

**Reimagining Justice in Child Welfare/Dependency Court**

**Judicial Officer Training**

**Offered by the Court Improvement Training Academy**

DAY 2 – Tuesday, June 1, 2021

Via Zoom

**Agenda**

**8:00 – 8:30am Zoom Room open.**

**8:30 – 8:40am Welcome and Land and Forced Labor Acknowledgement.**

*Justice Raquel Montoya-Lewis, Washington State Supreme Court*

*Kelly Warner-King, Court Improvement Training Academy (CITA),
 Washington State Administrative Office of the Courts (AOC)*

**8:40 – 8:45am Check In.**

*Sarah Burns, AOC*

**8:45 – 10:30am Court as a Space of Belonging.**

 *Patty Lally, AOC*

 *Makeba Greene, University of Washington, School of Social Work*

When courts convey: we all belong, justice is fair and everyone is valued, the justice system builds confidence in our communities, and people trust the resulting decisions. When community members see themselves in courthouse staff, judges, interpreters and others, it sends the message that they, too, belong in the halls of justice.

This session explores the importance of belonging, the benefits of creating spaces of inclusivity, the detriment of othering, and the connection between othering and racism. We will move from our personal experience to consider Institutional Belonging and how children and families are impacted by belonging and othering within the halls of justice. In a series of facilitated discussions, participants will share stories, tools and ideas intended to foster spaces of belonging.

**10:30 -10:45am Wellness Break (includes 5 minute Wellness activity).**

**10:45 – 12:00pm Belonging and Othering in Dependency Court – The Experience of Indigenous Families, Communities, and Tribes**

*Justice Raquel Montoya-Lewis, Washington State Supreme Court*

*Patty Lally, AOC*

 *Makeba Greene, University of Washington, School of Social Work*

Moving from theory to practice, Justice Montoya-Lewis shares her experience of creating spaces of belonging within her Courtroom and as evidenced in her court rulings and decisions.

The child welfare court context will be discussed, including:

* Washington’s history of removal and displacement of Native people from their communities.
* In re Dependency of Z.J.G. and ICWA/WICWA.
* The role of courts in addressing inequities and applying laws with the understanding of the current impact of historical trauma on families, communities, and tribes.

**12:00 – 1:00 pm Break for Lunch.**

**1:00 – 2:30 pm Gold Standard Judicial Practice and Active Efforts from a Tribal Perspective.**

*Sheldon Spotted Elk,* [*National Council of Juvenile and Family Court
 Judges*](http://www.ncjfcj.org/)*(NCJFCJ)*

*Robert Ludgate, Lead Social Worker, Lummi Nation Child Welfare*

*Commissioner Michelle Ressa, Spokane County Superior Court*

Sheldon Spotted Elk will introduce the concept of gold standard judicial practice, which centers around effectively engaging parents and youth in their cases. He will share skills to help judicial officers bridge cultural barriers by employing humble leadership, empathy and “green vs red” language.

Participants will also hear from Robert Ludgate about the Lummi Nation’s Comprehensive Guide to Active Efforts, intended to help state courts and child welfare partners deepen their understanding of what constitutes Active Efforts.

**2:30 – 3:00 pm Opportunities for Tribal/State Court Collaboration**

*Sheldon Spotted Elk, NCJFCJ*

Participants will discuss ways to improve tribal/state collaboration, including ICWA courts and other approaches, as well as the differences between tribal and state courts that can make partnerships challenging. Information will be provided about upcoming opportunities to explore collaborations in Washington State.

**3:00 – 3:15 pm Break.**

**3:15 – 4:10 pm Appellate Court Issues – A Conversation with the Appellate Bench**

*Commissioner Aurora Bearse, WA Court of Appeals Division II*

*Commissioner Eric Schmidt, WA Court of Appeals Division II*

Participants will hear from Appellate Commissioners Bearse and Schmidt about the dependency issues they commonly review on appeal, what judicial officers need to do to reduce their chances of being reversed, and problem areas where things can go sideways. Time will be provided for questions from the audience.

**4:10 – 4:30 pm 15% Solutions and Check Out.**

*Kelly Warner-King, CITA*

*Sarah Burns, AOC*

 Attendees will work in small groups to develop individualized action plans to integrate the concepts and solutions discussed above into their court practice.

