

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

Meeting Minutes

June 8, 2015

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

I. WELCOME & INTRODUCTIONS – Leola McKenzie

Present	
Hon. Norm Hill	Darin Mancuso
Hon. Karen Ostrye	Shary Mason
Hon. Lindsay Partridge	Leola McKenzie
Pamela Abernethy	Amy Miller
Michele DesBrisay	Cathern Tufts
AJ Goins	Jason Walling
Walt Gullett	Angela Keffer

II. APPROVAL OF MINUTES FROM LAST MEETING – Leola McKenzie

The minutes were approved by general consensus.

III. DISCUSSION TOPICS:

A. JCIP Strategic Plan: The Strategic Plan was sent to committee members in advance of today’s meeting for preview. Leola McKenzie stated there were only minor changes recently made regarding wording and timing, but no major changes otherwise.

Submission of the Strategic Plan is due by August 30, 2015, for funding for fiscal year 2016, which begins October 1, 2015.

Leola asked committee members for comments and input regarding items that may have been omitted. Judge Partridge inquired as to the advisory committee’s role in strategic planning for JCIP. Leola explained that the initial strategic plan grew from a prioritization process undergone by the committee four years ago. The committee’s role has since been to review the plan yearly and make revisions when necessary. Pending reauthorization of the program, a new five year strategic plan will need to be created this winter, wherein the advisory committee will assist in creating the developmental piece.

Judge Partridge stated that the plan looked good; however, he has concerns surrounding data providing an accurate comparison between OJIN and Odyssey Counties during the on-going Odyssey conversion. He cautioned the group to be cognizant of possible discrepancies, particularly during the change-over period for each specific county and to make sure that both OJIN and Odyssey data are added for the specific month. Judge Partridge stated that he didn't feel that the data gave an accurate snap-shot of juvenile court activity, specifically for items included in the Juvenile Dependency Events Table.

Judge Partridge would like to see a document that thoroughly reports OJIN and Odyssey data. Leola explained the data is not available for that individual report due to concerns regarding the validity in Odyssey surrounding the numbers of hearings reported; specifically, when multiple siblings are involved in one hearing. This report will be published once the data reflects an accurate hearing count for the Odyssey Courts. Leola further stated that information is currently separated into multiple reports, and will need to be combined once any discrepancies are remediated.

Judge Ostrye inquired as to the accuracy of OJIN data reporting due to different counties reporting the same type of activity by using different reporting codes. Leola explained that in 2003, when recording procedures were enacted, training was provided for all counties. Leola further explained that even when courts use different reporting codes, the system's queries are set up to extract the similar data from the different reporting codes used. She confirmed that any reports published thus far, are believed to depict accurate data.

Judge Hill asked whether there is a way to track or extract information regarding data on specific cases beyond 60 days prior. Leola confirmed there was, which Conor Wall will assist in explaining that process.

Judge Partridge addressed the need to ensure that the underlying data collected during the workload study which will be used to decide the ultimate recommendations, is accurate.

B. Quarterly Data Reports: Quarterly Data Reports were sent to committee members in advance of today's meeting for their preview. A data summary sheet that Conor created, depicting any differences between the first quarters of 2014 and 2015, was also distributed. Leola noted the significant increase of Dependency Petitions filed. Leola explained that the standard across both systems, is counting each child and parents as one case.

Michelle DesBrisay explained that in Multnomah County, they find the amount of case numbers assigned to one case, very cumbersome (especially when there are multiple siblings and multiple parents) when trying to ensure the record remains accurate. Judge Partridge agreed, stating it is evident that the practice of assigning case numbers has evolved into a method not conducive to juvenile cases. Leola acknowledged the concerns and stated there are also problems with data entry. However, it is expected that once all counties are established in Odyssey, these issues will be looked over and remedied wherever possible.

Walt Gullett informed committee members of an increase of Petitions being filed. Shary Mason explained that various SEFCR teams have said that the increase may be an off-spin of the Oregon Safety Model Refresh. Jason Walling believed the implementation of the Oregon Safety Model Refresh should reduce the number of Petitions being filed; however, he's unaware of the effects at this time. Pamela

Abernethy stated that Judge Love in Lane County noticed an increase of Petitions being filed after Differential Response was implemented.

