

**Juvenile Court Improvement Program Advisory Committee
Meeting Minutes – September 14, 2020
Via WebEx**

Juvenile & Family Court Programs Division – Oregon Room
1133 Chemeketa Street NE, Salem, OR 97301
1:30 PM – 4:00 PM

COMMITTEE MEMBERS			
√	Hon. Lindsay Partridge, Marion County Circuit Court	√	Hon. Eva Temple, Umatilla and Morrow Counties Circuit Court
	Hon. Rebecca A. Duncan, Oregon Supreme Court	√	Hon. Amy Holmes Hehn, Multnomah County Circuit Court
√	Hon. Norm Hill, Polk County Circuit Court	√	Hon. Karen Ostrye, Hood River County Circuit Court
√	Lacey Andresen, Deputy Director, DHS	√	Amy Miller, Executive Director YRJ
√	Mark Hardin, Retired Director, Child Welfare Center on Children & the Law, American Bar Association		Nathan Schwab, Oregon Foster Youth Connection, Former Foster Youth
√	Darin Mancuso, Foster Care Ombudsman, Governor's Advocacy Office	√	Shaney Starr, Oregon Casa Network & Casa of Marion County
√	Gail Schelle, Adoptions Program Manager, DHS		Debra Gilmore, Oregon Casa Network
√	Keren Farkas, Deputy General Counsel, Office of Public Defense Services	√	Joanne Southey, Deputy Chief Counsel, Civil Enforcement Division, DOJ
	Mandy Augsburger, President, Marion Polk Foster Parent Association, Foster Parent		Daniel Schneider, Training Specialist, Child Welfare Partnership, Center for Improvement of Child & Family Services
	Tom Maxwell, TCA Douglas County Circuit Court		
INTERESTED PARTIES			
√	Adam Becenti, Director of the Office of Tribal Affairs, DHS		
JFCPD STAFF			
√	Leola McKenzie, Director, JFCPD	√	Megan Hassen, Senior Juvenile Law Analyst, JFCPD
√	Shary Mason, Model Court & Training Analyst, JFCPD/CRB	√	Yousef Allouzi, Data Analyst, JFCPD
√	Amy Benedum, JFCPD Program Analyst	√	Michelle Markson, Management Assistant, JFCPD

I. Welcome & Introductions – Hon. Lindsay Partridge

This meeting was held virtually via Web-Ex.

Approval of Minutes from June 8, 2020 Meeting – Hon. Lindsay Partridge

Approved with a change to the language in the adoption section.

II. Reports:

a. ICWA Compliance – Shary Mason

The ICWA Compliance Committee has been busy with the passage of the Oregon ICWA statute which will be effective on January 1, 2021. The committee is comprised of three sub-groups: the state statute committee, the training committee and the case mapping committee. The training committee has developed training for managers and supervisors. All active efforts specialists have received training from NICWA and multiple trainings were developed and given to the hotline. They are working on a computer-based training. The case mapping committee developed a map of a child welfare case to determine everywhere ICWA applies from case initiation to case closure. The committee developed a matrix to track compliance and finalized a statewide search protocol.

b. OJD Business Process for Assigning Case Numbers – Megan Hassen

The statewide workgroup looked at the issue of multiple case numbers being assigned to a child during one episode of wardship. The work group recommends that only one case number should be assigned for all petitions. The workgroup then divided into three sub-groups. One sub-group is focusing on the UTCR changes that affect petitions and judgments. The second sub-group is looking at business process requirements for OJD and a third group is reviewing statewide revisions to the Model Form that relates to judgment and jurisdiction. It is anticipated that the new UTCR changes will become effective on January 1, 2021. Megan Hassen and Judge Norm Hill will make a presentation before the UTCR committee in early October to obtain their feedback and will also will meet with the Chief Justice in mid-October to ask for her approval. If the rule is approved, a training for court staff will be held on December 10, 2020. Written educational materials will be distributed to DHS, DOJ and to judicial officers by mid-December. An OSCA Memo will be sent that describes the new requirements for judgments and petitions.

c. 2020 Through the Eyes of a Child Conference Debrief – Leola McKenzie

Due to the pandemic, this year's 'Eyes' conference was limited to a one-day virtual event using Zoom. Forty-seven (47) judicial officers participated. The evaluations were positive. It was mentioned that attending virtual trainings can be difficult as interruptions occur that may take the attendee away from the event. The breakout sessions were challenging and not as effective as in person break out sessions. One lesson learned was that assigning individuals to a break out session before the event did not work as planned. In the future, break out sessions will be assigned randomly, after the event begins to ensure that the attendees are present, and the sessions are evenly dispersed. Planning for next year has begun and will be a topic of discussion at the December JCIP Advisory Committee meeting.

