

# **Juvenile Court Improvement Program Advisory Committee**

## **Meeting Minutes– December 12, 2016**

Juvenile & Family Court Programs Division – Oregon Room

1133 Chemeketa Street NE, Salem, OR 97301

1:30 – 4:00 PM

### **I. Welcome & Introductions – Hon. Stephen Forte**

#### **Committee Members:**

Hon. Stephen Forte, Chair, Circuit Court Judge, Deschutes County (**Present**)

Hon. Lindsay Partridge, Vice Chair, Circuit Court Judge, Marion County (**Present**)

Hon. Lisa Greif, Circuit Court Judge, Jackson County (**Absent**)

Hon. Norm Hill, Circuit Court Judge, Polk County (**Present**)

Hon. Amy Holmes Hehn, Circuit Court Judge, Multnomah County (**Present by telephone**)

Hon. Karen Ostrye, Circuit Court Judge, Hood River County (**Present by telephone**)

Dana Ainam, ICW Supervisor, Confederated Tribes of Grand Ronde (**Absent**)

Mandy Augsburger, Foster Parent (**Absent**)

Nancy Cozine, Executive Director, Office of Public Defense Services (**Present**)

Michele DesBrisay, Deputy District Attorney, Multnomah County (**Present**)

Walt Gullett, CRB Field Manager (**Present**)

Darin Mancuso, Foster Care Ombudsman, Governor's Advocacy Office (**Present**)

Kari Riech, Executive Director, CASA Voices for Children (**Absent**)

Hon. Paulette Sanders, Circuit Court Judge, Lincoln County (**Absent**)

Karyn Schimmels, CW Training Manager, Department of Human Services (**Absent**)

Catheryn Tufts, Tribal Staff Attorney, Confederated Tribes of the Siletz Indians (**Absent**)

Jason Walling, Deputy Director, Child Welfare Programs, Department of Human Services (**Absent**)

Nathan Schwab, Former Foster Youth (**Absent**)

Kathy Prouty - Child Permanency Program Manager (**Present**)

Nadja Jones - DHS Tribal Affairs (**Present**)

Karyn Schimmels - Training Manager (**Present**)

#### **Guests:**

Amy Miller, Deputy General Counsel, Office of Public Defense Services (**Present**)

Daniel Schneider, Child Welfare Training Partnership (**Absent**)

#### **Committee Staff:**

Leola McKenzie, Director, Juvenile & Family Court Programs Division (**Present**)

Megan Hassen, Juvenile Law & Policy Counsel, Juvenile & Family Court Programs Division (**Present**)

Amy Benedum, Program Analyst, Juvenile & Family Court Programs Division (**Present**)

Shary Mason, Model Court & Training Analyst, Juvenile & Family Court Programs Division (**Present**)

Conor Wall, Data Analyst, Juvenile & Family Court Programs Division (**Present**)

Kim Morgan, Management Assistant, Juvenile & Family Court Programs Division (**Present**)

### **II. Approval of Minutes from Last Meeting (9/12/16) – Hon. Stephen Forte**

Approved

### **III. Reports**

#### **A. Re-Imagining Dependency Court - Hon. Stephen Forte**

There will be a Reimagining Dependency Court meeting 12/13/16 at CCBI. The folks from the four counties (Deschutes, Lane, Polk and Clackamas) will participate in drafting a plan to place cases on three different tracks. Depending on the track, some cases will have more hearings than others; however they all will be handled the same. Each county will have a written charter. They will try to determine if the frequency of court hearings makes a difference in terms of permanency and the resolution of cases. Hopefully this process and project will be successful and can be rolled statewide to increase uniformity.

Leola stated they will take a look at the following proposed outcome measures. She would like to know if anyone believes there are any additional outcome measures that they should be looking at.

#### **Timeliness Measures:**

1. Time to jurisdiction
2. Time to first permanency hearing
3. Time to filing of TPR (from the beginning of the dependency case to the filing of the TPR)
4. Time to TPR Order (from the initial dependency case to the finalization of the TPR)

#### **Permanency Measures:**

1. Time to reunification
2. Time to guardianship
3. Time to adoption

They will then look at the percent of children who reach permanency by reunification, adoption or guardianship. This will give them the number of kids who age out of the system.

Kathy Prouty - states that they [DHS] are aware they are doing very poorly right now under timeliness and the length of time freeing a child for adoption.

Judge Partridge - says that the time standards don't always match up with the case law that comes up, so it's nice that we establish these standards. He also states that the reality is that many cases get reversed and come back from the Court of Appeals.

Judge Forte believes they are conscious of the time frames and that's why the cases are expedited.

