

Attachment E

Washington State Court Improvement Program

Strategic Plan FFY 2022–2027



WASHINGTON
COURTS



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*Transforming systems to promote thriving families
and equitable child welfare court communities.*

Introduction

Over the past five years, the Washington State Court Improvement Program (CIP) has increased collaboration with the Department of Children, Youth, and Families (DCYF) and expanded its role within the Supreme Court Commission on Children in Foster Care (CCFC). The Innovative Dependency Court Collaborative (IDCC) was created in 2019 to serve as the multidisciplinary task force for the CIP Program and to support system improvement and communication among all partners. Increased collaboration has occurred with DCYF in planning and implementation of the Child and Family Services Review, including the Program Improvement Plan (PIP).

This past year, as the pandemic created havoc within our courts and child welfare systems, CIP staff played a major role in convening multidisciplinary work groups to address COVID-related issues and improve communication. And with additional COVID-related CIP funds, we will have increased capacity to provide resources to assist with court recovery.

Legislation passed this session will turn the corner for Washington State regarding child representation in child welfare cases. The new law requires representation of children and youth eight and older. CIP will assist in developing standards of practice for quality legal representation of children, and also work toward providing quality legal representation for all dependent children, regardless of age.

Addressing racial equity has become a central tenant of court improvement efforts. In 2020, energized cross-disciplinary teams attended the prevention-focused CIP State Team Planning Meeting and the *National Judicial Leadership Summit: Ensuring Justice in Child Welfare*. Both gatherings resulted in action plans that will guide Washington's CIP Strategic Plan for the next five years. The courts and DCYF will work together with our partners to collaboratively implement this vision, while the IDCC and CCFC will provide oversight for this work.

The Administrative Office of the Courts (AOC) is committed to supporting equity and effective practice in dependency courts and created a new program (effective July 1, 2021) within the Office of Court Innovation. The Family and Youth Justice Programs will oversee the work of CIP, as well as Family Treatment Court, Early Childhood Court, and Family and Juvenile Court Improvement Programs.

CIP staff will continue to collaborate with the DCYF to improve policies and processes around child welfare and improve data sharing. This strategic plan will be the guide by which the Washington State CIP will allocate grant funding and other resources towards improving outcomes for children and families. We are ready and excited for the next five years.

Priority Area #1: Safety, Timeliness/Permanency, Well-Being

Outcome #1: As a result of cross-disciplinary training and coaching, court partners and DCYF staff will understand and articulate consistent child safety language in court hearings, including:

- the current assessment of safety in the home (safety threats, child vulnerability, and parent protective capacity);
- safety planning;
- conditions of return;
- supervision and plan for family time; and
- case plan, including requirements to dismiss the case.

Caseworkers will submit a current DCYF Safety Assessment/Safety Plan with their standard court report.

Need Driving Activities & Data Source:

At the request of Washington State CIP, the Capacity Building Center for Courts (CBCC) conducted a baseline evaluation of safety decision making practices of seven courts in Washington State. The following themes emerged:

- vulnerabilities, protective capacities, and conditions for return are rarely discussed at hearings;
- safety analysis and discussions of safety planning rarely occur in court;
- safety-related justifications for supervised family time were rarely articulated;
- need for child welfare and court professionals to better understand and be able to articulate how case plan progress relates to safety.

The author of the evaluation, Dr. Alicia Summers, provided the following suggestions for improvement:

- enhance understanding of all stakeholders through multidisciplinary trainings;
- engage parents to better understand concepts and language regarding safety considerations;
- enhance training of professionals around safety planning, conditions for return home, and case planning;
- enhance training to ensure knowledge translates to behavior change, where practice aligns with understanding of safety training concepts.

The Washington Baseline Safety Decision-Making Practice, March 2021 can be found here: https://www.wacita.org/wp-content/uploads/2021/06/Washington-Baseline-Safety-Hearing-Quality-Report_Final.pdf

In its current [Program Improvement Plan](#), the Washington State Department of Children, Youth, and Families identifies the following root cause in Goal Area 4: Permanency:

- The lack of consistent support and oversight for caseworkers to complete ongoing shared planning meetings and integrate the Safety Framework into practice results in an inability to clearly communicate safety threats to children, parents, the court, and court partners and to create individualized case plans that accurately identify needed services to support timely permanency.

DCYF collaborated with the courts and other stakeholders in the development and implementation of PIP strategies to address this need.

Theory of Change:

Deliver interdisciplinary safety guide training:

- SO THAT a shared understanding and language of safety is created;
- SO THAT sufficient information is collected;
- SO THAT threats of danger are identified and protective capacities are accurately assessed throughout the life of the case;
- SO THAT effective safety plans and case plans are created;
- SO THAT a child remains in the home;
- OR THAT if a child is placed out-of-home, appropriate family time is ordered and conditions of return home are identified and understood;
- SO THAT at all parties are clear as to what strategies and services are necessary to achieve permanency;
- SO THAT safe and lasting permanency is achieved in each and every case.

