

**CINA Court Improvement Committee**  
**DRAFT Meeting Minutes for**  
**November 1, 2013**  
**10:30 a.m. – 2:30 p.m.**  
**Snowden Building Training Center**

**Attendance:**

<input checked="" type="checkbox"/> Anita Alves	<input checked="" type="checkbox"/> Judge Blankenship	<input checked="" type="checkbox"/> Judge Guidi
<input checked="" type="checkbox"/> Judge Rindner	<input type="checkbox"/> Melissa Stone	<input checked="" type="checkbox"/> Amanda Metivier
<input checked="" type="checkbox"/> Linda Beecher	<input checked="" type="checkbox"/> Diane Payne- phone	<input checked="" type="checkbox"/> Wendy Lyford- phone
<input checked="" type="checkbox"/> Judge Tan	<input checked="" type="checkbox"/> Judge Stephens	<input type="checkbox"/> Lou Johnson
<input checked="" type="checkbox"/> Christy Lawton	<input checked="" type="checkbox"/> Mag. Judge Devaney	<input checked="" type="checkbox"/> Marion Hallum
<input checked="" type="checkbox"/> Judge Moran	<input checked="" type="checkbox"/> Carla Raymond	<input checked="" type="checkbox"/> Lynn Biggs
<input type="checkbox"/> Judge MacDonald	<input checked="" type="checkbox"/> Judge Jeffery- phone	<input checked="" type="checkbox"/> Justice Stowers
<input checked="" type="checkbox"/> Francine Eddy-Jones- phone	<input checked="" type="checkbox"/> Lisa Rieger	<input checked="" type="checkbox"/> Beth Goldstein

Also attending: Susanne DiPietro, Stefanie Winters, Bob Polley.

**Review Prior Meeting Minutes**

June 28 2013 meeting minutes approved unanimously with no changes.

**Set Next Meeting Date**

**February 7, 2014, from 10:30 am to 2:30 pm** at the Snowden Training Center in Anchorage.

**[\*\* update -- rescheduled to May 5, 2014 \*\*]**

**OCS Report**

**1) Planning for 2014-2019 Child & Family Services Plan** [due 7/1/14]. This winter OCS will begin work on its new five-year plan; OCS is awaiting release of a Program Instruction from the Children's Bureau before starting the planning project. This time OCS plans to hold both community-based and targeted meetings. It was agreed that the meeting scheduled for Feb. 7 would be a good opportunity to have a targeted discussion with CIP. OCS hopes to narrow the focus of its plan to 3-4 main goals. For example, one likely goal might be to ensure that the workers' initial and ongoing assessment of safety is done correctly and with fidelity to the practice model.

Ms. Lawton discussed OCS' recent history of staffing. It commissioned a workload study of line workers in 2006 from Hornby/Zeller. The recommended increase in worker positions (80) subsequently was funded by the legislature; however, vacancies in authorized PCNs continue to increase workload sizes. In 2011, OCS commissioned a new study that covers support staff

(SSAs, licensing staff, supervisors). That study recommended 54 new positions in the admin/support area. (Ms. Lawton will forward the studies to Susanne to share with CIP).

**2) Worker safety.** OCS has completed a report on how to improve worker safety after significant incidents in Anchorage in the past year. Building improvements in Anchorage have been completed and are forthcoming in Juneau, Fairbanks, and Wasilla. The culture in child welfare has been not to talk about these types of risks. The report researched nationwide best practices regarding security efforts and data on safety risks; it included staff surveys and focus groups around the state. It seems that practices vary around the country, and there is no centralized resource center that could provide technical assistance. Ms. Beecher asked whether court-ordered removals tend to de-escalate parent anger. Justice Stowers suggested that Ms. Lawton compare notes with the court system's facilities director, Lesa Hall, regarding ACS security efforts. Ms. Lawton talked about using smartphones with GPS for staff and adding GPS to state vehicles.

Additionally, OCS is working to increase its use of trauma-informed care and to get appropriate services in place. OCS has a goal of better addressing issues of secondary trauma within the next 2-3 years, including training for staff, screening for self-care skills at the recruitment level; and an increased emphasis on self-care on the job (for example, Ms. Lawton has issued a directive forbidding the scheduling of non-urgent meetings over the lunch hour).

## **Old Business**

**1) Report from “voluntary services” working group.** The group is studying how OCS is working with families who are not court-involved. Although some families are motivated and able to take advantage of in-home services without court oversight, some families are not as motivated without a court order. Ms. Alves suggested that too many families are receiving in-home services when they actually pose a substantial risk of harm and should be court-involved. Ms. Raymond said that involving the court and attorneys earlier could be beneficial, since many of the new CINA cases have involved serious & acute allegations with a history of OCS working with the family. If OCS were to file petitions on these families, it would cause a 10-15% increase in court case filings around the state, with an estimated 40% increase in the Bethel region.

