



**FINAL**

DHS Children, Adults and Families  
Child Welfare Advisory Committee  
**Future Issues Work Group**  
April 9, 2008

Attending: Janet Arenz, Mike Balter, Benjamin Hazelton, Mickey Serice, Angela Sherbo, Judy Stiegler

Minutes recorded by Pam Pearson

## **APPROVAL OF MINUTES**

The minutes of the February 6 and February 13, 2008, FIWG meetings were approved.

## **HOW DHS CAN BEST ENGAGE CWAC**

- Arenz: CWAC does not have to work under the same timelines and parameters as DHS. The department has requirements and deadlines put on them to which they must respond. CWAC has a choice to respond, not respond, or to respond within a narrowed parameter. She saw the sacrifice of time other members made in order to participate in the recent opportunities to respond to the policy option packages (POPs) and Child and Family Services Review Program Improvement Plan (CFSR-PIP). Wants to see if there is a way to reshape how CWAC responds under short timelines to make it possible to have meaningful input and is more than a process in which DHS checks off the box that it got CWAC input. Also made a suggestion that FIWG meetings be two rather than three hours.
- Serice: For the PIP, the timeline includes Kathy Ledesma coming to CWAC with an update on where the PIP is so that CWAC can decide if the update is shared for information only, if the committee wants to participate as an advisory committee or each member individually.
- Stiegler: It was not presented in that manner to CWAC. When work on the PIP began, we were told there would be work groups and CWAC members could participate in them. There is a difference between members optionally participating in work groups and members participating to report back to CWAC to get input from CWAC as a committee. We need a way to structure how DHS seeks feedback from CWAC as a committee. We knew the PIP was coming in October 2007, but DHS did not state what it wanted from CWAC – if they wanted a CWAC view of the PIP. The committee also needs to do a better job in asking what its role is when it gets requests from DHS.

Administrative Rule Process

NOTE: The discussion temporarily moved away from how DHS can best engage CWAC to the administrative rule process.

- Arenz: The administrative rule process includes sending draft rules to CWAC members via email. A check box on a cover sheet on a recent draft rule indicated that if the draft rule was sent to CWAC, a work group on the draft rule was not required. When the agency sends draft rules to the CWAC email group, it feels it has met the requirement of seeking CWAC input. However, the draft rule was never a CWAC agenda item, which means CWAC did not have an opportunity to comment as a committee. The purpose of a work group is to look at rules and comment on them. DHS is saying a work group is not needed if the draft rules were emailed to CWAC members.
- Serice: When rolling out new rules, they are posted in order to meet Secretary of State requirements. DHS made a decision at one point to also send them to the related advisory committee(s).
- Arenz: In addition to her above concerns, the cover email with draft rules does not say what the rule is about. The rule must be opened and read. Asked who decides if CWAC needs to discuss the rules: the committee chair or individual members?
- Stiegler: That is not the chair's role. How administrative rules are made is a process outside CWAC's realm. Sometimes a state agency will convene a work group to make recommendations about rules.
- Arenz: Will send Mickey and Judy a copy of the cover page with the check box she is concerned about. Her specific concern is that it says DHS is not required to form a work group when the rule is emailed to CWAC members.
- Stiegler: Rules have the force of law, but have a looser process in which they are created. Agrees with Janet's concerns, if a checked box connotes advice has been given.
- Arenz: Clarified that her concern is that CWAC is assumed to be the work group and no other work group is needed.
- Stiegler: As Mickey said, a decision was made that CWAC and the Family Services Review Commission would be sent the rules for comment.
- Arenz: However, it is going to CWAC as individual members, not as a committee.
- Serice: Returned from having stepped out to talk with CAF rules coordinator, Annette Tesch. Rules get buy-off from DHS/CAF Policy Council and are reviewed by Dept. of Justice. She is not aware of anything that may be misleading and would like to see the page Janet is referring to.

**ACTION: Janet Arenz will provide Judy Stiegler, Mickey Serice and Annette Tesch with a copy of the page of the draft rules containing a check box that indicates no work group on the draft rule is required if the draft rule was distributed to CWAC.**

