

**Juvenile Court Improvement Program Advisory Committee
Meeting Minutes – March 9, 2020**

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		Mandy Augsburger, President, Marion Polk Foster Parent Association, Foster Parent
√	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
√	Amy Miller, Executive Director YRJ	√	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	√	Deborah Lounge, ODE
√	Joni Gilles, ODE (Presenter)	√	Kathy Steiner, 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
- II. Approval of Minutes from December 9, 2019 Meeting** – Hon. Lindsay Partridge

Approved.

- III. Reports:**

- a. ICWA Compliance – Shary Mason

A proposed ICWA bill that was submitted to the legislature passed unanimously in the House but then stalled in the Senate. The ICWA sub-committee will reconvene on March 13th to discuss next steps. The sub-committee plans to introduce the bill again in the next legislative session.

Adam Becenti, Director of the Office of Tribal Affairs with DHS explained the role of his office and how their work has evolved. Previously, this office was known to only be responsible for ICWA compliance. Today, the office which is comprised of four staff members, is responsible for working with the five DHS programs to ensure that tribes in Oregon receive services in a timely and efficient manner. The bulk of their time is spent working directly with the Child Welfare Department of DHS, however they do combine and integrate services when appropriate. The Office of Tribal Affairs recently completed their 2019 Legislative Commission Report on Indian Services, <https://www.oregonlegislature.gov/cis/Pages/Gov-to-Gov-Annual-Reports.aspx>. The report demonstrates their work beyond ICWA compliance. The office provides consultation to tribes on how they can access DHS programs and resources. The office is also responsible for the training of DHS Directors on how to work and communicate directly with the different tribes.

- b. OJD Business Process for Assigning Case Numbers – Leola McKenzie

The work group has completed their task and a recommendation is forthcoming. The group has developed a recommendation and it has been presented to court administrators and judges. Next month, Judge Hill and Megan Hassen will present the recommendation to the UTCR Committee. A workgroup of staff from around the state will meet to implement the business process on how cases will be entered in Odyssey and they will examine what changes are needed. The goal is to implement by August 1st, which requires that the Chief Justice to prepare an out-of-cycle UTCR change to implement on that date.

- c. Data Subcommittee Update – Yousef Allouzi

The subcommittee met twice over the course of four months and reviewed the data reports which are part of the strategic plan and also reviewed the reports that have been requested from courts across the state. The subcommittee looked at the new data dashboard and the DHS rom site and discussed ways that reports could be developed with the data that we have at our disposal. While acknowledging that all the reports are important, the subcommittee was able to narrow down the reports to those that provide the most value to courts, have available and reliable data, and are aligned with key performance measures and the strategic plan.

The subcommittee identified four stages of report development:

1. **Planning:** This is a rough idea of what the report will require for completion. It is a basic outline of how the data will come together and be presented on a final report. This is subject to change as it moves through the other parts of the process.
2. **Development:** The report has begun to be developed in SQL. As most of these reports require considerable coding time, the result of this stage is usually best thought of as a rough draft.
3. **Testing:** From the rough draft, the testing stage is all about refinement. A general rule of thumb is to have at least one other analyst try to break the query. The other analyst will determine if there are strange results, timeouts and whether the report is returning what we would expect. This stage can take the longest as the query is refined and re-evaluated numerous times. The final report structure is also developed (where the query results are displayed and how the end user will see the report).
4. **Complete:** This is the final version of the report. Documentation is written that allows other analysts to quickly identify how tables are joined and code is written in the event they need to refine or address any future issues with the report. The query is embedded and documented in the final report structure. The report is ready to be disseminated.

The subcommittee was able to determine what the requirements would be and the benefits of each report and then prioritize them as follows:

1. **Juvenile Time in Care:** This report is in the Testing stage. It will show courts the number of children that left care in a given time range and the reason they left care as well as the duration in care. The subcommittee had a chance to look the report over and provide feedback. It is set to be completed and begin circulation with the 2020 1st quarter statistics.
2. **Attorneys Present at Hearings:** This report is in the Development stage but is very close to being in the Testing stage. This report identifies the number of attorneys assigned to a case in a given time range, the number of attorneys present at any given hearing, and percentage of attorneys' present. It is projected to be complete and begin circulation with the 2020 2nd quarter statistics.
3. **Number of Children in the Court's Jurisdiction:** This report is in the Planning stage. It will identify all children that are under the court's jurisdiction and for how long they have been in the system. It has a release date goal of the 2020 3rd quarter statistics.
4. **Percentage of Dependency Hearings that are Completed, Continued, or Rescheduled:** This report is in the Planning stage. It will identify the number of hearings that were completed, continued, or rescheduled in a given time range as well as the total duration of the hearing. It has a release date goal of the 2020 4th quarter statistics.

Leola demonstrated the new Court Data Dashboard. There is a public and a non-public link to this web page. On both dash boards users can search by a variety of fields such as: County, Year, or All. This dashboard has data from 2017 to date. The first page displays filings, time to jurisdiction, time to first permanency hearing and time to subsequent permanency hearing. The second page displays TPR data, and timeliness of TPR. The third page displays the clearance rate cases filed and closed. On the non-pubic dashboard, users can drill down as far as to specific individual cases.