Ms. Eddy-Jones reported that Tlingit-Haida is using a structured decision-making tool for its tribal in-home services, the tool appears effective in identifying families earlier and allowing earlier intervention, and a majority of families are identified by the TANF office. Ms. Rieger shared that CITC also is working with TANF families to identify them early and has had excellent results with its Intensive Intervention and Father's Journey programs. Ms. Raymond added that judges already may be seeing a rise in non-emergency petitions or petitions for supervision only, and that initially there may be difficulties because we don't have a body of law on how to handle “supervision only” cases.

Ms. Beecher reported a 44% increase in CINA case filings in Anchorage last fiscal year. The increase has impacted PDA staffing and budget; the PDA is flat-funded and holding vacancies open. She suggested that PDA would have difficulty providing adequate representation to parents if OCS changed its practice to funnel a significant percentage of the non-court-involved cases into the litigation process.

Judge Tan asked the group to consider the issue of domestic relations custody cases with one minimally functional parent but no open CINA case; could these situations benefit from a “supervisory” OCS case?

No decisions have been taken yet; the group is still exploring the pros and cons of a possible policy change in this area. The group’s second meeting is scheduled for later today. The group will report back at the February meeting.

**2) Youth in Court survey.** Ms. DiPietro reported that the informal workgroup had surveyed judges to help develop a baseline understanding of statewide practices with respect to including youth in court hearings. Ms. Alves said she plans to send a survey to all staff and contract GALs as well. Ms. Metivier said that having youth in court may help to provide sense of urgency for cases and move them more quickly to permanency. Judge Stephens suggested scheduling a FFCA panel for the Fall Judicial conference to raise judges’ awareness of this issue. Judge Moran explained that the workgroup has discussed how there may be case-specific considerations. Ms. Biggs referred the group to the ABA’s guidance on this issue. She noted that FFCA has found that many older youth don’t even know what their permanency plan is. Magistrate Judge Devaney asked whether judges have an obligation to inquire when the youth is not present in court, and also whether and when to appoint counsel for older youth. Other issues were discussed: How/should GAL let judge know ahead of time if a youth will attend; missing school to attend court hearings; what would the child’s role be for each hearing – to listen only, or to make a statement, and if so would the non-sworn statement be considered evidence; what to do with youth who don’t even have visitation with their parents, but then would see them in court. **The committee agreed to make a formal request of the Conference Planning Committee chaired by Justice Maassen to request training on this issue for fall of 2014.** Magistrate Judge Devaney suggested that CIP topics be included in training for newer judges and magistrate judges.

**3) IV-E action plan** – Ms. DiPietro reported no new information.

**4) TPR Checklist.** Ms. DiPietro reported that the checklist will not be changed because the subcommittee could not agree how to explain the *Adoptive Couple* case. Ms. Raymond reported that the issue of how that case applies in Alaska is on appeal currently – oral argument is set for January. Once briefing is complete, Ms. DiPietro will forward it to CIP members.

**5) Update on telephonic participation.** Ms. DiPietro reported that the court rules attorney, Laura Bottger, has been spearheading an effort to make telephonic participation easier for out-of-town parties in civil matters. Ms. Bottger intends to have Administrative Bulletin 79 (“Costs of Telephonic Hearings”) amended to make the use of the Global Crossing “meet me” teleconference line presumptive for out-of-town parties who do not wish to appear in person. Also, in-courts and JAs will be instructed on how to use the full functionality of the Global Crossing software. CIP thanks Laura Bottger for her efforts.

**7) Risk-needs assessment.** Discussion continued from our last meeting. Who could do the kinds of assessments that measure both a person’s risk and their treatment need? Judge Stephens suggested that parents’ attorneys might be interested in exploring whether the assessor was properly trained and using valid instruments with fidelity? Ms. Beecher said that the number of providers in Alaska is few and she has had trouble finding a person to give a second opinion. Justice Stowers suggested that more treatment resources are needed. DBH should require best practices in contracts for providers. Judge Tan said that he had discussed with DBH in the past year the possibility of having an independent assessor at or near the Anchorage courthouse, but nothing has come of it so far. Ms. Lawton explained that in the past, DFYS had “co-located” an assessor at OCS, but the assessor did not work for OCS. Also, she mentioned a pilot project in Wasilla where an independent grantee will have an office in the OCS office to make assessments.

This discussion needs to include DBH. Ms. Lawton volunteered to facilitate a meeting between DBH and Ms. DiPietro –other CIP members who volunteered to be involved: Beecher, Moran, Rindner (DiPietro will research more about the appropriateness of judges participating in this type of meeting).

### **New Business**

**Access to Justice.** Judge Rindner reported that a perception exists that the agencies in CINA cases, with the possible exception of OCS line workers, are understaffed. The group discussed ways in which adequate staffing could be secured. One proposal might be to call for the establishment of a commissioner-level group for child protection (similar to the Criminal Justice Working Group). Justice Stowers is the chair of a small ad hoc group that will meet in November to discuss this proposal. Members are Judge Blankenship, Travis Erickson (volunteered at June meeting), Anita Alves (volunteered at June meeting), and Carla Raymond.