Action Step #1	Provide multidisciplinary safety training to selected courts in PIP-identified counties that identifies safety principles to be discussed at every court hearing and engages court partners in developing action steps to improve safety practice.
Collaborative Partners	DCYF headquarters and local staff; court professionals (including FJCIP Coordinators) from Chelan, Grays Harbor, King, Kitsap, Mason, Pierce, and Spokane Counties; and Casey Family Programs.
Anticipated Outputs of Activity	Multidisciplinary safety training and local action plans.
Goals of Activity (short- and/or Long-term) Progress toward Outcome	Improve understanding of key safety principles across the system. System partners change practice and permanency outcomes improve.
Timeframe	July–December 2021, and ongoing.
Resources Needed	N/A
Plans for Evaluating Activity	See Priority Area #2 Hearing Quality Evaluation

Action Step #2	Follow up coaching and support provided to court partners to effectively implement action steps.
Collaborative Partners	DCYF headquarters and local staff; and court professionals (including FJCIP Coordinators) from Chelan, Grays Harbor, King, Kitsap, Mason, Pierce, and Spokane Counties.
Anticipated Outputs of Activity	Practice change in each discipline and court reports include safety assessment and safety plan documentation.
Goals of Activity (short-and/or Long-term) Progress toward Outcome	Increase in number of safety assessments/plans submitted to the court. Implementation of local action plans, and discussion in court includes safety planning and case planning.
Timeframe	October 2021–March 2022.
Resources Needed	N/A
Plans for Evaluating Activity	Progress reports from local court teams, and also see Priority Area #2 Hearing Quality Evaluation
Action Step #3	Based on hearing quality evaluation results, modify training and supports, then create sustainable education plan for effective safety practice that is available statewide.
Collaborative Partners	DCYF and IDCC
Anticipated Outputs of Activity	Sustainable education plan for effective safety practice.
Goals of Activity (short-and/or Long-term) Progress toward Outcome	Identify most effective training and follow up practices for sustainable, ongoing plan for training court partners and changing practice statewide.
Timeframe	May–December 2022.
Resources Needed	CBCC technical assistance.
Plans for Evaluating Activity	N/A

Priority Area #2: Quality Court Hearings

Outcome #2: Judicial officers will be provided sufficient information and will inquire into key components of child safety, including:

- the current assessment of safety in the home (safety threats, child vulnerability and parent protective capacity);
- safety planning;
- conditions of return;
- supervision and plan for family time; and
- case plan, including requirements to dismiss the case.

Parents understand safety threats in their case, conditions of return, and what they need to do to successfully complete their case plan.

Need Driving Activities & Data Source:

At the request of Washington State CIP, the CBCC conducted a baseline evaluation of safety decision making practice in Washington State with the following themes that emerged:

- vulnerabilities, protective capacities, and conditions for return are rarely discussed at hearings;
- safety analysis and discussions of safety planning are rarely occurring in court;
- safety-related justifications for family time supervision were rarely articulated;
- need for stakeholders to better understand and be able to articulate how case plan progress relates to safety.

The author of the evaluation, Dr. Alicia Summers, provided the following suggestions for improvement:

- enhance understanding of all stakeholders through multidisciplinary trainings;
- engage parents to better understand concepts and language regarding safety considerations in their own case;
- enhance training of professionals around safety planning, conditions for return home, and case planning;
- enhance training to ensure knowledge translates to behavior change, where practice aligns with understanding of safety training concepts.

The Washington Baseline Safety Decision-Making Practice, March 2021 can be found here: https://www.wacita.org/wp-content/uploads/2021/06/Washington-Baseline-Safety-Hearing-Quality-Report_Final.pdf

In its current [Program Improvement Plan](#), the Washington State Department of Children, Youth, and Families identifies the following root cause in Goal Area 4: Permanency:

- The lack of consistent support and oversight for caseworkers to complete ongoing shared planning meetings and integrate the Safety Framework into practice results in an inability to clearly communicate safety threats to children,

parents, the court, and court partners and to create individualized case plans that accurately identify needed services to support timely permanency.

DCYF collaborated with the courts and other stakeholders in the development and implementation of PIP strategies to address this need.

Theory of Change:

Create a shared understanding and language of safety:

- SO THAT sufficient information is collected;
- SO THAT threats of danger are identified and protective capacities are accurately assessed throughout the life of the case;
- SO THAT effective safety plans and case plans are created;
- SO THAT a child remains in the home,
- OR THAT if a child is placed out of the home, appropriate family time is ordered and conditions for return home are identified and understood;
- SO THAT all parties are clear as to what strategies and services are necessary to achieve permanency;
- SO THAT safe and lasting permanency is achieved in each and every case.

Action Step #1	Conduct a post training hearing quality assessment to determine if sufficient safety information is being provided and discussions are occurring in court.
Collaborative Partners	CBCC and child welfare/court professionals and parents from Chelan, Grays Harbor, King, Kitsap, Mason, Pierce, and Spokane Counties.
Anticipated Outputs of Activity	Hearing quality report/recommendations focused on safety decision-making concepts and practices.
Goals of Activity (short-and/or Long-term) Progress toward Outcome	Increased safety information provided to parties and discussed in court, as compared to the baseline study.
Timeframe	December 2021–March 2022.
Resources Needed	CBCC committed staff to conduct evaluation.
Plans for Evaluating Activity	The activity is the evaluation.
Action Step #2	Hearing quality evaluation will be shared with DCYF and court partners to inform safety guide work (Priority Area #1)
Collaborative Partners	DCYF headquarters and local staff and court professionals (including FJCIP Coordinators) from Chelan, Grays Harbor, King, Kitsap, Mason, Pierce, and Spokane Counties.
Anticipated Outputs of Activity	Informed conversations regarding successes and challenges identified in the evaluation to inform ongoing work.
Goals of Activity (short-and/or Long-term)	Evaluation that identifies change of practice over time from baseline to three-month post training.