Per the JCIP Advisory Committee's request, the Data Subcommittee will determine if a report providing a reason code could be developed to show why the hearing was continued or re-scheduled.

d. 2020 Through the Eyes of a Child Conference Planning – Leola McKenzie

Planning has started for the 2020 Eyes Conference which will be held at the Oregon Garden on August 2nd & 3rd. A group of Circuit Court judges and Appellate judges are working on a session for the Appellate Update. Several JELI judges are working on creating a half day training for the event. The topic has not been finalized yet, however a group of judges attended a symposium on reasonable efforts will present for half of a day. Our regular topics will also be addressed as well as Judge Amy Holmes Hehn is working with other judges on a session regarding SB1008.

e. 2020 Model Court Summit Planning – Shary Mason

Although the ICWA legislation did not pass in the last session, ICWA will remain to be the focus of the Model Court Summit. Areas of training will include: an explanation of why and how ICWA was established; how ICWA impacts lives, and an overview of how some courts have created specialized ICWA Model Court teams. A family from the Klamath Tribe may act as a panel for discussion.

Amy Benedum is applying for a federal grant from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to enhance the family dependency treatment courts in Oregon. The grant would provide funding for a three-year period and would allow OJD to hire a statewide FDTC coordinator to align the courts with best practices, provide statewide training and technical assistance, and conduct continuous quality improvement in order to achieve the overall goal of reducing the length of time children are in care, decreasing foster care re-entry rates, and increasing the number of parents who achieve and maintain sobriety. This project would help to strengthen collaboration with DHS and with substance abuse treatment facilities throughout the state.

IV. Continuous Quality Improvement (CQI)

a. Quarterly Statistical Reports – Yousef Allouzi

Dependency, Delinquency, and TPR Petition numbers are all down from 2018. Dependency petitions filed in 2019 were the fewest since tracking began in 2003. Discussion ensued as to why petition numbers were falling. Some possibilities could be:

- More effort by DHS focusing on jurisdiction in the initial petition which results in less amended or section petitions filed
- Preventative efforts made by DHS to keep children with their family

- Changes in case law eliminating actions that would have previously been filed on
- Clarification on the standard received from the Court of Appeals

With the new procedures on the Assignment of Case Numbers, it is projected that the numbers will continue to decrease. The new procedure will show how often the state has intervened. This number will be reviewed in conjunction with the number of subsequent petitions filed, resulting in a much more meaningful statistic.

Time to TPR within 270 days increased 6 percentage points from 2018 to 2019 and Time to First Permanency, Looking Back increased 5 percentage points. Interestingly, the Time to Jurisdiction Reports mostly decreased and illustrate an area that could use some work. The question remains that if there are fewer number of petitions filed, why is Time to Jurisdiction taking longer? A variety of explanations were discussed. One reason is that because issues in petitions today are more complex and require more trials to be set. Another reason could be court and lawyer culture. For example, some courts schedule blocks of time for parties to meet and informally resolve issues and then they go before the judge. Other courts schedule Pre-Trial Hearings and other types of Status Hearings before setting a Trial. Finally, some courts over book their scheduling of trials in the projected event that some will settle prior to trial. Leola reported that DHS is working on a Project Improvement Plan (PIP), that may help these numbers improve in the future. The PIP involves the way in which settlement conferences are scheduled and the training of court staff. The PIP is currently being piloted in Douglas, Josephine and Lane Counties. The hope is that more cases will have permanency hearings within established timelines.

b. County Adoption Timelines Data – Shary

Shary presented the Quarterly Report on Adoptions for the period of July 1, 2019 through September 30, 2019. The report illustrates that some counties were able to meet the timeliness goal 100% of the time, however these counties only had a few adoptions as compared to the other counties that had more adoptions and show a lower percentage rate of meeting the goal.

A joint PIP between OJD and DHS has resulted in Gail Schelle and Shary Mason working together to create a webinar on adoptions. Shary explained that this webinar is a one-hour high level overview of each step in the adoption process. The webinar is based on information requested by the courts and provides instruction on how to read the DHS reports. The adoption webinar should be mentioned to judges at the upcoming Eyes Conference.

In response to the review of the Adoption Quarterly Report, the question was asked as to why are other states doing it better? Gail explained that on March 31st, Casey Family Programs will be meeting for the whole day with DHS Central Office. Two groups will be formed. One group will map out the flow of a case and look for efficiencies in the process. Another group will look at adoptions and will determine what staffing resources in the field and central office will be needed. Areas will be identified that work and save time. For example, when Consent for Adoption materials are sent to the court the statute states that there needs to be proof of a study being completed **or** the actual study needs to be provided to the Court. The group will review how DHS can best reach out to the court and attorneys to see what is being used and what is needed for the adoption. Several judges responded by stating that they are not receiving the home studies. Therefore, it appears that vendor attorneys are not filing them into the case. It was suggested that DHS involve OJD after their meeting with Casey Family Programs.

