

JOIN HANDS FOR CHILDREN
MINUTES FROM ADVISORY COMMITTEE ON LEGAL AND PRACTICE ISSUES MEETING
JANUARY 4, 2010

Members Present: Jeanine Livingston; Judge Chris Wickham; Steve Hassett; Gwendolyn Lawson Townsend; Liz Mueller; Nancy Foll; Charlotte McCullough (On Phone); Joanne Moore; Samantha Evans; Mary Meinig

Staff Present: Benjamin Berres, POC

Others: Lee Grogg and Karen Brady, Ryther Child Center; Dana Phelps, DSHS Children's Administration; Maureen Marcenko, POC; Roxanne Lieb, Washington State Institute of Public Policy; Charles Shelan, Community Youth Services; Nancy Roberts Brown, Catalyst for Kids; Roy Hogan, DSHS CA; Judge Leonard Costello; Graham Parrington

Committee Co-Chair Judge Chris Wickham conducted the welcome and the introductions of the committee members and the members of the public. Judge Wickham also welcomed the new members of the committee. At the previous meeting, the Advisory Committee had added three additional members to the committee. Judge Wickham said that the committee had learned that neither the foster parent representative nor their alternate could attend the meeting because they were caring for children with H1N1 virus. Although the foster youth representative, Samantha Evans, and the representative from the Office of Public Defense, Joanne Moore, were absent, he reminded the committee that they would be participating in the future.

First Agenda Item: Discussion and Vote on Social Workers - both public and private

The advisory committee had agreed in the previous meeting to add a public and private social worker to the group. The committee then reviewed two lists of social workers: one for a private social worker representative and one for a public social worker representative. Jeanine Livingston brought up that the committee had made a point to include a social worker with an understanding of issues related to racial disproportionality and who also had Indian Child Welfare experience. She then went through the list of the public social workers highlighting on each of their experiences and specialties. Of the people on the list, she recommended that Kris Powell be appointed to the committee. Gwendolyn Lawson Townsend then reviewed the people on the private social worker list. One of the social workers on the private social worker list is a subordinate of hers, but she said that there would not be conflict in adding this person because they represent different parts of her organization. Townsend recommended that the committee appoint either Vergie Burks or Stacy Heinle. Livingston agreed with her recommendations. Steve Hassett was curious if there were any people in the CWTDC from Casey Family Programs.

Aside: The foster youth representative, Samantha Evans, arrived and was introduced. She gave a brief history of herself, including her work with The Mockingbird Society and Community Youth Services and that she was in the child welfare system from age 16 to 18. The rest of the committee briefly introduced themselves and Judge Wickham described the task on which the committee was working.

Hassett recommended Kris Powell because he is from the west side of the state, has ICW knowledge and has 20 years of social work experience. Hassett then formally made the motion to appoint Kris Powell to the public social worker representative position on the Advisory

Committee of Legal and Practice Issues. Both Livingston and Townsend seconded the motion. The committee voted unanimously to bring Kris Powell onto the committee.

Townsend then made a motion to appoint Vergie Burks to the private social worker representative position. Hassett seconded the motion. The committee voted unanimously to vote Vergie Burks onto the committee.

Second Agenda Item: Review of Priorities Document

Judge Wickham reminded the committee that the document now incorporates the feedback of committee members from preceding meetings in the body of the text. He said that one of the things that the committee needed to do that day was to have a discussion and set the priorities of the committee. He began the discussion by stating that he believed the primary duty of this committee is to define what will be considered the “core services.” He also mentions that this advisory committee is to prepare a report by March containing these yet-to-be-named core services.

Judge Wickham said that he is still a little unclear about what the advisory committee’s recommendations can be, given that many aspects of the project are still lack clarity. He also said that he is “troubled by being in the room with a project that may be fatally flawed in some way” without bringing these concerns to the larger committee, and whether he should just sit and wait for some of these subjects to be raised, or to bring them up and talk about it, when the project might not go anywhere in the first place. Livingston reminded the committee of the directive to the committee that is contained in statute. She continued that she believed it was the responsibility of the stakeholders who were enumerated in the statute to bring these concerns to the larger committee. For further clarification, Judge Wickham asked the advisory committee again whether it was the responsibility of the committee to brainstorm and develop issues that the larger committee has not delegated to the subcommittee.

Nancy Foll believed that it would be important for the subcommittees to address these larger issues. Hassett was curious whether these concerns are being addressed in any of the other advisory committees, and, if not, if there any other mechanism for this issues to be addressed. If no mechanism exists, then it would be a major mistake to wait until it’s too late to grapple with some of these questions. He also said that in the absence of any other mechanism to discuss some of the larger legal issues, it falls under the heading of the Advisory Committee on Legal and Practice Issues. So, if committee sees flaws in the legislative scheme that may require changes, this committee could help to identify and propose those changes.

