

**OREGON CHILDREN'S JUSTICE ACT TASK FORCE
FULL COMMITTEE
MEETING MINUTES**

Date: Friday, April 9, 2010
Location: HSB – Room 166
Time: 9:00 a.m. – 2:00 p.m.

MEMBERS PRESENT (10): Shary Mason-chairperson, David Cummings, Don Darland, Carrie Rasmussen, Stacey Ayers, Margaret Semple (left at 12:30), Nancy Allen for Matthew Pearl (left at 12:30), Becky Smith (by phone; left at 11:00), Suzy Isham (by phone), Tonia Hunt (by phone)

MEMBERS EXCUSED (2): Judge Lorenzo Mejia and Matthew Pearl

MEMBERS UNEXCUSED (2): Steve Atchison and Robin Wright

DHS STAFF PRESENT (3): Jan Slick, Heather Mowry and Michelle Weber

GUESTS (3): Jeff Hershman-Oregon State Police, Angela Fasana-Trial Court Administrator for the Confederated Tribes of Grand Ronde and Debourah Rau-Parent Mentor with Morrison Kids

Meeting called to order by Chairperson Shary Mason at 9:10 a.m.

Introductions / Membership and Recruitment Status

The Task Force welcomed Debourah Rau. Debourah will be replacing Mark Held as a parent mentor representative.

Today is Lt. Jeff Hershman's first meeting. He is replacing Steve Duvall as a representative of law enforcement. We are pleased that Jeff is joining our membership.

Angela Fasana is visiting today to acquaint herself with the Task Force. She is considering joining the Task Force as a tribal representative.

We continue to recruit for the health/medical representation; this representation is a federal mandate. Jan contacted Dr. Chervenak but the Dr. wasn't able to assume additional responsibilities, at this time.

Action Item: Tonia will inquire through her network for available health/medical representation.

Members discussed whether there should be recruitment for Oregon Youth Authority representation, as a result of Steve Brinlee's retirement. Steve was serving as a representative of foster care. After discussion, the Task Force agreed they would not recruit, at this time, as David Cummings has filled the foster care representation. Oregon Youth Authority representation is not a federal mandate.

Amy Miller officially resigned December 31, 2009. With representation from Robin Wright, further recruitment is not necessary.

CJA Member Attendance – Shary Mason

Please see the following excerpts from our Bylaws regarding attendance:

- 3.2.3 Attend all meetings of the Task Force. Absences must be noted to the Chair or the FBS Grants Coordinator/Assistant in advance. If unable to attend, a member may send an alternate in their place; and
- 5.4.2 Failure to attend three (3) meetings in any 12-month period without notifying the Chair or designated staff will be considered a resignation from the Task Force.
- 11.2.1 A quorum shall consist of a majority of the appointed membership (current filled positions) of the Task Force.

During several meetings the past year, we have experienced difficulty with maintaining a quorum which prevents the ability to call a vote and move forward on business. Shary reviewed this section of the Bylaws with members. A phone call or email will suffice.

Some members might unintentionally resign, as a result of failure to notify their absence.

Shary asked members to think about their commitment to this Task Force and their ability to attend meetings. If you would like to know your attendance status, Michelle can provide that to you.

Karly's Law Subcommittee

Shary gave an overview of the Karly's Law Subcommittee. See details in the January 8, 2010 CJA Task Force Minutes.

Don made a motion to disband the Karly's Law Subcommittee; Margaret seconded the motion. The motion passed unanimously.

January 8, 2010 DRAFT Minutes

Shary referred to page 6 regarding allocating \$30,000 for the Trauma Training project, PSU's quote of \$28,700, and the difference between these two amounts being allocated for the trainers' travel. Shary noted that all trainer travel should have been included in PSU's quote. Please correct the Minutes to say "the difference between the original \$30,000 allocation and PSU's quote leaves an unexpended balance of \$1,300".

Shary referred to page 8 regarding the notation that there is \$22,600 of uncommitted funds that must be spent by September 30, 2010. On Page 9, the Minutes note that \$24,100 in additional funding was approved for subcommittee projects. This will need to be reconciled during the next Budget Subcommittee conversation.

Don made a motion to approve the Minutes, with the above corrections; Becky seconded the motion. The Minutes were unanimously approved with the above corrections.

Casey Project Update – Catherine Stelzer

Catherine did not bring handouts but said folks could contact her for written information, if they needed it.