Progress toward Outcome	Evaluation used to identify where to improve training and/or local action plans.
Timeframe	April 2022 and ongoing.
Resources Needed	Possible CBCC technical assistance.
Plans for Evaluating Activity	See Action Step #3.
Action Step #3	Work with CBCC to identify indicators to monitor the quality of ongoing court safety inquiry in the original PIP counties.
Collaborative Partners	CBCC, IDCC, DCYF headquarters and local staff and court professionals (including FJCIP Coordinators) from Chelan, Grays Harbor, King, Kitsap, Mason, Pierce, and Spokane Counties.
Anticipated Outputs of Activity	Identify indicators to develop ongoing continuous quality improvement (CQI) and incorporate into the safety training sustainability plan (Priority #1).
Goals of Activity (short-and/or Long-term) Progress toward Outcome	Increase quality of in-court safety inquiry in counties that have received training.
Timeframe	July 2022 and ongoing.
Resources Needed	Commitment from CBCC to continue to support this work.
Plans for Evaluating Activity	N/A

Priority Area #3: Quality Legal Representation

Outcome #3: All dependent children and youth will receive quality legal representation.

Need Driving Activities & Data Source:

Washington State is one of a few states in the nation that does not provide legal representation for all dependent children and youth. Under current Washington law, the court must appoint an attorney for a child in a dependency proceeding six months after granting a petition to terminate the parent and child relationship when there is no remaining parent with parental rights, if a young person is petitioning for their parent's parental rights to be reinstated, or if a youth is in extended foster care. The court may appoint an attorney to represent the child's position at any point in a dependency action on its own initiative, or upon the request of a parent, child, guardian ad litem, caregiver, or DCYF.

The system that Washington has operated under since 2014 has been a bifurcated one, where most of the attorneys who are representing children and youth are not required to engage in any mandatory training, have no caseload limits, do not need to practice consistent with practice standards, and are often not sufficiently compensated for their work. In 2014, RCW 13.34.100(6) was amended to provide for the mandatory representation of children and youth whose parents' parental rights had been terminated and who had not reached permanency after six months. The legislature appropriated money to be distributed by the Washington State Office of Civil Legal Aid (OCLA). Payment for attorney services under the statute was predicated on compliance with the practice standards that were adopted by the Washington State Supreme Court Commission on Children in Foster Care in 2010. These practice standards require training and caseload limits, and lay out the best practices when representing children and youth in dependency proceedings.

2SSHB 1219, which was passed in the 2021 legislative session, provides mandatory appointment of counsel for children and youth in dependency proceedings for:

- children age seven and younger, upon the filing of a termination petition;
- children and youth age eight through 17 when a new dependency petition is filed, with mandatory appointment made at or before the commencement of the shelter care hearing; or
- any pending or open dependency case where the child is unrepresented and is entitled to the appointment of an attorney; mandatory appointment occurs at or before the next hearing.

Statewide implementation will occur as follows:

- 3 counties beginning July 1, 2022;
- 8 counties beginning January 1, 2023;
- 15 counties beginning January 1, 2024;
- 20 counties beginning January 1, 2025; and

- 30 counties beginning January 1, 2026; with
- Full implementation by January 2027.

Implementation will be prioritized in counties that have significant racial disproportionality in the number of dependent children (as compared to the general population) and in counties that currently do not appoint counsel for children.

In the new law, the legislature recognized the following:

- that substantial changes have occurred that inform the best practices related to representation of children and youth in dependency cases, including new understandings relating to equity, disproportionality, cultural competency, and trauma-informed representation;
- the role that training, supportive supervision, and competitive compensation structures play in recruiting and retaining a diverse pool of well-qualified attorneys;
- that standards-based representation continues to be necessary to ensure effective representation of the stated and legal interests of children and youth involved in the child welfare system.

OCLA, as the statutory designated administrator of the Children's Representation Program (CRP) and entity designated by the Supreme Court Commission on Children in Foster Care, is to convene a Children's Representation work group to review, develop, and update the current standards of practice, caseload limits, and training guides by March 31, 2022. In addition, the work group is requested to review, in consultation with relevant stakeholders, the available research and best practices regarding representation of the legal interests of children under the age of eight, and submit to the legislature recommendations regarding the appropriate model of representation, including timing of appointment, training and oversight needs, and other considerations. The recommendations will be reported to the legislature by March 31, 2022.

The Washington State Center for Court Research must convene stakeholders to identify: relevant outcome measures and data collection methods to effectively assess the number of youth for whom attorneys are appointed by the phase-in schedule, and the short and long-term impact of standards-based legal representation on case outcomes. A report must be submitted to the appropriate committees of the Legislature and the Governor outlining the outcome measures identified by November 30, 2022.

While this legislation makes great strides towards legal representation for children in Washington State, there is still a need for children younger than eight years old to receive legal representation.

Theory of Change:

Update children's legal representation standards informed by best practice models, rigorous data analysis, race, and other equity considerations:

SO THAT all children's attorneys are trained and held to those standards;

SO THAT quality legal representation is provided for all children in dependency and termination cases, regardless of age;

SO THAT all children's legal rights and stated interests are effectively advocated for in the court system;

SO THAT fewer children are disproportionately impacted by the system and avoid the foster care to prison pipeline;

SO THAT dependency case outcomes improve for children who experience the child welfare system, including increased family reunification rates, fewer placement changes, educational stability, statutorily required educational advocacy, and reduced time in out-of-home care.

