

# Juvenile Court Improvement Program Advisory Committee Meeting Minutes– December 11, 2017

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

<b>COMMITTEE MEMBERS</b>			
x	Hon. Stephen Forte, Chair, Deschutes County Circuit Court	x	Hon. Lindsay Partridge, Vice Chair, Marion County Circuit Court
	Hon. Lisa Greif, Jackson County Circuit Court		Hon. Norm Hill, Polk County Circuit Court
	Hon. Amy Holmes Hehn, Multnomah County Circuit Court		Hon. Daniel Murphy, Linn County Circuit Court
x	Hon. Karen Ostrye, Hood River County Circuit Court		Hon. Paulette Sanders, Lincoln County Circuit Court
	Dana Ainam, ICWA Supervisory, Confederated Tribes of Grand Ronde		Mandy Augsburger, Foster Parent
x	Shanney Starr, Oregon Casa Network	x	Michele DesBrisay, Deputy District Attorney, Multnomah County
	Nadja Jones, DHS Tribal Affairs		Darin Mancuso, Foster Care Ombudsman, Governor's Advocacy Office
x	Amy Miller, Deputy General Counsel, Office of Public Defense Services		Laurie Price, Interim Director Child Welfare, DHS
	Kari Riech	x	Gail Schelle, DHS
x	Kareyn Schimmels, Child Welfare Training Manager, DHS	x	Daniel Schneider, PSU
	Nathan Schwab, Former Foster Youth	x	Joanne Southey, Department of Justice
<b>JFCPD STAFF</b>			
x	Leola McKenzie, Director, JFCPD	x	Megan Hassen, Juvenile Law & Policy Counsel, JFCPD
x	Shary Mason, Model Court & Training Analyst, JFCPD	x	Conor Wall, Data Analyst, JFCPD
x	Walt Gullett, Citizen Review Board Field Manager, JFCPD		Amy Benedum, Program Analyst
x	Kim Morgan, Management Assistant, JFCPD		

- I. **Welcome & Introductions** – Hon. Stephen Forte
- II. **Approval of Minutes from Last Meeting** – Hon. Stephen Forte - Approved
- III. **Reports:**
  - a. Re-Imagining Dependency Courts (RDC) - Conor

Recap of RDC. JCIP is currently working on the following projects:

- A differentiated case management project that's in progress in Deschutes, Polk, Lane & Clackamas counties. This project started in late May.
- We are looking at doing a survey of stakeholders in counties in January about the project; how it's working, and if they have any feedback. We are also starting to look at what kind of data we can pull to look analytically at how well the project is working.
- The other piece we are working on with RDC is a predictive analytics project and with the National Center for State Courts (NCSC) using data from Clackamas, Deschutes, Jackson, Lane, Marion, Multnomah, Polk and Umatilla Counties.
- We are receiving data from Marion, Multnomah, Lane and Clackamas for them to look at risk factors that predict kids staying a longer time in foster care.
- The final piece is a subcommittee, chaired by Judge Ostrye, to look at recommendations around judicial allocation, rotation and best practices. This subcommittee had its first call last week and will hopefully have some recommendations for this group at the March meeting.

b. JCIP Grants Update - Leola

- We are still in a holding pattern with JCIP grant funds. For the Federal fiscal year 2018, we have received 75% of the basic grant and we are waiting on the budget to be passed for court improvement program funds.
- Our federal representative from Region 10, National Counsel of Family Court Judges (NCFCJ), the American Bar Association (ABA), and the National Center for State Courts (NCSC) have been working to get a separate bill introduced in Congress for continuing resources for states. There is a House and Senate Bill that reauthorizes the funds through 2022. There is no time frame at this time.

c. Shoulder to Shoulder Conference - Shary

- Approximately 650 attendees.
- 2 judicial representatives that held sessions. Judge McKnight did a session on domestic violence. Senior Judge Abernethy did a 2 part session on implicit bias.
- Evaluations have not been received yet. The ratings for this year's conference as well as suggestions for next year's conference will be shared at the March meeting. Any ideas about presentations for next year's conference should be sent to Shary.
- The keynote speaker, Angela Davis, who was in a transracial adoption herself; spoke about her adoption, going through the process and then looking for her birth parents. She also spoke about how people reacted to that and also how important that was to her when she found that piece of herself. She brought a panel of children who had been adopted that spoke as well.
- The conference materials are available on the Shoulder to Shoulder website. There are materials for foster parents; such as things they may encounter (i.e. how to deal with kids that have attachment disorder, physically acting out, what is FAS, or how to deal with DD children and what that means, how to navigate the IEP) as well as a session on helping foster parents deal with an accusation that is made against them).
- JCIP provides a \$5000 mini grant to Shoulder to Shoulder for scholarships each year. There were 137 scholarships awarded in 2017. Of note, without the funding this year we will not be able to provide those scholarships again.

d. Juvenile Law Training Academy - Megan

- The Juvenile Law Training Academy is a JCIP sponsored training. Amy Miller does most of the background work for this training.
- Megan participated in a panel for opportunities to promote early engagement and included DHS, a parent and child attorney and a social worker with the parent child representation program. She presented the Model Shelter Hearing Protocol, Oregon's plan to ensure the early appointment of

attorneys at the shelter hearing and to increase the number of children who receive a first visit within 48 hours to one week of removal.

