoted to co-designing a new structure for the CCFC.
- Hold the first Commission Summit in May or September 2024, to learn together and establish the Commission’s goals for the next two years.

The strategic planning process will be facilitated by Mr. Yost, and supported by Kelly and Jenny Heddin, DCYF Assistant Secretary of Transformation. Interested CCFC members were invited to join the planning workgroup.

Justice Madsen asked Commission members if they agree with the proposed plan for the December and March meetings. Commission members expressed agreement with the plan and support for holding the March meeting in-person.

### **Next Steps:**

Kelly will work with Andy and Jenny to schedule planning meetings and invite interested Commission members to participate. The December CCFC meeting will devote 90 minutes to initiating the Commission re-design and strategic planning process.

### **Family Well-Being Community Collaborative (FWCC)**

Kelly Warner-King, Co-Chair of the Family Well-Being Community Collaborative (FWCC) and Manager of Family & Youth Justice Programs (FYJP), provided an update on the FWCC, which included the following.

#### *Wrapping Up and Workgroups Update*

Kelly provided an overview of the work the FWCC has undertaken during the last 18 months to support implementation of the Keeping Families Together Act (HB 1227), which went into effect on July 1, 2023. She shared that the collaborative’s work was performed by 85 members from 15 different disciplines who participated in five workgroups. The following workgroups were facilitated by AOC staff from the Family and Youth Justice Programs.

- Ex Parte Removal Workgroup
- Harm of Removal Workgroup
- Meaningful Shelter Care Workgroup
  - Subcommittee: Engaging Parents at Shelter Care Workgroup
- Data & Evaluation Workgroup
- Family Time Workgroup



The FWCC workgroups reviewed existing law and compared it with the new requirements of HB 1227, developing a set of legislative crosswalk documents, available on the FYJP website here: [HB 1227: Keeping Families Together Act – Family and Youth Justice Programs \(wacita.org\)](#). The development of the crosswalks provided opportunities for workgroup members to discuss and agree on the meaning of the new law and identify potential impacts to policies, procedure and forms.

The workgroups also partnered with FYJP staff to develop tools and trainings to support effective implementation at the court level. The [iDecide](#) online tool was created to help judicial officers understand the multiple inquiries and findings they are required to make under the new law, with access to additional resources and research to inform decisions. iDecide has also been useful in helping caseworkers, attorneys, and other court partners understand what information is required of them and what to expect when they appear in dependency court hearings. The tool is available online and can be used by anyone. It does not require or save confidential case information. Additionally, the content in iDecide can be updated and expanded to keep up with changes in the law and as new resources become available.

The second tool created by the FWCC is the [HB 1227 Court Readiness Toolkit](#). This toolkit has been used by local courts to examine how their policies and practices need to change to ensure that the court and parties comply with the new law. The toolkit was utilized in all twelve of the Family & Juvenile Court Improvement Program (FJCIP) Courts across the state when they held HB 1227 retreats. Some of the retreats resulted in ongoing local workgroups being created.

Working in collaboration, FYJP and DCYF trained over 2,700 people on the requirements of HB 1227 through regional Cross-System Kick-Off trainings offered online. Recordings of the presentations are available [here](#). All audiences received a basic overview of the history and new legal requirements of HB 1227. Additional, on-going training is being offered to specific audiences, such as Office of Public Defense and Office of Civil Legal Aid attorneys and staff.

Finally, AOC researchers and students from UW School of Public Health have started conducting court observations of shelter care hearings to assess changes in practice following implementation of the new law and to identify areas in need of additional training and technical assistance.

Because most of the workgroups' original goals have been accomplished, the FWCC is sunsetting all but the following two workgroups, which will continue to meet and develop resources for the system:

1. [Harm of Removal Workgroup](#): This group plans to work closely with Dr. Monique Mitchell, national expert on ambiguous loss and children and youth in foster care, to expand the research and resources available to courts, DCYF and others about how to understand, prevent and anticipate harm to children when they are removed from their families. The workgroup will be facilitated by Laura Vogel.
2. [Engaging Parents at Shelter Care Workgroup](#): This group will continue to work with people with lived expertise to identify opportunities and supports to better engage parents early in an investigation and at the start of a dependency case. Sarah Burns will lead the workgroup.

More information about the FWCC workgroups, both current and previous, is available on the [FWCC webpage](#) on the FYJP website. For questions about the FWCC and its workgroups, Commission members may contact Kelly at [kelly.warner-king@courts.wa.gov](mailto:kelly.warner-king@courts.wa.gov).

Justice Madsen asked if there is a feedback loop that enables the iDecide tool to be updated, as needed. Kelly responded that the tool is designed to be responsive to changes and corrections, so feedback is integrated. Kelly will check with Laura Vogel, the creator of iDecide, about how the feedback process works and will report back so that Commission members are able to contribute.

**Next Steps:**

- Kelly will share information with the Commission about how to provide feedback on iDecide content.

*Engaging Parents at Shelter Care Workgroup – Recommendations*

Sarah Burns, Facilitator for the FWCC Meaningful Shelter Care Workgroup and Engaging Parents at Shelter Care Workgroup, and Leroy Pascubillo, father of a 4-year-old and Amara Family Connections Program Certified Lead Mentor, presented to the Commission regarding preliminary recommendations from the FWCC Engaging Parents at Shelter Care Workgroup on how to increase parent engagement early in a case. The presentation included a PowerPoint (PPT), and the PPT slides were included in the meeting materials.

Sarah provided background on the creation of the workgroup. The FWCC Meaningful Shelter Care workgroup was created to address the State Team Action Plan strategy of improving the shelter care court process. The group initially worked successfully with two counties to address barriers the courts identified. The group then decided that they wanted to develop a way to help local dependency court partners access tools to collaboratively craft fair and predictable shelter care processes that comport with due process, increase communication and family engagement, and keep children with their families when it is safe to do so. They created the [Shelter Care Think Tank](#), a group of cross-system partners committed to collaborating with local dependency courts to improve their shelter care hearings, that can help court communities identify barriers and develop solutions. The Think Tank is available to all counties.

The group also wanted to help parents effectively participate in their cases as early as possible. To this end, they created the [Engaging Parents at Shelter Care Workgroup \(EPSC\)](#), a subcommittee of the Meaningful Shelter Care Workgroup. The group is composed of six lived expert professionals, two court improvement staff, and GAL, AAG, and DCYF staff who work at the court level. The EPSC considered how current practices that discourage engagement could be changed, examining options for pre-filing, filing of a dependency petition, and shelter care hearings. Sarah and Leroy presented the group's preliminary recommendations, which include:

- Supporting parents and youth prior to filing by providing attorneys and peer partners to help families understand their rights
- Expand training for system and community partners to use the language of the ABA safety framework to help parents understand and participate in assessing and addressing safety for their child(ren).
- Providing access to specialty court teams, like Family Treatment Courts, earlier in the court process to align treatment and permanency timelines, while protecting parents' legal rights
- Using clear and consistent language with families – clear is kind.
- Actively engage tribes and fathers before a case is filed and throughout a case.

Senator Wilson asked whether the Department of Corrections (DOC) can be a partner in this work, particularly for parents leaving DOC custody. Secretary Hunter shared that DCYF has a growing partnership with DOC to make sure that incarcerated parents are connected with their child(ren) as soon as possible. DCYF meets with DOC regularly and is working on improvements with them,

such as making visitation with children more convenient, and figuring out how they can place families closer together. They want to set up the best situation for parents and children, and he said DCYF would be happy to provide an update to the Commission on that in the future. Senator Wilson said she is in favor of keeping families together, and she would be happy to help make any connections and supports to strengthen families. Leroy added that Amara's Family Connections Program works with incarcerated parents, as well. Ryan Murrey noted that WACAP recently hired Dr. Marian Harris, and she just published a book about working with incarcerated parents so there should be a number of resources in her book.

Justice Madsen asked if the workgroup has any plans for achieving its recommendations. Sarah reported that the group has started a conversation with the statewide safety training partnership about how to help families better understand the ABA Safety Framework. The EPSC will continue to meet and identify the next steps for implementation.

