

MINUTES
(Subject to approval by the Committee)
Foster Care Study Committee
Friday, August 05, 2016
9:00 AM to 4:00 PM
State Capitol, EW 42
Boise, Idaho

Co-chair Representative Christy Perry called the meeting to order at 9:00 a.m., and a silent roll was taken. Members present: Representatives Mike Moyle, Lynn Luker, Jason Monks, and Melissa Wintrow; Co-chair Senator Abby Lee and Senators Bart Davis, Mary Souza, Kelly Anthon, and Cherie Buckner-Webb; Legislative Services Office staff Ryan Bush and Jackie Gunn.

Other attendees: Judge Barry Wood, Judge Bryan Murray, and Sara Thomas, Idaho Supreme Court; Rakesh Mohan, Office of Performance Evaluations; Brian McCauley, Val McCauley, Matt Shaughnessy, Dawnell Shaughnessy, Dale Larson, Julie Larson, and Sherry Scheline, Foster Care Reform; Russ Barron, Michelle Weir, and Gary Moore, Idaho Department of Health and Welfare; Julie Lynde, Cornerstone Family Council; Tyler William; and Braden Jensen.

Note: Presentations and handouts provided by presenters/speakers are posted on the Idaho Legislature website: <https://legislature.idaho.gov/sessioninfo/2016/interim/fostercare>; and copies of those items are on file at the Legislative Services Office located in the State Capitol.

Co-chair Perry stated the plan for the committee is to meet twice a month through the month of November. The first two meetings will be organized to inform the committee on the present state of foster care in Idaho. They will be briefed on the relevant research in the field and will listen to the concerns of foster care professionals, as well as foster care families, in order to appreciate the nature of best practices. She asked the members to not get ahead of the work being accomplished by the Office of Performance and Evaluations (OPE), and she emphasized that the committee's focus will be on the children who get placed in the foster care system and how their trauma can be minimized. She stated that foster care needs to be the option of last resort, so we must look to how we strengthen the family and the parents and put the resources with the families first, before the children have to be removed.

Co-chair Lee stated that the work accomplished during the 2016 legislative session relating to foster care was significant and while changes have been set into motion, we have yet to see how those changes will impact the department, the courts, and most importantly, the children in the foster care system. So, on the policy level, she advised the members to be very thoughtful regarding how their policy choices will affect the children in foster care. Co-chair Perry introduced Ms. Michelle Weir, Idaho Department of Health & Welfare (IDHW), Division of Family and Community Services. Ms. Weir provided an overview of the department's role in foster care, with focus in three areas: Child Welfare/Child Protection Process; Modifications to IDHW Foster Care Program; and Relevant Statistical Data.

[Handout #1](#): Child Welfare/Child Protection Process The department's responsibilities fall into four broad areas:

- Receiving reports of abuse or neglect;
- Assessment of allegations of abuse and neglect;
- Providing ongoing case management services to children either in their own homes or in out of home placements;
- Assuring that children have safety and permanency in their own homes or other permanent homes.

Ms. Weir described the following components of the process:

- Receiving reports of abuse or neglect;
- Assessing child safety;

- The first 30 days;
- Removal from the home;
- Provision of ongoing case management services;
- Periodic court hearings;
- Permanency decision making; and
- Federal and state timeframe expectations. Her handout also included a summary of required court hearings for child protection cases in the legal process and a flow chart illustrating the child welfare process.

Discussion:

Senator Souza asked for a definition of "fit and willing," and Ms. Weir stated that the department looks at the eight best interest factors and then determines whether the relative can meet those needs, and this illustrates that the policy is not "selecting a relative at all costs." Following up, Co-chair Lee asked if the placement priorities enunciated in the Child Protective Act can be redefined and if these are federal or state considerations. Ms. Weir answered that the department is looking at the decision-making process and what role the threat of losing federal support plays in that. After noting the success of placement with relatives, she explained that the department looks to the circumstances of each case and asks what is in the best interest of the child.

