

JOIN HANDS FOR CHILDREN
MINUTES FROM THE ADVISORY COMMITTEE ON LEGAL AND PRACTICE ISSUES
March 1, 2010

Committee Members Present: Chris Wickham; Ken Nichols; Maureen McGrath; Shala Crow; Kris Powell; Jeanine Livingston; Nancy Foll; Joanne Moore; Mary Meinig; Gwendolyn Lawson Townsend; Steve Hassett; Tamara May

Staff Present: Julie Dunnington, Melissa Takade and Benjamin Berres, Partners for Our Children

Others: Jann Hoppler, DSHS Children's Administration; Marna Miller and Stephanie Lee, Washington State Institute of Public Policy; Charles Chelan, Community Youth Services; Makeba Green, Children's Home Society of Washington; Spring Hecht, World Association for Children and Parents

Co-chair Chris Wickham conducted the welcome and introductions, and informed the committee that co-chair Liz Mueller would not be able to attend the meeting because of illness. Judge Wickham introduced a new committee member, Tamara May, a veteran birth parent. May spoke a little about herself and her experience with the child welfare system. She currently works with a Parent-to-Parent program called "Bridge" in Pierce County and sits on the Parent Advocacy Committee. May was referred to this committee through Nancy Roberts Brown of Catalyst for Kids.

Next, Julie Dunnington of Partners for Our Children (POC) briefed the committee on the agenda and described each of the documents prepared for the meeting. Jann Hoppler of Children's Administration (CA) brought supplementary documents outlining CA's plan for the initial service array as well as a proposed assortment of community organization and public agency service linkages, or relationships, a master contractor must hold within their service array.

First Agenda Item: Review Core Values for any additions/changes

Nancy Foll recommended the committee make a couple revisions and asked about the document's intended audience. Judge Wickham said that the Advisory Committee on Legal and Practice Issues will present this document at the next full committee meeting. Afterwards, the document would help to guide CA in the construction of the performance-based contracts. There was a small discussion about how this document will be used in the future. The committee discussed the bullet point about Evidence-Based Practices at length, particularly with respect to when and how such services will be made available. By the end of the discussion, the committee revised the document a number of times. These changes will be integrated into the next draft.

Second Agenda Item: Review contract example provided by Mary Armstrong in Florida

The committee reviewed a sample contract from Florida that was provided by Mary Armstrong, consultant to the committee. When reviewing the document, the advisory committee was unclear on how this document was used in the contracting process. The confusion centered on whether the document was part of the contract or whether it was a supplementary document used as a guide for supervising agencies as they developed their service array. The advisory committee requested some clarification from Armstrong on this document for the next meeting. The committee also wanted to get contract examples from other states and jurisdictions; e.g., Milwaukee. Dunnington said that she would also get input from Charlotte McCullough, the other

committee consultant. Foll stated that she liked the language of the sample contract but that she is displeased about CA's continued use of the term "master-contractor."

The committee also talked about a hypothetical situation where the state would need to opt out of a contract with a master contractor. Many committee members were fearful of such circumstances because they believed that a service delivery disruption of that magnitude would lead to a substantial loss of service availability and capacity. Hoppler suggested that the committee might want to recommend the creation of a WAC that would direct the state on when and how to become a service provider of last resort. Judge Wickham requested that this concern be tabled until later in the meeting.

Steve Hassett questioned whether the committee was tasked with rearranging existing services, or whether the committee was granted the latitude to recommend expanding the current service array. Many of the advisory committee members echoed this concern. The advisory committee believes that it will be prudent to state, in a subsequent report, that building an expanded service array and capacity would not come without a cost. He also questioned if contractors who spend their contract money too quickly would then be able to turn children away, or whether the state would intervene.

Third Agenda Item: Review List of Services

The advisory committee moved to the next agenda item: reviewing the preliminary service array developed at the last meeting for additions and changes. Partners for Our Children (POC) staff rearranged the initial list so that the advisory committee could place each service within one or all three initial service categories they developed: services provided to families to prevent out-of-home placement; services to promote reunification; and services for adolescents and youth transitioning out of foster care. As the advisory committee began working on the document, Hassett suggested creating a fourth column titled, "services to develop system capacity." The advisory committee began reviewing each service to ensure they were placed into the appropriate categories. All of the revisions will be incorporated into the next draft of the document and e-mailed back out to the committee for additional input. This document will then will be presented at the full committee meeting later in March.

The committee repeatedly talked about the potential confusion that could ensue in crafting a list of services without service definitions. To convey the committee's intentions and avoid potential confusion at a later time, the committee requested that POC staff compile a list of definitions for each service on the list. POC staff agreed to do this in tandem with CA staff and with the guidance of the committee's performance based contracting consultants.

Another issue that came up during this discussion was that some of the services listed on the table already existed. There was general consensus among the advisory committee members that the committee cannot identify specific programs by name. They agreed that it would be better to identify individual services more broadly and not to get too prescribed.