Senator Wilson asked if professionals use motivational interviewing, or if there is a different, universal approach? Sarah replied that DCYF has launched a motivational interviewing effort to train staff, and FYJP has provided some training to judicial officers and is creating a more robust program to help engage parents from the bench. Parents for Parents has also done some MI training.

Leroy expressed that when peer partners share their own story with parents, it is motivational and often easier for them to engage. It can be hard for parents to identify their own barriers and peer support can help them do that, especially at the start of a case when they may not trust professionals. Secretary Hunter expressed that it might be more effective to cross-train on MI and other ways to engage families, rather than doing it separately. Jill May added that many providers are required to utilize motivational interview, so it is already happening in some parts of the system.

More information regarding the workgroup's recommendations is available on the [Engaging Parents at Shelter Care Workgroup HUB](#). Commission members may also contact Sarah at [sarah.burns@courts.wa.gov](mailto:sarah.burns@courts.wa.gov) with questions.

### **Keeping Families Together Implementation**

#### *Court Update*

Matt Orme, Senior Research Associate, and Dr. Arina Gertseva, Principal Research Associate, at the AOC Washington State Center for Court Research (WSCCR) provided a Keeping Families Together implementation update regarding court filing data and the HB 1227 observation tool research. The update included a PPT presentation titled *HB 1227 Monitoring and Evaluation*, and those PPT slides are available on the [Commission Meetings webpage](#) under 09/11/2023 Misc. Docs. or by clicking [here](#).

Matt Orme provided an overview of the influx of dependency filings in Washington State through August 2023. He reported that filing rates continued to drop in 2022, following the end of the pandemic, and have maintained that trajectory this year. Dependency case filings are already 26% lower this year than they were last year. He will be following these numbers closely over the next four to six months, sharing data with DCYF and other partners to understand how the system is now working with families. He acknowledged that there are seasonal changes in filing rates, so there might be an uptick in the fall, with schools back in session.

Jenn Nguyen, AOC Statewide FJCIP Coordinator, noted that FJCIP courts monitor this data week by week. Some courts have seen significant reductions, such as a 70-80% decrease in Pierce County, since HB 1227 went into effect. It remains to be seen if this will persist or if more families will

come into the system after FAR and other efforts have been tried. There are a lot of factors at play, so the FJCIP coordinators see a benefit to watching the data week by week, for now.

Dr. Gertseva then provided an overview of the HB 1227 court implementation monitoring and evaluation work that has taken place to date. The goals of the effort include identifying early successes and challenges, measuring effectiveness (to determine if we are achieving the intended goals/outcomes), enhancing accountability (everyone is responsible for the implementation), and continuous improvement (adapt and evolve quickly as needed). She then discussed the purpose and data sources for the HB 1227 Monitoring and Evaluation Project. She explained the primary purpose of this effort is to answer the following two questions:

- 1) Is HB 1227 being implemented as intended?
- 2) What successful strategies and challenges are emerging during implementation?

Eventually, the group will also seek to answer to a third question: whether HB 1227 is achieving the intended outcomes.

A conversation followed on the topic of whether or not there is agreement about the legislation's intended outcomes. Dr. Gertseva acknowledged that this is an ongoing discussion with the monitoring and evaluation group - and there are different thoughts and opinions on the question. There are also limitations to the kinds of outcomes that can be tracked, based on the data available. Matt shared that WSCCR is working with DCYF to figure things out as the data starts coming in, but it will take some time. Dr. Gertseva said, for the next few months, they are focused on implementation of the new legal requirements. The data sources they are using are court observation data, court case file reviews, surveys of FJCIP teams and dependency partners, as well as iDTR data.

Secretary Hunter noted that we're undergoing a deep structural change and we have to make sure that we are looking at the outcomes for children over the long term. This will ultimately be answered by longitudinal studies that account for the healthcare, behavioral health, educational and juvenile justice impacts on children and youth.

Dr. Gertseva commented that the evaluation workgroup was composed of diverse court partners who have different perspectives about which outcomes are most significant. She shared that there is value in gaining consensus about what should be measured and how it should be measured and that is an ongoing part of this work. She also acknowledged that this research is focused on what happens in the court hearing and that this effort encompasses assessment of hearing quality at shelter care hearings, case process and progress, and case outcomes. The data collection design compares pre-implementation and post-implementation data. Additional information will be shared with the Commission as soon as it is available.

Secretary Hunter thanked Arina and Matt for working with DCYF and expressed that DCYF is happy to keep the collaboration going.

Commissioner Karl Triebel posed two questions. First, is the law achieving one of its primary goals, reducing racial disparity? Second, is the data showing that the imminent physical harm standard is more race neutral than the previous standard? Secretary Hunter replied that DCYF's data sets are still too small to be able to report on those questions for now, but the agency is assessing the impact of the new law on racial equity and will report what it finds. AOC staff acknowledged the same challenge, but assured the group that researchers are monitoring the data to assess the impact on different racial and ethnic groups.

More detailed information regarding this update is available in the PPT slides. Commission members may also contact Matt at [matt.orme@courts.wa.gov](mailto:matt.orme@courts.wa.gov) or Dr. Gertseva at [Arina.Gertseva@courts.wa.gov](mailto:Arina.Gertseva@courts.wa.gov) if they have questions.

### *DCYF Update*

Secretary Hunter reported that DCYF has been closely monitoring data for the past seven weeks, but does not have sufficient data to report out, yet. The agency is trying to understand the impacts of several big changes on the system, including:

- HB 1227
- Fentanyl crisis, which is driving up fatalities and near fatalities, and
- Plan of Safe Care, which has changed how hospitals hold work with infants.

DCYF is seeing about a 30% overall reduction in filings, which is larger than the predicted 11-20% reduction. So far, we are not seeing more voluntary placement agreements and in-home dependency numbers are low. Also, there are significant differences across counties. DCYF is taking more time to gather and make sense of the data to make sure they understand what's happening before they react. This includes targeted case reviews of screened-in petitions. The agency plans to release their data and assessment in mid-October. DCYF will also be releasing a FAQ that describes the practice changes that have been instituted in the pre-filing process.

Secretary Hunter explained that there are many factors and steps along the way to filing a case that impact this number. DCYF is looking at all of these aspects to understand what is contributing to the reduction. DCYF receives referrals from hospitals, law enforcement, and people who call the hotline and the protective standards for law enforcement and hospital holds have changed with HB 1227. At the CPS intake process, workers have to determine if a family meets the new criteria for dependency and assess if there is actual child abuse and neglect or if the family is struggling with issues, such as poverty, that don't constitute neglect. Field staff are also working to safety plan to see if they can keep children in their homes, and DCYF expected there would be a lag in filings as they focus more on safety planning. But if an effective safety plan isn't possible, the AAGs and DCYF are assessing the case and filing for removal.

Ryan Murrey asked if DCYF understands what is happening for families who are not filed on – are they better off? He reported that he's hearing anecdotally that the cases that do come into dependency involve families with very complex needs. Could DCYF have taken an approach to intervene earlier with these families? He noted that the reduction in filings started prior to HB 1227, meaning that the families who are involved in dependencies are likely have more complex needs. Secretary Hunter responded that DCYF is seeing an increase in FVS services being offered and he would like to have more services available to families in ways they will accept them. Ryan expressed concern that the system currently lacks access to services when they are court ordered, so he's not sure where more prevention services will be found. Justice Madsen commented that the change in the law did not come with a substantial increase in resources, and she sees these as legitimate concerns.

Carrie Wayno shared that she is surprised that there have not been more in-home pre-fact finding cases, where a child stays at home during shelter care. She suggested that one reason for this might be because the court does not have the authority to order a parent to comply with services until there is a finding of dependency. She considers this problematic because contested fact-finding hearings are taking a long time and for the in-home, pre-fact finding cases families aren't getting services.

