

# CINA Court Improvement Committee

## Meeting Minutes for

July 20, 2012

10:30 a.m. – 2:30 p.m.

Snowden Administration Building

820 W. 4<sup>th</sup> Avenue

### Attendance:

<input type="checkbox"/> Judge Rindner	<input checked="" type="checkbox"/> Anita Alves	<input checked="" type="checkbox"/> Judge Blankenship
<input checked="" type="checkbox"/> Linda Beecher (T)	<input type="checkbox"/> Melissa Stone	<input type="checkbox"/> Amanda Metivier
<input type="checkbox"/> Judge Esch	<input checked="" type="checkbox"/> Diane Payne	<input checked="" type="checkbox"/> Wendy Lyford
<input checked="" type="checkbox"/> Christy Lawton	<input checked="" type="checkbox"/> Judge Tan	<input checked="" type="checkbox"/> Judge Stephens
<input checked="" type="checkbox"/> Judge Moran	<input checked="" type="checkbox"/> Mag. Devaney	<input checked="" type="checkbox"/> Lucille Johnson
<input checked="" type="checkbox"/> Susanne DiPietro	<input checked="" type="checkbox"/> Carla Raymond	<input checked="" type="checkbox"/> Marion Hallum
<input checked="" type="checkbox"/> Francine Eddy-Jones	<input type="checkbox"/> Judge White	
<input checked="" type="checkbox"/> Beverly Oskolkoff	<input checked="" type="checkbox"/> Lisa Rieger	
	<input type="checkbox"/> Lynn Biggs	

Also attending: Travis Erickson; Karen Largent; Stefanie Winters; and Bob Polley.

Minutes of March 23, 2012 meeting approved.

**Next Meeting (tentative): Friday, December 7, 2012, 10:30 a.m. – 2:30 p.m.**

### CINA Rules 24 & 25 Update

Susanne provided a brief update from Laura Bottger, Court Rules Attorney, advising that the Supreme Court has declined to consider the CINA Rules 24 & 25 proposals at this time due to a pending petition for review raising some of the same issues contained in the CINA Rules proposal. The Court's practice is to not consider court rules proposals while litigation that is "on point" is pending before it.

### Report from Annual CIP meeting

Susanne discussed the recent annual CIP meeting in Washington, D.C., also attended by CIP staff Stefanie Winters and Bob Polley. The emphasis at the meeting was on Continuous Quality Improvement (CQI) for all CIP projects/initiatives. There is also a renewed focus on data and empirically-based decision making. In addition, child well-being measures are being considered, but are not mandatory to report to the federal government at this time. DHSS Commissioner Bryan Samuels gave a keynote address emphasizing the importance of trauma-informed care & services in CINA cases. Susanne advises that the Alaska CIP strategic plan will be revised based on the 6 new data reporting requirements starting in 2013.

Stefanie Winters reviewed data handouts with CIP members regarding current permanency measures tracked by the court system, including “time to permanent placement” and “timeliness of termination order.” Per Susanne, court system has not been tracking cases with “compelling reasons” documented to defer filing of a TPR petition because it has not been required by the federal government, but she suggests the court system add this as another permanency measure.

### **New Permanency Hearing Guide & Proposed Revisions to Permanency Checklist**

Susanne set forth proposed revisions to the permanency checklist for judges. The goal is to distribute a revised checklist by September when the statutory changes from SB 82 become effective. One important change is that the court will need to make findings regarding an APPLA goal explaining why other permanency options are not available for the youth. CIP members discussed the legislative intent of SB 82 to address the seeming overuse of APPLA as permanency goal for older youth when other permanency options had not been fully explored. **A workgroup (Marjorie, Carla and Anita) will review the checklist and consider necessary revisions.**

### **OCS Update**

Christy Lawton provided an update about programs and initiatives at OCS. Christy discussed that OCS is considering changing their practice regarding in-home cases when not filing for CINA custody. It appears that the legal custody cases are prioritized by social workers in preparing for court hearings and deadlines. Internal OCS discussions reflect that the term “voluntary” in-home cases is a misnomer since parents rarely participate with OCS on a truly voluntary basis. OCS is looking at using the option of legal “supervision” for these in-home cases, likely utilizing non-emergency CINA petitions. The concept has received support from the Citizen’s Review Panel (CRP). The process would have the advantage of more “front loading” of these in-home cases to hopefully avoid the need for subsequent removal of the children.

Per Christy, the federal government has had an increased focus on child well-being measures and outcomes, including the need to ensure the provision of trauma-informed child welfare services. Well-being issues also relate to the monitoring of children receiving psychotropic medication and the concern regarding over-medication of children in foster care. OCS plans to have an “in-house” second opinion review by a psychiatrist for children receiving 2 or more psychotropic medications. This would enhance the review process currently available from OCS psych nurses.

