

***Juvenile Court Improvement Program
Advisory Committee & Training Subcommittee***

Joint Meeting Agenda

March 9, 2015

Salem – Juvenile and Family Court Programs Division
Oregon Room (East Wing)
1:30 – 3:30 PM

I. WELCOME & INTRODUCTIONS – Judge Kurshner

Present	
Hon. Paula Kurshner	Leola McKenzie
Hon. Norm Hill	Megan Hassen
Hon. Karen Ostrye	Shary Mason
Hon. Stephen Forte (by phone)	Conor Wall
Mandy Augsburger	Angela Keffer
Nancy Cozine	
Michele Desbrisay	
Kari Rieck	
Nathaniel Schwab	
Cathern Tufts	
Jason Walling	

II. APPROVAL OF MINUTES FROM LAST MEETING – Judge Kurshner

The minutes were approved by general consensus.

III. REPORTS

A. Juvenile Justice Mental Health Task Force: Megan Hassen reiterated to committee members that the Mental Health Task Force is charged with examining mental health services provided to juvenile justice youth, determining whether those services are sufficient, and providing recommendations to the Chief Justice by the end of 2015.

She stated the task force has uncovered issues that will be addressed, such as: (i) lack of systemic screening for mental health issues when entering the juvenile justice system; (ii) no cohesive system for sharing mental health information between providers and government agencies; (iii) lack of a system to manage psychotropic medications from point of entry; (iv) lack of crisis placements for youth, wherein detention is not appropriate; (v) lack of a general coordination

between schools, community mental health, and juvenile justice; and, (vi) concerns regarding the suspension of Oregon Health Plan coverage while youth are incarcerated.

Further discussion by task force members focused on creating an inter-branch work group to address services for youth when entering the system, as well as prevention. Task force members will also consider better screening methods to allow for more accurate referrals upon entrance and protocol for handling psychotropic medications when youth enter detention facilities.

The Juvenile Justice Mental Health Task Force's next meeting is on March 20, 2015.

Kari Rieck asked if there are multiple counties, wherein mental health staff work within the juvenile departments. Megan informed the committee that there are, adding that some counties staff mental health counselors, other counties contract with mental health, some counties refer, and there are some that are not doing any of the aforementioned. Kari inquired as to whether there are any statistics regarding juvenile facilities which staff mental health counselors. Megan informed the group that the only good statistics are from OYA and they are also discussing ways to keep better statistics.

B. State Court/Tribal Court Judges Convening: Shary Mason updated committee members that the convening will take place the day following the JCIP conference. This convening is intended to bring tribal judges and state court judges together to address any possible issues that may need ongoing collaboration.

Funding from the Tribal Public Law Institute (TPLI) has been applied for, to allow for a national speaker to help facilitate the meeting between state and tribal judges. In addition, this funding will assist in bringing a different state's tribal/state court team that has already implemented such a forum, to educate and make aware of any process issues. Casey Family Programs may assist with lodging expenses.

Leola added that the hope is to have tribal court judges attend the JCIP conference and stay for the convening on the following day.

C. JELI (Judicial Engagement Leadership Institute) Update: Leola McKenzie informed committee members that the JELI convening is scheduled for April 24, 2015, and registration is currently open.

Judge Forte stated that JELI is very active, the forms sub-committee being especially productive. The committee has decided to refrain from focusing on code revision at present. Members are actively participating and excited about the upcoming JELI convening.

D. Through the Eyes of a Child, XVIII Conference Update: Draft agendas were distributed to the committee for viewing.

Leola updated that on the first day, there will be two pre-sessions; Dependency Court 101 with Judge Murphy and Judge Abernethy, and an ICWA Basics pre-session with Megan Hassen and Shary Mason.

Also on day one, there will be updates on legislative, appellate, DHS, and JELI matters. There will also be a Visions, Initiatives, and Barriers (VIBs) session, wherein Judges are afforded time to get together in small groups for an open forum on the various discussion topics.