Patrick Dowd asked, does either the AOC or DCYF gather data on motions for a pick-up order that are denied by the court? Matt shared that AOC does not have data to answer that question. Secretary Hunter said that DCYF does not have this data either. Allison Krutsinger, DCYF Director of Public Affairs, reported that the agency is tracking data on protection orders and dependencies, but they are not prepared to share any findings, yet.

Secretary Hunter stated that DCYF would like to hear what Commission members want to know, to inform the agency's analysis.

#### *Pattern Forms Update*

Justice Madsen reported that the Supreme Court paused the publication of revisions to the dependency pattern forms in June 2023 and appointed additional members to the Juvenile Pattern Forms Subcommittee. The goal was that the expanded subcommittee would engage in a robust review of all forms affected by the new law, with input and discussion from all members of the subcommittee, and that consensus be reached. Because the group was not able to fully review all of the forms and reach agreement on the necessary changes, the court extended the time available for this process to occur until September 6<sup>th</sup>. In the meantime, the trial courts were to continue to operate without approved pattern forms, but the resources to support the courts' implementation of the new law were available from the Administrative Office of the Courts.

Justice Madsen attended the August 7th meeting of the Pattern Forms Committee, where the members worked diligently to discuss and come to agreement on changes to the forms. She is happy to report that the work is now completed. She also stated that it would be advantageous to keep the additional members serving on the committee.

#### *Small Group Discussion and Share Out*

Commission meeting attendees went into small breakout groups to discuss what questions they have about Keeping Families Together Act (HB 1227) implementation that they would like to have answered. The groups reported back and responses included the following.

- How is success defined in this context?
- What delays are we seeing in the system and why are they occurring?
- What can be done in delayed cases to help fix the problems?
- Has intervention with families changed and how – especially where Fentanyl is involved?
- What services are actually available?
- How effective are the services that we offer families?
- Can we determine if all court-ordered services have been offered in a case?
- What are the family and system impacts of a lack of services?
- How are we ensuring safe kinship placement?
- How are youth and child voices being incorporated into the process of reaching out to kin for potential placement?
- When does the initial child-specific licensure process start and when does it become permanent?
- If child is placed with a relative, can we determine if DCYF supported or opposed placement?
- How many relative placements are ordered over DCYF's objection and what was the substance of the objection?
- Can we have a comparison of child outcomes for kinship and foster home placement?
- What placement supports are available for all caregivers, including increased rates?
- How do CPAs support relatives?
- How are the requirements of HB1194 being followed?

- How often does the 72 hour visit happen and how often are extraordinary circumstances found to excuse the requirement?

Justice Madsen thanked everyone for their attendance, and said we want to make sure the changes for HB 1227 are understood.

**Next Steps:**

- When DCYF releases their mid-October data, Kelly will share it with the Commission.

**Closing & Adjournment**

The next Commission meeting is on December 4, 2023.

**Adjourned at 4:01 p.m. by Justice Barbara Madsen.**

DRAFT



## FWCC Workgroup Updates December 2023

### New Focus on Services

The FWCC has decided to focus on improving access to services for youth and families. Vickie Ybarra, DCYF Interim Assistant Secretary for Partnership, Prevention and Services, will present at the next FWCC meeting.

### Guardianship Education & Training Workgroup

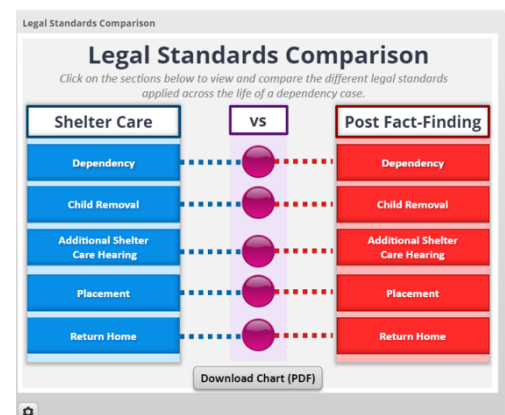
Guardianship Education and Training will be a new focused workgroup. Workgroup facilitators will be Geene Delaplane, DCYF; Commissioner Michelle Ressa, Spokane County Superior Court; and Kelly Warner-King, FYJP.

### Harm of Removal Workgroup

The [Harm of Removal Workgroup](#) develops resources and training that supports court communities in assessing and responding to the harm of removal in child dependency cases. Over the last year, this workgroup has been meeting monthly to identify the harms that children likely experience as a result of child welfare removal across different developmental stages. The group is now working to compile and refine this information into creation of a guide that supports court communities in effectively assessing and mitigating the harmful impacts of removal to individual children. Future work anticipated to be undertaken by the workgroup includes developing age-appropriate definitions of foster care, guidance in the special considerations that should be made when removing Native and Black children, and application of the C.A.R.E. Checklist.

### Legal Standards SWOT Response

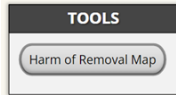
The Legal Standards SWOT Response group was assembled in response to system partner feedback on HB 1227 implementation and the expressed need for clarification of what legal standards apply when a case is in Shelter Care versus post-Fact Finding. The Legal Standards SWOT Response group is a time limited, cross-system team focused on creating resources that supports court in applying the appropriate legal standard in decision-making based on the respective procedural posture of the case. The group has met several times to identify where there is system consensus on legal standard application and where there are areas of disagreement. The group has produced a [Legal Standards Comparison Chart](#) containing this information. This draft document is currently in the final round of partner review and is expected to be published before the end of the year. It will be publicly available as both a downloadable PDF and an interactive version will be located inside iDecide (pictured right).





## iDecide

At the request of the [Commission on Children in Foster Care](#), we have updated [iDecide](#) to include contact information for those having suggestions or feedback on the tool. This information can be found in the iDecide FAQs, under the “iDecide” section.



iDecide has also been updated to include an interactive version of the Harm of Removal Map which allows users to magnify the individual domain areas.

## Goulet, Susan

---

**From:** Molly Sullivan <Molly.Sullivan@opd.wa.gov>  
**Sent:** Thursday, November 2, 2023 2:25 PM  
**To:** Madsen, Justice Barbara A.; Keown, Julie; ross.hunter@dcyf.wa.gov; barbara.murphy@dcyf.wa.gov  
**Cc:** NOakley@ccyj.org; Warner-King, Kelly; carrie.wayno@atg.wa.gov; judyg@atg.wa.gov; bethcanfield@comcast.net; mkbeth@comcast.net; Superintendent@k12.wa.us; roni.pettit@k12.wa.us; Veronica.Gallardo@k12.wa.us; Melinda.Oum@k12.wa.us; samuel.chung@kingcounty.gov; aburton@piercecountywa.gov; ryan@wachildadvocates.org; tana.senn@leg.wa.gov; Berenstein, Yuval; joliebwiza12@gmail.com; claire.wilson@leg.wa.gov; Casebeer, Marshall; jeanniekee@gmail.com; Bamberger, James (OCLA); Zydek, Bailey (OCLA); aconnolly@stillaguamish.com; sydney.l.doherty@coordinatedcarehealth.com; jillmay@wachildrenandfamilies.org; rsottile@ccyj.org; Laurie Lippold; Tonia McClanahan; stochel.emily@gmail.com; Goulet, Susan; Larry Jefferson; Sophia Byrd McSherry; Brett Ballew; Amelia Watson  
**Subject:** Dependency and Termination Caseload for Parents Attorneys  
**Attachments:** Dependency and Termination Caseload for Parents Attorneys.pdf

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Dear Justice Madsen and Secretary Hunter –

Please find attached, the Office of Public Defense’s Dependency and Termination Caseload Report for Parents Attorneys in Washington State. After consulting with attorneys that OPD contracts with, and reviewing case information that suggests increasing case complexity and caseload hours, I believe it is necessary to conduct a formal caseload study to evaluate whether our current caseload standards are sufficient to support our contracted attorneys and their clients.

We encourage you to share this document with any and all family justice partners. I am hopeful that we can address this issue at the next Commission on Children and Foster Care meeting in December.

If you have any questions or concerns, please feel free to reach out to our office.

