

**Juvenile Court Improvement Program Advisory Committee  
Meeting Minutes – December 9, 2019**

Juvenile & Family Court Programs Division – Oregon Room  
1133 Chemeketa Street NE, Salem, OR 97301  
1:30 PM – 4:00 PM

<b>COMMITTEE MEMBERS</b>			
√	Hon. Stephen Forte, Chair, Deschutes County Circuit Court	√	Hon. Amy Holmes Hehn, Multnomah County Circuit Court
	Hon. Don Costello, Chief Judge, Coquille Indian Tribe	√	Hon. Karen Ostrye, Hood River County Circuit Court
	Hon. Norm Hill, Polk County Circuit Court		Shaney Starr, Oregon Casa Network & Casa of Marion County
	Hon. Lindsay Partridge, Vice Chair, Marion County Circuit Court	√	Mandy Augsburger, President, Marion Polk Foster Parent Association, Foster Parent
√	Hon. Rebecca A. Duncan, Justice Oregon Supreme Court		Lauren Kemp, Multnomah County DA's Office
√	Darin Mancuso, Foster Care Ombudsman, Governor's Advocacy Office		Lacey Andresen, Permanency Program Manager, DHS
√	Gail Schelle, Adoptions Program Manager, DHS	√	Mark Hardin, Retired Director, Child Welfare Center on Children & the Law
	Daniel Schneider, Training Specialist, Child Welfare Partnership, Center for Improvement of Child & Family Services		Nathan Schwab, Oregon Foster Youth Connection, Former Foster Youth
√	Joanne Southey, Deputy Chief Counsel, Civil Enforcement Division, DOJ		Amy Miller, Youth, Rights & Justice
√	Shannon Biteng, DHS		Kathy Steiner, DHS
√	Emily Hawkins		
<b>INTERESTED PARTIES</b>			
<b>JFCPD STAFF</b>			
√	Leola McKenzie, Director, JFCPD	√	Kristen Farnworth, Juvenile Law & Policy Counsel, 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. Stephen Forte

**II. Approval of Minutes from September 9, 2019 Meeting** – Hon. Stephen Forte

Approved.

### III. Reports:

#### a. ICWA Compliance – Shary

The ICWA Compliance Committee has drafted a statewide ICWA search protocol that details what should happen at initial contact with the CPS worker, what needs to be done by the ICWA search specialist (including reviewing previous ICWA searches, even if parent says no), gathering additional familial information through Accurant, Overs, Or-kids etc., completion of family trees, contacting local or regional BIA offices, sending a second notice to tribes, assisting with enrollment (if the parent requests and the tribe says eligible), and gathering more information if needed.

A bill has been drafted for submission to the legislative counsel. The draft bill includes a reporting section of eleven (11) items that DHS and OJD are required to report on every two years. The data is reported by DHS and JCIP. One barrier that would be encountered is the reporting of data for Indian children. Currently, this data is collected on self-reported ethnicity and states “Native American children”, whereas the reporting points require the term ICWA children. There are very specific requirements to determine if a child is an Indian child under ICWA. Currently, data is not collected on the three highlighted areas listed below. Data collection on these items would require a manual review of ICWA cases, which would create the need for an OJD fiscal and it would take additional training and data entry from court staff to get this information into Odyssey.

- 1) The number of Indian children in dependency proceedings under this chapter
- 2) The average length of stay/time in foster care for Indian kids
- 3) Disproportionality ratios for Indian children
- 4) Which of the tribes Indian children are most commonly affiliated with
- 5) The number of Indian children in foster care who are in each of the placement preference categories described in the placement preference section, and the number of those homes that actually has an Indian parent
- 6) The number of Indian children placed in adoptive homes in each of the placement preference categories described in the placement preference section; and the number of those homes that actually has an Indian parent
- 7) Current available placements and common barriers to recruitment and retention
- 8) The number of times good cause was found to deviate from the placement preferences and the most common reason why
- 9) The number of times a state case was transferred to tribal court
- 10) The number of times and the most common reasons why good cause was found not to transfer
- 11) Any efforts to improve compliance with ICWA and this bill

The ICWA Advisory Committee disagrees as to whether the statute should change the definition of an Indian child to include grandparents or adoptive parents. Judge Long and Judge Stauffer provided their input on the section of the bill that lists each dependency proceeding and what elements of ICWA should apply and/or be addressed in each. A CRB section was added to the bill.