Referring to page 4 of this handout, Senator Davis asked if the department is charged with making decisions or making recommendations. Ms. Weir responded that the department makes recommendations to the court. Upon the suggestion of Senator Davis, Ms. Weir agreed to correct the phrasing on page 4. Senator Davis recognized that this may represent a cultural shift.

[Handout #2](#): Modifications to IDHW Foster Care Program

Discussion:

Representative Luker asked for the total number of foster care parents operating in Idaho and he asked what incentives and training foster care parents receive from the department. Ms. Weir presented the licensed foster parent totals since fiscal year 2012: 1,246 (FY2012); 1,197 (FY 2013); 1,118 (FY 2014); 1,045 (FY2015); and data for FY 2016 is not yet available. She explained that all new foster parents complete a 13-week PRIDE training course, which includes a panel with former parents, youth that have been in care, and birth parents. Additionally, they complete the reasonable and prudent parents training, which was a new requirement this past July. She explained that foster parents complete ongoing training annually. Co-chair Perry asked what monthly reimbursement is received by the foster parents, and Ms. Weir replied that the Idaho monthly amount by age group for general care: children ages 0 to 5 - \$329; ages 6 to 12 - \$366; ages 13 and older - \$487. She remarked that there is additional moneys provided for special situations.

Representative Luker asked Ms. Weir to speak to the declining trend in the number of foster care parents, as this situation relates to recruitment and interest. He also asked for details on foster care parent qualifications. Ms. Weir responded that she could not answer the question about the declining trend in full, but she stated the department staff is gathering information from the parent exit surveys to determine and appreciate the reasons. Also, she provided details regarding the department's retention and recruitment efforts, including, their contract with Eastern Washington University, as well as their "One Church, One Child" program, which works with faith-based organizations. Responding to the parent qualifications question, Ms. Weir stated there are requirements in place to ensure safe placements, such as successful completion of background checks.

Senator Buckner-Webb asked what training foster parents receive for multicultural competence, and Ms. Weir replied that there are some pieces in the department's foster care parent training. At present, there is a specific training requirement for staff, and it is open to all foster parents and community partners. It is a Casey Family Programs curriculum that emphasizes developing an understanding of cultural impacts of youth in care and appreciating diversity as the department

provides care. Co-chair Lee asked how many children are in the foster care system in Idaho, and Ms. Weir responded the number of children in foster care is between 1200 and 1300, at any given point.

Representative Wintrow asked Ms. Weir to clarify the term "unplanned move," and to identify who determines when the unplanned move occurs. Ms. Weir explained that the definitions for planned and for unplanned move have changed. "Unplanned placement changes" means that there isn't at least seven days' notice about a need for a move, so it is defined around the timing, cases where the family situation changed drastically or unexpectedly on short notice. Sometimes the move is due to safety issues or a variation of circumstances. Following up, Representative Wintrow asked for more details regarding the practical process of an unplanned placement move and Ms. Weir provided an example of the process employed for a safety-related move. She emphasized that all unplanned moves must be reviewed by the parent's supervisor and the question the supervisor asks is "is this move in the best interest and necessary for the child?"

[Handout #3](#) -- Data charts -- Referrals, Child Placements, Exit Reasons and Average Months in Care by Age Group

Discussion:

Referring to page 1, Senator Anthon asked for more details regarding the "adopted relative average months in care" chart and asked if there is data that reflects, for those children in foster care who were ultimately adopted by a relative, how many months those children previously spent in foster care with that same relative. Ms. Weir stated that the data is not broken down to give that number at present, but she will see if that can be determined and follow up on this. She said the department did gather data on children who were adopted that previously had been in the foster care placement setting for longer than six months and that total is thirty-six children. Noting that it takes twenty-five months for a relative to adopt a foster care child in need, Senator Anthon asked if there was something lagging in making the connection between the need for foster care and the ultimate adoption by the relative. Ms. Weir stated she will bring the members more information, and she noted there are details for the first twelve months in Handout #1. She stated that Idaho is one of the few states that has met the national data standards for timeliness to permanency, and in the past Idaho has been ranked first and continues to rank high nationally. Representative Monks asked Ms. Weir to provide at the next meeting more details regarding planned and unplanned moves.