Best regards,

**Molly Sullivan** (She/Her) - [What’s This?](#)

Legislative Coordinator

Washington State Office of Public Defense

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[www.opd.wa.gov](http://www.opd.wa.gov)

“The good you do today will often be forgotten. Do good anyway.” -Mother Teresa



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**WASHINGTON STATE  
OFFICE OF PUBLIC DEFENSE**

Larry Jefferson, Director

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## **Dependency and Termination Caseload for Parents Attorneys**

### **Opening Statement**

OPD stands on the precipice of an attorney and caseload crisis. We know, anecdotally, that child welfare needs more attorneys and more attorneys of color. Given the increasing complexity of parent representation cases and the hourly increases in workload that we have documented, a workgroup must be convened to update the standards of practice as it relates to caseload limits. We need to ensure that attorneys have the time and support they need to assist parents facing involvement in dependency cases and the potential termination of their parental rights, sometimes known as the civil death penalty. OPD looks forward to working with all our legal system partners and contractors to address these issues.

Below we have included:

- A history of dependency and termination cases in Washington state
- Our current caseload issues
- Attorney turnover and retention issues
- Attorney retention and systematic racism
- Efforts by the Attorney General's Office to reduce their own caseloads

### **History**

Prior to the Washington State Office of Public Defense's (OPD) Parent Representation Program (PRP), parent representation was governed by the counties. A report from 1999 describe the enormously high caseloads, some in the hundreds, and how it was near impossible to provide effective assistance of counsel under such a workload.

[https://opd.wa.gov/sites/default/files/2023-08/0043-1999\\_CostofDependencyRepresentation.pdf](https://opd.wa.gov/sites/default/files/2023-08/0043-1999_CostofDependencyRepresentation.pdf)

Current OPD managing attorney, Jacob D'Annunzio, who had caseloads in the hundreds, remembers that time as, "waking up in the morning and hoping to not commit malpractice before noon."

As a result, the legislature provided funding for pilot programs in Benton, Franklin, and Pierce counties that among other things limited caseloads. The current limit of 80 cases was set in 2003. <https://opd.wa.gov/find-legal-help-and-information/parents-representation-program/history-parents-representation-program>. In addition to limiting caseloads, compensation for attorneys was increased, oversight, technical assistance and expert services support was provided by OPD. These innovations resulted in better outcomes for children and families in the form of increased reunifications and quicker permanency for children.

<https://www.sciencedirect.com/science/article/abs/pii/S0190740912001399> and [https://opd.wa.gov/sites/default/files/2023-08/0050-2011\\_PRP\\_Evaluation.pdf](https://opd.wa.gov/sites/default/files/2023-08/0050-2011_PRP_Evaluation.pdf).

*Justice ♦ Service ♦ Equity ♦ Excellence*

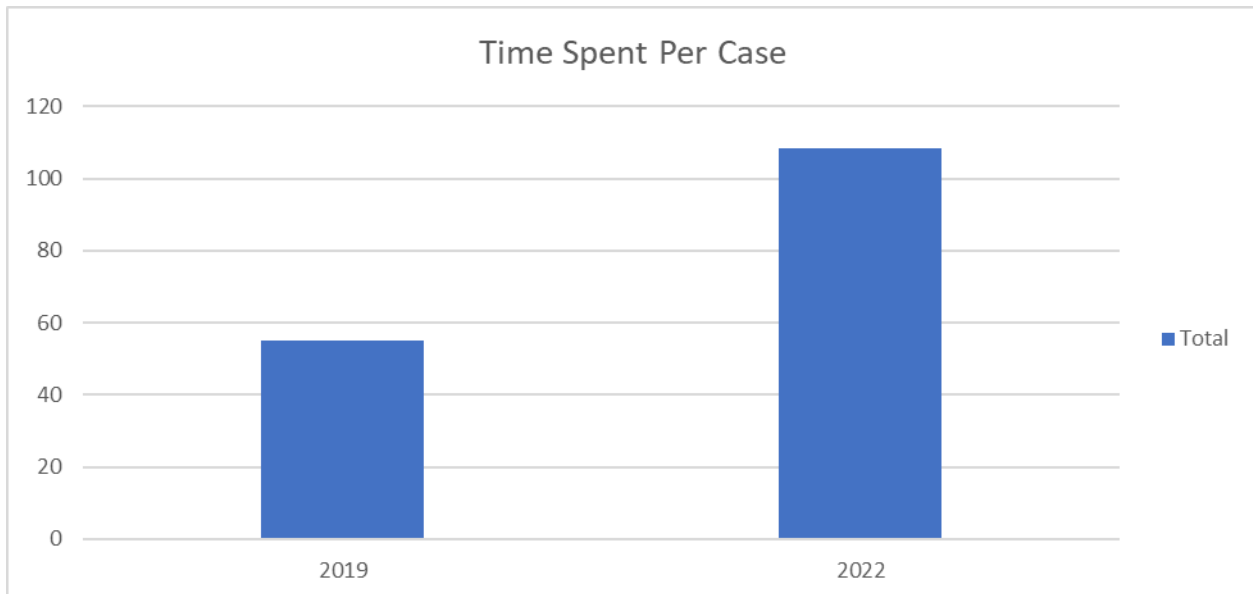
711 Capitol Way South • Suite 106 • P.O. Box 40957 • Olympia, Washington 98504-0957

Those pilots eventually expanded statewide over a number of years resulting in statewide expansion in 2018.

### **Current Caseload Issues**

While the 80 case caseload may have been a relief to those who joined the program during expansion, times have changed. The most recent example of caseloads examined for a party was by the Washington State Supreme Court Commission on Children in Foster Care for the Office of Civil Legal Aid in the implementation of child representation. They reached the conclusion that attorneys representing children should have caseloads of 45 child clients and no more than 60 cases. <https://ocla.wa.gov/wp-content/uploads/2022/10/Child-Representation-Practice-Standards-September-2022-FINAL.pdf>.

Also, PRP attorneys report a drastic increase in the number of hours spent per case. An examination of contractor hours shows that time spent per case has almost doubled between 2019 and 2022 from 55 hours to 108 hours.



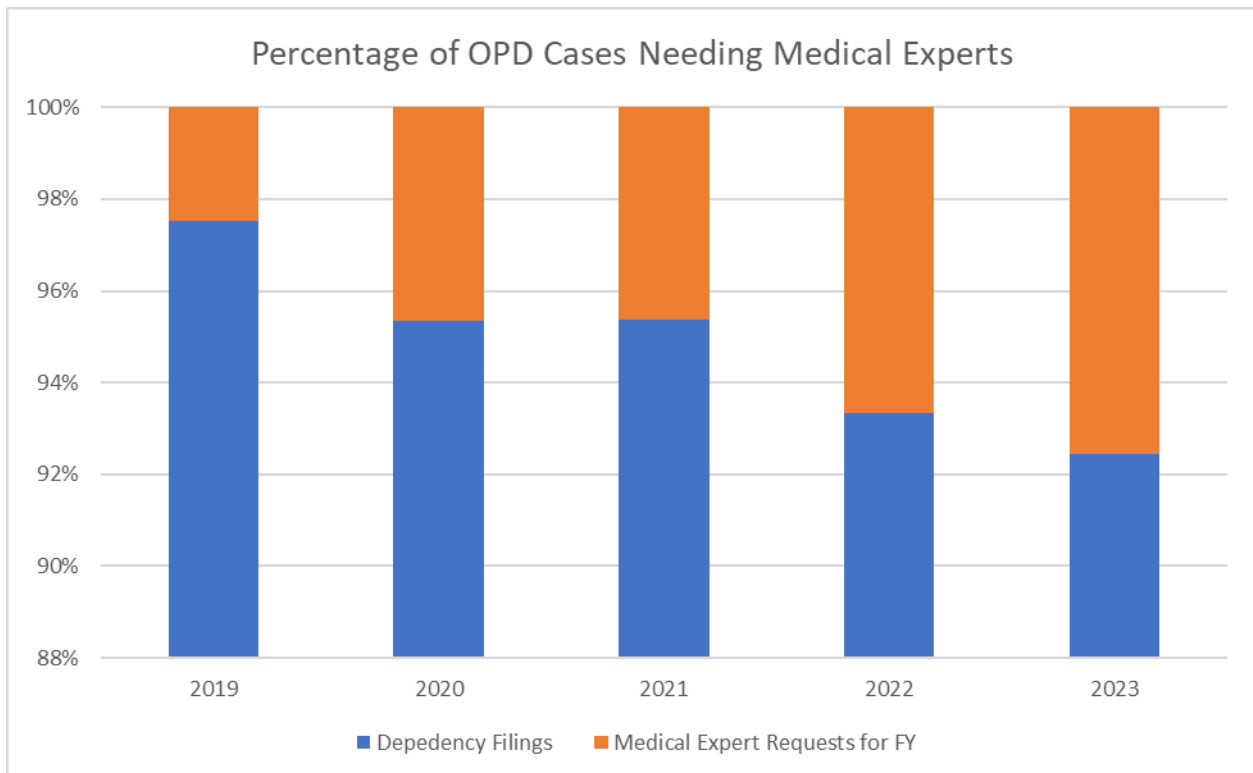
When originally contemplating the 80-case caseload, OPD assumed that meant about 20.6 hours per case per year. If you assume that a case took about 2 years to complete back then, that number was much more consistent, or even lower than the 55 hours per case reported in 2019.