Action Step #1	Review, develop and update the standards of practice, caseload limits and training guides for the children's representation program.
Collaborative Partners	OCLA, CCFC, and Child Representation Workgroup (which includes youth and relevant stakeholders).
Anticipated Outputs of Activity	Updated standards of practice, caseload limits, and training guides for child representation.
Goals of Activity (short-and/or Long-term) Progress toward Outcome	Create multidisciplinary workgroup that will engage in research and produce standards.
Timeframe	July 2021–March 2022.
Resources Needed	National Association of Counsel for Children and ABA Center on Children and the Law.
Plans for Evaluating Activity	N/A
Action Step #2	Review available research and best practices and recommend the appropriate model of representation of children under the age of eight.
Collaborative Partners	OCLA, CCFC, and Child Representation Workgroup (which includes youth and relevant stakeholders).
Anticipated Outputs of Activity	Recommendations regarding the appropriate model of representation for children younger than eight years old.
Goals of Activity (short-and/or Long-term) Progress toward Outcome	Create multidisciplinary workgroup that will engage in research and produce recommendations.
Timeframe	July 2021–March 2022.
Resources Needed	National Association of Counsel for Children and ABA Center on Children and the Law.
Plans for Evaluating Activity	N/A

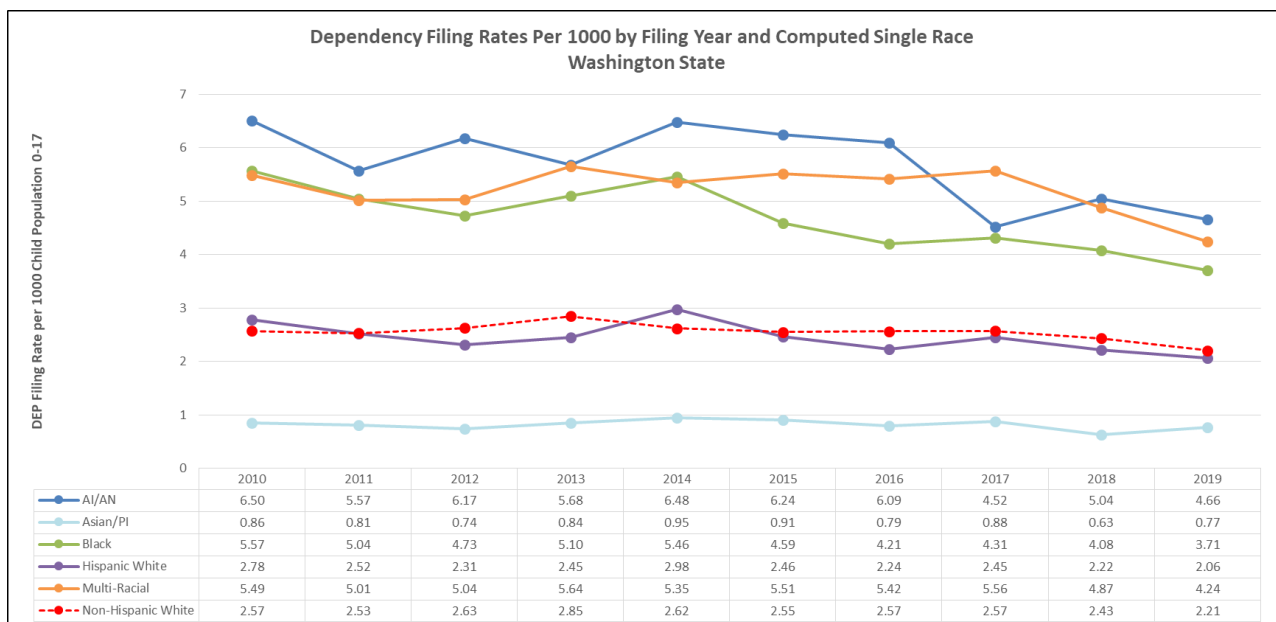
Action Step #3	Assess short- and long-term impacts of standards-based legal representation on case outcomes for children eight and older.
Collaborative Partners	Washington State Center for Court Research, OCLA, system stakeholders, and youth.
Anticipated Outputs of Activity	Annual report outlining case outcome measures.
Goals of Activity (short-and/or Long-term) Progress toward Outcome	<p>Identify relevant outcome measures and data collection methods that appropriately protect attorney-client privilege.</p> <p>Annually assess the number of youth for whom attorneys are appointed, and the short and long term impacts of standards-based legal representation on case outcomes including:</p> <ul style="list-style-type: none"> • family reunification; • number of placement changes; • placement with kin; • education stability, compliance with statutory requirements regarding educational liaison, and educational outcomes; • involvement in juvenile justice system; • youth experience with attorney representation. <p>Provide data disaggregated by race, ethnicity, age, disability status, sexual and gender identity, and geography.</p>
Timeframe	October 2021–November 2022, and ongoing.
Resources Needed	N/A
Plans for Evaluating Activity	This is the evaluation.
Action Step #4	Based on results of Action Step #2, support legislative request to provide legal representation for all dependent children regardless of age.
Collaborative Partners	CCFC, AOC legislative staff, Superior Court Judges' Association, Mockingbird Society, and Treehouse.
Anticipated Outputs of Activity	Legislature will revise statute and allocate funding for legal representation for all children, regardless of age.
Goals of Activity (short and/or Long-term) Progress toward Outcome	Draft and support legislation and advocate for sufficient funding.
Timeframe	November 2022–April 2023, and possibly ongoing.
Resources Needed	Legislative champions.
Plans for Evaluating Activity	N/A