### **Subcommittee Reports**

1. **Independent Living workgroup.** Ms. Metivier announced a new focus on Youth Rights, with possibly booklets and videos on YouTube. A related issue will focus on counsel appointed for older youth –training is needed, and also perhaps a process for requesting appointment of counsel. The workgroup will review information from the ABA on training

for counsel for youth. **Metivier will forward counsel for youth training materials to DiPietro to share with CIP members**

2. **SHIELDS.** Ms Lawton reported that a meeting with the Trust is scheduled for next month. A housing plan seems to be in place.
3. **Education.** Please refer to the written report from Barb Malchick regarding the CINA Core Curriculum project. Ms. Raymond said that the training is designed to be open to all CINA stakeholders. Also, the education subcommittee has decided to hold a third statewide, interdisciplinary conference in October of 2014.
4. **Mediation** – Please refer to written report. Ms. Lyford reported that referrals are about at the level they were last year. Terri Spiegelmeyer is taking over for Karen Largent. Thanks to Ms. Largent for her years of exemplary service.
5. **ICWA.** Ms. Payne reported that the subcommittee will meet on 11/12. It plans to look at TDM practices around the state; varying practices regarding family contact and its impact on reunification; also the group would like to interface with the voluntary services group to address crossover issues. Ms. Lawton said that the voluntary services workgroup has two tribal representatives. Ms. Rieger suggested the ICWA Subcommittee also review the OCS five-year plan in preparation for the discussion at the February CIP meeting.

Justice Stowers asked about recent legislation introduced by Senator Murkowski to form federal commission to federal child abuse and a range of other child victimization related issues in Tribal communities. Ms. Payne reported that agencies such as the BIA and Children's Bureau provide direct funding for child protection to Tribes in the Lower 48 reservations and that the commission is, at least in part, a response to concerns about how those funding streams are being used to address the problems in the lower 48 and how to assure adequate funds for these concerns reach Alaska. Ms. Rieger said she sees it as one of several Federal initiatives regarding cross-agency cooperation to be more efficient and effective with resources. Ms. Eddy-Jones reported that Tribal-State Caucus has discussed training issues for TDM staff.

6. **Educational Success for Foster Youth.** The group is focusing on educational stability. Ms. Metivier reported that the McKinney-Vento Act is expected to be amended to exclude transportation funding for foster youth. Although OCS will be eligible to be reimbursed by IVE funds for some transportation expenses, and all school districts have transportation coordinators, the group is trying to develop a plan to ensure that transportation services do

not decrease. Recent research reveals that foster parents probably are not interested in driving carpools.

Judge Jeffery asked how we are doing with older youth transitioning out of foster care. He recommends *Bound by the Clock: Youth Leaving Care in Manitoba* – available online (about 100 pp). Ms. Metivier explained that a new policy will be implemented at end of this month for OCS regarding case planning for youth leaving custody. Ms. Lawton offered to bring information on this item to the Feb meeting. Ms. Metivier agreed to send the link for her recent Webinar at the Academy.

Magistrate Judge Devaney asked about the number of youth coming back into custody; Ms. Lawton explained that not many youth have done so.

Ms. Metivier reported that AHFC has provided 35 (outside ANC) and 10 (in ANC) housing vouchers for youth for up to 3 years – youth only have to pay 30% of their income. AHFC copies the Independent Living Specialist and Ms. Metivier with any communications to the youth about problems; that cross-copying allows OCS and Ms. Metivier to help the youth learn how to be good tenants and head off problems early.

Justice Stowers asked about reserving 30 minutes at each Fall Judicial conference for CIP updates.

Amanda will work with Susanne to review the Education and Exit planning checklists for possible updates.

7. **FCC/FPC Development update.** Judge Guidi reported that participation has been tapering off to 1 participant in FPC and 2 participants in FCC. They currently hold hearings every 3 weeks, and this has been intentional while the court restructures. The committee has a draft of a Policy & Procedure manual which needs to be revised to reduce its length. The new court will have a parallel track model; the focus of the CINA Treatment Court will be treatment access and compliance. The CTC will report progress to the regular CINA judge. The plan is to implement a pilot project next year w/ 20-25 participants; if successful the project could scale up to include as many as 100 participants.

Judge Stephens shared that Ketchikan is planning a “0 to 3 Court” based on a similar model.

8. **Data Workgroup (new item).** Ms. DiPietro reminded the group that we need to take a CQI (continuous quality improvement) approach to all our projects. We need to have one or more performance measurement goals for every project. Before undertaking a project, we should

ask ourselves, “If this project is successful, what will change? If it is not successful, how will we know?” Ms. Winters reported that the data group is focusing on cases open longer than 3 years, and what the permanency plan is. TPR processing also has been examined, including the time elapsed between filing the petition, scheduling the trial, holding the trial, and issuing the written order/decision. The group discussed whether Ms. Winters should send the lists of open cases to all the presiding judges.

Judge Guidi discussed the advantages of the court’s planned E-Filing system. Justice Stowers suggested that the E-filing functionality could include a prompt for the in-court to enter the date of the next hearing. Ms. Winters said that the clerks have worked very hard on this issue in recent years so that very few CINA cases now lack a future event.

**Adjourn – 2:30 pm**