

JOIN HANDS FOR CHILDREN
MINUTES FROM THE ADVISORY COMMITTEE ON LEGAL AND PRACTICE ISSUES
April 12, 2010

Committee Members Present: Chris Wickham; Liz Mueller; Shala Crow; Kris Powell; Jeanine Livingston; Nancy Foll; Joanne Moore; Steve Hassett; Steve Hassett; Jeanne McShane; Judge Leonard Costello; Brett Ballew (alternate for Joanne Moore); Stacy Heinle (alternate for Gwendolyn Lawson Townsend); Patrick Dowd (alternate for Mary Meinig); and Samantha Evans

Staff Present: Julie Dunnington, Melissa Takade, and Benjamin Berres, Partners for Our Children; David Del Villar Fox and April Potts, DSHS CA

Others: Stephanie Lee, Washington State Institute of Public Policy; Trudy Soucup, Community Youth Services; Spring Hecht, World Association for Children and Parents; Tom Tremaine, Northwest Justice Project; Roberta Nestaas, Lutheran Community Services; Charlotte Booth, Institute for Family Development; Carrie Whitaker, Braam Panel; Carol Mikkelsen, Amara

Chris Wickham called the meeting to order and welcomed the committee members. He stated that the day's goal for the meeting was to work through as much as possible and maybe assign outside tasks in preparation for the next meeting. He thanked the group for all of their hard work but underscored that there is still an ample amount of work left. He introduced himself and asked for committee member and audience introductions. Chris Wickham explained that he would chair the morning "Legal" session and co-chair, Liz Mueller, would chair the afternoon "Practice" session. He outlined the meeting agenda and Julie Dunnington explained the purpose of the documents prepared for the day's meeting.

The advisory committee first embarked upon incorporating comments that were solicited from the full CWTDC committee meeting in March. The advisory committee worked first on the *Service Array Definitions* document. The only suggestion for revision to this document was to add "identification" to the ICWA provisions. Liz Mueller added that there are many more provisions that were not included. She volunteered to prepare a document containing a list of ICWA provisions that a caseworker would be held accountable. She would bring this list of provisions to the next advisory committee meeting.

The advisory committee worked next on the suggestions for revision to the *Service Array* document from the March CWTDC meeting. The advisory committee made many additions and revisions, which will be incorporated into the next draft and presented at the Advisory Committee on Legal and Practice Issues meeting next month. The advisory committee discussed at length a number of issues, ranging from specific services to legal issues. One issue they worked on was what entity has the authority to direct a case from beginning to end.

Chris Wickham asked the advisory committee for volunteers to help dissect some of the legal issues at the front and back end of a placement; i.e., "placement and care" authority and legal representation. He also asked Steve Hassett if someone at the AGO could prepare a case flowchart or diagram that delineates various points in a case where there is a legal issue. By doing this, the advisory committee could identify all the points that may need a formal opinion from the AGO's office. The committee would then only need to submit one request to the AGO rather than submit multiple requests as each legal question is identified. Chris Wickham also requested that Liz Mueller and Tom Tremaine examine the document and to add the points at which specific actions must occur to maintain compliance with ICWA. Chris Wickham hoped that

a draft of this document could circulate to the advisory committee a week in advance of the next meeting.

The advisory committee talked at length regarding how to incorporate the suggestion to include a direction to provide “services to promote normative childhood experiences” from the full CWTDC. The advisory committee was not sure whether to place this service suggestion into the service array under services, or whether it would fall under a “practice standards” or “core values” category.

After the advisory committee reviewed CWTDC suggestions for revision to the *Preliminary Service Array* document, they looked at the suggestions for revision to the *Principles and Values Used to Determine Core Services* document. They removed a couple lines and added additional language. These changes will be reflected in the next draft presented at the advisory committee meeting in May. The advisory committee discussed other points and decided it would be best to ask committee members to do some research between meetings as well as draw on the expertise of the committee consultants Charlotte McCullough and Mary Armstrong. The advisory committee had a longer discussion on the meanings of “accessible” and “available” when referencing the service availability.