Referring to the pie charts in this handout, Senator Davis asked for a similar analysis for the reasons why option #2 (page 4, Handout #1) is selected and not option #1. He stated that this will be helpful as the members consider statutory policy adjustments. Ms. Weir replied that she will work to compile that data with her team. Senator Davis asked how the department regularly manages its data, and on what schedule that data is retrieved, analyzed and reported. Ms. Weir responded that the supervisors do gather the data, and the department reviews the data and shares the data via reports. She added the department will be happy to review it further.

Referring to the child placement box on page 1 of this handout, Representative Luker asked if that is a snapshot or is that the initial placement. Continuing, he asked that if it is a snapshot, can a similar graphic be provided that reflects initial placement. Ms. Weir stated that it is a snapshot and she agreed to provide the initial placement graphic. Following up, Representative Luker asked specifically for the statistics on linking that initial placement with the exit reasons. Co-chair Lee asked for a list of the kinds of services the department provides families before children are moved into foster care. Also, referring to the data on this handout and the information on page 5, Handout #1, Co-chair Lee asked for the reasons why we are lagging behind these required timeframes; what are the types of things that happen in these complex cases. Ms. Weir responded that the department is working very closely with the courts to collect the data on timeliness. Pointing to the exit reasons presented in this handout, Senator Buckner-Webb asked how many reunifications are not permanent, and Ms. Weir agreed to follow up on that question.

Senator Souza asked Ms. Weir, as a department manager, what are the top three data points she reviews monthly or weekly. Ms. Weir stated that as a manager she looks at all of the pieces, reviewing the data consistently, not just any three specific areas. She added that managers do case record reviews every six to eight weeks. The department is focussed a lot on the permanency issues, on the safety outcomes, and on the well-being outcomes. Co-chair Perry asked the department to provide data expressed as median numbers to more clearly assess the time children are spending in the system. Additionally, she asked for the department to provide at the next committee meeting an outline of what their reasons are for requesting to be a party to the court cases that are represented by the prosecutors. Representative Luker asked for additional information regarding the initial placement criteria.

Co-chair Perry closed the discussion by recognizing the progress made by the department, as well as recognizing the department's willingness to continue its work in this area moving forward. Representative Wintrow interjected that the members need the big picture regarding what is the best practice for placement and what the department is actually doing. She noted the friction that is evident in the process and asked how communication is initiated and maintained with the biological families, especially in cases where the children are born and then immediately taken quickly out of the home.

Co-chair Perry introduced the Honorable Bryan Murray, Magistrate Judge, Bannock County. Judge Murray provided the members with a collection of resource materials, including: Idaho Child Protective Act Flow Chart; Child Protective Act Case Timelines; Idaho Child Protection Act; Bench Cards; Idaho Juvenile Rule 40; Idaho Juvenile Rule 43; Idaho Youth in Care Bill of Rights; and Relevant Federal Child Protection Statutes. These materials are also available for review at the Legislative Services Office.

He began his presentation by thanking committee members for legislation enacted in the 2016 session. He stated the Senate bill (S1328aa) helps the court bring forward best practices and allows the judges to be involved in issues like education, stability, and medications. Also, he stated the House bill (H556aa) does not give the court the right to decide placement, but it gives the court the right to have information, to ask questions, and to reject the placement, if it is appropriate to do so, at certain steps in the process. He addressed the guardianship issue arising from the Idaho Supreme Court case [*Doe v. Doe*](#). The case decision states that Idaho statute does not permit part-time guardians. The decision also stated that the statute says "a guardian" not "co-guardians." Judge Murray explained that in Idaho courts there has been a practice for judges appointing co-guardians and conservators - even out of child protection cases. Because of the decision, the court is going to look for a fix to that. A committee headed by Judge Bieter is going to look at this and present some proposed changes, those changes will go through an approval process, and then be presented to the Legislature for review. Referring to *Doe v. Doe*, Senator Davis asked if statutory allowance is provided in certain instances and are the solutions for these challenges going to be addressed by Judge Bieter's committee. Judge Murray responded that Judge Bieter's committee is looking at how to make the court process consistent in allowing for flexibility in unusual circumstances. Also, they are hoping to provide some options that account for modern situations, such as visitation for grandparents. Following up, Senator Davis suggested that Judge Murray provide the committee judicial suggestions that reflect the challenges the court faces and also provide input on any policy issues the court wishes this committee to consider. Judge Murray agreed to provide that to the members.