In order to identify what might be putting the added pressure on contractors, OPD recently conducted a survey on changes to attorney workload. In the survey, 89% of PRP attorneys confirm that cases are more complex than the past. Over half of these attorneys had more than 11 years of experience. Here are the common areas of complexity they reported:

- Fentanyl and other SUD issues
- Increased number of clients with mental health issues
- Changes in laws and caselaw require more litigation

- More discovery issues
- More contested hearings
- More department meetings and staffings
- Increasing number of physical or sexual abuse cases on caseload

Supporting the above reports, OPD has experienced a drastic increase in the number of requests for expert services in medically complex cases. In fiscal year 2019, there were 109 requests for medical forensic experts. That number jumped to 186 in 2022 and 163 in fiscal year 2023. These increases occurred even though there was a drastic drop in dependency filings from 4276 in 2019 to a projected 1995 in 2023.



### **Attorney Turnover and Retention**

“What is happening now with increasing complex caseloads, reminds me of how bad things were before PRP came to my county in 2006. Being overworked is leading to burnout and we are currently losing good people as a result.” -Current OPD Managing Attorney, Jacob D’Annunzio.

OPD is losing a number of contractors to OCLA and other public defense programs with lower caseloads. In addition, OCLA is continuing to expand their services statewide. OPD risks struggling to attract new attorneys, retain current contractors, and replace those that PRP loses to OCLA and other public defense programs with lower caseloads.

### **Attorney Recruitment and Systemic Racism**

Besides OPD's responsibility to generally recruit attorneys into the practice, OPD has made it a mission to ensure that the contractor base reflects the community it serves. OPD takes seriously, the June 4, 2020 from the Washington State Supreme Court for the legal system to take responsibility for addressing systemic racism in our legal system.

<https://www.courts.wa.gov/content/publicUpload/Supreme%20Court%20News/Judiciary%20Legal%20Community%20SIGNED%20060420.pdf>

DCYF also acknowledges racial disproportionality in our child welfare system.

<https://www.dcyf.wa.gov/practice/practice-improvement/ffpsa/prevention/disproportionality>.

According to a recent demographic survey of OPD PRP contract attorneys, only 20% identify as people of color. According to the Child Welfare data portal, in 2020 38% of the children in care were children of color. <https://viz.portal.cssat.org/graphs/ooh-counts>.

OPD still has work to do to in insuring that the contractor base reflects the communities OPD serves. Retaining an 80 case caseload will make that responsibility nearly impossible.

### **The Attorney General's Office Is Also Looking at Lower Caseloads**

The ABA standards for attorneys representing child welfare agencies is no more than 60 cases.

[https://www.americanbar.org/content/dam/aba/administrative/child\\_law/agency-standards.pdf](https://www.americanbar.org/content/dam/aba/administrative/child_law/agency-standards.pdf)

According to their collective bargaining agreement, it is clear that the Attorney General's Office and the union representing the Assistant Attorneys General are agreeing to work on their caseloads, presumably to achieve that 60-case caseload or perhaps go even lower.

[https://ofm.wa.gov/sites/default/files/public/labor/agreements/23-25/wfse\\_awaag.pdf](https://ofm.wa.gov/sites/default/files/public/labor/agreements/23-25/wfse_awaag.pdf)

Based on all of the information above, OPD is requesting the Commission for Foster Care convene a workgroup to evaluate how caseloads must evolve to support our contractors and the people they serve.