Judge Wickham suggested that the advisory committee compile a list of these broad concerns of a legal nature that could be included in the upcoming report in March. Committee Co-Chair Liz Mueller added that it might be best to postpone this discussion for later, but eventually to create an itemized list of concerns. The committee was comfortable with the decision to wait a little longer. Judge Wickham said that maybe a portion of the next meeting could be devoted to developing this list.

Foll said that it was her belief that any list of concerns should also incorporate potential solutions. By including solutions, the full committee might avoid conflict and a time consuming process to identify possible courses of action.

Judge Wickham said that if the committee is going to have a meaningful discussion, then there is going to have to be some work done before the February meeting. He believes that this work

should be accomplished in the next week or two. He said that this committee would come back to this discussion later today. Livingston doesn't think that this advisory committee has to finish this discussion by the March deadline, which allows for increased breathing room.

Foll interjected and that she is unclear about the two different priorities documents. She was curious why there were certain items on this document that were dropped from a previous version. Judge Wickham reaffirmed that the Priorities document isn't an exhaustive list of duties and that this document will change over time. He continued that at some point in the future, the committee will discuss this document in greater detail and could potentially be discussed outside of a meeting, and even over email. Foll just wants more consistency between the names of documents. Livingston added that she believes that the document is an effort to direct the committee and that there should be a discussion around who is the one responsible for directing the advisory committee. She believes that the committee should be the primary driver of the direction.

Third Agenda Item: for Our Children presentation on Wants and Needs of Birth Families and Youth

Dr. Maureen Marcenko from the School of Social Work at the University of Washington and Partners for Our Children delivered a presentation that discussed the wants and needs of birth families and youth. The research in her presentation was based on the results of recent birth parent interviews, as well as interviews with foster youth from the Midwest Study. The study interviewed 809 birth parents between July and September of 2008. All the parents were interviewed between 90 and 180 days of when their case was opened in CAMIS.

The presentation focused primarily on service needs of birth parents. The interviews also attempted to examine the extent to which there was a disparity between received services and service needs. The scope of the study examined a broad range of services, not just those services traditionally dispersed by CA. One of the primary messages of this study is that basic needs are more intense for parents who are poor whose children are out of home.

Many advisory committee members asked questions of the study that could not be fully answered with the initial interviews. Dr. Marcenko said that subsequent iterations of the interview might investigate some of these questions. Some advisory committee members also agreed that this information could be used to help develop the list of core services.

BRIEF BREAK

Fourth Agenda Item: Children's Administration Presentation on Services Currently Being Offered

Dana Phelps of Children's Administration delivered a presentation on the Services Currently Being Offered by CA. She brought two documents with her that described various components of the contracts held by CA. The first document described the type, number, and FY2010 projected expenditures of all contracts held by CA. The second document broke down the number of CA contracted services by type and region. The information contained in the two documents are pre-budget reductions. There was some concern that it would be hard to make definitive statements around the service landscape because of the changing political and funding environment.

Phelps began the presentation by describing each of the contracted services, but the conversation shifted as advisory committee members began to ask questions. Some of the specific questions of advisory committee members include:

- What is the current level of funding for each program by region or by contractor?
- What is the methodology used to allocate funding to programs?
- What are the statutorily mandated services?
- What are the legal or statutory limitations to each of these programs? Are the statutory requirements/limitations state or federal?
- Why is there a discrepancy between the numbers of contracts between the two forms?
- What is the per capita cost for each budget item (i.e., cost per child per program)?
- Is there any way to find out how much money is being spent in other departments on other programs?
- What are the differences in spending between dependency and volunteer cases?

Phelps said that she would ask the RDA group at CA to work on some of these questions for the next meeting. She added that this might be difficult to accomplish quickly because it necessitates the stitching together of multiple data sets. Committee members hoped that this information could help them to build a more equitable service distribution across the state.

LUNCH BREAK

Fifth Agenda Item: Public Comment

Judge Wickham opened up the floor for public comment and requested that all future, all-day Advisory Committee on Legal and Practice Issues meetings adjourn by 3:00 pm so that committee members returning to Thurston County do not get mired in traffic.

The first member of the public to speak was Charles Shelan of Community Youth Services. He asked if certain services are not named “core services,” if the Governor will then have tacit approval to cut those programs’ funding. He also talked at length about Crisis Family Intervention. The advisory committee members did not feel they were able to answer that question quite yet. He also was curious whether contractors would be forced to follow Solution Based Casework.

Roy Hogan, a CA social worker, gave his opinion on the issue of coordinated collaboration between DSHS agencies. He told a story of one of his cases where there was too little collaboration and a woman was unable to show that she had completed tasks assigned to her by CA and by her TANF officer. In this particular case, many of the woman’s tasks given to her by CA and her TANF officer were the same, but the woman did not know that they could count for both programs. As a result, she was unable to complete her assigned duties and did not meet the requirements for reunification. Hogan implored the advisory committee to remain cognizant of the benefits that can result from interdepartmental collaboration. He also commented that he is troubled by the lack of funding for what he believes are core services. Lastly, he added that there are some effective services that have statutory regulations that limit the number of times that the services can be applied to a single family.