Megan will discuss this issue with presenters for the Appellate Court Training.

#### **B. Region 10 Leadership Forum – Megan Hassen & Amy Benedum**

The Region 10 Leadership Forum was attended by Amy Benedum, Judge Forte, and Megan Hassen. It was a program put together by the Region 10 CIP Program which includes Alaska, Idaho Oregon and Washington. A day and a half program, designed on improving parent representation in dependency cases. Oregon sponsored a couple of those sessions. Judge Forte spoke about ICWA with Craig Dorsay and Judge Gantenbein, Siletz Tribal Court Judge.

Amy hosted a panel of parent mentors, one who worked in Washington State and one in Multnomah County. The parent mentors had successfully been through the child welfare system and were trained to mentor current parents. Agreed this is needed state wide. One service the mentors provide is an orientation to court before the shelter hearing.

Judge Hill asks, "Assuming that they have lawyers at shelter, why aren't they responsible for educating them about what is going to happen at shelter hearings".

Megan states the Oregon team came together to talk about what they might do to improve parent representation. One suggestion was to do a better job at ensuring that attorneys are appointed at the shelter hearing and are allowed to participate and that discovery is provided in a timely manner. The other suggestion was around visitation. Currently, DHS program manual requires a visit be set up within a week from when the child is removed from care. The planning group wanted that first visit to happen within the first 48 hours. These issues will be worked out when the group meets again in January. DHS will be doing training of their caseworkers, OPDS will be making those requests for the first visit at the shelter hearing and JCIP will be doing outreach with Judges to help them understand the impact of ordering that first visit. Planning group is meeting in January to finalize the plan.

Amy - One of the things that the mentor said was that the counties that are larger and busier, the attorneys are very rushed and have several shelter hearings scheduled back to back. The attorneys do a very brief introduction with their client but don't have time at that moment to do an orientation or answer any substantive questions about the process. A mentor is someone that can be there in that moment to talk.

Judge Hill- believes this is very unprofessional. The concern it raises is we are creating a new entity that is being put in place to cover over unacceptable, unprofessional behavior by attorneys who are hired to represent these families. Judge Forte agrees with that.

There was discussion concerning the work of the attorneys and the expectations.

### C. JCIP Grants Update - Leola McKenzie

The JCIP grants five year funding expired as of 9/30/16. The plan was for it to be reauthorized through the Families First Prevention Act; however, that did not pass. It was part of the CURES act and was removed. JCIP will continue to receive the basic grant, but will no longer receive data and training grants unless Congress acts to restore funding. We have been told that efforts are underway to get the court improvement program reauthorized early in January without attachment to any of these other bills or pieces of legislation that people have concerns about.

You received a copy of our application (which is for all 3 grants). We were told to submit the application for all 3 in case the other 2 were authorized. A copy of our strategic plan is also attached. The strategic plan is just for the basic grant. There are no data or training activities other than what has been done before. The easiest way to see what's on and what's not on is in the budget narrative section. For staffing we are going from .5 of an MA to .25 of an MA. Shary's position is being cut to .5 of JCIP and the other .5 will come from CRB activities. The Data Analyst position is not funded with the new grant. However, we have funds to keep Conor on until 9/30/17. With the other 2 grants, the training grant is gone and the basic grant is almost gone. Depending on what happens with the grants in the spring and what happens with session, my plan (if we can't fund with a grant), is to expand him from doing just juvenile dependency to juvenile delinquency and some family law data as well.

For education and training the Eyes conference is covered; however, the Model Court Summit (MCS) is usually paid from the training grant and we do not have funding at this time. We plan for the MCS as though the funding is going to come through.

The JELI Spring Convening is funded.

There is no need to review any mini grant requests at this time as those funds are gone.

The Advisory Committee commented that Leola should be congratulated for all her accomplishments, projects, trainings, etc. that she has done so well over the years.

#### **D. Shoulder to Shoulder - Judge Amy Holmes Hehn**

Judge Hill, Judge Ostrye and Judge Holmes Hehn sat on a panel that discussed the issue of child wellbeing and what is meant by that; and what about the current system is being supported by that and what needs to change to better promote child wellbeing of children in the system. It was primarily a listening session and was very well attended with folks from all different parts of the system (foster parents, CRB, caseworkers, DHS, social workers, CASA, other service providers, etc.). They were given the opportunity to really speak their minds about what was working well and what they thought needed to change. Shary Mason was there and has very good notes concerning the discussion.