# Protein for All

**Presentation for  
Commission on Children in Foster Care  
12/04/2023**



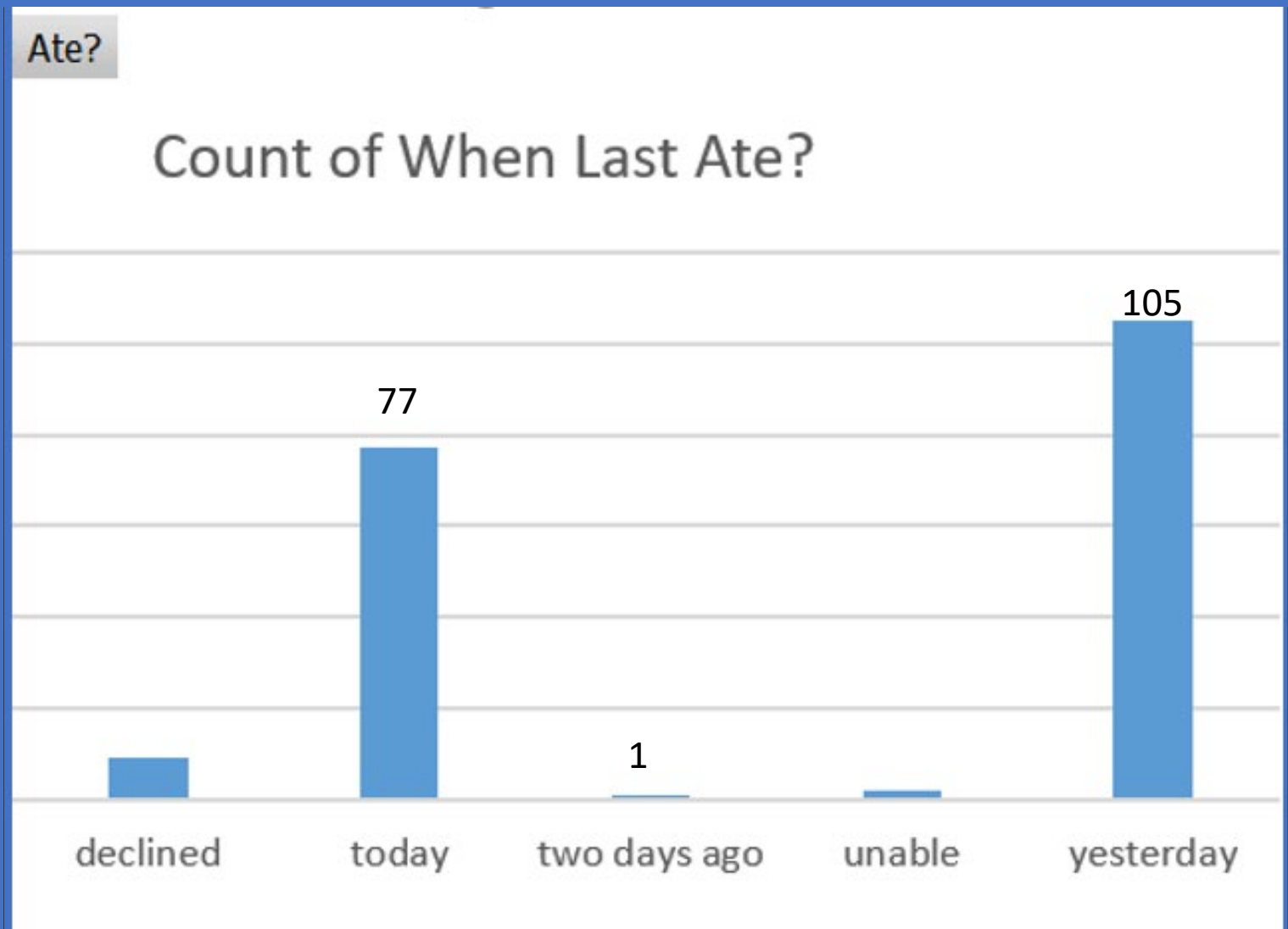




# Protein for All pilot in Spokane

2016-2020

# Snapshot of 2017

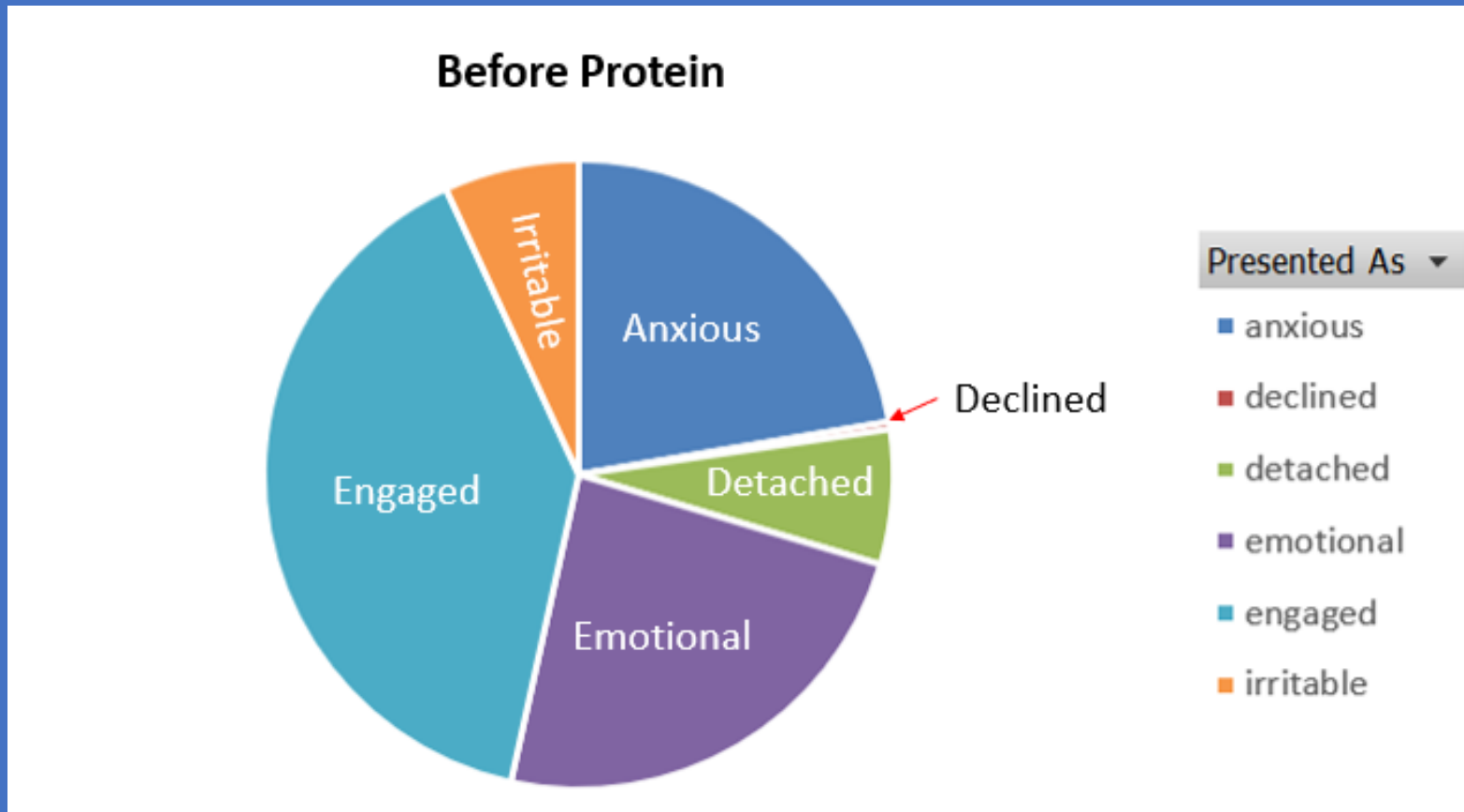


The bar chart represents the number of parents who engaged with Protein for All and when they last ate.

Protein for  
all donations



# Snapshot of 2019



159 of the 240 parents that engaged with Protein for All in Spokane County accepted the offer of a protein shake or bar.

- 152 of the parents had not ate since the previous day.
- 1 of the parents had not ate in 2 days.

The pie chart represents how the parents presented before a protein shake or bar.