Lee Grogg, CEO of Ryther Child Center, spoke on two separate issues: first, he said that the contracted services contained in the CA Contracted Services document are not the entirety of the core services; rather, they are just a portion of them. Secondly, when thinking about the cost

of each core service, the actual value of those services is probably 15-20 percent greater than the dollar value listed. He used the example of BRS services to explain that the rate of reimbursement is often 15-20 percent below the actual cost of services.

Sixth Agenda Item: Development of the Core Service List

As the advisory committee embarked on a discussion toward developing a list of “core services,” they first attempted to formulate a process by which they would use to drive the construction of the list. There was initially some disagreement whether the discussion would begin first by identifying some “core values” criteria that would guide any additions, or, alternatively, whether the advisory committee would add services first by looking at what is currently included in statute.

The advisory committee settled on a process whereby they would use the four priorities enumerated in 2SHB 2106—safety, permanency, reunification and well being—to categorize existing services that are contained in statute. They would further categorize these services by type of client. In this way, the committee could paint a picture of the existing statutorily mandated service landscape, upon which they can build or renovate. After the statutorily mandated services are named, Hassett suggested that the advisory committee then examine other layers of the service array. The committee would begin first with CA and then expanding to DSHS and even further to other state agencies or non-profits. There were still committee members that felt that this approach would bind the committee into building upon a poorly functioning foundation; however, they ultimately consented to begin by identifying the statutorily mandated services. The committee agreed to revisit this discussion once the statutorily mandated services were identified.

The committee began by reviewing two CA documents that contain the statutory language for mandated services and applying those services to the four 2SHB 2106 priorities. The advisory committee started with Child Safety and made an additional distinction between children in in-home voluntary services and children that are in out-of-home care. After identifying the statutorily mandated services to maintain child safety, they added the services that fall under the Permanency category. From there, they committee discussed the Well-Being category. Hassett mentioned that this area is not clearly defined and that there is no mandate for a specific service that would fall solely under this category. The advisory committee then discussed some of the requirements that fall under ICWA and the requirement originating from 2SHB 2106 to address issues of racial disproportionality. The committee decided not to vote on adding any of the discussed services to a formal list because they wanted the new members of the committee to have a chance to be included for a vote. The committee also wanted to make sure that a summary of the statutorily mandated services are available in to the next meeting.

BRIEF BREAK

Judge Wickham opened up the floor for additional public comment.

Shelan agreed with an earlier comment of Steve Hassett in that the 2SHB 2106 process is akin to “remolding an old, rickety home on a tight budget.” He is concerned about the financial constraints. He wondered if some of the services listed on the CA Contracted Services document will get cut further if they are not deemed “core services.”

Judge Wickham then transitioned the conversation to address the services that should be considered core services but are not already included in statute. Before the conversation moved

in that direction, there was a question whether the committee would address what practice model to include in the formal committee recommendation. Judge Wickham responded that he hoped that the committee would get to that point in a future meeting.

Shelan asked another question whether the contractor's case management services would be required to follow the Solution Based Casework model. The committee responded by saying that the immediate focus is on Phase I, which doesn't include the transfer of case management responsibilities.

Foll asked about the remaining tasks that are delineated in statute. Judge Wickham responded by saying that it was his understanding that those were not actually services.

Seventh Agenda Item: Development of Core Service List

The committee discussed identifying the "core values" that should help to direct the addition of any non-statutorily mandated services into the "core services" list. Hassett reframed the earlier discussion by calling the statutorily-mandated services discussed earlier as "the bare minimum...that the department is require to provide." He also said that beyond that, we should ask what are the desirable and necessary services. Foll added that those services should help address some of the barriers to the goals. In the end, the committee formulated a list of core values. The following section is the result of their discussion:

In addition to providing the legally mandated services, a core value is that the system should address the barriers to success. The committee came up with a list of core values:

- All services should be available statewide
- A lack of housing, food, or employment is a barrier to success
- State agencies should form a coordinated collaborative system to providing care to children and families
- Services should be provided in a culturally competent manner that includes the usage of bilingual and interpretive services
- Foster youth should be included in as many decisions as possible
- Parent engagement should be used and their input valued
- When the dept. assumes the care of the child, the dept owes the child the same level of care as a parent
- Decisions should look to evidence based practices.

Joanne Moore requested that the committee consider adding a birth parent to the Advisory Committee on Legal and Practice Issues. Townsend agreed and had some suggestions for birth parents. Judge Wickham interrupted and said that he would try and add an item on the agenda for the next meeting so that the committee may discuss a list of potential birth parents for addition to the committee.

MEETING ADJOURNED