

MINUTES
Approved by the Committee
Child Protection Legislative Oversight Committee
Friday, December 10, 2021
9:00 A.M.
Room WW55
Boise, Idaho

Cochair Lee called the meeting to order at 9:05 a.m.; a silent roll call was taken. All members, staff, and presenters attended via video conference.

Members in attendance: Cochairs Senator Abby Lee and Representative Mike Moyle; Senators Mary Souza, Kelly Arthur Anthon, and Melissa Wintrow; Representatives Jason Monks and Greg Chaney. Absent and excused: Representative Lauren Necochea. Legislative Services Office (LSO) staff present: Elizabeth Bowen, Jill Randolph, Jennifer Kish, and Grace King.

Other attendees: Betsy Russell, Idaho Press; Robert Mast, Katie Mast, Steve Mast, Eric Carroll, Robert Garza, representing John Mast; KJ Brant (Region I), Zenita Delva (Region II), Cindy Floyd (Region III), Brian McCauley (Region IV), Amy Minzghor (Region VII), Citizen Review Panel; Dave Jeppesen, Cameron Gilliland, Roxanne Printz, Department of Health and Welfare (DHW); Sara Omundson and Taunya Jones, Idaho Courts; Darci Anderson, Family Advocates; Lance McCleave, Betty Troyer, M. Larson.

NOTE: presentations and materials distributed to members are posted to the Legislature's website: <https://legislature.idaho.gov/sessioninfo/2021/interim/>; and copies of those items are on file with the Legislative Services Offices located in the State Capitol. Video of this meeting is also available on the website.

Opening Remarks and Introductions

Cochair Lee made opening remarks and the committee members introduced themselves.

Parental Alienation Discussion

Cochair Lee recognized Robert Mast, father of John Mast (deceased), to detail John Mast's experience with parental alienation during custody disputes. John Mast, according to Robert Mast, had been falsely accused of many charges during a custody battle between him and his ex-wife. Robert Mast stated that John Mast's ex-wife had used parental alienation as a tool to keep his children away from him. Katie Mast, Mr. Carroll, and Mr. Garza also shared details regarding John Mast's story.

- Senator Souza asked if John Mast had been tried and exonerated from the accusations made against him. Katie Mast replied that he had been. Senator Souza wondered if Mr. Carroll had an idea of policies the Legislature should implement to avoid situations like this. Mr. Carroll referenced a "shared parenting" law that Kentucky passed the year before, stating that there were statistics that showed shared parenting laws worked. He encouraged the committee to implement consequences for false accusations.
- Senator Wintrow suggested an investigation as to whether or not situations such as these were anomalies or a systemic problem. She also highlighted the importance of examining the issue from both sides.
- Cochair Lee encouraged the committee to continue discussing these issues and shared that she was currently working on drafts to address some of the issues mentioned.

- Cochair Moyle asked Cochair Lee if the drafts she had been working on would address consequences for false accusations. Senator Lee responded that she was looking for ways to amend the statute regarding perjury. Cochair Moyle expressed concern about those who cannot fight cases in civil court due to lower socioeconomic status. Cochairs Lee and Moyle discussed the role of prosecutors in these cases.
- Robert Mast expressed interest in meeting with the committee again. Cochair Lee stated that the committee intended to have follow-up meetings, which would provide the opportunity for that.
- Mr. Carroll argued that these issues were systemic and listed statistics to support that claim.
- Representative Chaney agreed that there should be consequences for false allegations but urged caution when trying to find solutions in order to avoid creating further issues.
- Mr. Garza highlighted a policy he lobbies for that would give visitation time back to an accused parent when absolved of charges.

Public Health District Citizen Review Panels

Cochair Lee opened the discussion on Citizen Review Panels (CRP).

- Mr. McCauley provided an update on Region IV of the CRP. He discussed issues such as the number of safety referrals, the differences between criminal and child protection cases, the restriction of documents by DHW, foster family shortages, and judges choosing guardianship over permanency. Cochair Lee stated that she would work with the director of DHW to help the CRPs get access to the needed documents.
- Ms. Delva provided an update on Region II of the CRP. She discussed issues such as the number of safety referrals, the increased prevalence of substance abuse, and social worker shortages. Cochair Lee stressed the importance of having Child Protection Services (CPS) workers visiting with children in person despite the Covid-19 pandemic.
- Ms. Brandt provided an update on Region I of the CRP. She discussed reunification of a child with a drug-dependent parent, delayed or incomplete work on cases, scholarships to help increase the number of social workers, foster care system failures, cases with previous child injury or death, regulated therapy for foster children going through trauma, and paramours with no case plans. Cochair Lee inquired if the cases with previous child injury or death were cases without convictions. Ms. Brandt confirmed that they were.
- Ms. Floyd provided an update on Region III of the CRP. She discussed issues such as transparency at DHW, a lack of trained professionals, and the overload of cases.
- Ms. Minzghor provided an update on Region VII of the CRP. She discussed issues such as increased cases involving substance abuse, the need for mental health resources, processes for placing a child when the mother was incarcerated, access to medical and mental health records, and screening for communicable diseases.
- Senator Souza expressed her appreciation for the CRP and its hard work helping children in need, especially during the Covid-19 pandemic.
- Senator Wintrow commented that the Legislature, DHW, and the CRP needed to collaborate to solve these issues quickly.

Department of Health and Welfare Updates

Cochair Lee recognized Cameron Gilliland, Administrator of Family and Community Services for DHW, to provide an update. Mr. Gilliland discussed restructuring the CRP recommendation process, the lack of social workers and case management staff, the need for increased pay and bonuses to retain current staff, staff morale, the lack of foster parents, short-term housing such as Airbnbs and hotels, and practices for recruiting foster parents.

- Cochair Lee expressed concern that some children were staying in Airbnbs and hotels while waiting for foster families.
- Senator Wintrow mentioned how the Office of Performance Evaluations (OPE) had detailed a negative culture within the DHW and asked how the Legislature, the courts, and the governor's office could help the DHW fix this. Mr. Gilliland stated that changing the DHW's culture started with listening to foster parents' concerns. Senator Wintrow encouraged everyone involved in the system to do everything it takes to support children in need.
- Director Jeppesen stated his commitment to helping children in need and highlighted the challenges of staffing and foster families.

Guardian Ad Litem Funding

Cochair Lee recognized Sara Omundson, Administrative Director of the Courts, to provide an update on Guardian Ad Litem (GAL) funding. Ms. Omundson explained the GAL program, discussed the funds received to study the program, and highlighted the Supreme Court's new policy for the grant program. Taunya Jones, Director of the Justice Services Division of the Idaho Supreme Court, provided more details regarding the changes to the GAL grant program.

- Senator Wintrow asked how many states provide funding or financial support to GAL programs and if there was oversight on how well the GAL program was doing. Ms. Jones stated that she did not have the answers to those questions.

Guardian Ad Litem Update

Cochair Lee recognized Darci Anderson, Program Director for the 4th Judicial District of the Court Appointed Special Advocates (CASA) program, to provide an update on the GAL program. Ms. Anderson discussed GAL volunteers and appointments, the number of children served, the effects of GAL programs on children, concerns regarding a potential decrease in funding for the GAL program, and negative trends within the GAL program.

- Ms. Omundson commented that the courts share some of the same concerns about funding as the CASA program but that the courts were attempting to adhere better to what was set in statute. She added that all programs within the state needed to have proper funding.

After closing remarks, the committee was adjourned at 12:00 p.m.