**Faculty**

**Justice Raquel Montoya-Lewis** was appointed to the Washington State Supreme Court by Governor Jay Inslee in December 2019 and took the oath of office on January 6, 2020. Justice Montoya-Lewis is an enrolled member of the Pueblo of Isleta and a descendant of the Pueblo of Laguna, two federally recognized tribes in New Mexico. She is the first enrolled member of any tribe to sit on a state supreme court in the U.S. and the second Native American to sit on a state supreme court. She is also of Jewish descent. Prior to becoming an Associate Justice, she served as a Superior Court judge for Whatcom County for five years, where she heard criminal and civil trials and presided over the Whatcom County Therapeutic Drug Court. In the 15 years prior to her work on the Superior Court, she served as a tribal court judge for multiple tribes in the Pacific Northwest and the Southwest. She served as Chief Judge for the Upper Skagit Indian Tribe, the Nooksack Indian Tribe, and the Lummi Nation. In addition to her work as a tribal court judge, she was a tenured Associate Professor at Western Washington University's Fairhaven College where she taught law-related courses and courses on cultural identity development. She has continued to use her teaching skills as a jurist, teaching a wide variety of audiences including judges, social workers, lawyers, and advocates on implicit bias, the Indian Child Welfare Act, and best practices in child welfare and domestic violence cases. Justice Montoya-Lewis graduated with her BA degree from the University of New Mexico in 1992 and completed her law degree and Master of Social Work degree at the University of Washington in 1995 and 1996 respectively.

**Patricia Lally, JD**, is the newly appointed Racial Equity Practitioner to the Court's Racial Justice Consortium. Her year-long position includes providing Belonging and Racial Equity trainings and presentations, assistance in the use of racial equity tools as members work to advance more equitable programs and policies, and supporting the development of racial equity change teams. In 2018, Patricia founded Racial Equity Works, where she and a small team work with organizations and institutions to develop, strengthen and support a commitment to deepening an awareness of race and social justice. She assists individuals and teams to understand their respective roles in eliminating racial inequities within their workforce, services, partnerships and communities. She is convinced that eliminating disparities and achieving racial equity in our communities means dismantling the institutional and structural barriers that impact Black, Indigenous and people of color. To that end, Patricia provides presentations, trainings, workshops and consultation all intended to increase circles of belonging and advance racial equity. Patricia is a University of Washington School of Law graduate. Her legal career began at Perkins Coie, followed by twelve years as an Assistant United States Attorney and most recently served as the Director of the City of Seattle's Office for Civil Rights.

**Makeba Greene, MSW**, an instructor at the University of Washington, School of Social Work, is a white woman leading and supporting transformational racial equity work for philanthropic, governmental agencies and non-profit organizations clients. Makeba provides strategic guidance, coaching, and facilitation to support clients working at the intersection of anti-racism organizational development and their chosen field. She specializes in facilitating race-based affinity groups or caucuses within a larger racial equity framework that centers the voices and experiences of Black, Indigenous and people of color.

**Sheldon Spotted Elk, JD**, is employed by the National Council of Juvenile and Family Court Judges (NCJFCJ) as program director, tribal justice partnerships. He has extensive expertise and regularly speaks on tribal law, child welfare, and juvenile law. His area of focus also includes cultural humility and ethics in children’s representation. He has also worked as a director of Indian Child Welfare for Casey Family Programs, under the Intergovernmental Personnel Act placed within the Bureau of Indian Affairs, Tribal Justice Support. He also has worked as a guardian ad litem and parents’ representative in juvenile and family matters in tribal court. He currently serves as a judge on the Ute Indian Court of Appeals. He has taught family law in Indian Country as an adjunct professor and has guest lectured at multiple law schools.

**Robert Ludgate** (Siksika) has 20+ years working in the field of Indian Child Welfare.  Robert is a Lead Social Worker with the Lummi Nation’s child welfare program, and has previously directed or served at the child welfare programs of the Samish and Stillaguamish tribes in Washington State and Caddo and Fort Sill Apache tribes in Oklahoma.  Robert is a trainer on ICWA-related topics at national level and is especially passionate about the topic of Active Efforts with the goal of contributing to systemic improvements and improved case outcomes for children and families. He is the author of the Lummi Child Welfare Comprehensive Guide to Active Efforts, published in March 2021.