Christy outlined an initiative to expedite permanency for children 5yo and under. OCS is also looking to further focus on the developmental needs of infants and toddlers, since many current services are more tailored to older children (not pre-verbal). OCS is considering adding a requirement to the Family Contact grants that facilitators be able to perform developmental assessments for these younger children.

In addition, Christy discussed the upcoming IV-E audit – she is aware of a problem with “contrary to the welfare” findings and “reasonable efforts to prevent removal” findings occasionally not being made at the first court hearing. In the last six months, OCS has found 42 cases in which the contrary to the welfare finding was not made at the very first hearing. Even if the first hearing is continued and nothing else is done, the finding must be made. Failure to make the contrary to the welfare finding at the first hearing cannot be remedied by subsequent court orders, and it prevents OCS from claiming IV-E reimbursement for the rest of the case. These 42 cases resulted in the loss of \$3.1 million. In addition, OCS found 12 cases in which the court did not make the “reasonable efforts to prevent removal” finding within the first 60 days. As with the “contrary to the welfare” finding, failure to make this finding cannot be remedied by subsequent orders, and it prevents OCS from claiming reimbursement for the remainder of the case.

CIP members discussed the temporary custody checklists and the possibility of condensing the checklist, or creating a new checklist specific to the first temporary custody (provisional findings) hearing. Members emphasized the importance of training for judicial officers, especially in smaller court locations w/ fewer CINA cases, and suggested adding this issue as a topic at the Magistrate Conference. **In addition, it was suggested that the CIP co-chairs ask the Presiding Judges to send out an email reminder to all judicial officers regarding the need for the appropriate findings at the first temporary custody hearing.**

### **Subcommittee Reports**

**Family Contact:** Carla advises that stakeholders have been requesting “refresher” training regarding Family Contact

**Mediation & Family Group Conferencing:** Per Karen, the subcommittee met last month after a long hiatus and its next meeting is scheduled for August 1<sup>st</sup>.

**Education:** Susanne distributed the draft agenda for the October 2012 statewide CINA conference.

**Independent Living Workgroup:** per Susanne, Tracy Spartz-Campbell from OCS has joined the Independent Living Workgroup. Christy announced that OCS has signed a memorandum of agreement with AHFC for 50 housing vouchers in Anchorage for youth up to age 24. Also, via Chaffee funds, OCS has provided a substantial amount of funding to UAA to hire a coordinator position to help youth utilize educational vouchers.

**Substance Abuse - Shields Initiative:** Per Christy, Shields remains a viable possibility in Anchorage and the group is looking at potential funding via the new alcohol tax. Locating an appropriate facility is still a major issue. Susanne advised that the court system could convey support for the Shields Project to the state DHSS commissioner if that would be helpful.

**ICWA:** Per Diane, the subcommittee continues to review the problems regarding telephonic participation in court hearings for ICWA reps and is working on best practices guidelines. The subcommittee plans to design a tribal worker and judge survey to better understand the problems from the perspective of tribal participants. The consensus of CIP members is that toll-free teleconference numbers should be used at all courts. Diane also discussed the 2<sup>nd</sup> Tribal Court Symposium held in Anchorage in May. In addition, the Tribal Judges are in the process of forming a statewide association, with currently as “unofficial” staff.

**Educational Success for Foster Youth:** (report deferred)

**Family Care Court / Family Preservation Court Development:** Carla advised that the Development subcommittee had a teleconference with the Pima County, Arizona court to discuss their therapeutic court model. The subcommittee wishes to continue with FCC (combined with FPC) using a dual-track model, but to include parents dealing with co-occurring disorders. In addition, the subcommittee has decided to have a presumption that parents with substance abuse issues will be in FCC, unless they “opt out.” The subcommittee will have a teleconference with therapeutic court staff from Washoe County, Nevada in August.

**Rural Issues:** Per Travis, the subcommittee is still working to implement a substance abuse testing protocol (using SCRAM bracelet monitoring) to enable children to remain safely in-home.

**Bethel Task Force:** Judge Blankenship discussed the creation of a Task Force to review child protection processes in the Bethel region, which will include a

representative from the Governor's office and local Senators & Representatives. The group will work to identify non-monetary solutions involving collaboration among agencies, Tribes and other stakeholders. The plan is to have the Task Force established within the next 120 days and to have a site visit to Bethel in October, as well as visits to villages in the region.

**2:30 p.m. Adjourn**