

Conference of Chief Justices Conference of State Court Administrators

Association Services
Williamsburg, Virginia 23185
(757) 259-1841, FAX: (757) 259-1520

CCJ PRESIDENT

Hon. Nathan L. Hecht
Chief Justice
Supreme Court of Texas
P.O. Box 12248
Austin, TX 78711

COSCA PRESIDENT

Mr. J. Joseph Baxter
State Court Administrator
Rhode Island Supreme Court
Licht Judicial Complex
250 Benefit Street, Room 705
Providence, RI 02903

Dear Colleagues:

We invite you to assemble and lead a state team for an important virtual follow-up event to the *National Judicial Leadership Summit IV on Child Welfare* that took place in Minneapolis, Minnesota, September 24–25, 2019. The event entitled *Ensuring Justice in Child Welfare* will take place via Zoom over Monday, August 10th from 12:00 to 2:30 ET and Tuesday, August 11th from 12:00-2:00 ET. Connection details will be sent prior to the event.

This convening will allow teams to revisit the action plans they developed over the course of the Summit's presentations and discussions, which centered around five themes:

1. Incorporating the Voice of Families in the Court Process;
2. Delivering High Quality Legal Representation to Families in Child Welfare;
3. Safely Preventing the Unnecessary Entry of Children into Foster Care Through Meaningful Initial Hearings;
4. Courts Ensuring Procedural Fairness, Equity, and Access to Justice for All Families; and
5. Leading Child Welfare Reform from the Supreme Court and AOC

The historic times through which we are living make the focus on families and children more urgent than ever. Since the Minneapolis Summit, courts have had to develop virtual court environments and adapt other processes to maintain essential justice services. Closing the justice system is not an option. Further, courts and child welfare partners must seize the opportunity to examine attitudes and practices in light of the national dialogue on racial justice. The status quo is not an option. The current dialogue about systemic racism in law enforcement and the criminal justice system requires contemplating the future direction of child welfare and juvenile dependency courts.

Accordingly, in this event, Summit teams will be asked to renew their commitments to reform and to reexamine their plans with a particular focus on Theme 4 and racial justice in child welfare and the courts. The agenda is still being confirmed but will include inspiring presentations, a renewed call to action, and an opportunity for team planning discussions and sharing ideas in breakout sessions with other jurisdictions.

Invited states, territories, and tribes are encouraged to register teams of up to ten members. The virtual format allows for larger teams; however, we ask you to limit participation to the designated maximum in order to facilitate productive team discussions. The team should include the Chief Justice (or designee), State Court Administrator, Court Improvement Program Director, state Child Welfare Director, trial court judge, agency attorney, parent attorney, and children's attorney. In the interest of continuity, we assume that many team members will have attended last year's Summit. Upon selection of your team members, please complete the attached Team Designation Form and return it to Nora Sydow at nsydow@ncsc.org **no later than July 24th**. Upon receiving the form, instructions for registration and other information will be sent to individual participants.

Summit IV and this follow-up event are hosted by the Conference of Chief Justices and Conference of State Court Administrators, in partnership with the Children's Bureau, Casey Family Programs, Annie E. Casey Foundation, and the National Center for State Courts. We look forward to seeing each of you at this important virtual event to ensure the continued transformation of access to justice for children and their families.

Sincerely,



Chief Justice Loretta Rush
Indiana Supreme Court



Mr. Corey Steel
State Court Administrator, Nebraska Supreme Court

**2020 NATIONAL JUDICIAL LEADERSHIP SUMMIT ON CHILD WELFARE: FOLLOW-UP EVENT,
ENSURING JUSTICE IN CHILD WELFARE**

TEAM DESIGNATION FORM

INVITED TEAM FROM WASHINGTON STATE

Instructions:

The NCSC is asking each state's chief justice to appoint the members of their state or territory's team.

Please return the team designation form to Nora Sydow nsydow@ncsc.org by July 24, 2020.