Day two of the conference will focus on children in court. There will be a youth panel. Additional session topics include the Adverse Childhood Experiences (ACEs) study, improving communication skills, cognitive bias and other barriers, achieving timely permanency, and judges' roles in the current various initiatives.

During day three, at the Model Court Statewide Summit on Child Abuse and Neglect, Susan Dreyfus will present a session on "Taking ACEs to Scale" and groups will form by discipline for further discussion. Then, the Anatomy of a Case Committee, similar to last year, has developed case scenarios with a number of different issues (e.g., substance abuse, past trauma, domestic violence, and sexual abuse) for model court teams to walk through and have the opportunity to discuss practices from different perspectives. Additionally, various experts will discuss information on these topics throughout the day.

Nancy Cozine made inquiry as to whether the presenters from day two's session on children in court, would be someone to have speak at the Juvenile Law Training Academy due to the attendees wanting further information on the particular topic. Shary informed the group that the presenters from Kinship House were very eager to give the session and provide information on topics such as ensuring a positive environment for youth, introducing and addressing difficult subjects with youth, etc. Shary will be helping develop this training session with the presenters and asked the committee to let her know if there are any specific topics they have an interest in discussing.

Notice for the conference will go out and registration will open between the end of March and early April.

Michele Desbrisay mentioned it may be helpful to encourage judges who attend the model court summit, to share the information with those in other groups that are unable to attend.

IV. DISCUSSION TOPICS

A. Court Observations Tool: Conor Wall informed committee members that Oregon Judicial Department has been working with the National Center for State Courts (NCSC) to conduct a workload study. Although the workload study as a whole, will render case weights for all case types, there is a piece of the court observations portion that will focus specifically on dependency cases. This will determine how much Judge and staff time is needed to hear dependency matters compared to other case types, in order to better allocate resources.

Additionally, the workload study will provide data on how much time is currently being taken to process dependency cases and how much time is needed to ensure thoroughness while processing dependency matters. Currently, the only available guidelines are from the National Council of Juvenile and Family Court Judges (NCJFCJ); however, most do not agree that these guidelines are an accurate estimate of time needed. In hopes to create a current baseline tailored specifically to Oregon state courts that allow for more thorough hearings, NCSC will perform court observations, looking at the quality of discussion, how parties are engaged, what topics are

being covered, etc. The information will also suggest how many judges are needed in order to accomplish this.

A draft Court Observation Form was given to committee members for their review prior to today's meeting, which is the tool that NCSC will be using to collect data while performing the court observations.

The form has undergone some editing based on previous discussions by the workload study task force in December, 2014. Additionally, Conor solicited input from committee members as to what is currently on the form or as to what is missing, to assist in further tailoring the form.

Michele Desbrisay inquired as to whether the questions on the form would be modified based on the type of hearing. Conor provided that once finalized, this will be the only form used during observations; however, the information recorded will be modified based on the type of hearing, etc. to assist with determining what items should be discussed in each different type of hearing. Judge Hill inquired as to whether the purpose of the data is to make comparisons within a single court or for cross-court comparisons. Conor responded that the main purpose of the data is to record how long the hearings are taking and how that relates to discussion of the issues. Judge Hill expressed concern for data being affected due to the lack of uniformity from court to court on types of hearings or what those hearings are called. Conor clarified that the main points of focus will be on the statutorily mandated hearings, although the other types of hearings (e.g., settlement conferences, mediations, etc.) will also be recorded. Judge Hill suggested collecting statistics on the data obtained within one specific hearing type (e.g., a shelter hearing where attorneys are present v. a shelter hearing where they are not).

Judge Kurshner inquired as to how NCSC will ensure that they are comparing similar hearings between the different courts. Conor informed the group that the NCSC staff conducting the observations will confer with court staff or additional parties familiar with the court's hearings, at each observation to ensure accurate comparisons. Judge Kurshner also expressed concern regarding the capability to record information addressed in the court documents, but not stated aloud during the hearing. Conor provided that the NCSC will balance knowing what is actually done and what issues are actually discussed within a hearing.