Referring to the possible modifications to the guardian statutes, Senator Anthon asked if the courts are looking at guardianships regarding the developmentally disabled or the incapacitated. Judge Murray explained that the review hasn't gone to that extent yet. However, he stated that these issues are interrelated and may well come up. He continued, stating that when the Safe Family Act was adopted, the courts were folded in as a part of the process, and more and more they find themselves in the middle. At present, there is a seventy-two percent rate of reunification in Idaho, which compares well when looking at the national data. He added that friction is created when

the system changes by adding new requirements. A multidisciplinary committee is now in place. Committee members take input and work on policy and procedures. Additionally, the committee is trying to collect more and more data in order to assess the timeliness of process.

Judge Murray stated that through the courts' power to convene, the judges can focus on what is not working on a case-by-case basis. Everyone, the families, the attorneys and the agencies, can concentrate on getting the children back home as quickly as possible. He explained that with the 30-day adjudicatory hearing and the review at the 90-day mark, the courts have the opportunity to intervene. He stated that IDHW agreed to be more transparent and he hopes there will be a better exchange of information. He continued, explaining that there needs to be greater flexibility in order to react to unique situations.

Judge Murray continued, discussing the challenges the caseworkers face going to court and what is necessary at the planning hearing for reunification process. Some of the delays are due to the paternity testing but other delays may be caused by logistics; for instance, if the biological parents are in prison. He restated the challenge is to ensure that the parents have due process, while continuing to move toward permanency. Referring to section 16-1629(11) , Idaho Code, he stated there is some friction between the three options:

- A fit and willing relative.
- A fit and willing nonrelative with a significant relationship with the child.
- Foster parents and other persons licensed in accordance with chapter 12, title 39, Idaho Code.

The question to answer is how to consistently act in the best interest of the child. He reported that the cases are moving through the system. Referring to a 2012 study that included all the states, he stated that Idaho came out #1, after looking at the resources that Idaho gave to child protection and their outcomes. He also observed that foster care quality has gone up significantly. Also, parents and foster parents are communicating better and relationships are being created. He stated that the courts will advocate for more resources and cross training will continue. He noted that at present the courts are participating in a Georgetown University program that focuses on children who went from the foster care system to the juvenile justice system.

Regarding child protection, Senator Davis asked Judge Murray to comment on: 1) the inadequacies of the public policy; and 2) what barriers might be removed to make the caseworker's job easier. Judge Murray responded that working with state agencies is sometimes frustrating, but it is all part of the process of give and take. When it comes to social workers, some are so amazing, while some others think there are better jobs elsewhere and they move on. Judge Murray stated they are asked to go out on the front lines and deal with challenging parents. He has seen very good training and good supervision and support. He opined that what is particularly needed is more financial support. For instance, in rural Idaho there are places with no child psychologists to properly treat the children with emotional issues.

Senator Davis asked if the judge thought the flexibility written into the statutes was for the courts or for the department, and Judge Murray replied that the Legislature gave him limited power - the opportunity to review the cases, and this is a major change. The standard is by the preponderance of the evidence, which is based on good information that is shared by the department. Senator Davis asked for more details regarding what happens in the courtroom, as it relates to the prosecuting attorney and the department. Judge Murray confirmed that though the prosecuting attorney (PA) has the power to file petitions, working with the department, there are times when the PA does not want the liability. Judge Murray suggested that the prosecutors should be fully involved. He added that the court is working to improve the quality of the public defenders by training them in this unique area of law.