Judge Hill - stated that it was very interesting and that the statistical connection to outcomes for parents, and the correlation as to how engaged parents felt in the system was. He indicated that one of the things that improves outcomes is if the relationship between the caseworker and parent is collaborative, rather than confrontational. That if the parents felt like they had a partner in that process it increased the likelihood of success exponentially.

A lot of people expressed that same sentiment. Judge Holmes Hehn is forwarding those notes to Megan and Kim.

There was a lot of frustration, as well, regarding how long it takes to achieve permanency. They believe this session should be done again. Participants liked the opportunity to be heard and the evaluation showed that it was very well received.

Also discussed (and especially confirmed from the CASA's), was children and their "real" need to have a voice in the process. Foster parents also almost universally felt like they were never heard. The foster parents that were at the meeting were asked, when they are getting ready for a hearing, how many of them get feedback from the caseworker, and consensus was that it happens rarely or never.

Older foster youth indicated that they would love for the judges to call on them and to be asked how they think things are going because most say that they haven't spoken to their caseworkers in a month or in some cases, months.

#### **E. Tribal Court/State Court Forum - Amy Benedum**

First Tribal Court State Court Forum was in October. The initial convening in August 2015 created the official forum. The forum has 18 members, 9 circuit court members and 9 tribal court members. It was hosted by the Klamath Tribes in Chiloquin. The morning portion of the day was a tour and oral history of the

Klamath Tribes and the tribal court. It was eye opening to see the difference between tribal and state courtrooms.

The afternoon was devoted to several sessions about issues of mutual concern in family law, including full faith and credit for restraining orders, child support orders, and general family law orders. The focus was on reducing the barriers between tribal and state court orders. Several subcommittees were developed to continue the work in the coming year. They hope to have some solutions to issues at the next convening on June 2nd of 2017.

The forum put forth a proposal for the UTCR Committee to amend UTCR 3.170, which concerns pro hac vice requirements. The proposal will create an exception for out-of-state attorneys representing tribes in ICWA cases from paying the \$500 fee and associating with an Oregon attorney. The proposed change passed the UTCR committee and the Supreme Court committee. It is currently out for public comment before coming back before the UTCR committee for final recommendation in March 2017. The Chief Justice will ultimately decide on whether to approve the proposed change.

#### **F. QUICWA Update - Conor Wall**

Is a court observation project that looks at compliance Indian Child Welfare and items relating to what items are discussed in court and what findings are stated out loud in court. The project was originally targeted at four counties (Marion, Multnomah, Linn and Klamath) and they are currently prioritizing Marion, Multnomah and Klamath) and at this point they don't have data collection in Linn. They have met with Judge Partridge and Pellegrini and Strauch and some data collectors that they had with the Grand Ronde Tribe. They have a follow-up meeting in February. They also worked on an updated form to link information relating to the BIA regulations that take effect this month.

Nadja and Shary are also active in the project. They are trying to have a meeting with DHS and how better to support the QUICWA. They also did a session at the statewide QUICWA conference. There was a lot of good feedback. The evaluation showed same.

Webinar was done on BIA Guidelines. Recording will be re-recorded and put on the website.

Not sure all judges know that there are these new federal requirements; but it might be good to send another one out. When posting the webinar it would be good to send a link to the judges so they know it is there. They are also posting 2 fact sheets that will be helpful.

#### **G. JCIP Self-Assessment Report - Conor**

JCIP Self-Assessment was sent out as part of grant requirements. Normally it is due at the end of December. This year the Children's Bureau gave us a 4 week turn around so we're not able to bring the self-assessment before this group. It provides an in depth analysis of QUICWA project and workload study that was completed earlier in the year, and contains information about quality improvement and a data report.

#### **H. Statewide Juvenile Data Entry Training - Conor**

On September 23rd there was a training for juvenile court staff from across the state. We were fortunate to have the vast majority of the courts to have staff attend. Only 2 courts couldn't attend (Union and Wallowa). Evaluations / comments were positive. The morning was spent going through data entry of juvenile court records, etc. Had good discussions about the data entry and ways to get even better data.

## **IV. Continuous Quality Improvement (CQI)**

### **A. Quarterly Reports - Conor**

Part of the materials was a handout of JCIP Quarterly Reports for the 3rd quarter. Now all courts are on Odyssey. The reports summary showed that, compared with 2015 Quarter 3, dependency filings increased 8%, whereas TPR and delinquency filings decreased. JCIP has just started putting together Odyssey numbers on emancipations, judicial determinations, and permanent guardianship cases but those filings are fairly rare. In looking at timeliness measures, Conor pointed out two items. The timeliness to jurisdiction numbers have been revised due to data entry clean-up in one of the courts, and are a little different than what was sent out earlier in the month. Sixty percent of dependency cases had their first jurisdiction finding within 60 days (the same as the same period in 2015); 88% of cases that were due for a first permanency hearing had it on time; and 44% of the TPR cases met the 6 month timeline. The other note in terms of updated data is that the Time to Jurisdiction on Both Parents report has had some data quality issues. The original report that was sent out had 33 or 34%, one of the largest counties did a lot of data clean up and now we have a number that is 46% which we think is more accurate.