Priority Area #4: Indian Child Welfare Act (ICWA)/Tribal Collaboration

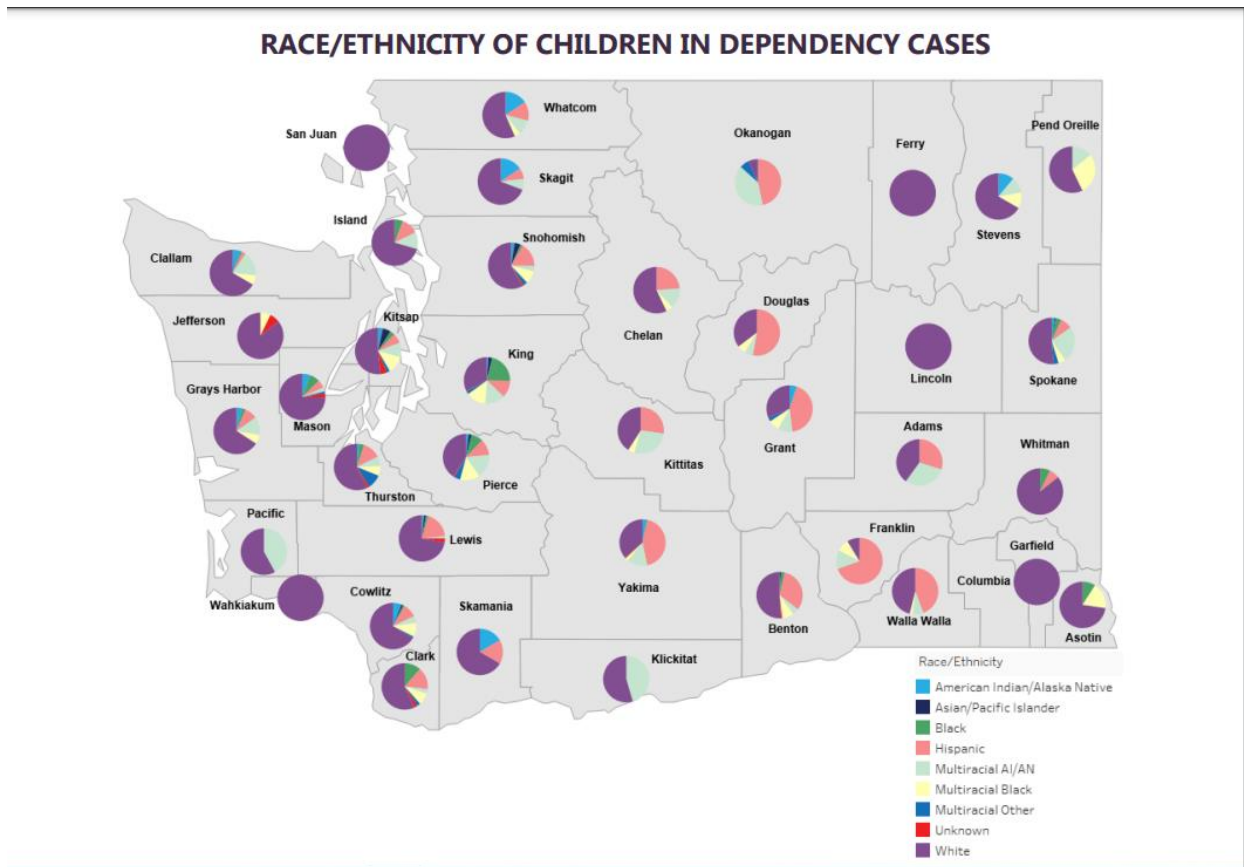
Outcome #4: Improved judicial understanding of active efforts standard and application from the bench and increased implementation of ICWA Court dockets in Washington State.

Need Driving Activities & Data Source:

The Washington State Center for Court Research provided the following table which shows that the dependency filing rate for American Indian/Alaska Native (AI/AN) children is disproportionately higher than other races in Washington State.



In order to determine areas where we may need to focus, the following map depicts race/ethnicity of children in dependency cases in Washington State broken out by county.



The following table details information for counties with 15% or higher dependency filings identifying as AI/AN and AI/AN Multiracial.

2020 Dependency Filings Identified as American Indian/Alaska Native & AI/AN Multiracial			
Counties with 15% or Higher AI/AN Filings	Percentage of Filings AI/AN	Overall Number of Filings	Approx. Number of AI/AN Cases
Ferry	50%	2	1
Klickitat	45%	11	5
Pacific	42%	19	8
Okanogan	40%	16	6
Lincoln (2019)	36%	11	4
Adams	30%	10	3
Kittitas	27%	23	6
Spokane	27%	455	122
Whatcom	27%	88	24
Clallam	22%	82	18
Skagit	22%	42	9
Stevens	22%	9	2
Whitman	21%	17	4
Pierce	19%	456	86
Grays Harbor	17%	86	15
Skamania	17%	7	1
Yakima	17%	143	24
Grant	15%	80	12
King	15%	442	66

This information helps to identify the counties with higher numbers of Native American children/youth in care and where we should focus our attention.

The effective application of key components of ICWA, including active efforts and reason to know standards, have been identified as areas of practice that need considerable improvement in Washington. DCYF is currently revising ICWA policies and developing training for DCYF staff to improve practice, with a plan to roll out in November 2021.

The introduction of the [Lummi Child Welfare Comprehensive Guide to Active Efforts](#), published in March 2021, includes this statement:

“In state courtrooms, the Lummi Nation has routinely encountered State Agencies advising the court that Active Efforts have occurred when they have not, and state judges accepting reasonable efforts below the level of Active Efforts as meeting ICWA’s Active Efforts requirements (even when the tribe has

explained the differences in court). The Lummi Nation has found itself routinely in the position of state courts putting the burden on the tribe to prove that Active Efforts did not occur rather than putting the burden on State Agencies to prove that Active Efforts did occur.”