Co-chair Lee asked if the Legislature needs to make definitional changes by statute regarding who is considered a "party." Judge Murray clarified, explaining that a party includes: the child; parent; and guardian ad litem. He stated that foster parents are not a party, so cannot contest. He added

that the guardian ad litem represents the best interests of the child, and that this is a tough role. The CASA program gets trained personnel, but it is difficult to carry out the model objectives. The benefit of the CASA program is that they raise awareness for the needs of the children and they collect resources, raise money and awareness with businesses. Plus, the process gets a free volunteer. Referring to Tab 2 in the Idaho Supreme Court resource binder and to the friction mentioned earlier regarding the options, Representative Luker asked how many cases there are with no counsel on the part of the department in the initial removal hearing. Judge Murray stated that the PAs are quite involved in the removal situations, they are motivated and they are focused on safety. However, he noted they are less likely to support the department's efforts to place the child back in the home right away. He added that it is the clerk and the judge who manages the dates and the permanency hearing.

Referring to shelter case hearings, Representative Luker asked if there is another door into the foster care system. Judge Murray stated that the other door is through the filing of a petition without any request for removal. If the judge has jurisdiction, then that judge determines between the two options. He added that most shelter care happens so quickly because it is precipitated by a crisis. And, the courts do look at ways these children can go home. Following up, Representative Luker asked, in a nonemergency situation, is the department generally the petitioner and is counsel present. Judge Murray stated that usually it is the PA and they see the need for child protection to be involved. He added that sometimes the PA does file and then disengages but most try to have a decent working relationship with the department. He stated that during the early period, when safety is at issue, the PAs are very involved. But often the PAs disengage from what they identify as logistics issues, because they don't see that as their problem.

Senator Davis asked if the prosecuting attorney's office should meet with the members and if the judge could identify anything the Legislature got wrong last session. Judge Murray stated that due to the legislation enacted last session, a judge has the right to reject or disallow adoption, if the adoption started out as a child protection case. He opined this puts him in a tough situation because, if the department picks a home he doesn't like, the child will be there for six months before he has the opportunity to take action. Judge Murray explained that he and his fellow judges have to work through some of these situations. He emphasized that he now has the authority to focus on permanency, and he stated he believes the department will give him their thoughts and data. Senator Davis asked if the fit and willing relative language needs further modification. Judge Murray stated that the issue is how the present language is interpreted. Before the legislation, the interpreting piece was handled differently. Now the judge has a role in weighing in on the fit and willing adjudgement. He added that the relative is not always the best parent, and he opined that decisions need to be made earlier.

Co-chair Lee asked if judges aren't uniquely qualified to determine the best interests of the child. Judge Murray responded that in order for him to make a best interest decision, he needs as much pertinent information as possible, and the Child and Adolescent Needs and Strengths (CANS) Comprehensive Assessment will hopefully help him make better decisions. He closed by explaining that this happens through the discretion the statutes give the courts. Representative Moyle commended the judge on all his efforts, including his work to get other judges to participate with his same interest and commitment.

Co-chair Perry introduced Mr. Lance McCleve, Principal Evaluator, OPE. Mr. McCleve discussed the scope, evaluation approach and methodology in his agency's foster care study. He began by reviewing the [request for evaluation/letter of authorization](#) and then detailed the proposed [scope of the evaluation](#). He also stated this evaluation project has competing forces at play – OPE will work to be as responsive as possible to the time constraints, yet in order to provide the most thorough and accurate information, they must expend the requisite amount of time to ensure that a complete vetting is accomplished. In order to appreciate the child welfare system as a whole, his

team developed five questions that will function as the foundation of their evaluation approach. The questions, as well as Mr. McCleve's individual comments, include:

1. In what ways is the system designed to place children and youth in appropriate homes in a timely manner? *Identify the components and marching orders from legislation and rules (actual function v. intended function).*
2. How does the system determine its success at placing children and youth in appropriate homes in a timely manner? *All the components in the system (courts, prosecutors and families) will be reviewed in order to characterize how the system self-identifies its progress.*
3. How does the system promote stakeholder confidence in its decisions about appropriate homes for children and youth? *Examples will include: transparency, feedback in the system and quality assurance to promote quality and competence.*
4. How well is the system succeeding at placing children and youth in appropriate homes in a timely manner? *Use the information gleaned from #2 above, and bring in measures not looked at internally, such as, "how well is it all working together?" Also, bring in best practices from other states.*
5. How do any gaps or weaknesses in policy or practice affect the functionality of the system? *Mr. McCleve stated that so far this problem is consistently present across 35 states.*

Mr. McCleve stated that the legislation enacted last session has made significant change in the process. However, the fact that the new data is not available yet does limit their efforts. Senator Davis advised the members to avoid getting too locked down on any specific solutions until all the information is available. He stated that Director Mohan and his staff will work hard to provide the information as best they can. Referring to question #4, Co-chair Lee wondered if their work would uncover actions that might precipitate loss of federal funding. Mr. McCleve responded that he would like to provide this in question #4 or question #1, because he noted the lack of clarity associated with what drives federal funding support. Co-chair Perry asked what outside entities OPE has recruited to help with this project. Mr. McCleve stated they have non-expert (surveying) help and they are considering putting another project on hold and using that group's expertise in child protection on this project. Also, they will have a consultant/methodologist on board who will provide external quality control.

After the lunch break, Co-chair Perry introduced Mr. Brian McCauley, Foster Care Reform. Mr. McCauley distributed two handouts, the first a [survey](#) he conducted, and the second a collection of [foster care family stories](#). Co-chair Perry invited Ms. Valerie McCauley, Ms. Sherry Scheline, Ms. Carrie Hull, and Mr. Matt Shaughnessy to present their testimony to the committee.

Testimony

Ms. McCauley stated that she is working with the foster care reform effort. She thanked the members for their efforts and indicated she has been in the foster care system for three years, fourteen months of which were as a foster parent. In her personal situation, she stated that the department made the wrong decision in removing their foster child from their home. She stated that the best interests of the child can be found in the timeframes. She advised the members not to disregard the emotional attachments that are formed with the foster family and the child. She emphasized that every move affects the child and asked that foster parents, the ones willing to help in the long term, not be shut out of the process.

Representative Luker asked Ms. McCauley to explain how her foster child entered system. Ms. McCauley explained that the child's mother was addicted to a drug, and the child was born with the addiction. The mother was not going to the hospital to take care of the child. Co-chair Lee thanked Ms. McCauley for her advocacy to bring this issue forward. Referring to the prevention piece, Co-chair Lee asked if there are other models, besides the nonprofit model discussed, that are applicable. Ms. McCauley stated that the Family Advocates Program does something similar.

She added that the department tries to do this to some extent. She explained that her first caseworker was fabulous, and detailed the value of folding in certain resources from the foster care community via volunteering.

Ms. Sheri Scheline stated her support for the foster care reform effort. She thanked the members for their efforts and indicated she has been a foster parent for 118 children over her nineteen years in the foster care system. She discussed her experiences with four of her foster children, one a success story, and three traumatic stories that reflect why the system must be reformed. Ms. Scheline emphasized that protecting the children is paramount. Additionally, there must be full disclosure for the foster parents regarding the status of the child before he or she enters the home.

Ms. Carrie Hull thanked the members for their efforts and indicated she has been associated with foster care for six years, and has professional training in child development. As a foster parent, she stated she sees first-hand the effects of actions taken on the legal side. She identified four reasons why the foster care system fails:

- When the priority interest is reunification with the biological family.
- When the parties entrusted with foster care don't get to work together with the other parties.
- When there are no checks and balances in place. For example, 1) when the CASA staff is afraid of the department's power; and 2) when department supervisors rule the roost and that spirit trickles down.
- When the grievance system in place does not allow outside sources. She added that the process will only work if all parties are treated well.