After the committee finished reviewing this document, Chris Wickham opened up the floor to public comment.

Trudy Soucup of Community Youth Services wanted to reaffirm that it would be erroneous to presume that private agencies will be able to fill the funding gap for contracted services with additional donated funds. She said that her organization is currently filling a funding gap because they are only paid at 70% of cost to provide services.

Charlotte Booth of the Institute for Family Development added that the committee should be wary of directing contracted service providers to offer “normative childhood experiences,” for example, violin lessons, that cannot be maintained post reunification. She underscored the importance of considering the long-term implications of introducing services beyond what a natural family can offer. Chris Wickham asked if she thought it would be better to call this supporting the permanent placement’s ability to continue the experiences. She agreed.

Spring Hecht of World Association for Children and Parents added that the *Preliminary Service Array* should rework how the service described as “Adoptive family recruitment and support.” She suggested that the advisory committee change the service to “Pre- and post-adoption services.”

The advisory committee moved to the next item on the agenda: “Adopt list of topics, prioritize list, and set assignments for consideration of issues.” There were a total of 27 items. Chris Wickham wanted to review the list and eliminate items that fell under the scope of other advisory committees. He also wanted to consolidate items that could be answered by similar inquiries. When talking about “contractor liability,” Steve Hasset said that he would ask a co-worker at the AGO to give a presentation around “tort liability,” “sovereign immunity” and “joint and several liability” and how those issues intersect with the work of the advisory committee. As Chris Wickham proceeded through the list of issues, he eliminated many of the items because he and Steve Hasset would address many of them through via the case flowchart. The committee spent time on each bullet to clarify its meaning and decided on an approach that would best address each topic.

Before the committee shifted into the “practice” portion of the meeting, the advisory committee asked for public comment.

Roberta Nestaas of Lutheran Community Services commented on the issue of “joint and several liability.” She wanted to underscore that this issue would effectively place the state and the contracted service providers in the same boat in that all parties would be liable for any problems.

When the committee finished this task, advisory committee co-chair, Chris Wickham, handed the meeting facilitation duties to Liz Mueller, the other committee co-chair. She explained that her primary goal for the day was to examine a couple definitions for Evidence-Based Practice and Promising Practices.

The advisory committee compared two definitions for Evidence-Based Practices: one from a 2006 DSHS Children’s Administration document and another abbreviated definition from the California Evidence-Based Clearinghouse for Child Welfare. Julie Dunnington explained why many researchers advocate for the California Clearinghouse, but asked if there would be a group of advisory committee members who would be willing to work on this issue before the next meeting. A small group, including a member of the Washington Institute of Public Policy, agreed to assemble to work on a proposal before the next meeting.

After the committee finished this task, Julie Dunnington asked the advisory committee about what the advisory committee’s next action steps should be and how they might address them. Some of the suggestions included: discussion on training issues; joint meeting with the Finance Advisory Committee; standardization of training across the state or between supervising and public agencies; and a discussion on data maintenance and data system training.

The committee decided that they would meet jointly next time rather than having the legal and practice portions meet separately. Other committee members wanted some clarification from the Federal Region 10 Children’s Bureau office on a host of legal issues.

The committee spent some time scheduling the next advisory committee meeting and a possible joint meeting with the Advisory Committee on Financial Issues. The advisory committee will meet on May 3rd.

Julie Dunnington let the committee know that the Children’s Legislative Oversight Committee meeting had not yet been scheduled. She also asked if there were additional people who wanted to be a part of the small group of advisory committee members who might be interested in identifying and explicating the critical points in a case that are derived from practice issues rather than legal issues. This information would be supplementary to the case flowchart that is going to be completed by Chris Wickham and Steve Hassett. Rather than look at the full spectrum of points in a case life cycle, the advisory committee decided a small group would examine “intake” and “risk assessment.” A few advisory committee members volunteered to help.

The meeting was called to a close.