Returned to discussion on how to engage CWAC

- Stiegler: Regarding Janet's suggestion that FIWG meetings be reduced to two hours, we would have to be very disciplined in order to get our work done in two hours.
- Arenz: Admitted that the above discussion on administrative rules was not on today's agenda and is an example of her lack of such discipline.
- Balter: Length of meeting time is generated by the agenda, not vice versa. We may need to regroup the FIWG based on today's attendance.
- Stiegler: Returning to the PIP discussion, the first presentation by staff to CWAC was along the lines of what would be happening and that work groups would be meeting. It did not include an inquiry from CWAC to DHS asking what the department wanted CWAC to do. It did not include DHS explaining what was wanted from CWAC. It did include an invitation for CWAC members to attend the work group meetings. CWAC has tried to become a true advisory committee in the past two years – to advise on emerging issues and topics of importance. Asked Mike what he means by needing to regroup.
- Balter: CWAC made some progress when advising on the POPs. Had a sense that we had defined a method to give productive input in a short turnaround. The experience with the PIP, however, was damaging. It did not enhance our relationship with division staff. Before we blunder forward we should step back and reflect. We came into the work on the PIP with good spirit and energy, but hit a cliff. Asked for Mickey's reflections on how it went.
- Serice: Appreciates Mike's comments. His observation was that the CWAC meeting on March 25 turned out different, substance-wise. We initially thought CWAC would comment on the strategies in each domain. Timelines were very short to get the draft submitted to the feds and he did not have time to reflect with Kathy Ledesma.
- Stiegler: Commended Benjamin because his comments on the PIP were exactly what the committee had been asked to do.
- Hazelton: Not sure he can call our response to the POPs a success. For example, there were some comments on the POPs that included a coalition of

other members and, as a result, certain POPs were given a higher priority by CWAC. However, he does agree it went better than the PIP.

- Stiegler: When our input is solicited, we need to be more disciplined, especially for short-term responses. We meet only every other month and we are not seeking to meet more often. We need a methodology to handle issues that cannot be addressed within the timeframes of our regular meeting schedule.
- Arenz: That may include times when we need to say that we are not able to respond. If there is an assumption that sending something to CWAC has given the issue the appropriate level of debate and engagement, we need to give ourselves permission to say sometimes that we are not able to comment within the available timelines.
- Stiegler: Is that what we do or do we find a way to make it work? The direct solicitation for input from CWAC on the POPs arose from CWAC being vocal about wanting to be involved. There can be more discipline. We do not always need face-to-face meetings. A smaller group can prepare something for the full CWAC to review. Having only six meetings a year does not let us comment on some critical things other than at a very high level.
- Arenz: Do we want to handle these requests for input by developing three primary key elements as we did on the POPs? Suggested developing a template. Using a smaller group of CWAC members is OK if CWAC gives them authority. What would their authority be? Would it be to develop a recommendation to bring to the full CWAC? Suggested FIWG make a recommendation to CWAC on how to respond to critical issues and create a template for how to engage the full CWAC.
- Balter: We can't be driven to an agreement we are not ready to make. There has to be a series of questions if CWAC is the right group to give short-term responses. We all agree we want the same outcome, but a template may not be the answer.
- Stiegler: FIWG cannot set a policy to cover every eventuality. During the March 25 CWAC meeting, Nancy Keeling realized there is an assumption by staff that when something is sent via email to the CWAC email group, the department has communicated to CWAC; however, in reality it is sent to individual members and there is no CWAC dialogue. Both the department and CWAC have responsibilities as issues arise in how they are handled. Sometimes it may be that DHS only wants to let CWAC members know there is an opportunity to participate as individuals. At other times, DHS may want the CWAC committee stamp of approval.

- Serice: Nancy Keeling's comments were on target. For example, we recently used the CWAC email list to announce upcoming budget forums. We do not expect members to attend them as CWAC members, but rather hope they will share the notices with their constituents and attend the forums as individuals. DHS needs to think about what we want from CWAC when we send things out. If we want CWAC input as a committee, then we need to get it on a CWAC agenda and not simply send it via email group.
- Hazelton: We need to both: Manage issues that need quick responses and avoid getting into those situations. Suggested DHS lay out their horizon short and long term so that CWAC can build its agendas accordingly.
- Balter: What does the customer want? We are an advisory body. He did not sign up as a dissemination point. Is disseminating information a reasonable expectation? Probably, but if that is the expectation, it needs to be clearly explained, including how far members should disseminate. Our advisory role needs to be kept to advice on policy and not management oversight. We need to be clear on what DHS wants and what CWAC is capable of delivering.
- Arenz: Our bylaws, operating procedures and principles should be used to guide us when there is not enough time for a committee response so that individual member responses can be submitted. Our recommendations should be aligned with our principles document.
- Stiegler: Does not want our advice to always come from a 30,000 foot view. Is there a way within the confines of what we set for ourselves that we can respond to short-term, specific issues? It is good to have a filter to sift the issues, but a mechanism to process them is also needed. Sometimes the process within our meeting schedules works, but not always. We may sometimes have to say that we are unable to give quality input within the timelines available. However, she is not willing to say that we can only give the high level advice.
- Arenz: Each opportunity will need a decision on whether or not we can respond. If CWAC cannot respond as a committee, then a letter signed by Judy would not be written. We should use our operating procedures and principles to make that decision.
- Hazelton: Regarding the 30,000 foot level and the need for clarity from DHS on what the agency wants from CWAC: As an advisor to DHS, he can point out concerns about the policy, practice and procedures and how they affect his branch of government and affiliated people and he can point out promising practices, but it is not his role to bully the division into a specific practice. DHS Child Welfare needs to have the authority to develop its practice. The judicial