Judge Forte asks why we separate that out? Conor explained that the Time to First Jurisdiction Finding report was built to match the report used in OJIN, which counted a case as in jurisdiction once any jurisdiction finding was made. Retaining this report gives JCIP continuous data going back to 2003. The Time to Jurisdiction on Both Parents report was created in response to the 2014 appellate decision requiring jurisdiction on both parents if the one of the parents was contesting. Conor said that ultimately the only difference between the two reports should be cases where the court takes jurisdiction on one parent because the other parent cannot be served or has not appeared to contest the petition.

Currently, a case shows up as in jurisdiction on the Time to First Jurisdiction Finding report once any jurisdiction finding has been entered, but does not appear in jurisdiction on the Time to Jurisdiction on Both Parents report until both parents have been linked with a jurisdiction or dismissal judgment. If there is only one parent entered on the case, the case should appear as in jurisdiction once a jurisdiction finding has been entered for that parent.

## **V. Discussion Topics**

### **A. Eyes and MCS Planning for 2017 - Megan Hassen**

Through the Eyes of a Child conference is scheduled August 6 and 7 and the Model Court Summit will be August 8 if there is funding.

Megan referenced some handouts that provide ideas on what should be covered at the 2017 conferences.

#### **Specific topics are:**

Child Safety

LGBTQ Youth

Small County Issues

Foster Child/Foster Parent Panel

Training for Judges on Attorney Standards

Training around developing case law - where parent arranges for child care with a relative

Judgments - how they are being filled out

Guidance from Federal Government around child welfare and compliance with the American Disabilities Act.

Apply Drug Court concept to all cases even if parents don't test with a drug issue. The judge provides positive affirmations rather than punishment.

Side Note - JELI Spring Convening - We will cover review of children with serious mental health issues, model court leadership, and view from the Court of Appeals.

## **B. Model Court Summit (MCS) Evaluation - Shary Mason**

Shary went over some ideas for the next Model Court Summit based on feedback provided by participants last year. A number of people requested more on team building (for all aspects), ICWA, success stories (wanting to hear from parents, parent advocates, foster children and what was helpful for them), trauma and rural counties with very limited resources. It would be good to have something about new ICWA regulations etc. for MCS.

### **Other ideas:**

Listen to the feedback about being too major metropolitan focused and hear from smaller county judges.

More time for appellate updates (1 hour).

Evidence.

Judgments

New Deputy Director of DHS

Long stayer file review

Relative searches - what the court's role is

Children in court

IOP - understanding what it is, changes in and responsibilities of court

ADA compliance - reasonable efforts for parents

Visitation

CFSR Changes that should be a topic

Understanding Toxic Stress as it relates to children - Eric Arauz Myler - author, presenter, child of the system

Top 6 Votes - Megan will circulate the votes to everyone in an email

## **C. Legal Representation Task Force Further Inquiries Work Group - Leola McKenzie**

Senate Bill 222 - created a task force to make recommendations about legal representation in child welfare cases. The task force finished their work and submitted the final report in September. A voluntary implementation group came together and to ensure that recommendations that need to be implemented in the very near future were included. There were several topic areas that were included, but there were not specific recommendations for these areas (judicial resources, ICWA and disproportionality). A workgroup drafted proposed recommendations for those three areas based on the findings from the task force. The recommendations for judicial task force 1 - Chief Justice to direct the JCIP Advisory Committee to study educational requirements other states have established to handle juvenile cases and make a recommendation to the Chief on minimum educational and annual reporting requirements for Oregon Judges. There may be some states that have such a requirement - and Leola would like your input before these recommendations get finalized. Do you think this is something you should be working on over this coming year? It would be a subcommittee from this group to look and see what's out there and make a recommendation to the Chief. There are concerns in the wording of that. Maybe change to aspirational requirements rather than educational requirements.

## **VI. Upcoming Events**

Appellate Judges (2/9/17)  
JELI Convening (4/28/17)  
Eyes and Model Court (August 6-8, 2017)

## **VII. Next Meeting**

Monday, March 13, 2017, 1:30 – 4:30 p.m.