Judge Partridge suggested that due to the previous budget cuts, there may have been a decrease in Petitions filed during that period of time due to lack of resources. However, now that the budget has stabilized, the child-serving agencies are also stabilizing, which leads to an increase of Petitions. Pamela stated that Douglas County has also experienced an overwhelming increase. Walt acknowledged that Douglas County, who was down to 270 kids in care two years ago, is now at 405 kids in care. Lincoln County has also experienced a recent increase in Petitions filed.

Judge Hill asked if there was a metric that could be developed to determine the reason for the increase and what types of cases require judicial response and which cases do not. Shary stated that the data will inform counties of “what” is occurring; however, it is up to the individual counties to determine “why” changes are occurring. Committee members may contact Conor directly, with any county specific questions.

C. Mini-Grant Requests: Shary stated there are three mini-grant requests. The first, a request from the Department of Community Justice, Multnomah County, for funding in the amount of \$5,000.00. The funding will assist with a multi-disciplinary domestic violence training, which will be conducted with consultation from the National Council of Juvenile and Family Court Judges (NCJFCJ). Materials will be provided to the committee. The funding will assist with securing the venue and food.

Judge Partridge asked what the mini-grant budget is. Leola stated that roughly \$35,000.00 is awarded annually in mini-grants. Shary stated the training will span over two days to allow more to participate. Michele DesBrisay, who is on the planning committee for the Department of Community Justice, stated that the training will have an interactive component, rather than just lecture.

Judge Partridge asked whether people from other counties may attend. Michele stated that she does not believe the training to be closed to people from other counties. Leola stated that she has forwarded the registration information to CRB staff for distribution to members from the surrounding areas. Shary explained that the guidelines for obtaining grant funds require the training to be multi-disciplinary, that materials be provided, and the training can be replicated; however, JCIP has assisted with individual county or circuit court trainings/events. She suggested that JCIP could impose a condition to funding, that the training be by open-invitation to the surrounding areas.

Leola stated JCIP has funded county multi-disciplinary trainings and they typically invite neighboring jurisdictions; however, those requests have been for a lesser amount. JCIP typically awards funding that is equivalent to the per diem rate for lunch.

Michele inquired as to whether materials could be posted on the JCIP website, so that it is available for a broader audience. Shary affirmed that some are, and the application asks that question. Walt suggested making the materials available for posting, be a condition to receiving grant funds.

Pamela inquired as to the allocation of JCIP funds under the proposed budget. Shary explained that the application requires the categorization of funds, but the allocation under those categories is not absolute. Pamela wanted clarification that JCIP funds were not being used to fund speakers, due to speaker fees

usually being paid by an honorarium. Michele clarified that it is her opinion that the funds will not be used to cover speaker fees, but rather the room rental fees.

The funding request was approved by consensus, upon the condition that the invite is sent to surrounding areas.

The second mini-grant request is from Yamhill County Circuit Court. Shary stated the request is to fund incentives for participants in the two specialty courts; one is a women's recovery court and the other is the youth truancy court diversion program. Shary further explained that a similar mini-grant request for incentives was approved in 2011. The court would like funding approved (\$3,000.00 for the women's recovery court and \$2,000.00 for the youth's truancy court diversion program) and then purchase individually-tailored incentives such as haircuts, bowling passes, etc., and submitting receipts of each purchase for reimbursement.

Judge Hill asked whether this resource is available to all counties. Shary affirmed that requests have been previously approved for various counties, upon submission of an application. Leola stated that the amount previously granted was less than \$5,000.00. Shary stated she would research what amount was granted to Yamhill County in 2011 and provide that information at the next meeting for further discussion regarding approval of the request. Judge Partridge expressed concern regarding which specialty courts would qualify for the incentive funding. Judge Ostrye inquired as to whether the women's diversion program was somehow related to juvenile dependency. Shary stated that the mothers involved are either in high-risk pregnancies or parenting and on probation for criminal drug-related cases. Pamela believes incentives are proper for the truancy court, in that it may assist in diversion of future delinquency matters. Judge Hill also agrees that the purpose of the funding request is proper, but is concerned about the amount requested. Judge Ostrye also expressed concern due to the amount requested being a significant portion of the total mini-grant budget.

Walt mentioned that the committee has previously limited the amount given towards requests. Leola stated that at times, a stipulation that the group find another means of future funding be attached to the grant award; however, she's uncertain if that stipulation was attached you Yamhill County's 2011 request. Judge Ostrye believes there may be other community resources involved to assist with funding for this purpose. Pamela suggested obtaining information on previous similar awards, and then deciding as a committee on an amount that is proper for such an incentive program.