d. 2020 Model Court Summit Debrief – Shary Mason

The Model Court Summit was also a virtual event this year and as a result 442 people were able to attend. The event was successful and did not have any technical difficulties despite having over 20 different presenters throughout the day. Most attendees said that having the Summit focus on one topic was positive and that an advantage of the event being virtual is that attendees could attend the sessions that were most applicable to their needs. The most attendees at any given time was approximately 360. A post evaluation was sent out and 23% of attendees responded. Most of the responses (69%), stated the Summit was better than anticipated with a rating of very good or excellent. The average rating for the workshops were between 4.2 and 4.8. 94% rated it excellent, very good or good. Comments for future events were received that requested training on DV, other cultures (Hispanic, African American, LGBTQ,) remote hearings and statutory rights, and parents with mental health issues or intellectually disabled parents. There were also requests for JCIP to provide more training and to share successful strategies regarding PRCP.

e. June 12, 2020 Regional Model Court Meeting: PIP Permanency Outcomes – Shary Mason

JCIP has been collaborating with DHS on their Program Improvement Plan (PIP) which is focused on getting to permanency and re-unification faster. Model Court teams and stakeholders from three counties, (Douglas, Josephine, and Lane), came together in June for a virtual meeting to discuss their individual improvement strategies. The following is a summary of each plan. Lane will focus on education on conditions for return, engaging clients at the pre-jurisdiction stage, and utilizing the Adoption Checklist as important strategies. Josephine County will focus on scheduling a 30 day admit/deny hearing at the shelter hearing, engaging parents in services as early as possible, facilitate settlement prior to the 60-day hearing and discussion of settlement at the 45-day pre-trial hearing. Douglas County is going to set review hearings at 9 months after jurisdiction to see if a contested permanency hearing is needed, the court will set a standard for what constitutes good cause for continuances for jurisdictional hearings and permanency hearings, and they will hold meaningful settlement conferences and trial readiness at 45 days. Gail Schelle will follow up with each county to determine when the final plans will be submitted to the Children's Bureau. Quarterly updates on their progress will be submitted to the Children's Bureau by DHS.

f. Remote Hearings Report to the Chief Justice – Amy Benedum

Discussion was held at the last 'Eyes' conference to address the Chief Justice's request for JCIP to provide recommendations on remote hearings on juvenile cases. A separate meeting was also held to obtain viewpoints from a variety of stakeholders such as CASA, DOJ, OPDS and YRJ.

There is a consensus that all dependency hearings should be held remotely. It was agreed that the best platform for appearance is video, but that telephonic appearance is acceptable. There were no legal issues identified with regards to remote appearances at dependency hearings. It was suggested that at the first hearing, a discussion should take place to troubleshoot issues that any of the parties may encounter. It was also stated that there is a need for more training of court staff on the intricacies of conducting remote hearings, such as using the FTR equipment, handling exhibits, witnesses, etc. The recommendation is to allow for remote hearings in all juvenile dependency cases, but to not specify "how" each court should facilitate remote appearances. It was suggested that the local jurisdictions should issue Presiding Judge Order's to specify the details on how to appear and that a webpage should be created that identifies all counties and their local rules on remote appearances.

There are two opposing viewpoints on remote hearings for delinquency hearings. One viewpoint is that the Chief Justice should issue an order removing the in-person requirement and that if there is opposition to having the hearing remotely there would be a process in place to address the concerns. The other viewpoint is that the in-person requirement should not be removed and that delinquency hearings should be handled like criminal proceedings. The report submitted to the Chief Justice identifies both viewpoints. There is no current known timeline for a decision by the Chief Justice.

III. Continuous Quality Improvement (CQI)

a. Quarterly Statistical Reports – Yousef Allouzi

The 2nd Quarter 2020 statistics are published and available to everyone. The second quarter reports include data from the months of April, May, and June, in which OJD was operating under shelter in place orders and instituting remote hearings. With that in mind, the Q2 statistics are down on almost every report. In an effort to provide historical context, the numbers from this quarter are compared not only to the 1st Quarter, but also to the corresponding quarter from 2019. It is anticipated that these numbers will continue to decrease for the remainder of 2020, but especially to those reports that are more geared towards the back end of a case, including first and subsequent permanency hearings, time to TPR, and the average days a child is in care.