| NAME | TITLE | ADDRESS | TELEPHONE | E-MAIL |
|--|---|--|------------------|---------------|
| 1. Chief Justice (or designee) Barbara Madsen | Supreme Court Justice | Temple of Justice P.O. Box 40929 Olympia, WA 98504-0929 | | |
| 2. State Court Administrator (or designee) Dawn Marie Rubio | State Court Administrator | Administrative Office of the Courts P.O. Box 41170 Olympia, WA 98504-1170 | | |
| 3. Cindy Bricker | CIP Director | Administrative Office of the Courts P.O. Box 41170 Olympia, WA 98504-1170 | | |
| 4. Steve Grilli | Director, Division of Child Welfare Programs | Department of Children, Youth, and Families PO Box 40983 Olympia, WA 98504-0983 | | |
| 5. Elizabeth Berns | Superior Court Judge | King County Superior Court 516 Third Avenue, C-203 Seattle, Washington 98104 | | |
| 6. Lisa LaGuardia | Assistant Attorney General | Attorney General's Office 2211 Rimland Drive, Suite 325 Bellingham, WA 98226 | | |
| 7. Jacob D'Annunzio | Managing Attorney, Parent's Representation Program | Office of Public Defense P.O. Box 40957 Olympia, WA 98504-0957 | | |
| 8. Jill Malat | Children's Representation Program Manager | Office of Civil Legal Aid 110 Prefontaine Place South Suite 610 Seattle, WA 98104 | | |
| 9. Shrounda Selivanoff | Contracted Social Service Worker Parent Representation Program | Office of Public Defense P.O. Box 40957 Olympia, WA 98504-0957 | | |
| 10. Barbara Harris | Disproportionality Legal Training Coordinator | Office of Public Defense P.O. Box 40957 Olympia, WA 98504-0957 | | |

ENSURING JUSTICE IN CHILD WELFARE

August 10–11, 2020 at 12 ET | Virtual



Dear Summit Team Participants:

Thank you for your participation in the **August 10-11 Virtual Summit, *Ensuring Justice in Child Welfare***. Almost 500 team members attended, representing every state, three territories, and five tribes, in addition to several hundred observers. Thank you also for the comments and feedback provided in chat as well as in the post-Summit survey. We have been inspired by the feedback received so far.

To continue the forward momentum, and with the support of the Summit Partners, **we encourage you to meet with your teams during the month of September to revisit your team's Action Plan** from the Summit in Minneapolis with the new information and inspiration from the virtual summit. We have attached a template to guide that discussion and ask that teams share their completed template with Nora Sydow at nsydow@ncsc.org prior to the October follow-up virtual meeting described below.

This template asks each team to identify the following information:

- Your team's top takeaways from the *Ensuring Justice in Child Welfare* virtual summit
- The strategies that your jurisdiction is working on or plans to implement in these areas:
 - (1) **Reducing racial injustice** in the child welfare system;
 - (2) **Reducing the number of children unnecessarily entering foster care**, including strategies specifically designed to disentangle poverty from neglect; and
 - (3) **Improving high quality legal representation upstream** and with a multidisciplinary team approach including constituent voice.
- One successful strategy or innovation from your jurisdiction (either statewide or local) in one of the above areas.

Experienced facilitators are available on a limited basis to support these meetings and your conversations going forward. Email nsydow@ncsc.org to make a request on a first-come, first-served basis if you would like facilitation assistance.

National partners will host a series of virtual small group meetings in early October to allow teams to connect with other teams around Summit themes. Each team would attend just one meeting, and each meeting will include 4-5 teams. The available time slots will be every Monday/Wednesday/Friday from 3:00-4:30 ET the first three weeks in October. The purpose of these meetings is for teams to network and share ideas around implementing strategies, overcoming challenges, and innovations. Look for additional individual team support and peer learning opportunities around Summit themes beginning in October for the remainder of the calendar year.

For additional support, for more information or to submit your completed template, please email Nora Sydow at nsydow@ncsc.org. Please submit your completed template by September 30th. Please let us know if you have any questions and stay tuned for the dates and registration information for the follow-up virtual events.

Sincerely,
The Summit Partners



ENSURING JUSTICE IN CHILD WELFARE

August 10–11, 2020 at 12 ET | Virtual



Washington State

Team Contact:

Cindy Bricker

cindy.bricker@courts.wa.gov

Ensuring Justice in Child Welfare Take-Aways

(1) Active efforts should apply to all children.

(2) Child welfare system is focused on the wrong thing and needs to shift resources, and judges need to hold system accountable. Use David Kelly's four questions as a constant state of inquiry.

(3) Mandatory supporters vs. mandatory reporters. If we focus on the community as a whole, the need for removal will be reduced.

Post Summit Strategies

Reducing racial injustice in the child welfare system

- 1) Review statutory definition of neglect and how it is currently used and by whom as a standard for removal, including substance abuse, which is currently given great weight in the decision to remove.
- 2) Draft legislative proposal to require active efforts for all children pre and post removal, including a definition/description of active efforts.
- 3) Research case law and definitions of neglect and active efforts that other states are using. Form a multidisciplinary workgroup to draft legislative proposals.
- 4) Remove barriers to placement with family—criminal history, prior founded allegations.