In January 2009, DHS and the Oregon Commission on Children and Families (OCCF) launched a partnership with the Casey Family Programs. This is a foundation that helps fund the work of the DHS Safe and Equitable Foster Care Reduction project. The majority of 2009 was spent focusing on the planning process, engaging communities, and getting the eight counties up and running. One part of the project has been to educate communities about why it is a good idea to reduce the number of children in foster care. Counties are doing a good job of getting involved in the project. DHS and the Commission (FYI the commission has been a part of this from the beginning) will continue to partner with the Casey Foundation in 2010. The Commissions and courts are now partnering on the project too. The Chief Justice and JCIP will also be working closely with project partners. The Decision Point Analysis (DPA) has been work related to disproportionality of African American and Native American children in foster care. Portland State University conducted the DPA research, and the DPA report is now final. Using the DPA report, the Governor's Task Force has broken up into subgroups to develop recommendations that will be included in a final report that will be submitted to the Governor, in October 2010.

The next significant project that DHS, OCCF and Casey will work on is Permanency Roundtables. This will be a process to look at children who have been in foster care for a long period of time. Casey Family Programs has a Permanency Roundtable process that helps children obtain legal permanency through professional case staffing. DHS is hoping to bring this process to Oregon, in a statewide manner. Presently, DHS is looking at three counties that have the highest long-term foster care placement rates; those counties are Multnomah, Washington and Marion. DHS, OCCF and Casey will be facilitating four weeks of Permanency Roundtables, in May. The State of Georgia has recently implemented these Permanency Roundtables which led 20% of their reviewed cases to go on to legal permanency.

The DHS, OCCF and Casey partnership continues to work with increasing relative connections and placement. The DHS relative rules are currently in draft, on the DHS website and available for public comment. Catherine said they expect to conduct statewide DHS and community training around

the relative rules, once they are finalized. The definition of who can be a relative caregiver has been expanded. It is expected that this change will have a significant impact on caseworker workload. The partnership has done work with Kevin Campbell, who is doing reviews in five counties related to children who are “stuck” in the foster care system, doing relative searches and seeking out connections for those youth in care.

Catherine has been working with Lynn Travis on the CJA Courts Subcommittee project. A focus of this project is how courts can support relative placements.

Another crossover, between CJA projects and the DHS/OCCF/Casey partnership, is there have been CJA Trauma trainings done in some of the eight Casey counties and others are on the list to receive the training.

Oregon has high foster care placement rates; the last count indicated Oregon is sixth in the nation. We know that foster care results in negative outcomes for children who experience long stays in foster care. DHS is doing statewide work to look at its policies and practices related to-

- How we can do a better job of serving families in their homes before it's necessary for a child to enter foster care, and how can we engage our communities to help us with this effort;
- The dynamics of having courts, attorneys, CASAs, and law enforcement, in addition to DHS, making decisions about placing children in foster care;
- The DHS disproportionate rates of placing Native American and African American children in foster care; and-
- Doing better outreach work with our tribal partners;
-

The five goals of the Casey Partnership are:

- Overall 20% reduction in foster care
- 10% reduction in children entering care
- 10% increase of children exiting care
- 50% higher placement rate with relatives
- Keeping our child re-abuse rate under 6.5%

Question: Will the Safety Model assist with these goals?

Answer: Yes

Question: The Morrison Parent Mentor program has taken an active role in working on the disproportionality study that came out. When will the results of that study be completed?

Answer: The PSU Decision Point Analysis final report was recently released and the Governor's Task Force on Disproportionality is currently working on developing recommendations that will be presented to the Governor, in October.

Action Item: Catherine will send a web link for the DPA report to Michelle for distribution to the CJA Task Force members.

Casey will be doing some specific work with the nine federally recognized tribes, in Oregon. The work will focus on each tribe's specific needs.

Foster Care Subcommittee Report – Phase 3 Projects – Don Darland

Don gave a brief overview of the three phases of the Trauma project.

Trauma Training Project – Phase 3

The training explains the emotional and brain trauma a child experiences, as a result of being removed from their home.

Portland State University will conduct this training in the Casey Partnership counties. On March 3, 2010, Deschutes County received the training.

Jackson, Washington, Tillamook, Malheur, Marion and Multnomah counties will also receive training, in the next few months. PSU is still working with the Coos County community to schedule a training.

PSU has noted that they have received inquiries, nationwide, for information about this training, including the Michigan Supreme Court, and the West Coast Children's Clinic Screening Stabilization and Transition Program and others.