b. Tribal Court Visit

The sixth Tribal Court visit was held on November 8, 2019. Two Judges from Umatilla County and a referee from Deschutes County attended. Also, in attendance were the Tribal Judge from Warm Springs, a Tribal Council member from Warm Springs, Valerie Colas from OJD, and Darlene Ortega from the Court of Appeals. We had a tour of their new education center, and a presentation by their youth council. Brent Leonard, Tribal Attorney and Tribal Judge Johnson provided a tour of the tribal court with a presentation including a question and answer session.

c. OJD Business Process for Assigning Case Numbers – Leola

Leola reported that the work group will recommend a supplemental petition be filed when the child is a ward of the Court and additional allegations arise. The group does not believe that a new case should be filed. The group has agreed on the UTCR language. Leola commented that the work group has been meeting on this issue for a year and a half and that even the courts that were the most resistant to this idea are now supportive. A smaller sub-group will continue to meet to work on additional related areas and after the UTCR is implemented, the smaller sub-group may follow up with statutory language. The work group will not be making recommendations on “dangling allegations” or held over allegations.

d. Data Subcommittee Update – Yousef

On November 19, 2019 the Data Subcommittee held their first meeting. The purpose of the workgroup is to organize and prioritize current and future reports and report requests from various stakeholders throughout the state. The subcommittee includes a wide range of representation from many different areas of the juvenile justice system, including representatives from the Public Defender’s office, juvenile judges, DOJ, court staff supervisors, and advisory committee member Mark Hardin. The first meeting consisted of defining the workgroup’s scope, which required a lengthy discussion about what the possible limitations and barriers to reporting exist within the system.

The subcommittee compiled a list of reports that the members thought were important to consider in conjunction with the data reports in our strategic plan. Additionally, the subcommittee reviewed the draft version of the data dashboard to get an idea of how reporting might look in the future and how our reports might be improved using visual representations of the data. Finally, the subcommittee has reached out to DHS and invited the organization to be a direct participant in the subcommittee. The next meeting is scheduled to be held in January of 2020.

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

a. Quarterly Statistical Reports – Yousef

JCIP has published the 3<sup>rd</sup> Quarter 2019 statistical reports. These reports can be found on the SharePoint site and have been circulated via e-mail. The following categories represent the largest changes in each category of the Data Summary Sheet:

Petitions: Delinquency petitions were down 16%, going from 986 filed in the 2<sup>nd</sup> Quarter to 824 filed in the 3<sup>rd</sup> Quarter. However, delinquency petitions are down 9% from the 3<sup>rd</sup> Quarter of 2018.

OJD Timely Disposition Standards: Time to TPR within 270 days was down 2 percentage points from the 2<sup>nd</sup> Quarter of 2019.

Timeliness: Time to First Jurisdiction finding report was down 1 percentage point for both 60-day and 90-day timeframe.

Time from the dependency petition to termination or relinquishment of parental rights was down 52 days from 3<sup>rd</sup> Quarter to 665. This is a 19 day decrease from the 3<sup>rd</sup> Quarter of 2018.

One point of emphasis that was included in the statistical memo for courts was the growing number of hearings being coded as "Other Hearings". This category is meant to account for unusual or less common types of hearings which do not readily fit into one of the pre-defined categories. Included in the memo was an updated copy of the Hearing Code Worksheet, which can assist court staff in identifying and coding hearings into the appropriate category. JCIP can provide more accurate statistical reports if hearings are coded correctly.

b. County Adoption Timelines Data – Shary

Shary reported that there are eight counties that have met or exceeded the target goal and that there are seven counties close to meeting the goal. Four counties are in jeopardy.

Shary added that four of the nine counties that are working on finalized adoptions within 12 months of becoming legally free are now above the state-wide target of 59.5%. Coos county has 73%, Douglas County has 64%, Lane had 70%, and Washington had 78%. Three other counties with that goal had no adoptions (Baker, Benton and Polk). Other counties exceeding the goal who did not have this as their primary plan are Clackamas 83%, Clatsop 80%, Hood River 100% and Malheur 100%. Those close to meeting the goal are Curry 57%, Deschutes 56%, Linn, Wasco and Multnomah at 50%. Jackson, Josephine, Klamath and Lincoln are below 20% and Marion has 38%. State-wide we are at 51%.