branch does not make policy and practice that is not its own. As CWAC we float at the high level and dip down occasionally.

- Arenz: Views herself as a filter for the Alliance members and can facilitate their points of view to CWAC. Each member will have his/her own set of expectations.
- Stiegler: How each member disseminates information to others is an individual decision. Members have different expectations of their roles. There are still times in our discussions when members promote their individual agendas. We are trying to get away from that. Recommendations from CWAC have to be consensus. They are not to be used as a venue to get individual agendas out.
- Balter: We all agree that advice is not binding; it is advice. DHS has a responsibility to respond to the advice. But if we want to give quality advice, we have to manage the process in which the advice is sought. We cannot hold DHS accountable to our advice. We have only certain tools; time being one of them. He is more interested in giving long-term advice that will help with his role as advocate. As for policy issues, we can handle only one or two at a time. Short-term advice may be a role for task forces with CWAC used as a resource from which to draw membership.
- Arenz: Excused herself from the meeting at this time due to another commitment.
- Serice: It is not an expectation that members disseminate information further.
- Balter: Janet is able to use her CWAC membership to get a heads-up and early alert on issues that she can relay to the Alliance members. Is that a benefit of being on CWAC?
- Stiegler: That aspect is not equal for all members. Some have smaller constituencies.
- Balter: There is confusion about what to do with the information we get. The information is public and can be shared. Would it be reasonable to expect members to let others know what is happening?
- Serice: Would the dynamic change if only one DHS representative was at the table during CWAC meetings? Is the dynamic changed because of the number of DHS people there? DHS advisory groups all operate differently. Some have select DHS people invited for limited amounts of time. Some have executive sessions not open to agency staff.
- Balter: Feels like when he speaks at a CWAC meeting, he has given advice because of the number of DHS people present.
- Stiegler: We would have a hard time holding executive sessions because we are an advisory body to a public entity.

- Balter: Those other advisory bodies have clear roles for staff and are citizen driven.
- Stiegler: The benefit of having DHS staff there that are familiar with the issues is a more productive interchange.
- Serice: Major changes can be too big to occur in one or two years. We need to be able to look at the POPs that don't make it this time and dust them off later. Thinking in such terms might help.
- Balter: Some people like to work at the detail level and other at the high level. We can't get into the detail level for long-term issues, but can see if there is an emerging practice and get a feel for where it might fit in.
- Stiegler: The short-term issues and topics include those that DHS asks for input on or comes to CWAC as a resource pool to get participation in a task force.
- Balter: When we are asked to give advice, we need DHS to give us their five-year plan on the issue so that our advice comes from reflection on where the department is headed. Gets us out of the political role and into the advisory role. Asked if there was a way Mickey Serice can help frame what is the most important value CWAC can bring to deliberations. Some members see it as a political environment in which to sway opinions. We need to extinguish that expectation or it will continue.
- Stiegler: Our best work comes when it is a deliberative process. Deliberation can occur in a compressed timeframe, but we have not mastered that yet.
- Balter: Narrowing the questions on which DHS wants advice can help. We did well when Bruce Goldberg asked us specific questions. Anticipating what is coming up can also help.
- Serice: Because Bruce committed to being director for at least five years, a long-term vision is possible. Bringing back POPs that don't move forward this time is possible. If individual members want to influence opinions, there are ways to do that outside CWAC.
- Balter: An orientation is needed on the rhythms of the agency in budget and legislative planning cycles. Then we need to know the top issues DHS wants advice on, such as keeping kids out of foster care and keeping them safe. The PIP fits into those two issues.
- Hazelton: The PIP strategies are designed to have an immediate effect (in two years) and overall shift (within five years): Small biennial steps that mean something in five years.
- Serice: Mentioned an issue on his front burner: DHS has more than 60 initiatives. Would like CWAC help to prioritize and sort them.