Action Item: Prior to approval of the Yamhill County Circuit Court's mini-grant request, Shary will obtain further budget information from the court, as well as information on past, similar grant awards for discussion at the next meeting in September.

Lastly, a mini-grant request was submitted by the Office of Public Defense Services, requesting funding in the amount of \$5,000.00, to assist with the Juvenile Law Training Academy scheduled for October 19th & 20th, 2015. JCIP has continuously funding this request since the Training Academy's inception.

Shary suggested that in the near future, the committee clarifies some of the guidelines for awarded funding. Amy Miller stated that if the advisory committee preferred the grant funding be used towards specific costs of the training, OPDS would accommodate that request.

Leola asked how the registration fee is factored into the proposed budget. Amy informed the committee that registration fees and the grant awards would cover the total expenses for the training; however, there are many factors that may vary the number of attendees, such as venue, speakers, etc. Judge Partridge asked if the fee varies for attorneys based on years of being licensed. Amy explained that the fee is the same per person; however, if cost was a barrier for someone attending, OPDS would address those barriers. Judge Hill asked if this was an inter-disciplinary conference. Amy affirmed, stating there may be CASAs and foster parents attending. Pamela stated that JCIP does do some coordination with OPDS, and the training occasionally helps promote JCIP objectives, e.g., judicial training, as well. Michele also noted that training planners have also coordinated with State's attorneys.

ODPS' mini-grant request was approved by consensus without any additional information necessary.

D. HB 2908: Leola informed the advisory committee that the bill has passed. HB 2908 is the bill that implements the provisions of Federal legislation, House Resolution 4980, which is the Preventing Sex Trafficking and Strengthening Families Act of 2014. Leola explained that a work-group met late last fall to identify specific changes in Oregon Law that need to be made in order to allow implementation of the federal legislation, which resulted in HB 2908.

Leola distributed a hand-out outlining key provisions of the two bills. Leola stated there will be a need for training surrounding implementation of the new bill, specifically regarding youth under the age of 16 that will no longer qualify for an APPLA plan. This change will go into effect at the youth's first permanency hearing following October 1, 2015.

Leola asked whether anyone from another entity has received information regarding planning/training on the matter. Michele asked for any problem solving thoughts on potential issues, e.g., a 12 years old, developmentally disabled child, whose adoptive resource has decided they are no longer capable of caring for the child, and what the plan for that child should be if they're no longer eligible for APPLA. Judge Partridge asked whether the bill included expansion of the definition of "fit and willing relative" to include non-relatives of a specific nature. Leola informed the committee that any language potentially expanding the definition of "fit and willing relative" was omitted due to the bill only including the necessary statutory changes. She further stated DHS has the authority to change the definition of "relative" through their rule making process. JFCPD would like to see language used that is similar to DHS' guardianship language used in guardianship plans.

Jason Walling stated that DHS has expanded the definition of "fit and willing relative" to include those with a caregiver relationship, when the child is unable to safely return home and is placed in foster care through the Office of Developmental Disabilities. However, there is a requirement of placement for a minimum of one year, before being considered a "fit and willing relative." Also, the child must be placed through developmental disability services due to the level of severity and difficulty in placing this class of youth. Jason further explained that although there will be those children with mental health or behavioral issues that hinder permanency, federal legislation contemplates continuous efforts in seeking permanency for those children. Judge Partridge commented that permanency is sought at every permanency hearing, even when in an APPLA plan. Walt asked whether the definition for "kith-kin" may also be expanded. Jason explained that DHS' definition of "kith-kin" is a relationship prior to involvement defined as family. He further stated that Oregon's DHS does have one of the broader definitions of "relative" or "family" in the nation.

Jason clarified that the youth subject to HB 2908, must be in the custody of DHS and in a developmentally delayed paid placement, with a person who has a caregiver relationship under ORS 419(b).116. Judge Partridge stated that he anticipates problems once implementation occurs.

Jason also stated that DHS will be drafting language that will go into the statute that the end-of-session omnibus bill will include the ability to move to a non-IV-E subsidized guardianship. He elaborated, at present DHS can only move a child to a subsidized guardianship when the child is IV-E eligible. However, DHS may soon be allowed to provide subsidies to guardians for those children that are not IV-E eligible. Roughly 38% of foster care youth are non-IV-E eligible and the percentage of “long-stayers” is even greater.