Discussion Topics:

c. Educational Placements Best Interest Findings – Joni Gilles, ODE

Joni Gilles from the Oregon Department of Education provided an overview of Every Student Succeeds Act, (ESSA), which passed in 2016. The Act has resulted in a collaboration between DHS and ODE in working towards the common goal of improving education outcomes for children in foster care. DHS and ODE hope to improve educational stability and create continuity within the 197 school districts in Oregon.

Ms. Gilles discussed some of the barriers that both agencies are facing. For example, she pointed out that there are inconsistencies in how each school within the district interprets “best interest findings”. Another barrier has been communication and the fact that ODE has not participated in the court’s decision-making process. When court orders are entered and are not provided to the incoming school, this creates a delay in enrollment process. Under ESSA, every school in Oregon is required to have a DHS point of contact that can provide the school with the assigned DHS casework contact information. The school’s responsibility is to monitor the progress of children in foster care through the education system. Currently, only 43% of children in foster care graduate high school within four years and 56% complete high school within five years. To improve these statistics, ODE believes that their department needs to be involved in the court process. ODE can provide case specific information to the court on the barriers to education which are unknown to the parties. ODE is continuing to work with DHS on the creation of policies and procedures to improve continuity and stability within the system.

Next steps for DHS and ODE are to create a DHS point of contact that can provide the schools with identifying the assigned caseworker. Also, a workgroup will be created to study models from other states to determine what is working well and how to provide a more consistent understanding of “best interest findings”. Finally, the collaboration will ensure that the components of data and planning are aligned to work together to improve the system.

d. Implementation of QRTP review requirements – Kathy Steiner, DHS

Sara Fox, Alex Trotter and Ahnjene Boleyn from the Office of Child Welfare presented the new QRTP, (Qualified Residential Treatment Plan), assessment process that will be implemented on July 1st, 2020 due to the passage of SB171.

The assessment process is still being developed but it will involve four tiers which include: (1) the Child and Adolescent Needs and Strengths, (CANS), Assessment, (2) an algorithm that will identify the benefits of a QRTP, (3) consultation with the Residential Re-entry Center (RRC), and (4) a Qualified Mental Health Professional (QMHP) reviews pertinent documents to determine whether a QRTP is appropriate. At any time during the assessment process the Youth’s Family Team may meet to discuss the youth’s needs and provide input on the QRTP and the QMHP. Placement may occur prior to a court order; however, the assessment must be completed within 30 days of placement and the order must be made within 60 days of placement. The court will be notified when the Department of Justice, (DOJ), files a Motion for Hearing to obtain the order for placement into a QRTP. Megan Hassen with JCIP explained that she is currently working with a group of judges to develop a Form of Order will be distributed in June. This topic will be addressed at the Eyes Conference in August.

e. Focus on Reasonable Efforts – Leola McKenzie

Multnomah County's CAPTA panel collected data on reasonable and active efforts in their county. After their collection, the Multnomah County panel requested that data be collected statewide. As a result, data collection was completed by the Statewide CAPTA panel. The Statewide CAPTA CRB Panel on Data Collection of Reasonable and Active Efforts Report for the fiscal year 2019-2020 was distributed. The report shows by county the regarding the number of negative findings, the number of pended or deferred findings and the number of cases where the finding of reasonable efforts was not addressed. From the data, there were 27 instances where the issue was deferred or pended to another date and 104 instances where reasonable / active efforts was not addressed at the hearing.

Additionally, six judges and Megan Hassen of JCIP attended a regional reasonable efforts symposium in San Diego. Amy Miller from YRJ participated as part of the faculty.

As a result of this recent activity, it is expected that judges will begin to make no reasonable efforts findings. It was agreed that someone at the hearing such as the attorneys should inform the judge that reasonable or active efforts need to be addressed.

There is also a legal disagreement among judges as to when reasonable findings are required to be addressed. Some believe it is only at the six-month review and others believe that it should occur at every court hearing. The difference in opinion may stem from differences between federal and state statutes and the need for a more consistent definition of reasonable and active efforts.

f. National Judicial Summit, OJD Strategic Campaign, and JCIP Strategic Plan Crosswalk and Next Steps – Leola McKenzie

Tabled until June meeting.

V. Upcoming Events – All:

- a. 2020 CRB Every Day Counts – May 28-29, 2020 @ The Salishan Resort
- b. Through the Eyes of a Child and The Model Court Summit – August 2-4, 2020 @ The Oregon Garden and the Salem Convention Center
- c. Assignment of Case Numbers Staff Training – July 16th, 2020 @ Roth's West Salem

VI. **JCIP 2020 Advisory Committee Meeting Dates**

March 9, 2020
June 8, 2020
September 8, 2020
December 14, 2020

VII. **Next Meeting:** Monday, June 8, 2020, 1:30 p.m. to 4:00 p.m.