If you would like to view the project, please log on to the Portland State University website: www.ccf.pdx.edu/trauma_project/pgTrauma.php

Shary said there is a new federal law requiring courts to provide age-appropriate consultations with children at their permanency hearing. A number of courts and CASA programs are developing interactive tools to work with children. Polk County has developed a booklet for CASAs to use with children. Marion County is in the process of getting trained on the new computerized Independent Living program assessments; this will help CASAs work with children in that county. Klamath and Josephine Counties are developing brochures. JCIP has funded a number of projects, around the State, to develop a variety of tools to use with children.

FosterClub Publications Project – Phase 3

The FosterClub has developed a teen magazine, and coloring book for younger children. These books will be given to children when they are removed from their homes, to answer questions related to the removal and to help alleviate their trauma. The books are intended to be distributed to caseworkers, courts, foster children, law enforcement, bio parents, parent mentors, etc.

These draft publications were distributed electronically to the CJA Task Force, on March 17, for review and comments. In addition, some subcommittee members will seek comments from foster parents, certification workers and children. Please send your comments to Heather Mowry, by Tuesday April 13.

The FosterClub is developing and funding this project but have been partnering with the CJA Foster Care Subcommittee regarding content. When they are completed, the CJA Foster Care Subcommittee will purchase them from the FosterClub.

Question: How much would the publications cost if a counselor wanted to purchase some of them?

Answer: Contact the FosterClub to find that out.

There will be a web-sharing conference call with the FosterClub, on Tuesday, April 20 from 10:00 to Noon. If you are interested in participating, contact Michelle.

Shary has contacted David Udlock about providing a work session, at the Shoulder to Shoulder conference, about how to use the FosterClub publications with children. Debourah said they encourage their parents to keep a journal with them to make notes about what their child likes, what they did that day, etc. The FosterClub publications would be a good addition to their journal.

Karen Gibbs Presentation - How does DHS respond to sex abuse cases?

Please refer to the Powerpoint handout for detail.

Stacey Ayers introduced Karen who is a DHS child protective services consultant who works in the Portland metropolitan area and covers six child welfare branches. Karen is regarded as an expert in the area of child sex abuse.

Karen presented a brief overview of the Oregon Safety Model and how it intersects with child sex abuse cases. The Safety Model is used to guide caseworkers, throughout the life of a case, when assessing safety threats.

Caseworkers focus on relationships of all family members and others living in the home, not only a perpetrator of abuse and neglect. Workers coordinate their work with community partners; for example, the family's therapist or medical providers, school personnel, etc.

The OSM directs workers to assess the safety threshold:

- how likely is it that abuse or neglect will happen again
- what trauma has the child(ren) experienced
- what dynamics caused the abuse or neglect and what is the likelihood that those dynamics will cause additional abuse and/or neglect

Oregon has adopted 16 safety threats for this Model. They are all about what parents/caregivers are doing to make things safe and healthy for their children.

If a child has been sexually abused (or there is a threat of sex abuse), the child welfare assessment involves evaluating capacity to keep that child

safe from subsequent abuse and/or the threat. The shift for child welfare is not to continue its involvement with families who can and will keep their children safe.

Since March of 2009, DHS has licensed sex offender treatment specialists. They must meet specific criterion before they can be certified. DHS uses these specialists, exclusively. It's helpful in court to have evidence from someone who we believe to be professional and competent in their work.

Strategic Planning for Children's Safety Subcommittee – Phase 3 Project – Shary Mason

Substance Abuse Summits Project

The subcommittee is currently working on its Phase 3 project. Shary gave a brief overview of the original projects, up to the current project.

The upcoming safety summits will be held in Klamath (April 15th), Hood River, Curry, Baker and Polk counties. Polk County was unable to develop a summit, at this time, so Clatsop and Jefferson counties were contacted. Unfortunately, Clatsop and Jefferson were also unable to participate. Stacey said PSU is currently working with Tillamook and Columbia to see if one of those counties would be interested in planning a summit.

The planning process for these summits will include MDTs, as they are essential and haven't been part of previous summits.

PSU has submitted their first report for this project. Shary and Heather will be following up with PSU about:

- obtaining letters of support from MDTs
- maintaining a focus on substance abuse as it is related to abuse and neglect
- having Jay Wurscher or Eric Martin review the summit curriculum

Children with Disabilities Subcommittee – Phase 3 Project – Margaret Semple

Margaret gave a brief history of projects this subcommittee has completed. Phase 1 and 2 were focused on training, for first-responders, to enhance their skills when interviewing children with developmental or other disabilities. The last phase of the project is a contract with Scott Modell to present three, two-day trainings about how to interview children with disabilities. This will be a multi-disciplinary training focused on reducing the trauma for children, at the time they are removed from their home. Day 1 will be a session open to multi-disciplines; Day 2 is limited to child protective services, law enforcement, and child abuse assessment and advocacy center staff.