AJ Goins stated that if the proposed expanded definition of “relative” for the purpose of placement with a fit and willing relative, allows a higher level of permanency for some of the developmentally disabled youth who, except for not qualifying under the payment provisions of ODDS, could obtain permanency, then permanency will be obtained by a lot more youth. She further stated that there is a population of youth lingering in foster care, who could achieve guardianship, except for the eligibility requirements preventing any subsidy to potential guardians. There are a number of youth that remain in foster care with mental health, behavioral, or other issues that make long-term planning for these youth difficult. While those 16 and older will move to APPLA, the remainder will in effect, challenge DHS to conduct more sophisticated, targeted recruitment for this population.

Pamela expressed concern for youth with Reactive Attachment Disorder (RAD) or Fetal Alcohol Syndrome, not being given the same consideration under the exception provided for in the bill. AJ stated that DHS will file proposed rules in early July and open a period of time for public comment, and will make sure to forward those proposed rules to the committee for their review and comment. Shary stated she is hopeful that DHS will work more diligently to effectuate the plan of permanency for this group of youth that are no longer eligible for APPLA under the statute.

Judge Partridge stated there are potential permanent placements available in many circumstances; however, with behavioral issues that develop, possibly caused by the system itself, those resources are no longer willing because they do not have the extra support from the agency when needed. If an APPLA plan is no longer available to those youth, then Judges in good conscience cannot tell those youth that they are in their forever homes.

Judge Partridge further stated his belief that the adjustment is counterproductive as to the population of youth, and the only expectation is that the system will now put into practice what should already be done regarding working diligently to find permanency for this population of youth. Judge Partridge asked whether the purpose is to enable DHS to move the more costly subsidized APPLA cases, into the less expensive subsidized guardianships. Jason responded by assuring that the effort is solely to achieve permanency. Judge Partridge emphasized his concern surrounding removing youth with mental health or behavioral issues from an APPLA plan where stability is possible if extra supports were given, just to reclassify them and attempt permanency in another placement. Shary stated it may be more prudent to identify those extra supports and invest in them, rather than requiring DHS to provide those services. Judge Partridge stated that it may be a daunting task to those not familiar with the juvenile mental health system, to try and maneuver through that system as guardians, without the extra support from DHS.

Jason stated that DHS is hopeful to achieve permanency for youth who have been in APPLA plans for long durations; a success more recently evidenced by the permanency roundtables. Jason informed this committee that the necessary revisions to implement the new legislation were decided by a multi-disciplinary group of individuals, including attorneys, OJD, tribal representatives, former foster youth, etc., and not solely determined by Child Welfare. Jason further stated the change may bring about a more positive outcome wherein permanency is being more actively pursued.

Judge Hill asked whether in DHS' active pursuit of achieving permanency, the Court should be assessing the efforts and outcomes. He further stated that this is a difficult task when given inadequate information by the caseworkers in court. Judge Abernethy asked how the court will obtain sufficient factual predicate upon which the Court may make its findings. Jason stated that there is a federally mandated negotiation process regarding adoption or guardianship assistance; however, he will have to report back to the committee on whether any part of this process would not be available to the Court. Jason also suggested that DHS can break down the processes in adoptions or guardianships by task, so that staff has the capability to report that information to the Court. AJ affirmed Jason's suggestion.

Walt inquired as to whether the adoption timeline was still used. Shary affirmed that it is included in JCIP's Adoption Toolkit.

Leola asked whether there were any plans for training within other agencies surrounding the implementation of the new legislation. She further stated that JCIP will include detailed discussion surrounding the bill at the JCIP "Through the Eyes of a Child" Conference in August, 2015. The Citizen Review Board will also be discussing the new finding they will need to make at CRB reviews. Amy stated that it will be presented at the Juvenile Law Training Academy in October, 2015. Jason stated that DHS will have training on what the new rules are and how to abide by them for their staff. There will be a follow-up training covering youth whom have been absent from care and commercially and sexually exploited children (CSEC), as well as responding to those youth or situations, screening, documenting, reporting, etc., which will occur in the Fall. He further stated that a number of issues will be fine-tuned before implementation and training staff.

Judge Partridge asked if Independent Living Services will be offered to youth 14 years of age and up. Jason stated that those services will predominately focus on youth 16 years and up due to the service's limited funding; however, planning will still be available for those 14 and older. AJ further clarified that the plans created by the youth and other included community service providers, will assist in preparing the youth for independence, even if there is no contracted ILP service available to the 14 through 16 year old group.