**V. Discussion Topics:**

a. The Child Welfare System – Hon. Stephen Forte

The Advisory Committee broke out into three groups to discuss strategies that JCIP could implement to improve the system. There were many themes that emerged from the groups.

The Advisory Committee re-grouped and discussed the results from each of the break out groups. The first group identified that the top areas to focus on would be to define an area that is most broken (such as removals), use statistics to determine why numbers vary from county to county and how can we learn from other jurisdictions to implement changes. This group also discussed the importance of using public relations to counter negative perceptions of the system.

The second group addressed "changing the narrative". The group suggested the use of positive press to focus on the good things that DHS has done. Discussion ensued regarding the community's responsibility or ownership for the outcome of child welfare cases. The group expressed their belief that DHS only gets bad press and that the relationship between DHS and the community needs to be improved. This group also focused on the stigma of the "foster child" and how this label is defined by the community. The stigma provides a false belief that other

children and the community do not suffer from mental health issues, domestic violence, drug abuse, child neglect, etc.

The third group focused on the fact that the term, the child welfare system, sounds agency specific and not system specific. The public perceives the system as the child welfare agency and this perception needs to be changed. The successful stories are not brought to the public's attention. The group believes that this perception could be changed reporters were made more aware of success stories. Specific groups such as teachers, law enforcement, nurses, etc. do not see themselves as part of the system. It was suggested that JCIP could take part in integrated training to provide education to all groups within the child welfare system.

Judge Forte stated that he believes that the outcome of the family is dependent on the ownership taken by the community. It was discussed that JCIP could provide information to the community which highlights the positive actions of DHS. This discussion led to the role of judges within their communities and how JCIP could encourage them to partner with DHS and other agencies to facilitate discussions within the community.

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

The 2020 Conference will be held on August 2<sup>nd</sup> and 3<sup>rd</sup> at the Oregon Garden. The Model Court Summit will be held at the Salem Convention Center on August 4<sup>th</sup>. The Advisory Committee broke out into groups to identify the topics that they believe judges would want to have presented at this years' conference. Identified topics included the following:

- Practical skills on how to best perform trauma informed skills in the courtroom
- Anatomy of a Case from initiation to end, to include Court of Appeals
- Best practices for domestic violence and dependency cases
- Tools for ensuring safety for homes with domestic violence issues
- What does a re-unification plan look like
- A hands-on exercise where you put yourself in a situation where you must decide as a victim of domestic violence whether you stay or leave and what costs are incurred by your decision
- Focus on the Shelter Hearing, deeply examine the removal of a child
- Family engagement, how to involve the family members in a court setting
- Psychological evaluations – the timing of the ordering, when to request an evaluation, treatment and training, standard referral questions and the court's authority to order
- Children of Incarcerated Parents – ensuring that visitation is occurring, he Bill of Rights are they being enforced, and addressing the youth's voice

c. 2020 Model Court Summit Planning – Shary

The Model Court Summit Planning Committee is proposing a Model Court Day that is focused on ICWA. It has been suggested that we have a main speaker such as Judge Thorn or Bert Hirsch. Bert Hirsch was the impetus behind the passage of ICWA. A speaker who had been in foster care and is a tribal member would also be a good idea as a speaker. The Model Court Day would be focused on Native American History, the people and the spirit behind the Act. Native dancers may be able to entertain during the lunch hour. The team suggests that Representative Sanchez should be contacted in order to speak about ICWA legislation in Oregon. The planning committee would like to see the Model Court Teams invite legislatures from their county to the Summit. Breakouts to brainstorm and prioritize implementation would be planned. Judge Gibson from the

Klamath Tribe, Judge Karen Costello from the Grande Ronde Tribe, Judge Hillman and Judge Holmes-Hehn have all agreed to be on the planning committee.

**VI. Upcoming Events – All:**

- a. Tribal Court Visit to the Confederated Tribes of the Umatilla Indian Reservation – November 8, 2019
- b. SB1008 Summit – December 19, 2019 @ Willamette University Putnam Center
- c. Mini-Cani (Child Abuse & Neglect Institute) – January 28-29 in Portland at the Hotel Lucia
- d. 2020 CRB Every Day Counts – May 28-29, 2020 at the Salishan Resort

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

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

**VIII. Next Meeting:** Monday, March 9, 2020, 1:30 p.m. to 4:00 p.m.