The committee discussed how cases are now moving through the court system and what barriers are being encountered. Most agreed that case movement depends on the county and their resources. The statistics are impacted by Multnomah County due to its size and caseload. Unfortunately, Multnomah County was not holding hearings until recently. Judge Ostrye stated that in the 7th Judicial District, it has been easier to schedule juvenile dependency cases because there are fewer conflicts with attorneys who appear at criminal and juvenile dependency hearings. Judge Partridge commented that because settlement discussions are not occurring there are more cases going to trial and it is difficult to find time on dockets for scheduling.

One reason for the decline in statistics is that children are not interacting with educators who are typically the highest mandatory reporters. It should be noted that there has been an increase in DHS and law enforcement reporters.

b. County Adoption Timeliness Data & Courts receipt of Adoption Tracking Reports – Shary Mason

The adoption statistics for January 1, 2020 through March 31, 2020 we reviewed. This quarterly report shows the number of adoptions finalized within 12 months of becoming legally free. It was agreed that it would be beneficial to look at the entire year instead of reviewing these numbers quarterly, because some counties may not have any adoptions during a specific quarter. Additionally, this adoption statistics report does not show the number of cases that have been waiting for more than twelve months, which is the more important statistic. Gail Schelle explained that most cases that go beyond the timeline usually involve issues such as the family needing more services, pandemic related issues, or have families that moved to another state before the adoption finalization.

Judge Partridge inquired if it is possible to generate a quarterly report broken down by county which would show all cases where the child has been legally free for 12 months and the adoption has not been finalized. Gail Schelle will discuss with the DHS data group and report back at the

December meeting. Gail also stressed the importance of using the adoption tracking reports during the review hearings and CRB reviews as the report shows what exactly needs to happen before the adoption can be finalized. Gail and Shary recorded a webinar on the adoption process that will be posted.

IV. Discussion Topics:

- a. Oregon ICWA Bench Book – Shary Mason, Addie Smith and Sheldon Spotted Elk

Addie Smith and Sheldon Spotted Elk discussed creating an Oregon ICWA bench book and bench cards that will guide judicial officers and practitioners through the new law. Addie Smith will work closely with the individuals who were key in drafting the legislation. The new Oregon ICWA law will be effective on January 1, 2021. It is anticipated that training will occur in the last two weeks of December.

Addie Smith asked for input from the committee on creating a bench book and bench card. She indicated that she will use flowcharts, hyperlinks and other tools to make the materials user friendly. The committee agreed that having a one-page card to supplement the bench book would be useful for quick access. It is anticipated that these completed tools will be available on the JCIP website. The materials will also have an annotated guide referencing all ICWA cases. Shary Mason mentioned that there will also be changes made to the CRB findings and other statewide used forms.

- b. Focus on Reasonable Efforts – Leola McKenzie

This year one of the three statewide CAPTA panels completed a review of negative findings on reasonable efforts in Multnomah County. The panel found that the court rarely makes negative findings and often cases have been continued to allow DHS more time. As a result, the CAPTA panel has made a recommendation to JCIP that the issue of negative findings be reviewed on a statewide level. Specifically, the CAPTA panel requests that JCIP convene a group of judges to determine how reasonable efforts findings can be leveraged to promote better outcomes for children and families and that statistical reports be developed.

The group discussed the issue at length. It was agreed that there is a fine line between the judge not becoming an advocate for the child and attorney's not having training in the field of social work are contributing to the low number of findings. There is also a lack of communication between the attorneys and the court. Judges need to convey the idea that they are open to motions filed that raise the issue. Some believe that when the court continues a hearing to allow DHS to rectify the issue it does not help the case or act as a deterrence because DHS is now relying on the fact that the court will grant them more time. It was agreed that a multi-disciplinary group of stakeholders should meet to review counties throughout the state.

V. Upcoming Events – All

JFCPD and the Oregon Youth Authority have worked together to provide a lunch time webinar entitled Brain Science and the Developmental Approach to Juvenile Justice scheduled for September 15, 2020 at 1:00 p.m.

The Juvenile Law Training Academy is scheduled for October 5th and 6th and will provide a variety of trainings relating to parent/child attorney relationships, an appellate update, visitation advocacy, education law and how it relates to juvenile practice, youth mental health options, harm of removal training and evidence law training.

VI. JCIP 2020 Advisory Committee Meeting Dates

December 14, 2020

IV. Next Meeting: Monday, December 14, 2020, 1:30 p.m. to 4:00 p.m.