- Balter: We could help to cluster them as short-term/long-term. A facilitator would be needed or we could use FIWG to prepare something for CWAC in advance. The PIP is very complicated and constrained within federal requirements. An orientation of the constraints would help. Referred to using the “Logic Model” to help all voices to be heard.
- Serice: Excused himself from the meeting at this time due to another commitment.
- Hazelton: One of the challenges was that the feds had approved a draft PIP that had missing goals.
- Balter: Regarding the orientation, he suggested Judy and Mickey talk with Bryan Johnston to get some alignment of what is on the horizon. The orientation would recall our role and the tools that have been developed, clarifying we are not a legislative body but an advice giving body.
- Hazelton: Would like to prepare a recommendation for CWAC to consider that requires when something is sent to CWAC, the sender determine if it is something for CWAC as a committee or for members individually.
- Stiegler: And when the purpose is for advice as a committee, we should establish a process on the timeline needed to get it to the full committee.
- Balter: We need to know the rhythms of the agency to help avoid creating a crisis deadline for response. That is a department leadership issue. Planning CWAC agendas into the future based on these rhythms can help. As for Janet Arenz’s issue of having a template or process expectations for compressed timelines, that can be managed by planning so the issue does not become a crisis and developing tools to handle it if it does become a crisis.
- Stiegler: FIWG can develop the tools at its next meeting

- ACTION:**
- **Judy Stiegler will share the concerns raised in the above discussion with Bryan Johnston. She will request that Bryan and Mickey provide CWAC with the agency’s budget and legislative rhythms to aid in future CWAC agenda planning.**
  - **When preparing FIWG agendas, Judy Stiegler will consider if the agenda can be accomplished in two hours or if three hours are needed.**
  - **When DHS staff ask Pam Pearson to distribute something to CWAC:**

- ✓ **They will be asked to determine for what purpose it is being distributed: 1) FYI / read and share as each member wishes, 2) For a future CWAC agenda item, or 3) Invitation for individual response.**
  - ✓ **Judy Stiegler will draft a brief description of #1-#3 above that FIWG will review before going to CWAC for discussion and action during the 5/14/08 meeting.**
- **The 6/11/08 FIWG agenda will include time to develop tools for handling crisis requests for CWAC input.**

## **FRAME ISSUES FOR 5/14/08 CWAC MEETING**

### Medication Management

DHS has requested CWAC participation in the Child Welfare Psychotropic Medication Advisory Committee and the Child Welfare Behavioral Health Review Team.

- Sherbo: Joined the meeting at this time. The recommendations from the DHS Psychotropic Medication Management Workgroup include a third request for CWAC. In its recommendation to “develop policies and procedures to ensure that...every child in foster care has a comprehensive plan for care, a comprehensive mental health assessment and consultation by a child and adolescent psychiatrist,” the DHS response was that the recommendation “may be forwarded to CWAC for discussion and establishment of committee.”
- Stiegler: We need clarification on what is being asked of CWAC. Are these two work groups to be subgroups of CWAC, are their recommendations going to come to CWAC for review and comment, or does DHS have something else in mind?
- Hazelton: Would like to know if the work groups are already established
- Sherbo: This is too small and too complicated an issue for CWAC. Suggested the work groups have a seat open for any CWAC member who wishes to participate.
- Balter: CWAC is not a decision maker in this issue. We need to know if DHS wants to use CWAC as a resource pool for names of people to participate in the work groups or if DHS wants a CWAC recommendation on the end products of the work groups. We have to consider our ability to take on short and long-

term issues. This may be one in which DHS gets input from individual CWAC members, but not recommendations from the committee as a whole.

- ACTION:**
- **This issue will be given 15 minutes on the May 14 CWAC agenda.**
  - **Pam Pearson and Mickey Serice will get clarification on what is requested of CWAC in the recommendations of the DHS Psychotropic Medication Management Workgroup. [Note: request sent to Teri Schultz and Kevin George on 4/11/08]**

### CFSR – PIP

Kathy Ledesma has requested time on the CWAC agendas for May, July and September 2008. See box below for text of request:

**From:** Kathy LEDESMA  
**To:** Stiegler, Judy  
**Date:** 4/2/2008 6:51:10 PM

**CC:** JOHNSTON, Bryan M; KEELING, Nancy; LONG, Angela; NEELY, James; PEARSON, Pamela J; PETERSON, Toni; SERICE, Michael Hi Judy,

I'm writing to request time on the CWAC agenda for each of your regular meetings from at least May through September 2008, to continue our dialogue with you regarding the PIP.

We appreciated the feedback that CWAC was able to provide us on March 25 on the PIP draft that we sent you prior to your regular meeting on March 12 and subsequent documents that we sent you on March 14. Even though your feedback as a committee was limited, it was valuable and helpful.