Representative Wintrow stated a priority in their policy work will be to ensure collaboration between the parties. Ms. Hull suggested that the foster parents must be educated better in the area of interpreting the law.

Mr. Matt Shaughnessy thanked the members for their efforts and stated he is in support of foster care reform. He explained that he was born into the foster care system and lived in sixteen different foster care homes. He stated that he was damaged because of his foster care experience. He emphasized that the bureaucracy surrounding foster care has created a demographic today where foster care children have grown up to be totally dependent adults. Mr. Shaughnessy detailed his personal experience in the system and stated that though he does not know what the solution is, he can pass on to the members, through his story, what the system has produced.

Senator Souza and Representative Luker thanked Mr. Shaughnessy for his deep and moving story. Co-chair Perry asked if he could select one thing to improve the system, what would it be. Mr. Shaughnessy replied that decision-making authority should be placed in the hands of the foster care parents. He emphasized that these parents need to be given a voice.

Co-chair Perry invited Mr. Brian McCauley to return to the podium to provide his testimony and closing remarks. Mr. McCauley again thanked the members for their work and reminded them that foster parents live the process every day. He noted there is a gap between the policy and the practice. He appreciated hearing from Judge Murray and the efforts he has made and stated that, if all judges worked like Judge Murray, we wouldn't be here. Additionally, Mr. McCauley applauded the efforts of the department, noting their dedication to improving the system. Continuing, he opined that while the system as currently set out isn't that bad, the implementation is borderline disastrous. He shared that today's testimony reflects that all is not working as well as described, and that common sense changes to the system must be made. He expressed his concern that policies and laws that exist are willingly and wantonly not followed at the grass roots level. He pointed to his experience in court where no collaboration was evident. Additionally, he opined that within the foster care family, fear of retaliation is well justified. He stated that he does not blame the department but emphasizes improvements in carrying out the law must be made. Finally, he stated

that the decline in the number of foster care parents in the system is not due to the amount of financial reimbursement they receive.

Representative Luker asked Mr. McCauley to give an example of the retaliation he spoke of. Mr. McCauley shared a personal experience as a foster parent, one where the department threatened the immediate removal of his foster child after he expressed concern about the behaviors the child exhibited. Following up, Representative Luker asked if the problem was the lack of input, not the money. Referring to his survey, Mr. McCauley stated that 96 percent of those polled indicated they will be out of the system in five years, and 94 percent believe their caseworker's priority is the department's priority. Following up, Senator Souza asked if it is his belief that the decrease in foster parents in the system is due to the department's behavior, and Mr. McCauley assented, opining that foster families are exhausted in dealing with the overwhelming abusive department members. Senator Souza commented that if we aren't nurturing the foster families we are losing the wealth of the investment they made. Mr. McCauley stated that foster parents are the vital resource in the process, yet they are treated like a disposable resource. He added that the best recruitment would be from present foster care parents but it is not happening because of the situation. He stated that the one thing the members could do is to empower the present citizen review panel; require it to operate independent from the department. In this manner grievances can be heard in a fair and an unbiased way. At present, he believes the citizen review panel is intentionally being hidden. Senator Buckner-Webb commented that she hears feedback from the community that it is the emotional investment that is the most costly. Mr. McCauley stated he feels that emotion is the biggest asset and the biggest liability of a foster family. Continuing, he opined that it is what makes the system work, and what makes the system break. Families need to be able to feel emotions and not be punished by the department for that.