In its September 3, 2020, unanimous opinion [In re Dependency of Z.J.G., 196 Wn.2d 152, 471 P.3d 853, 2020 Wash. LEXIS 446, 196 Wn.2d 152, 471 P.3d 853, 2020 Wash. LEXIS 446](#), the Washington Supreme Court adopted a broad interpretation of the “reason to know” standard. The opinion, authored by Justice Raquel Montoya-Lewis, acknowledged the historical failure of state courts, including Washington’s, to provide due process to Native families. The Court found that such an interpretation was required in order to “respect a tribe’s exclusive role in determining membership, comport with the canon of construction for interpreting statutes that deal with issues affecting Native people and tribes, comply with the statutory language and implementing regulations, and serve the underlying purposes of ICWA and WICWA.” In response to the decision, DCYF and the Attorney General’s Office have been working internally to update DCYF ICWA policies, which will need to be shared with court partners to support accountability and practice change.

DCYF’s [2019 Statewide ICW Case Review](#) evaluated the Department’s compliance with ICWA and the quality of Indian Child Welfare (ICW) social work practice in all areas of the state. The review found that ongoing active efforts to engage and work with the parent to complete services occurred in 44% of cases involving fathers and in 64% of cases involving mothers. Statewide, in only 38% of cases involving children in out-of-home care was a child returned home or were sufficient and timely efforts made to achieve permanency for the child in the previous year. In DCYF Region 1, which includes Spokane’s ICWA Court Team, this number was 60%.

Washington currently has only one court docket that is dedicated exclusively to hearing cases involving Native families, the Spokane County ICWA Court Team. Interest in developing ICWA Courts in other counties has been expressed as a means of improving court practice regarding ICWA cases. In partnership with the National Council of Juvenile and Family Court Judges (NCJFCJ) and Casey Family Programs, court and child welfare leaders in Washington State are planning an ICWA Summit in late October 2021, modeled after a successful event in Minnesota, which resulted in the creation of three new ICWA Courts. The CIP will work with our partners to plan and deliver the summit content and to identify and engage jurisdictions that serve high numbers of Native families in the child welfare and court systems. The courts highlighted in yellow in the chart above will be encouraged to consider implementing an ICWA Court. Courts with smaller caseloads but a high percentage of Native children will be targeted with training resources to improve ICWA practice in their courts.

ICWA training and resources will be developed for court partners in these jurisdictions and for judicial officers across the state. The training will highlight active efforts and the reason to know standards, as well as what it means to implement ICWA with fidelity and as the “gold standard” for practice.

Theory of Change:

Improve judicial and court partner understanding of how to apply ICWAWICWA, active efforts, and reason to know standards:

SO THAT court inquiry and findings adhere to ICWA requirements;

SO THAT the department is held accountable for providing active and culturally appropriate support to native children and families;

SO THAT DCYF case workers' and court professionals' ICWA practice improves;

SO THAT case outcomes, such as percentage of reunification and time to reunification, improve for Native families.

Action Step #1	Invite interested courts to an ICWA Court Summit to raise awareness and support implementation of more ICWA courts.
Collaborative Partners	Justice Raquel Montoya-Lewis, Sheldon Spotted Elk (NCJFCJ), Tleena Ives (DCYF), Tribal Law and Policy Institute, Seattle University Center for Indian Law and Policy, Casey Family Programs, Appellate Courts, and Superior Court teams (judicial officer, Assistant Attorneys General (AAGs), parents and children's counsel, child advocates, tribal partners, DCYF, and court administration) to be invited from: Clallam, Grays Harbor, King, Pierce, Spokane, Whatcom, and Yakima Counties.
Anticipated Outputs of Activity	Increased implementation of ICWA Court dockets in Washington State.
Goals of Activity (short-and/or Long-term) Progress toward Outcome	Create county teams to attend summit to increase knowledge regarding ICWA courts. Teams will implement ICWA Courts or identify other ways to improve ICWA practice. Reduce disproportionality experienced by ICWA families.
Timeframe	October 2021 and ongoing.
Resources Needed	N/A
Plans for Evaluating Activity	Each team will create an action plan and CIP will follow up on implementation and help them assess if efforts have improved outcomes.
Action Step #2	Co-host the Reasonable Efforts Institute with the CBCC and add active efforts components.
Collaborative Partners	CBCC, Sheldon Spotted-Elk (NCJFCJ), Lummi Nation, DCYF Tribal Relations, and judicial officers from Superior and Appellate Courts.
Anticipated Outputs of Activity	Improved judicial understanding of active efforts standards and application from the bench.
Goals of Activity (short-and/or Long-term) Progress toward Outcome	Active efforts inquiry happens in court and findings reflect evidence of active efforts. Case outcomes improve for Native families.

Timeframe	2022
Resources Needed	CBCC assistance with hearing quality assessments.
Plans for Evaluating Activity	Hearing quality baseline assessment, implementation, and after assessment.
Action Step #3	Create a Washington-centered ICWA benchcard, including reason to know standard and case law.
Collaborative Partners	ICWA Workgroup, Stacy Lara (University of Washington School of Law), Commissioner Michelle Ressa (Spokane ICWA Court), and Jurist in Residence.
Anticipated Outputs of Activity	ICWA Benchcard for Washington State.
Goals of Activity (short-and/or Long-term) Progress toward Outcome	Form a workgroup to create an ICWA benchcard. Include benchcard in judicial college, dependency practice tip, and dependency benchbook. Utilize benchcard in active efforts institute.
Timeframe	December 2021.
Resources Needed	ICWA benchcard examples from other states.
Plans for Evaluating Activity	Determine use in the trainings listed in the Goals section.