The week-long court observation period will begin in April, 2015, and tentatively will be conducted in Marion, Multnomah, Deschutes, Lane, Jackson, Douglas, Lincoln, Clackamas, and Columbia Counties.

Kari Rieck expressed concern that the term "Guardian ad litem" is used instead of "CASA", and that "reasonable efforts" are not addressed on the form. Conor assured that those modifications are underway.

Nancy Cozine suggested that there be some modification to the attorney/caseworker participation section, so it is less subjective; instead recording the length of time those persons actually spent advocating, which would be more objective and more easily measured. Michele Desbrisay expressed further concern that there is no recording of whether evidence is presented at court, or whether the court is contemplating/determining a change of plan. Judge Hill agreed that this is important data that should be collected. Whether something is contested or uncontested, effects the amount of time needed as certain tasks call for more time than others. This is very relevant

when analyzing time factors. The committee would also like to see the “Guardian ad litem” section under party participation, removed altogether. Michele would also like to see time allotted for stipulating. Conor clarified that when parties stipulate to jurisdictional matters, they will be placed in that hearing type when the relevant data is collected. Kari inquired as to whether occurrences of continuances and the reasons for them are recorded; Conor affirmed.

A preliminary report will be available in June. The majority of the workload study will occur between September and October, that report being available in January. Also during that time, the workload study task force will convene to analyze results, make necessary revisions, and refine data collected in order to determine new guidelines.

Jason Walling suggested capturing data by a time study, rather than a task-oriented study. Leola informed the committee that there is a time-study component to the workload study as well. Conor added, that the case-weights will be determined by the time study and the court observation will assist in determining baselines for how much time should be allotted for each type of hearing and assist in allocation of resources.

Kari Rieck inquired as to whether JCIP members within the different counties, would be willing to share the court observation information with other agencies (e.g., CASAs) for their own knowledge and use. Leola acknowledged the use of the court observation tool would be permitted, but cautioned that collection of data may vary from observer to observer amongst the counties, prior to formulating their report.

Nancy Cozine would like to see additions of categories such as (i) matters being continued due to late discovery, not so much lack of preparation; and, (ii) whether party participation will be recorded. Conor will discuss the additions with NCSC.

Conor reiterated that the overall purpose of the study is to discover the difference in time of a very thorough hearing and a not-so-thorough hearing, create baselines of timeframes for the different hearings, and be able to present information to assist with allocation of resources within the courts.

B. Juvenile Dependency Related Legislation: Judge Kurshner addressed an article in the Oregonian, which implied grandparents’ visitation rights may now surpass termination of parental rights. Leola clarified that this is only possible up until finalization of the adoption.

Judge Hill informed the committee of a bill under the pilot-project bill, to specifically enhance representation by requiring local CRBs to add a voluntary board member that has had previous personal interaction with DHS, as well as creating a specific forum for parents to staff complaints about DHS.

Kari Rieck informed the committee that Youth Transitions, a committee made up of six sub-committees, including ILP, are looking to make system improvements shortly.

Jason Walling addressed HB 2905, which revises the current statute regarding sentencing timelines for juvenile delinquency matters, to extend commitment to DHS, beyond the age of 21.

Megan Hassen stated that HB 2908, regarding the “Preventing Sex-trafficking and Strengthening Families Act, would permit the State’s implementation of the federal act, and would go into

effect as of October 1, 2015. This bill would limit APPLA cases to children 16 years and older, require foster parents ensure foster youth are able to participate in extra-curricular activities, lowers the age of eligibility for transition planning to 14 years old, and mandate DHS caseworkers to review the foster youth's rights with the youth in a developmentally appropriate manner. Judge Hill voiced concern regarding what would happen to youth under the age of 16 who would typically fall under APPLA. Megan noted that this issue is currently being discussed, including the possibility of revising definitions for caregivers. Jason Walling added that DHS is also concerned about how this will affect foster care due to the current amounts paid to foster care providers that provide for youth in need of DD Services from Title XIX Medicaid funds, which extend into adulthood, in comparison to what is allocated to those who adopt from Title IV-E funds from Child Welfare, that do not extend into adulthood. Jason also said that DHS is considering those matters that do not involve children in need of DD Services as well as ICWA related cases where adoption is not permitted.