Reducing unnecessary removals

- 1) Provide meaningful parent representation PRIOR to shelter care hearing by enforcing RCW 13.34.090 regarding the provision of counsel and discovery prior to shelter care. Research how/when counsel is being appointed and how discovery is occurring in each county. Develop best practices and possibly court rule to implement practice standards statewide. AOC/CITA to include these expectations in annual judicial training and other training venues.
- 2) Improve practice at shelter care hearings by emphasizing safety planning and utilize court as next step with in-home dependencies. Require specific findings regarding reasonable efforts - not just a checked box. In order to make accurate reasonable efforts findings, AOC work with

DCYF on providing information regarding available resources in each community to courts and court partners.

- 3) Support further development of Family Intervention Response to Stop Trauma (F.I.R.S.T.) Clinic in Snohomish County. This is a medical-legal partnership that provides pregnant women with legal advocacy and connection to services to prevent not only a removal now and future involvement with CPS as well. The team includes volunteer attorney, parent ally, community resource navigator and hospital staff.

Improving high quality legal representation upstream

- 1) Utilize IV-E reimbursement to support multidisciplinary parent representation to include social workers and parent allies in order to engage parents earlier.
 - Monitor Multidisciplinary Pilot adding more social workers.
 - Redesign P4P to allow parent allies to be available to families during investigation/FAR.
 - Consider changing RCW 10.101 to provide indigent legal representation to families during investigations/FAR
 - Incorporate additional workload into caseload standards and funding models.
 - Revisit DCYF agreement with OPD for IV-E funding.
- 2) Utilize IV-E reimbursement to expand provision of representation for all dependency youth.
 - Evaluation of study of legal representation for all youth will be complete December 2020. Provide legislative advocacy and education about the benefits of legal representation for children and youth in dependency cases.
 - Revisit DCYF agreement with OCLA for IV-E funding.
 - Require training for child attorneys hired by counties to improve high quality legal representation. OCLA provides training to their contracted attorneys, but county-hired attorneys are not held to the same standards.
- 3) Monitor Family Advocacy Center (CCYJ/King County) using upstream legal services to prevent or reduce removal. The team of civil legal aid attorney and parent ally receive referrals from child welfare, defense attorneys and community partners. They include racial justice at key points in system.

Success Story

Family Intervention Response to Stop Trauma (FIRST) launched in July of 2019. Since July, the FIRST Legal Clinic has helped dozens of mothers in multiple counties avoid CPS removal and the filing of a dependency petition in court. This interdisciplinary and cross-discipline upstream approach to child welfare combines legal advocacy with connecting a family first-hand with services to prevent not only a removal now, but future involvement with CPS as well. Think of the FIRST legal clinic as a “first responder” to a mother facing the risk of CPS removal and family separation. Within minutes of calling, the advocacy process begins, and the average response time for the legal team to participate in a family team decision making meeting is less than 30 minutes.

The idea for the FIRST Clinic came after a CIP sponsored Permanency Summit, September 2018, in Everett, Washington, where data was presented showing a significant increase in the number of babies entering the child welfare system in their community. Conversations and creative action planning around that resulted in the concept for the FIRST Clinic.

With legal advocacy that helps mothers understand their legal rights and the implications of ignoring CPS, families can make informed decisions not based on fear but from a safe space where “fight or flight” reactions to CPS, which are common, can be avoided. Along with an attorney, the FIRST clinic partners with a parent ally who has successfully completed treatment and navigated CPS involvement to now help other parents do the same. This provides an entirely new level of emotional support that ensures parents know that the clinic is truly designed to be a source of advocacy and resources for the family.

FIRST Clinic clients also have access to “fast-tracked” drug and alcohol assessments through a partnership with a local treatment provider, and a new 30-day inpatient treatment program allowing mother’s to discharge immediately from the hospital to a supervised CPS approved program has just been implemented and has already prevented the filing of a dependency petition by allowing mother an opportunity to go into treatment with her baby.

The FIRST clinic also connects new mothers with a nurse partnership for the first two years of a baby’s life allowing a nurse to come out to the family whenever health issues may arise preventing a huge barrier for care for most families, transportation.

The parent ally also assists with access to housing resources for 12-18 months, well above the typical timeline for supportive housing in their community. This housing resource allows parents a safe space to which provides them access to life skills classes and resources through a partnership with a local community college.

As the FIRST Clinic expands so will local partnerships. The Washington State University School of Medicine in Everett, Washington has agreed to partner with the FIRST Clinic to explore health outcomes for children and families participating in the clinic. At present, a physical clinic space has almost completed construction at Providence Women’s Pavilion in Everett and will usher in a new era in medical-legal partnership and a framework for how to change child welfare across the country.

Having our CBCAP prevention partner as part of our State Team planning sessions has resulted in a recent decision for the Department of Children, Youth, and Families to provide prevention funding to support the FIRST Clinic. Also, Casey Family Programs is considering providing technical assistance with the evaluation.