Based on our conversation yesterday with Region X, the draft PIP that we submit on April 7 will fulfill the federal requirements for a timely-submitted Program Improvement Plan. The feds concur with us, however, that Oregon's PIP remains very much a work-in-progress that will undoubtedly require a number of months of redrafting and negotiation. We expect to receive written comments no later than April 18 from Region X on our April 7 submission and can share them with you upon receipt in a form that you deem appropriate. We anticipate that the next draft of the PIP will be due sometime around the end of May. We will continue with drafts and negotiations with Region X until we agree upon an acceptable and doable PIP. We would very much to involve CWAC as a committee in the continued shaping of the PIP.

Thank you so much for your leadership on this, Judy, and for your efforts to rally the CWAC "troops." I sincerely hope that we can learn from this experience and agree on a more suitable way for us to approach CWAC as an advisory committee and encourage your active participation in these larger-than-life initiatives. I look forward to your response to our request to be a regular on the CWAC agenda for at least the next five months.

Kathy

- **Sherbo:** Would appreciate receiving any PIP information in advance as much as possible so that the time during the CWAC meeting can be spent for comments rather than for information and explanation.
- **Pearson:** The draft agenda has only 15 minutes for this topic.

- Balter: Will it be for an update or will Kathy want input from CWAC?
- Hazelton: If the intent is to expand community involvement, then DHS needs to make it clear that we should share it with our constituencies.
- Stiegler: Kathy will need to clarify the purpose of ongoing presentations – if it is to seek continual engagement or something else.
- Balter: We can probably get broader stakeholder involvement, but might not be able to get sign off by an advisory body on the PIP. Kathy Ledesma and Bryan Johnston will need to decide what they want.
- Sherbo: Can't we agree that it is unlikely we can reach consensus on a document as large and complicated as the PIP?
- Stiegler: We need clarification on the purpose of this continued engagement with CWAC on the PIP. If it is to broaden stakeholder input, that we can do. If it is to get CWAC sign off, we need to ask CWAC if that is realistically possible. That can be part of the May 14 discussion.
- Balter: And part of the orientation mentioned earlier today.
- Sherbo: You don't have to have been part of the experience on March 25 to know CWAC can't reach consensus on a document that has multiple policies in it. Agrees to asking CWAC to vote on the decision that consensus is not possible.
- Balter: It is also an issue of capacity on what work we can do.
- Stiegler: This leads us to the discipline to filter issues in or out that meet our threshold.

- ACTION:**
- **This issue will be given 15 minutes on the May 14 CWAC agenda.**
  - **Kathy Ledesma will be asked to provide clarification on the purpose of this continued engagement with CWAC on the PIP: To broaden stakeholder input or to get CWAC sign off.**
  - **If CWAC sign off is requested, CWAC will be asked to decide if it is a consensus recommendation on the PIP is possible.**

#### Agency Initiatives

- Hazelton: Mickey's request earlier today to group or prioritize a list of initiatives is timely. Members would need to do their own presort in advance, using our principles document to determine which initiatives to keep and which can be tabled.

- Stiegler: That request from Mickey was spontaneous and we need to know what Bryan Johnston wants first.
- Sherbo: It is a rough list and a mixture on ongoing and short-term initiatives.
- Hazelton: We could at least look at it as individual members to see if there are some that appear to be addressing the same issues and could be combined.
- Stiegler: When she meets with Bryan later this month, she will ask if sorting or prioritizing by CWAC would be beneficial. If so, we will add it to his assistant director's report time to make the request to CWAC and give us instructions.
- Balter: Rather than starting with the raw list of initiatives, would ask that staff take a rough cut to put them into categories, showing how they fit in with safety, permanency and well-being, so that we have something to react to and can see how management is thinking.
- Sherbo: Would not want to wait for the staff rough cut before receiving the raw list.
- Balter: DHS could send the raw list saying staff will take a first cut in time for the 5/14/08 CWAC meeting. He is more interested in knowing how DHS is thinking and why they would select certain initiatives. Suggested Judy ask Bryan for the top five issues he needs CWAC advice on because the list of issues continues to grow.

**Action: Judy Stiegler will ask Bryan Johnston if sorting or prioritizing of initiatives by CWAC would be beneficial. If yes:**

- ✓ **Mickey Serice will be asked to provide an initial rough cut to put them into categories, to show how they align with safety, permanency and well-being,**
- ✓ **Time will be noted on the 5/14/08 agenda within the assistant director's report to explain what is asked of CWAC**

**Judy will ask Bryan Johnston for his top five issues on which he needs CWAC advice.**

Meeting adjourned.