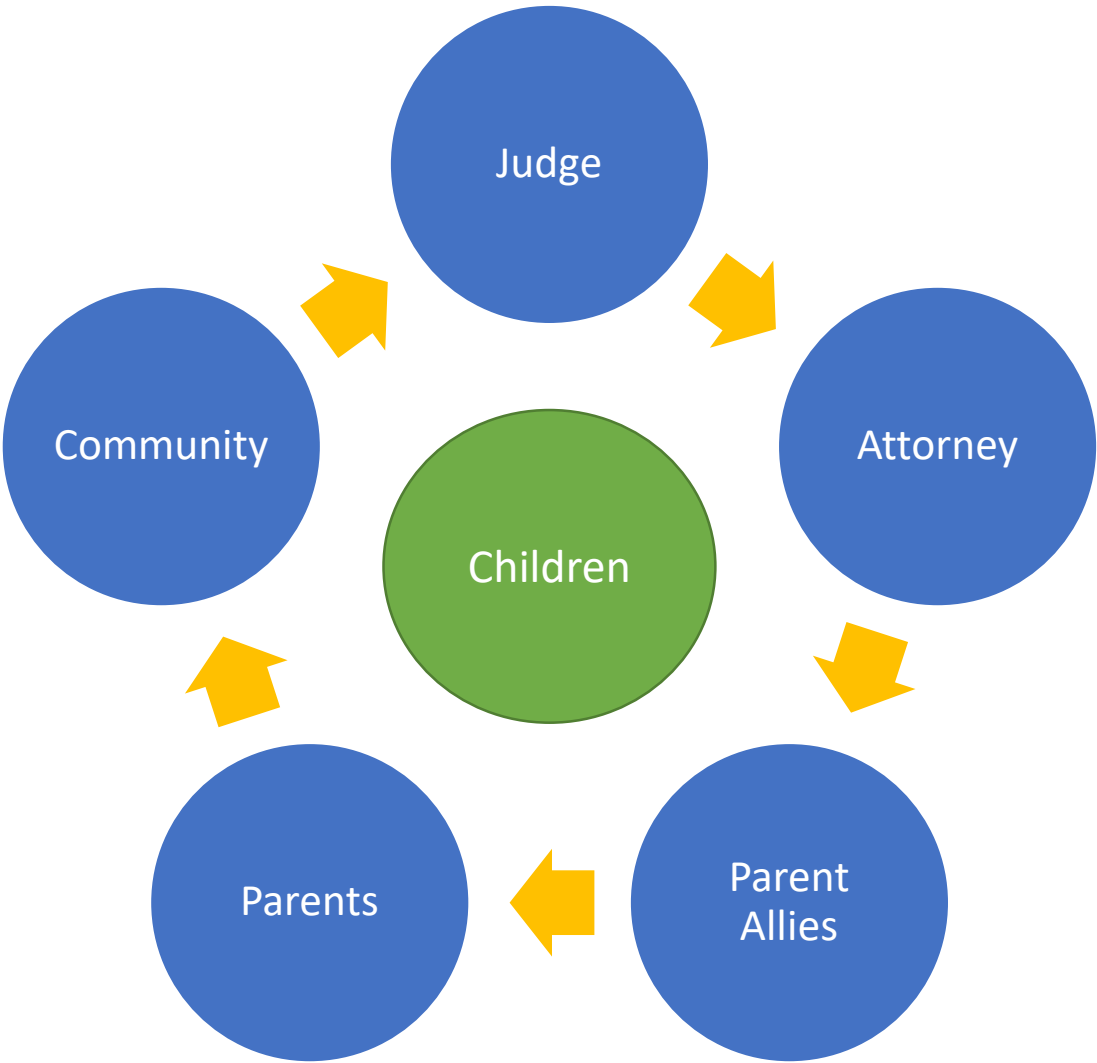
# Protein for All



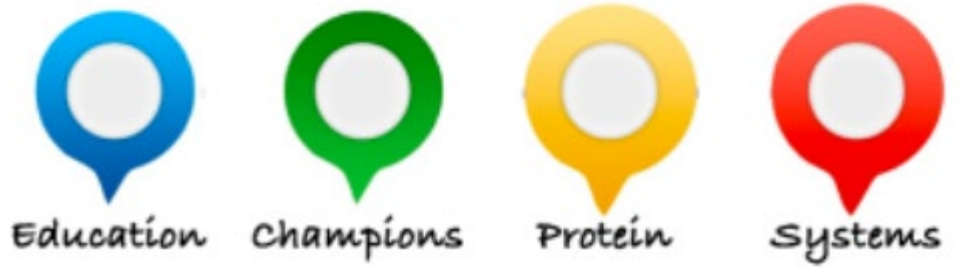
**“It is culturally appropriate everywhere to give food during hard and celebratory times, why would we not do it during the hardest day of a parents life?”**