Judge Partridge inquired as to what DHS' expectation of the Court when reviewing the Comprehensive Transition Plans for youth 14 to 16 years of age. Jason stated that that the Court should be looking at whether the plan is age and developmentally appropriate. Judge Hill asked whether the caseworkers will be able to report detailed information to the court about the age-appropriate activities that the youth will be involved in. Jason affirmed that the caseworkers should be able to report detailed information about any plan that they have in place. Judge Partridge would like to further discuss driving issues for this age group, foster parent obligations, etc., with DHS in the near future.

Cathern Tufts asked whether there is a projection of costs for non-IV-E guardianships. Leola reiterated that there would be language in a bill this session about subsidized guardianship funding. Jason believes funding would be available no later than January 1, 2016, pending approval of the Omnibus Bill submitted at the end of session.

E. QUICWA: Shary provided committee members with a national report reflecting data on required findings in ICWA cases, which included state comparisons. Oregon had more data than any other state and this data was weighted to effectuate accurate information. She stated that Oregon's data is fair as compared to the national data, but still very poor.

Shary discussed Oregon's data in sections 5.e, 5.h, 8.i, and 13.a, and the comparisons to the national averages. She further stated that the new Bureau of Indian Affairs Indian Child Welfare Act Guidelines and the proposed regulations emphasize the importance of asking questions in court and in some instances require certification on the Court's record for some inquiries. Judge Partridge asked whether they need to be documented findings or oral findings made in court. Shary explained that they need to be made on the record in court with certification by the parties. Leola stated that more information is available at the upcoming JCIP conference.

Shary also updated that there are 17 potential expert witnesses deriving from a recent training for tribal expert witnesses. It was suggested that the tribal administrative offices are contacted for recruitment prior to upcoming similar trainings. Shary stated that there will also be expectations and guidelines set forth for the expert witnesses to ensure those experts are testifying to accurate information from the tribes. Judge Ostrye asked whether the expert witness' testimony may reflect their own opinion, rather than the tribes. Shary stated that knowledge of the tribe's practices and beliefs are requirements, not whether there is a shared opinion between the tribe and expert witness. Shary stated that the committee, along with tribal affairs, is looking into publishing a list of trained expert witnesses.

IV. REPORTS:

A. JELI: Judge Abernethy updated that the Judicial Engagement Leadership Institute held on April 24, 2015, focused on repurposing and clarification of the workgroups. Some discussion led to the following outcomes:

- revision of the Juvenile Code;
- dissemination of more detailed information on judicial mentoring;
- improving practice on scientific evidence;
- improving forms; and,
- repurposing the concurrent planning group to focusing on how to better prepare youth for a successful future.

At the upcoming Model Court Summit, Susan Dreyfus, a member of the commission for prevention of child fatalities, will speak to participants in the morning. In the afternoon, the JELI Anatomy of a Case group will take participants through scenarios, offering them the opportunity to learn from experts on trauma and substance abuse.

B. State / Tribal Court Convening: The convening will take place on August 12, 2015, with support from the Tribal Leadership and Policy Institute (TLPI) and Casey Family Programs. There will be lots

of time for discussion and interaction between Tribal Judges and State Court Judges, and further discussion on future convenings.

C. Workload Study: Leola updated the committee that in May, 2015, the NCSC had two teams of two, who performed court observations on 100 juvenile dependency hearings throughout eleven different counties. NCSC is currently analyzing the data collected and will provide a draft report to JFCPD by the end of June.

In October or November, 2015, the time study portion will begin, which includes collecting data on all case types. This information will help to compare the juvenile workload to other areas. Upon completion of the time study, there will be focus groups to discuss the data.

IV. UPCOMING EVENTS:

- A. The JCIP “Through the Eyes of a Child” Conference is currently set for August 9th – 10th, 2015, in Silverton, Oregon.
- B. The Model Court Summit on Child Abuse and Neglect is set for August 11th, 2015, in Keizer, Oregon.
- C. The State and Tribal Court Convening for Judges is set for August 12th, 2015, in Salem, Oregon.

V. NEXT MEETING – September 14th, 2015, from 1:30 – 3:30 p.m.

Meeting adjourned at 3:33 p.m.

Minutes prepared by Angela M. Keffer