- Judge Allen presented a piece on recognizing and advocating for LGBTQ children. Megan attended and stated it was a very good presentation.
- Justice Brewer gave a presentation on the future of juvenile law perspective and will be published in the Juvenile Law Reader. It was very inspiring. Amy Miller will send to Leola when it becomes available.
- About 150 attended the training, which was less than previous years, due to conflicting events.

e. QUICWA Project - Conor/Shary

- QUICWA stands for Quality Uniform ICWA Collection (started as a national project). QUICWA is a court observation project that uses volunteer data collectors in courtrooms. They look at compliance with the Indian Child Welfare Act and specifically what items relating to ICWA are being discussed in court. They monitor shelter hearings to see if there is discussion on whether or not the child is eligible for ICWA. They also collect information about whether there are active efforts findings made on the record, if the child is in an ICWA placement and if not, if a good cause finding is made to deviate from placement preferences.
- The focus of the project is to make the data collection more sustainable. There is a lot of data collection for certain periods in different counties. The focus has been on Multnomah, Marion and Klamath Counties. There is a proposal to add Lane County in the future. DHS may have funding to pay for data collection but need to find out what it might cost for CASA programs to support and coordinate the data collection.
- Angela Fasana from Grand Ronde, is on the committee and hasn't received any information back from the CASA programs as of yet. They are waiting on ideas about the cost to coordinate the data collection and then see if DHS will be able to do this.
- Statewide data for 2017 will be available at the March 2018 meeting.
- The CASA program has been the most successful in being able to recruit & train volunteers to be available for court hearings.
- Multnomah County had a great program going with DHS and CASA but DHS dropped out and the data collection went down. They have not been able to sustain it as well since that time.
- JCIP has done most of the data analysis, talking with the judges, developing protocols, and presenting data to judges about findings. The data collection has been the challenge.

f. Customary adoption legislation is being considered by the Tribes - Shary

- The Indian Child Welfare Advisory Committee (we are official members), is made up of DHS, the Tribe and JCIP.
- The Tribal Advisory Council has started talking about their need and desire for customary adoptions in Oregon. California has the most processes in place with Minnesota and Washington also having some. This became an issue because the Siletz Tribe had a child in Washington who accepts customary adoption, and was approved by the Washington state court system. The sibling of that child was an Oregon child and we don't accept customary adoption. The two siblings were placed together, 1 being adopted and one was given guardianship. The one child was always questioning why their sibling was adopted and they only had guardianship. There was another case with 5 children and one sibling was adopted and the others were not. A work group has been convened to start looking at what legislation might look like in order to have customary adoptions in Oregon. Shary was on the workgroup along with Cynthia Simpson, DHS, policy advisor, and the tribal affairs unit. DHS felt it would be better if the tribes initiated the legislation. They wanted JCIP to research and give them information about customary adoption; which we have done. The statute in California seems to work the best. In a customary adoption, there is no termination of parental rights but rather a modification; this process is completed through the tribes. Once the permanent plan is available, the

tribe does the customary adoption, and submits an Order to the state court. The state court accepts it on full faith and credit and they do not proceed with the TPR. There are many steps to the process, including an adoption home study, criminal records check (CA breaks the tasks up - if the tribe does the criminal records/background check then the state does the home study and vice versa). This creates a check and balance process. This process is only used in cases where it is considered to be appropriate for a TPR (like our permanent guardianship is considered appropriate for a TPR), and the tribe has identified tribal customary adoption. It is something that they have a process for and then they present it to the state court. Customary adoptions seem to work well in California and Minnesota, and is approved federally.