V. CONTINUOUS QUALITY IMPROVEMENT (CQI)

A. Year-end Numbers Report: Committee members were provided with the JCIP 2014 Year-end Data Summary. Conor informed the committee that the summary includes reports from OJIN and draft reports from Odyssey, some of which are combined on page 1.

Dependency and Delinquency petitions are at the lowest filing rate since 2003; Motions for Termination of Parental Rights are just behind the lowest rate since that time. The percentage of cases meeting the target timelines for obtaining jurisdiction and for termination of parental rights is up, while cases meeting the target timeline for receiving a first permanency hearing are down.

Finalization of varying Odyssey Reports is underway. Conor requested feedback from any Judges and court staff that are already using Odyssey. Kari Rieck inquired as to whether the switch from OJIN to Odyssey impacts data collection in any manner. Conor affirmed the complete switch to Odyssey will enable better data due to more consistency from court to court, as well as individual case matters. Complete Data in Odyssey should be available in 2017.

Leola added that there has been an 8% decrease in the number of children in foster care. Jason Walling suggested this is attributed to the Oregon Safety Model Refresh as well as other community services assisting to ensure children are safe. There was a general consensus that while numbers in other states may be rising, Oregon is seeing a decrease in most areas of dependency matters.

B. QUICWA: Shary Mason updated the committee that JCIP has recently presented their first set of data to Multnomah County Court, meeting with the Judges first, then with the local Child Welfare Council, which resulted in great discussion. Multnomah County has been designated as a driver county for the Safe and Equitable Foster Care Reduction initiative, which led to discussion around data in this area as well. Initially there was a fair amount of push-back regarding the data, which later decreased.

Shary gave an example of a tribal member which requested that the various tribes be named during each hearing, wherein Court staff further engaged in conversation regarding the request. This discussion led to a possible positive shift in practice. Additionally, the BIA guidelines now require judges to make an inquiry into tribal affiliation at each hearing.

Shary informed the committee that the QUICWA committee does not share individual court data with other courts; however, they may provide aggregate data collected with all courts. Also, practice within the project is evolving, with the assistance of Jason Walling in developing a charter to help refine the project.

C. Qualified Expert Witness Training Project: Shary Mason informed the committee of a two-day training that occurred in January at Three Rivers, which included seven of the nine federally recognized Oregon Tribes. The meeting was led by Ms. Braveheart and judicial staff, which consisted of training for qualified expert witnesses. The group is now sponsoring another training for out-of-state tribes, to occur on May 14th and 15th, 2015. This training will target urban Native Americans with out-of-state tribal affiliation, and train them to become qualified expert witnesses for their tribes.

Nadia Jones, the Tribal Affairs Director for DHS, has submitted a Request for Funding to assist with the upcoming training, with a total cost of \$2,475.

Leola informed committee members of the mini-grant program, which reviews and recommends approvals of applications for funding.

Judge Kurshner recommended approval of Tribal Affairs' Request for Funding, without any objection from committee members.

Kari Rieck inquired as to the general guidelines for grant funding applications. Shary clarified that guidelines require the application to include a budget for the training. The guidelines also state that preference will be given to applications that demonstrate a collaborative, state-wide, multi-disciplinary effort.

Action Item: A link to the grant application guidelines will be sent with today's meeting minutes for committee members' review.

VI. UPCOMING EVENTS – Judge Kurshner

- A. The CRB Annual Conference “Every Day Counts...” is currently set for April 17th-18th, 2015, in Salem, Oregon.
- B. The NICWA Conference is set for April 19th – 22nd, 2015, in Portland, Oregon.
- C. The 2015 JELI Convening is set for April 24th, 2015, in Salem, Oregon.

VII. NEXT MEETING – June 8th, 2015, from 1:30 – 3:30 p.m.

Meeting adjourned at 3:40 p.m.

Minutes prepared by Angela M. Keffer