

MINUTES
Approved by the Committee
Child Protection Legislative Oversight Committee
Thursday, February 28, 2019
1:30 P.M.
WW55
Boise, Idaho

Co-chair Abby Lee called the meeting to order at 1:35 p.m.; a silent roll call was taken.

Committee members in attendance: Chairperson Senator Abby Lee; Senators Mary Souza, Kelly Anthon, and Cherie Buckner-Webb. Absent: Chairman Mike Moyle, Representatives Jason A. Monks, Randy Armstrong, and Melissa Wintrow. Legislative Services Office (LSO) staff present: Shelley Sheridan.

Other attendees: Kenzi Zechmann-Kitchin, J. Bubba Legg, Chris Freeburne, Baylee Brown, Ivy Smith, and Joshua Taylor - Idaho Foster Youth Advisory Board; Guido Giuntini, Terry Hathaway, Cheri Power, Joanne Fahrenwald, and Jaime Hansen - Court Appointed Special Advocate (CASA) Family Advocates; Alli Berkson - Family Research and Training Center; Charlye Hahn - Foster Parent RPM; Isamara Noriega, Nondo Mialans, and Roxanne Perez - CFS; Lori Wolf, Kailamai Nguyen, Terassa Ruiz, Michelle Weir, Dave Jeppesen, Miren Unsworth, and David Kery - Idaho Department of Health and Welfare; Sheila Weaver - Social Worker; Rakesh Mohan, Bryon Welch, Lance McCleve, and Amanda Bartlett - Office of Performance Evaluations; Brian McCauley - Citizens Review Panel, Idaho Foster Care Reform; Susan R. Baca and Felice Wolters - Magic Valley Youth and Adults; Shelly Schivers - CASA 3rd Judicial District; Darci Anderson - CASA 4th Judicial District; Colleen Summarie - Guardian Ad Litem; Ray Lockary, Christine Tiddens - Idaho Voices for Children; Zenita Delva - CASA 2nd Judicial District; Stacey McKelvey - CASA 7th Judicial District; Jared Marchand - CASA 6th Judicial District; KJ Brant, CASA 1st Judicial District; Zenita Delva, 2nd Judicial District; Christina Walker, 3rd Judicial District.

Committee Organizational Discussion

Co-chair Lee advised that the House of Representatives were currently on the floor and would be late to the meeting. She introduced committee members and noted that all members, except Representative Armstrong, had served on the two-year foster care interim committee. She added that Senate Bill 1341, passed in 2018, provided a more formal structure to review foster care issues.

Senator Souza thanked the attendees and stated that foster care issues have been reviewed over the past two interims. Since then, foster care families have been given more support, respect, and the ability to attend court proceedings. The ultimate goal of Senate Bill 1341 was to mitigate foster care problems, build in prevention, and help struggling families get their health and strength back. Senator Anthon noted his interest in foster care law and the need for improvements. He thanked those who work for the most vulnerable and for staying involved. Senator Buckner-Webb also thanked and welcomed the attendees. She stated that the foster care system should be enabled to treat children as the most precious resource and that resolving problems would take courage and collaboration. The committee is committed to taking action.

Co-chair Lee acknowledged the progress and collaboration made, but recognized a lot of work still needs to be done.

Review of Office of Performance and Evaluations (OPE) Recommendations

Rakesh Mohan, OPE director highlighted three reports regarding the child welfare system. Director Mohan stated that the child welfare study was first requested in 2013 and then took five requests before being approved. OPE's study of the child welfare system found that it lacked systemwide knowledge, collaboration, accountability, and oversight. The Child Protection Legislative Oversight Committee was the result of this study. Director Mohan thanked his staff for their hard work and

introduced Amanda Bartlett, OPE principal evaluator, to review OPE's reports. Ms. Bartlett stated that the reports concluded that there was no way to address child protection at a system level and that the Child Protection Legislative Oversight Committee would be a tool to: 1) learn about the system and close data gaps; 2) create common goals; 3) have difficult conversations; and 4) sustain focused efforts. She expressed hope that there could be sustained and proactive decision-making and was optimistic that, through collaboration and a system-level look, there would be improved accountability, learning, and a change to virtuous cycles.

Senator Souza requested more information about formalizing the governance and structure of interagency and interjurisdictional data sharing. Ms. Bartlett deferred to Lance McCleve, OPE Principal Evaluator, who responded that OPE discovered that various agencies had data; however, that data was not being shared. He stated that the goal is to identify where the data is and formalize sharing agreements between agencies, all while protecting confidentiality requirements. Senator Souza asked Lori Wolf, Department of Health and Welfare (department) deputy director, if the department's new IT system would capture that data. Ms. Wolf responded that the system was in its early stages and conversations have started with the courts. Senator Souza suggested that the department consider OPE's reports as its IT system is being developed.

Idaho Foster Youth Advisory Board (IFYAB)

Chris Freeburne, Department of Health and Welfare regional director and IFYAB member, introduced youth leaders: Bailey Brown, chair; Joshua Taylor, co-chair; and Kenzi Zechmann-Kitchin, communications advisor. The IFYAB youth leaders [presented](#) the IFYAB's mission, accomplishments as a board and by the youth, and current projects. The youth leaders concluded by sharing their personal experiences with the foster care system, how they were affected, and their future plans.