**Commissioner Michelle Ressa** was appointed to the Spokane County Superior Court bench in May 2007, where she is assigned to the Indian Child Welfare Team in Spokane County Juvenile Court. As the only ICWA Court in Washington, her dependency caseload consists exclusively of Native American children and their families. Commissioner Ressa is active on the state and national level in efforts to improve family and juvenile courts, and she is the past co-chair of the statewide Superior Court Judges’ Association’s Juvenile and Family Law Committee.

Commissioner Ressa has spent her entire legal career working in the field of child welfare, representing the Department of Social and Health Services in dependency, termination and licensing actions in Thurston, Lewis, and Mason Counties. She also represented DSHS in King County for several years before taking a position representing Children’s Administration Headquarters in 2002. Born and raised in Spokane, she graduated, cum laude, from Gonzaga University School of Law.

**Commissioner Aurora R. Bearse** was appointed as a Court Commissioner for Division Two of the Court of Appeals, effective May 1, 2012. Prior to her appointment, Commissioner Bearse served as an administrative law judge for the Washington State Office of Administrative Hearings. She has also served as a staff attorney for Division Two of the Court of Appeals, as an assistant appellate federal public defender in the Fifth Circuit, as an associate attorney at Weil, Gotshal & Manges (New York and Houston offices), and as a judicial law clerk for Judge Robert R. Beezer (9th Circuit) and Judge William H. Walls (DNJ).

Commissioner Bearse graduated with honors from Rutgers-Newark School of Law. She was the senior articles editor of the Rutgers Law Review. She holds a bachelor's degree in Religion & History from Rutgers University. She currently is a volunteer judicial member of the WSBA's Access to Justice Board Rules Committee. Before joining Division Two, she served as president and executive board member of the Seattle Children's Autism Guild, an all-volunteer organization that raises funds for the Autism Center at Seattle Children's Hospital. She continues to volunteer with various autism-related organizations to support people with autism and their families.

**Commissioner Eric B. Schmidt** was appointed as a court commissioner for Division II of the Court of Appeals, effective January 1, 2002. Prior to his appointment, Commissioner Schmidt was the Senior Health Law Judge for the Washington State Department of Health from 1996 to 2001. He has also served as a judicial law clerk for Judges John A. Petrich, Ward Williams, and Marshall Forrest of the Washington State Court of Appeals, as the director of the Appellate Backlog Elimination (ABLE) Project for Division II of the Court of Appeals, as a staff attorney for Division II of the Court of Appeals, as a staff attorney for the Department of Health, and as a health law judge for the Department of Health.

Commissioner Schmidt graduated cum laude from Seattle University School of Law (formerly University of Puget Sound School of Law) in 1985. He was a member of and a research and technical editor for the University of Puget Sound Law Review. He holds a bachelor's degree in kinesiology, a master's degree in philosophy and Ph.D. in philosophy and bioethics from the University of Washington. He's also an adjunct professor of law at Seattle University School of Law and at the University of Washington School of Law.

Commissioner Schmidt was formerly Chair of the Mandatory Continuing Judicial Education Committee, Chair of the Board for Judicial Education, and member of the Appellate Judicial Education Committee and the Annual Judicial Conference Planning Committee. He also serves as a judge pro tempore in the Pierce County Superior Court.

**Kelly Warner-King, JD**, is Director of the Court Improvement Training Academy (CITA) at the Administrative Office of the Courts. An attorney with extensive legal and policy experience in child welfare and education, Kelly designs and delivers training for judicial officers and court partners, facilitates interdisciplinary court improvement efforts and serves on a variety of state-level workgroups to improve the administration of justice in child welfare. Kelly’s experience includes work in the dependency court system as an attorney for parents and children, the manager of the King County Family Treatment Court and the coordinator of the Supporting Early Connections program for the Center for Children & Youth Justice. She received her law degree from New York University, where she focused on juvenile rights and representation. Kelly currently serves as Board President of The Mockingbird Society, a statewide advocacy organization that elevates youth voice to improve foster care and end youth homelessness.