The training dates and locations are:

Salem DPSST- June 10 & 11

La Grande Blue Mountain Conference Center- June 14 & 15

Medford Rogue Regency- June 23 & 24

Staff are working on a Flyer that will be sent to key contacts for distribution within their discipline. Following are those contacts-

Assessment Centers-Tonia Hunt

CPS- Stacey Ayers

Mental Health- Matthew Pearl

Courts- Shary Mason

District Attorneys- Carrie Rasmussen

Law Enforcement- Suzy Isham

Attorneys who represent children- Ingrid Swenson

DHS Office of Investigations and Training- Margaret Semple

OYA- Monica Moran

The Flyer will also be posted on the CJA website.

There was brief conversation about the possibility of video taping one of Scott's Day 1 presentations. This would need to be discussed with Scott and researched to obtain cost.

At the January 8, 2010 meeting, the CJA Task Force approved \$3,900 (from the 10/1/08 award) to be used for travel scholarships, for the Modell trainings, but funds were not allocated for site costs.

Does the subcommittee want to award travel scholarships for only those who attend two days of training or for anyone who attends?

Don made a motion to use “up to” \$20,000 from the original Karly’s Law project allocation for travel scholarships, for the Modell trainings; this would be for folks who attend one and/or two days of training. Carrie seconded the motion. There was consensus to pay for lodging only. Also see information below regarding voting under “**Review 2009-12 Statewide Survey Data**”.

Registration for the Modell training will be through the DHS Learning Center. For the Salem training – ONLY – law enforcement will register with DPSST.

Possible Slots by Training Location:

Salem:	Day 1-150	Day 2-40
Blue Mountain Conference Center:	Day 1-150	Day 2-50
Medford Rogue Regency:	Day 1-125	Day 2-50

The Task Force members discussed who they thought should be invited to the Modell training. Following is the breakdown-

Day 1 CPS, CACs, law enforcement, courts, DD community (OIT), mental health, CRBs, CASAs, foster parents and OYA.

Day 2 CPS, CACs, law enforcement and DD community (OIT)

There was agreement that the final decisions about invitations and slots would be left to the subcommittee members and staff.

Margaret announced that Nora Baladarian has received a pilot grant to do a similar training in Oregon. She plans to present in Portland on June 23 and 24.

Courts Subcommittee – Phase 1 Project – Shary Mason

The subcommittee decided to focus on Recommendation #1, for its Phase 1 project, which is to “Support identification of best practices in dependency courts for timely identification and placement with relatives”.

The Phase 1 project will be contracting with Lynn Travis to:

- Compile extensive review of kinship care literature, policies and best practices for court involved children requiring foster care;
- Review and evaluate Oregon data concerning relative placement rates for children in foster care; discussions with DHS and OJD staff regarding data availability in current systems; this will include file reviews and in-person interviews.
- develop and disseminate a survey to Oregon juvenile court judges and key stakeholders concerning local efforts to place foster children with relative caregivers; and-
- present findings of the above tasks to the subcommittee and full CJA Task Force

An email was sent to the judges in the chosen counties notifying them about the activities Lynn will be engaged in. Lynn has developed a confidentiality statement that will be given to the courts to allow her access to court information.

Lynn proposed focusing on two counties with small populations (Baker and Polk), two with medium populations (Coos and Yamhill) and two with large populations (Marion and Washington). Then, they will look at counties with the smallest number of children in relative foster care – in each subgroup – and counties with the highest number.

The subcommittee met with Lynn to review the surveys. Lynn will make suggested revisions and submit the surveys to back to the subcommittee.

Carrie worked with Lynn Travis to distribute the survey to district attorneys, on Wednesday January 6. The survey included language asking the DAs to identify who the most appropriate deputy is to complete the survey; i.e., who does the dependency work. Carrie will follow up on Monday with Lynn.

The sample court cases that Lynn will review will look at the age of the child, date of petition, and for each hearing within the last year whether relatives were present, whether there were court findings about placement with relatives or not, whether there were court findings about DHS' effort to search for relatives, and whether there were court findings about children placed with siblings or not.

There will be a CRB data collection in the months of April and May, for all cases that the CRB looks at. The focus will be whether relatives were present, whether the child was placed with relatives, whether the child was placed with someone he/she knew before DHS involvement, and what were DHS' efforts regarding identifying relatives between the last court hearing and the review, even if the child was placed with relatives.