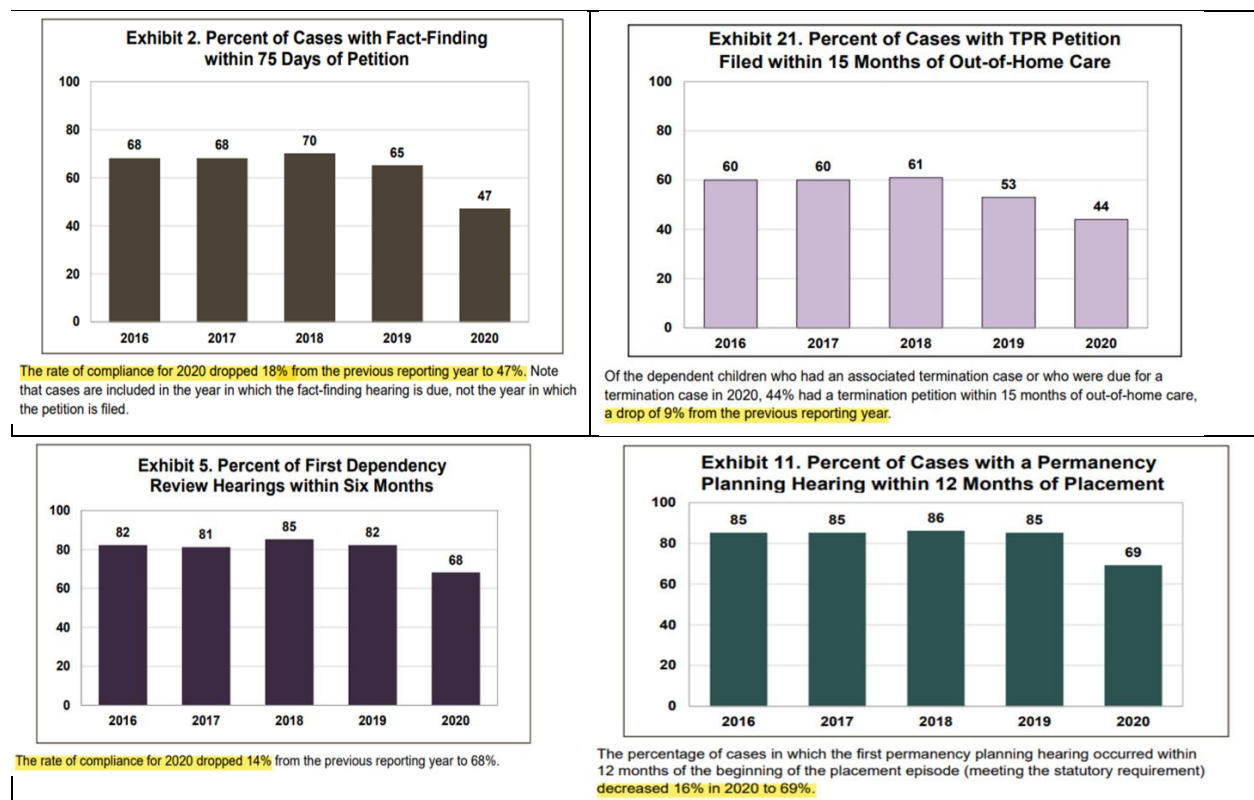
Priority Area #5: Other – Court Recovery from Pandemic

Outcome #5: Courts meet or exceed pre-pandemic dependency hearing and trial timeliness measures, and courts provide flexibility for parents, children, and court participants to appear remotely for hearings.

Need Driving Activities & Data Source:

A statewide assessment is needed to determine how each court is functioning, the resources needed, and how CIP COVID funding can most effectively address local court challenges and support innovation to improve access to justice and encourage flexibility with remote and in-person participation.

The [Dependent Children in Washington State: Case Timeliness and Outcomes 2020 Annual Report](#) shows that timeliness of dependency hearings and trials suffered in 2020 due to restricted accessibility to courts during the pandemic.



Washington created the following measures to respond to the pandemic and its impact on dependency court processes.

In order to provide for statewide consistency of practice in dependency and termination cases during the pandemic, a workgroup of the CCFC drafted emergency orders

regarding dependency and termination cases. These orders covered procedures for shelter care hearings and other emergency matters, appointment of counsel for children, visitation motions, and overall due process requirements, among other matters.

In May–June 2020 a stakeholder group created comprehensive guidelines for implementing the orders and reestablishing court proceedings, entitled [Resuming Dependency Fact Finding and Termination of Parental Rights Trials in Washington State](#).

Starting in March 2020, the multidisciplinary COVID Rapid Response Work Group was created and met weekly to address issues and share COVID-related information impacting the child welfare and court systems. The work group continues to meet monthly, convened by CIP and DCYF leadership, to address pandemic recovery issues and promote the dissemination of accurate information across disciplines in the child welfare system. The group has worked collaboratively to develop processes and share information on topics such as: family time, delaying unnecessary termination of parental rights trials, and the mental health needs of children and youth.

The Board for Judicial Administration (BJA) formed a Court Recovery Task Force in June 2020 to assess court impacts from COVID-19; develop and implement strategies to ensure that every court can provide fair, timely, and accessible justice; and provide recommendations for ongoing court operations and recovery after the public health emergency subsides. The multidisciplinary Child Welfare Committee is one of nine committees that reports to the Task Force and CIP provides staff support. The Child Welfare Committee created sample documents to support local court practice, which are being distributed statewide. These include:

- Pre-Trial Order for Remote/Virtual Dependency Fact Finding or Termination of Parental Rights;
- discovery agreement; and
- witness list for virtual hearings.