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

##### **a. Quarterly Statistical Reports – Conor**

- Statistical Reports are in your materials. There is one change you will see in the reports. On page 3 there is a juvenile dependency event statics reports. One of the discussions at a prior JCIP advisory committee meeting was that there were children held in court that were not showing up on these reports because some courts were not using correct codes. A couple of additional categories have been added. One is dependency specialty court hearings and another is “other” dependency hearings. If hearings are being held that don't fit into these other categories then it will show up in the other hearings and will give us a more comprehensive look at the hearings that are being held on these cases. They are most likely to be review hearings but are entered with codes that are not clear.
- A general summary of the data: There were 1316 dependency petitions filed last quarter, which is lower than the previous two quarters. Comparatively, they are down about 5%. The other item to note is that this number is still higher than any quarter between 2015 and 2016, and it's about 7% higher than it was in the 3rd quarter of last year.
- Does the data show that one quarter is typically higher or lower than the other 3 quarters historically? There does not seem to be a pattern for that in dependency petitions. For delinquency petitions, we typically see a drop in petitions in the 3rd quarter. They were down 22% from quarter 2. Normally petitions drop anywhere from 12-18%. This is the fewest filings we have seen in a quarter since we started tracking.
- In looking at timeliness, time to first jurisdiction, the percentage of cases was up 6% and a little over half of those are attributable to improvements in Lane County. They recently implemented settlement conferences there. We are not sure if that is the reason for the shift; but it does coincide.
- Time to jurisdiction on both parents is up 4% and they are working with a couple of courts on data entry, one of them being Lane. Time to first permanency reports, were both down slightly, subsequent permanency hearings didn't change much.
- In the first 6 months of 2017, there were large increases in dependency filings in many jurisdictions.
- Joanne will provide some information concerning this for the next meeting.

##### **b. Workgroup - Conor**

- There is a workgroup of TCA's and Judges that is working on updating OJD time to disposition standards, across the board, for all sorts of cases. The workgroup met to discuss time to disposition standards and they have asked for some assistance from the JCIP Advisory Committee. The group is looking at time to disposition standards to use as a starting point for standards created by the National Center for State Courts. The key points and the principles are that the time standards should be both realistic and aspirational. They should depart from the model standards only when there's a particular and articulated reason to depart and they should not be modified simply to achieve better statistical results. The Workgroup decided that, for most case types, there should be standards for the numbers of days in which 75%, 90% and 98% of cases should be resolved.

- The Workgroup discussed dependency cases and decided to use JCIP's Time to Jurisdiction on Both Parents report as its measurement, and to adopt the NCSC's recommendation that 88% of cases have jurisdiction resolved within 90 days. The Workgroup also discussed what percentage of cases should be resolved within the 60-day timeline, asked for the JCIP Advisory Committee's recommendation on the time standard. It was asked if they are counting jurisdiction to both parents from the date the petition is filed when you get jurisdiction on both parents? Or, are you counting from when the parent is served with the petition? Conor indicated that the time starts at the filing of the petition. There was discussion about this topic. The JCIP group recommends setting the goal to reach jurisdiction and disposition for both parents within 60 days in 70% of the cases. The Advisory Committee also recommended that the TPR time standard should be 98% of cases resolved within 270 days of filing.

## V. Discussion Topics:

### a. Through the Eyes of a Child and Model Court Summit Planning - Megan

- Planning has started for the Through the Eyes of a Child and Model Court Summit conferences. We would like feedback from the advisory committee about what should be included in the conferences. They can be ideas stemming from Conor's reports, ideas from other presentations you've seen outside of JCIP, or just problems you perceive within the system that we need to improve upon.
- There are a couple of ideas on new things in your materials. One is on psychological evaluations for parents and another on suggestions around ICWA training. Another idea is what constitutes good cause for deviating from placement preferences. These are all just examples, anything is on the table.

### b. Juvenile Dependency System - Statewide Efficiencies Survey Results - Conor

- A chart is in your materials with the responses to the survey.
- Page 3 is a table that shows the average ratings that respondents gave their court on a set of court functions that may promote efficient processing of dependency cases. The shaded boxes in the table indicate 3 lowest-rated functions for each type of respondent. The highest-rated function were ensuring that all parties who wished to be heard had an opportunity to be heard, allowing attorneys, parties and witnesses to appear telephonically or via video, regularly reviewing juvenile court matters at a consistent time of day.
- Page 5 is maybe the most useful, as it summarizes the percentage of respondents that put each function in their top 3 priorities for improvements in their court. Across the state the most frequently-chosen priorities were ensuring that children who become legally free with a finalized adoption within a year, the court having effective settlement opportunities, ensuring the timeliness of dependency matters is prioritized, reducing delays due to continuances, elevated priority of dependency matters on dockets and model court teams working collaboratively to use data to enforce decision making.
- The last question in the survey was open-ended. The two main themes were that there were a lot of parent child attorneys with concerns about caseloads and stakeholders that were concerned about parent/child attorney caseloads, or the quality of parent/child representation. The other big one was scheduling and docketing.

## VI. Upcoming Events – All

- JCIP Mini-CANI - January 23, 24, 2018
- Through the Eyes of a Child - August 5-6, 2018
- Model Court Summit - August 7, 2018

## VII. Next Meeting: Monday, March 12, 2018, 1:30 – 4:00 p.m.