Lynn will be able to pair the information she learns, by working with Catherine Stelzer around the Casey project, with this project.

Jenna Krichbaum-law student will be assisting Lynn with this project. Jenna will be conducting the national review of statutory and practice strategies.

Question: Jan asked if we are looking at court practices that affect relative placement, how does comparing two different offices in the same county (Washington) get you to court practices.

Answer: Shary said by reviewing the court files they could see differences in how courts look at cases and make decisions.

Action Item: Jan will talk to Lynn Travis for clarification.

Ninth Circuit Court Ruling / Green vs Camreta – Stacey Ayers

Please refer to the Powerpoint handout.

Stacey gave a presentation of the Green v Camreta case out of the Ninth Circuit Court (2003).

This case is a lawsuit out of Oregon. It presents some challenges to long-standing investigative techniques and protocols. We probably won't know the full implications of this case for several years; but, at this time, we are bound by the decision of the court.

Main Points of Discussion

- Because Oregon's statutes are intermingled, it is difficult to determine who is responsible for which role.

- One of the struggles is how our caseworkers and law enforcement officers can effectively do their jobs without the potential of being sued.
- School systems and law enforcement have unique interpretations about this case which has resulted in many different processes for interviewing children, depending on where you are.
- In any interview, it is important to define the roles of individuals who will be present.
- It is also important to provide a comfortable, confidential and safe environment for the child.
- The child should be told that they may choose whether to answer questions. The environment should not be coercive. Age of the child should be considered.
- Oregon Interviewing Guidelines:
<http://www.doj.state.or.us/crimev/pdf/orinterviewingguide.pdf>
- Difference between exigency to preserve tangible evidence and exigency to prevent immediate harm to a person. Decisions need to be made as soon as possible, or immediately, depending on the circumstance.
- Based on the court's decision in this case, DHS modified the CPS assessment Oregon Administrative Rule.
- Documentation is critical: dialogue, behaviors, environment. If possible, have someone present, during the interview, who is responsible for the documentation.
- Law enforcement and child welfare do not have the same authority regarding moving a child to a different location for an interview.
- Inform/obtain consent from the parent (for the interview) as soon as possible and/or when it's appropriate. Engage parents.
- DHS received between 65,000 and 70,000 calls of abuse last year. Workers went out on less than ½ of those calls; less than ½ of those were founded for abuse.
- Protecting someone's constitutional rights to be a parent vs protecting a child's constitutional rights from being abused.

OSM Subcommittee – Phase 1 Project – Stacey Ayers

The OSM Subcommittee received a request from Oregon District Attorney's Association to provide funding for their upcoming conference. Our subcommittee will partner to provide suggestions for the agenda and training content.

The OSM Subcommittee electronic vote was unanimous to fund the Juvenile Dependency for State's Attorneys conference on June 3 – 4, 2010, in the amount of \$7,000 for 75 attendees.

The Task Force members discussed Carolyn Norris' proposal.

Don Darland made a motion to fund the conference at a maximum of \$7,000 depending on the number of attendees. Carrie Rasmussen seconded the motion.

Legal Issues Work Group Update – Jan Slick

At the last meeting, Jan and Stacey developed a Plan with Shary that involves the CPS and FBS Program Consultants meeting with local Model Court Teams to discuss the implications of the Oregon Safety Model for juvenile court practices.

Action Item: Shary will contact local teams to determine which teams are interested in the consultation and will then schedule it, as needed.

Budget Report – Shary Mason

Please refer to the handout. There was no discussion

Review 2009-12 Statewide Survey Data

Question: Should we form a new subcommittee?

Shary named the following possible topics for a new project(s)

- Culturally competent protocols
- Engaging and supporting parents
- Investigation challenges: mandatory reporters under-reporting
- Prosecution challenges: improve response to children with disabilities and children of color and increase the number of children who are prepared to testify

- Fund more scholarships for Scott Modell training
- Shoulder to Shoulder funding
- Comprehensiveness of OSM assessments
- Work with teen parents
- Child fatality trends

Don Darland made a motion to:

- Use \$20,000 of the Karly's Law Subcommittee allocation for travel scholarships for the Scott Modell trainings during 2010; and,
- Use \$5,000 of the Karly's Law Subcommittee allocation for the 2010 Shoulder to Shoulder conference

David Cummings seconded the motion and it was approved unanimously.

The meeting adjourned at 2:30 pm