New Citizen Review Panels - Update/Next Steps

Co-chair Lee noted that Senate Bill 1341 also established citizen review panels to review cases and find trends, concerns, and best practices around the state. She advised that the committee was charged with compiling expectations and to determine what reports were needed by the end of this legislative session. Co-chair Lee advised that the third district was looking at timelines and late compliers by tracking cases of parents who start a 90-day parenting plan at day 89 and that the fourth district was using a unique rubric. She requested the other districts report what their focus was as well. Co-chair Lee recommended consistency by looking at systemic issues, concerns, and best practices. She added that giving attention to the foster care system would result in better case reports and more diligent courts.

Co-chair Lee inquired into the progress of the case files accessibility. Ms. Wolf responded the department's electronic storage of case files and records, e-cabinet, was implemented in December for department staff and was now available to all citizen review panel members.

Co-chair Lee acknowledged the amount of work the committee has to do, the direction the committee will need to provide, and its commitment to do so.

Co-chair Lee welcomed Zenita Delva, CASA 2nd Judicial District chair. Ms. Delva expressed her appreciation and excitement for improving the foster care process. Senator Souza asked if a standardized report format that each district could customize to suit their district would work. Ms. Delva agreed that a standard, customized report would be beneficial to share with other districts and added that consistency was needed while recognizing the differences in each district. Co-chair Lee thanked the districts and the training provided by the Office of Administrative Courts. She noted that the courts may provide additional training by the end of the fiscal year.

Guardian Ad Litem Program

Co-chair Lee stated that today's committee meeting was an introductory and organizational session and noted the significant amount of work needed within the Guardian Ad Litem Program, specifically

relating to funding, statutory compliance, resources, and legislative mandate. Co-chair Lee welcomed Jaime Hansen, Family Advocates and CASA 4th Judicial District executive director. Ms. Hansen recognized other CASA executive directors Stacey McKelvey, 7th Judicial District; Jared Marchand, 6th Judicial District; KJ Brant, 1st Judicial District; Zenita Delva, 2nd Judicial District; Christina Walker, 3rd Judicial District; Darci Anderson, 4th Judicial District; and Tana Barton, 5th Judicial District, who was not able to attend. Ms. Hansen noted seven independent nonprofit organizations that raise funds and operate within the seven judicial districts in Idaho. She explained that the courts appoint advocates and set hearings. CASA finds a trained volunteer, also known as a guardian ad litem, and a pro bono attorney, in some cases. If a guardian ad litem is not available, CASA must withdraw from the case. The guardian ad litem independently reviews the case, meets with the child at least once per month, and submits a report to the court. Ms. Hansen stated that CASA's ultimate goal is to serve all children with a guardian ad litem.

Ms. Hansen noted a lack of money to support the guardians ad litem and pro bono attorneys and lack of access to data to allow adequate fund raising and recruitment. She stated that 43% of Idaho children rely on pro bono counsel and three of the seven districts rely primarily on pro bono attorneys, many of whom have never experienced a child protection case. Ms. Hansen suggested clarifying Idaho Code Section 16-1614 for a clearer understanding of who is responsible for legal representation.

Ms. Hansen reported that \$1.1 million was dedicated to the seven districts last year. She noted that CASA was a nonprofit and operated by volunteers with minimal overhead. Based on the average cost per child of \$1,206 and with 3,395 children under child protection last year, CASA would have needed \$4.1 million to operate. That amount is expected to increase by 2% as the population grows. Ms. Hansen concluded with a plea to continue the extremely effective program that saves millions of taxpayer dollars and provides judges with critical information.

Co-chair Lee asked what was missing in Idaho compared to other states and, as far as committees or structures, how does the guardian ad litem program fit with the department and courts. Ms. Hansen responded that CASA felt distanced from the legislation because of the philosophy that nonprofits do not advocate and that processes and decisions were made that may not have included the guardian ad litem's input or they did not have the opportunity to speak.

Senator Anthon asked what the process was to become a guardian ad litem. Ms. Hansen replied that volunteers are rigorously interviewed, must be over 21, successfully complete a background check, have their own transportation and gas money, have a flexible schedule, and attend 30 hours of preservice training and mock reporting. She added that once accepted, the volunteer must complete 12 hours of continuing education, which is offered internally through CASA and externally through third parties.

Co-chair Lee recognized Christine Tiddens, Idaho Voices for Children. Ms. Tiddens reported that in the third district, \$1.9 million in attorneys fees was saved by using guardians ad litem instead of attorneys. She added that guardians ad litem bring life experiences, passion, and a different perspective than social workers, and they return to the community discussing the importance of child welfare. She stated that children with guardians ad litem are 50% less likely to reenter care because of being retraumatized or abused after they were sent home.

Co-chair Lee thanked everyone for attending, expressed the committee's commitment to continuing its work, and looks forward to working with everyone to advocate for the most vulnerable children in Idaho.

The committee adjourned at 3:00 p.m.