Co-chair Perry invited Judge Murray to return to the podium for follow-up questions. Representative Luker asked what criteria is applied when there is no imminent threat or danger, and Judge Murray replied affidavits must come forward asking for a court order or to file an open petition. At the adjudicatory hearing, if the court takes jurisdiction, it must determine what to do with the child, either to send the child home with supervision, or to remove the child and work to reunite moving forward. He commented on the assistance that counselors lend in the schools, often intervening with the logistical aspects of getting the child to school. Again putting aside the immediate danger issue, Representative Luker asked for the judge's appraisal of how we are intervening initially. Judge Murray replied that this involves a real balancing test for the court. He stated that removal should be about safety. If risk is not involved, the review is on a case-by-case basis. Representative Luker asked if we are doing the best we can right now with intervention, and Judge Murray indicated that when children are removed, it would be beneficial to have more foster care parents. Also, it would be helpful to find a way to get to the family members quicker and get them approved to be a foster parent quicker. Representative Luker asked if some sort of temporary appointment of a foster parent is viable and Judge Murray stated this would require the courts to participate in an area where they don't have the expertise, and he encouraged that all members of the foster care system be involved in a manner that allows all parties to contribute their unique strengths. Referring to a situation where there is a race to the court for filing for guardianship, Senator Anthon asked if there is a need to change the guardian statute regarding the primacy issue. Judge Murray explained that when guardianship is used in child protection cases, the family comes in, but sometimes those families need help, because the kids have issues. He opined that he'd love to see these families be involved, and get them the support that is needed.

Senator Anthon stated from professional experience, he's seen difficulty in the interplay between guardian ad litem and the attorney. He asked Judge Murray how we give the child a voice. Judge Murray stated that advances have been made here – there is a real effort being made to bring the children in to court. At 8 years of age children have a right of notice and to attend, and at 12 years of age children can have an attorney present, so they have a voice. Representative Monks asked

how the judge would deal with a situation where he was uncomfortable with the final placement. Judge Murray stated he plans to apply the tools given by statute. He acknowledged the friction between the two options: 1) find family and keep moving the foster child as necessary; and 2) find a stable foster home. He stated that his objective is to determine what is in the best interest of the child. He recalled that this question was not asked in their process before and now it is, with each case being reviewed carefully. He emphasized that the judges are part of that process now.

Senator Davis noted that the reference to section 16-1615(5)(f), Idaho Code, that is present in section 16-1602(34), Idaho Code, within the definition of the term "protective order" is incorrect, and he asked Mr. Bush to review and correct the error.

Co-chair Lee asked to be kept apprised of their work and emphasized the need for candor regarding whether their efforts are gleaning the anticipated results. She asked who has the final responsibility in cases where the foster care parties disagree on the use of medication and where the judge is the decider. Judge Murray replied there is a committee that hears these cases. Senator Souza asked the judge's opinion regarding whether the bond between foster parent and child is essential. Judge Murray emphasized that resiliency is something that is created, so in order to build resiliency, they must make up for the deficits that exist. Co-chair Perry asked for details regarding what training and oversight is in place in the courts to ensure the real opportunity for the foster parents to contribute. Judge Murray stated he will look at what judges are doing to give foster families a bigger voice in court. He observed that the challenge is to measure the quality of the voices in court. He also stated that he now has the power to ask more questions in this area regarding the participation of the foster parents. Representative Wintrow asked what decision-making resources are available to the court, and Judge Murray answered that he feels blessed at the quality of the statewide training the court has access to. For example, in child protection, federal experts are brought in.

Representative Luker asked LSO to provide details regarding the provisions of the advisory committee and to compare that with what other states do. Senator Souza asked if the members might consider inviting an expert in child development to provide testimony to the committee. Co-chair Perry indicated that they are looking into that. Co-chair Lee shared with the members that she and Co-chair Perry will be working with IDHW to have a department representative at each meeting to both respond to prepared questions given to them in advance, as well as to take follow-up questions.

Co-chair Perry and the members reviewed the calendar and agreed on the following meeting dates for the committee: Wednesday, Aug. 31; Monday, September 12; Friday, September 30; Wednesday, October 26; and Thursday, Nov. 10.

At 4:00 p.m. Co-chair Perry adjourned the meeting.