The Committee will examine practices and formulate systems improvement recommendations to achieve better outcomes for children, youth, and families, including recommendations regarding court hearing schedules; providing flexibility for parents, children, court participants, and witnesses to participate remotely in hearings (now and post-pandemic); and a process for obtaining signatures on orders (electronic or otherwise).

Now that vaccines are readily available and courts begin to recover, courts need to decide how to catch up on backlogs and whether they will go back to business as usual. Courts are becoming accustomed to, and several want to continue, doing remote hearings, or a hybrid approach where some parties/witnesses appear remotely.

A recent study was conducted entitled [Virtual Hearing Practice in Child Welfare Perceptions from the Field](#), May 2021, Alicia Summers and Sophia Gatowski. The study suggested that only certain hearing types are best suited for using a virtual platform or it may mean that stakeholders require additional guidance on how to

improve advocacy and discussion in a virtual setting. It is important to consider ways that remote hearings might be enhanced as they do appear to be a useful tool that may be helpful even when (if) practice goes back to business-as-usual.

Because Washington State has a decentralized court system and each of the 39 counties operate in a different way, we lack a full understanding of dependency courts' needs as they emerge from the pandemic and grapple with case backlogs and ongoing public health mandates. A statewide assessment would help us determine how each court is functioning, the resources needed, and how CIP COVID funding can most effectively address local court challenges and support innovation to improve access to justice and encourage flexibility with remote and in-person participation to support those needs.

Theory of Change:

An assessment of post-pandemic dependency court practice is conducted at the local level:

- SO THAT challenges and opportunities can be identified;
- SO THAT needed court recovery resources can be allocated effectively;
- SO THAT best practices for remote hearings and trials are developed and implemented;
- SO THAT courts are more accessible to litigants and court professionals;
- SO THAT effective participation by parents and children is improved;
- SO THAT case timeliness improves to pre-pandemic levels or better.

Action Step #1	Assess dependency court practice at the local level to inform allocation of CIP pandemic funding.
Collaborative Partners	All 39 county court dependency systems (judicial officers; court administrators; FJCIP coordinators; agency, parent, and child attorneys; DCYF, CASA/child advocates; and parent allies).
Anticipated Outputs of Activity	Report of challenges, opportunities, and needs identified to guide decisions for allocating CIP pandemic funding.
Goals of Activity (short-and/or Long-term) Progress toward Outcome	Gain perspective of local court practitioners and collaborative partners on effectiveness and accessibility of local court practice. Identify effective responses to the pandemic and practices changes. Identify challenges and needs. Analyze information and make recommendations for resources needed to support effective and accessible dependency court operations. Report to IDCC to assist with the decision-making process for allocating resources.
Timeframe	July 2021–December 2021.

Resources Needed	Consultation with CBCC on data collection/analysis.
Plans for Evaluating Activity	IDCC review data to see if the allocated resources, based on assessment, were effective.
Action Step #2	Draft court rule to allow flexibility for parents, children, and court participants to appear remotely for hearings and develop recommendations for best practices for remote hearings.
Collaborative Partners	BJA Court Recovery Task Force and Supreme Court Rules Committee.
Anticipated Outputs of Activity	Court rule to allow remote participation in dependency court hearings.
Goals of Activity (short-and/or Long-term) Progress toward Outcome	Draft court rule and submit to Court Rules Committee for approval. Develop recommendations for best practices for remote hearings. Educate court professionals about the rule and recommendations.
Timeframe	July 2021–December 2021.
Resources Needed	N/A
Plans for Evaluating Activity	Survey of how courts are allowing remote appearances in dependency hearings and trials.

Priority Area #6: Prevention

Outcome #6: Reduce racial injustice in the child welfare system; reduce the number of children unnecessarily entering foster care; and improve high quality legal representation upstream.

Need Driving Activities & Data Source:

It is well understood that disproportionality is a long-standing problem in the child welfare system. Fortunately there is much energy around the issue of race equity; however, many of these efforts are happening in siloes. We see a need to gather information by mapping out what efforts are being made regarding racial equity and justice across systems, and which tools and efforts are most effective.

The Conference of Chief Justices and Conference of State Court Administrators invited Chief Justices from each state to assemble and lead a team for the *National Judicial Leadership Summit: Ensuring Justice in Child Welfare* in August 2020. The focus of the summit was reducing racial injustice in the child welfare system, reducing unnecessary removals of children from their parents, and improving high quality legal representation upstream.

Each state was asked to create an action plan addressing each of the focus areas. The Washington State team created philosophical strategies for each focus area that need further discussion with stakeholder groups in order to more specifically plan for implementation of the strategies. The action plan developed in September 2020 included the following:

Reducing racial injustice in the child welfare system

- Looking at statutory changes including:
 - changing the definition of child neglect to reduce the disparate impact on people of color;
 - applying the active efforts standards to prevent removal and keep the family together.
- Removing administrative barriers to family placements.

Reducing unnecessary removals of children from their parents.

- Provide meaningful parent representation prior to shelter care hearing.
- Increase the use of in-home dependencies, where DCYF and court oversight ensure safety.
- Further develop the Family Intervention Response to Stop Trauma (F.I.R.S.T.) Clinic.

Improving high quality legal representation upstream

- Expand Title IV-E reimbursement to support multidisciplinary parent representation teams to include parent attorney, social workers, and parent allies in order to engage parents earlier.
- Utilize IV-E reimbursement to expand provision of representation for all dependency youth.

CIP hired a Statewide Innovation Coordinator to move this work forward and met with the State Team for the first time in May 2021. As goals, activities, theories of change, etc., are worked out, they will be included as revisions in future iterations of the CIP Strategic Plan.