# Optimizing brains and reducing secondary trauma.



Protein For All™



# Who was considered for parole?

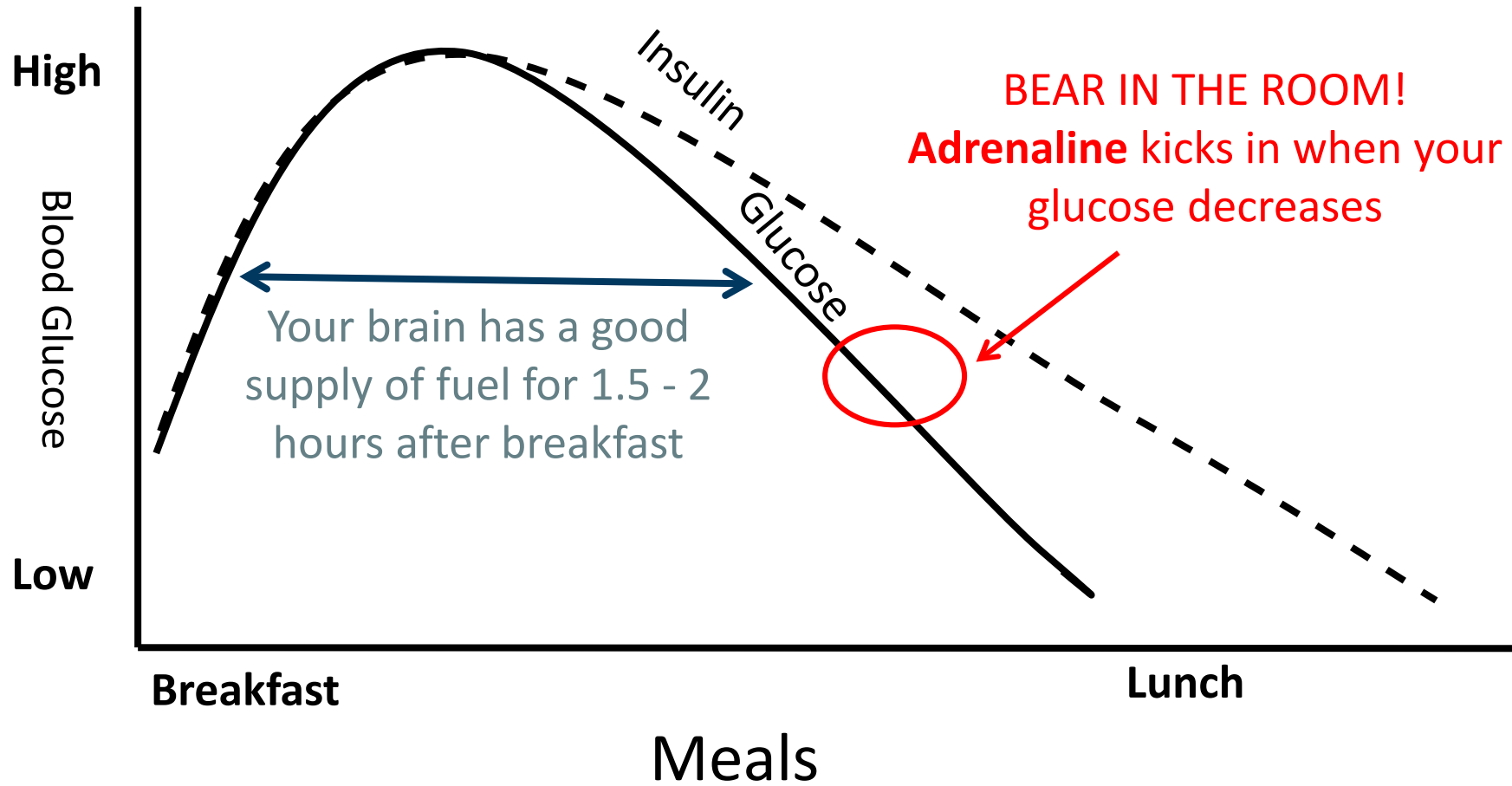
65%

**Immediately after a  
meal**

0%

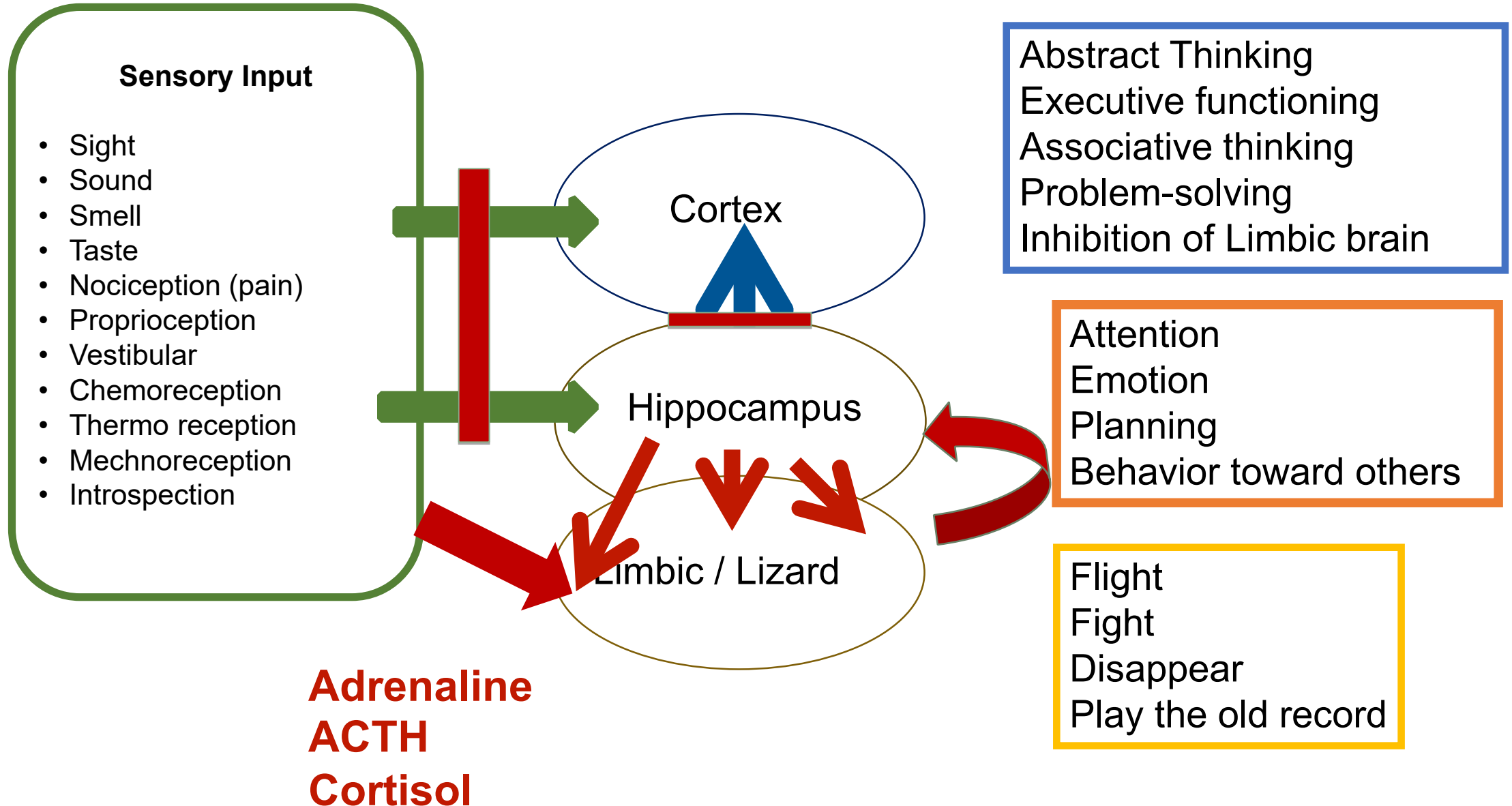
**Immediately before a  
meal**

# The Carbohydrate Cycle



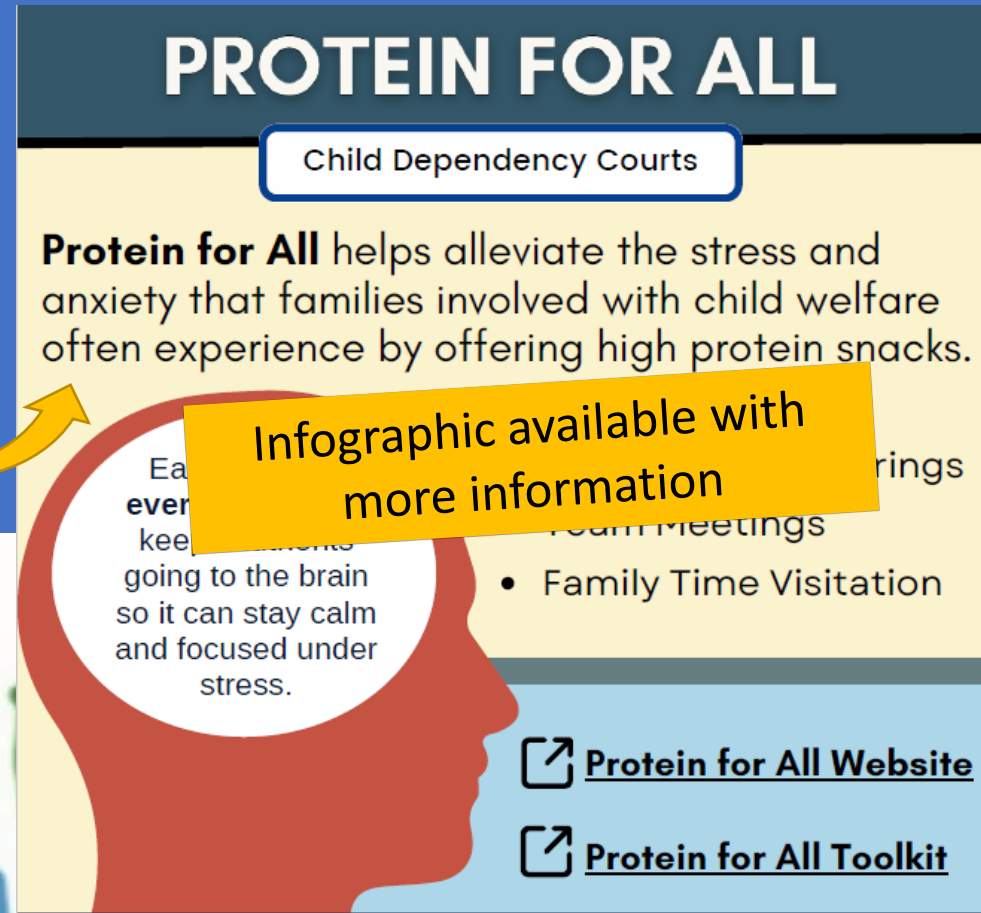


# PTSD Information Processing



# Protein for All

Want to learn more?



**PROTEIN FOR ALL**

Child Dependency Courts

**Protein for All** helps alleviate the stress and anxiety that families involved with child welfare often experience by offering high protein snacks.

Each day, protein is going to the brain so it can stay calm and focused under stress.

- Family Time Visitation

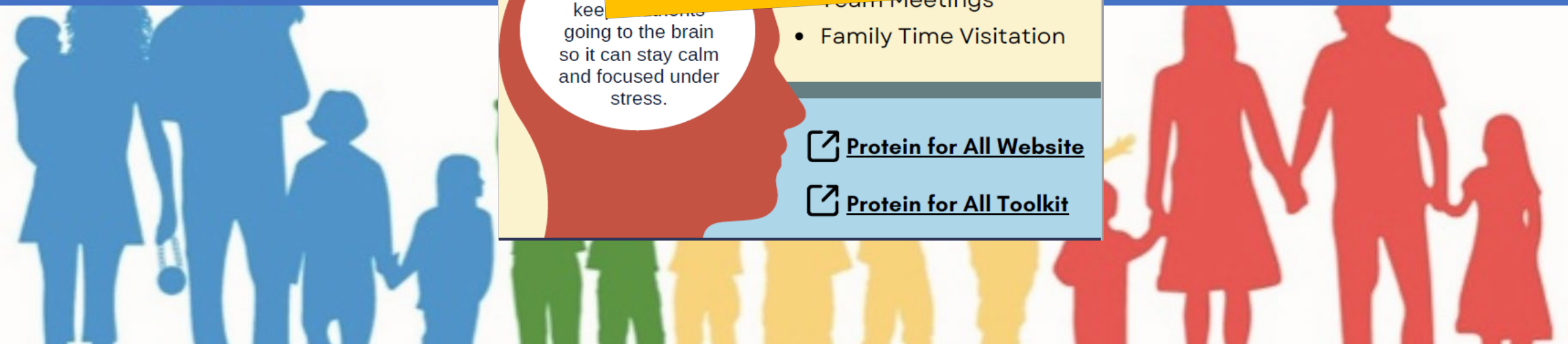
[Protein for All Website](#)

[Protein for All Toolkit](#)

Infographic available with more information

Want to engage our child welfare system in this work?

Reach out to Kelly Warner King or Jenn Nguyen




# PROTEIN FOR ALL

## Child Dependency Courts

**Protein for All** helps alleviate the stress and anxiety that families involved with child welfare often experience by offering high protein snacks.

Eating protein every 2–3 hours keeps nutrients going to the brain so it can stay calm and focused under stress.

- Before Court Hearings
- Team Meetings
- Family Time Visitation

 [Protein for All Website](#)

 [Protein for All Toolkit](#)

## Program Components

1

### Education

Educates people throughout the dependency court about small changes that they can make to have more energy and mental clarity.

2

### Champions

Local individuals who generate support, obtain needed resources and assist in maintaining the program.

3

### High Protein Snacks

Protein rich foods that have at least 10 grams of protein and less than 40 grams of carbohydrates per serving.

4

### Systems

The community in a court or office is empowered to structure the program in any way that works for their unique situation.



Examples of protein rich foods include nuts, jerky, cheese, eggs, protein bars and protein shakes.