After the advisory committee completed reviewing the preliminary service array table, Judge Wickham opened up the floor for public comment.

Public Comment

Charles Chelan of Community Youth Services requested that the advisory committee add "crisis residential centers" to the preliminary service array table and recommended that the service be applied to all three service categories. He was also concerned about the way the Core Values document phrased the first bullet around statewide accessibility and availability of services. He

said that certain services, such as crisis residential centers, might not be cost-feasible to provide in some of the more rural areas of Washington State. With regard to legal services and representation for contractors, he wanted to make sure that funding for contractors doesn't dry up if the state decides to ask contractors to hire their own legal counsel. Lastly, he talked about the issues that arise when the state offers reimbursement rates that do not cover the full cost of services. He believes it may be too much to ask providers to raise additional private funding to cover the difference between the costs of services and the reimbursement rates.

Marna Miller of the Washington State Institute of Public Policy also had a couple of comments. Her first comment centered on the Core Values document and why the advisory committee chose the term "parental trauma" when referencing the unrecognized problems that are faced by parents. She requested that the committee add another bullet saying, "State agencies and contractors will strive to provide mental health and/or substance abuse treatment related to child abuse and neglect and domestic violence." She asked why "child care" couldn't be included in the referrals section as well. The committee agreed.

LUNCH BREAK

When the meeting reconvened after lunch, Hoppler passed out CA's own preliminary list of core services. She talked about the four types of service categories: Family Support Services; placement, reunification, and permanency; intensive treatment services; and transitional services for older adolescents. Although some services may only be placed in one of those categories, others may be applied across all four categories. She then asked the advisory committee for suggestions on services that are absent on CA's list. She stated that CA is viewing their list of services as a "menu" rather than a prescription. Not every service would be given to every child. The second document is a list of "partnership links." This document delineates a list of services that would not be provided through CA, but through community organizations and other state agency service partners. The document also describes the level of partnership formality with CA, from simple awareness of service existence to formal and established service relationships. After the meeting, CA and POC will work to align the committee's and CA's own service array documents.

Judge Wickham asked Hoppler if she had any suggestions for revisions on the committee's document. Hoppler replied that while the committee has incorporated both Phase I and Phase II, CA is only concerned with Phase I at the moment. She also answered a number of clarification questions.

Fourth Agenda Item: Discussion and review of Evidence-Based Practices (EBP) and Promising Practices (PP)

Dunnington distributed a couple documents for this discussion: definitions, a list of currently used Evidence-Based and Promising Programs used by Children's Administration in Washington State, and a link to the California Clearinghouse on Child Welfare. The clearinghouse contains an extensive list of EBP and PP programs with rankings on their effectiveness. The committee's performance-based contracting consultants and Mark Courtney advise that this advisory committee recommend that all contractors use the assortment of EBP and PP from the clearinghouse. Many of the committee members had not visited the link and agreed to explore the website before the next meeting.

Judge Wickham asked whether the committee was comfortable with accepting the definitions of EBP and PP. Jeanine Livingston extended the question to the two WSIPP evaluators in the audience. Stephanie Lee said the specificity concerning the sample sizes seemed arbitrary to

her. Hassett asked if CA had officially established these definitions. Miller claimed that CA had, in fact, used these definitions for a work group. Hoppler said that CA does use them when considering new EBPs, but she was unclear if this definition is ever used in contract language. Judge Wickham requested that POC review other sources for definitions.

Fifth Agenda Item: Begin defining referral and exit criteria for services

Judge Wickham asked the advisory committee members to begin brainstorming issues that could be potentially hazardous or disruptive to the process of implementing performance-based contracting. He suggested that the advisory committee brainstorm the issues at this meeting but actually explore the issues at the April meeting. He proposed that the advisory committee be split into two workgroups for the April meeting to examine the legal issues and practice issues separately. The meeting in May could then be used to explore these issues as a group. The committee wanted some clarification from the legislators regarding how (and if) these concerns should be incorporated in the June report to the legislature. Dunnington said she would get clarification.

During this discussion, Hoppler mentioned that CA will be conducting an informal Request-for-Information from agencies that may be interested in bidding to become a master contractor. Maureen McGrath added that it would be better to approach agencies with some cost data so the agencies understand what the process fully entails. Foll wanted to make sure that this request-for-information does not upset the wide range of small providers that will not be able to compete for a master contract. Hoppler is hoping to get some volunteers before the large committee meeting.

Dunnington said that she is tentatively scheduling the first half of the next Advisory Committee on Legal and Practice Issues meeting to be dedicated to legal issues and the latter half to be devoted to practice issues.

Public Comment

Judge Wickham opened up the floor to public comment.

Chelan recommended that the committee look at Solution-Focused Therapy. He claimed that it is a very effective therapy and it is also open-source, which means that there are no proprietary costs to adopting that specific modality. He spoke in favor of the committee's process. He also indicated that Community Youth Services intends on applying to be a master contractor and that they intend on contracting with every single agency in their region.

There were no further public comments.

MEETING ADJOURNED