



FINAL

DHS Children, Adults and Families
Child Welfare Advisory Committee
May 10, 2006

Members

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| <input type="checkbox"/> Dana Ainam | <input checked="" type="checkbox"/> Ken Benson for Don Darland | <input type="checkbox"/> Phil Lemman | <input type="checkbox"/> Doug Poppen | <input checked="" type="checkbox"/> Judy Stiegler |
| <input checked="" type="checkbox"/> Janet Arenz | <input checked="" type="checkbox"/> Sara Gelser | <input checked="" type="checkbox"/> Ben Hazelton for Nancy Miller | <input checked="" type="checkbox"/> Angela Sherbo | <input checked="" type="checkbox"/> Ruth Taylor |
| <input checked="" type="checkbox"/> Mike Balter | <input checked="" type="checkbox"/> Carol Wire for Mickey Lansing | <input checked="" type="checkbox"/> Tracy Neely | <input checked="" type="checkbox"/> Becky Smith by phone | <input checked="" type="checkbox"/> Nan Waller |
| <input checked="" type="checkbox"/> Leslie Currin | <input type="checkbox"/> Jean Lasater | <input checked="" type="checkbox"/> Pam Patton | <input checked="" type="checkbox"/> Christine Stetzer | |
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DHS Staff

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| <input checked="" type="checkbox"/> Ramona Foley | <input type="checkbox"/> Jim Neely | <input type="checkbox"/> Toni Peterson | <input checked="" type="checkbox"/> Patricia Feeny |
| <input checked="" type="checkbox"/> Mickey Serice | <input checked="" type="checkbox"/> Nancy Keeling | <input type="checkbox"/> Madeline Olson | <input checked="" type="checkbox"/> Debbi Kraus-Dorn |

Guests: Linda Guss - AAG, Kamala Shugar – AAG, Michelle Cole – *The Oregonian*, Pamella Anderson – citizen

Minutes Recorded By Pam Pearson

REVIEW OF AGENDA AND VOTES TAKEN

The minutes of the 2/8/06 Teens Subcommittee and 2/22/06 Future Issues Work Group were presented.

Judy Stiegler reviewed today’s agenda. We are tightening the meeting process to focus on substantive conversations. The previous attempts to vote by email were unsuccessful because they did not meet the quorum requirements. Future email votes will be clearly labeled in the subject line. Voting by email will free up meeting time.

We are offering the 8:30-9:00 time for networking to reduce the use of meeting time for that purpose.

- March 8, 2006 Minutes: Approved with one amendment: Page 3: The Rosales decision [was reversed](#), which closed the loophole that allowed Oregon to make more children eligible for Title IV-E, effective retroactively to 10/1/2005.
- Operating Procedures: Approved.
- Teens Subcommittee Report and Recommendations: Approved.

- Committee membership: Ruth Taylor suggested there be a consumer parent member on the committee. She will provide a name to Ramona Foley. Ramona also noted that a law enforcement representative is needed. Pam Patton said Pamela Butler is planning to return to CWAC. Pam Patton will tell her that though she is no longer a member, she is welcome to attend.

ACTION: Ruth Taylor will help CWAC locate a consumer parent member.

SB 818

- Stiegler: We can use SB 818 as an opportunity to be more proactive. The first step is to determine which sections of the bill warrant more study by CWAC. Because some members are not familiar with the bill, Angela Sherbo prepared a section-by-section synopsis.
- Sherbo: Rep. Dalto thinks of SB 818 as a CPS bill, but it includes other subjects. Suggested looking at the CPS sections first. One of her overriding concerns is how broad the bill is.
- Arenz: Her notes from the 3/8/06 CWAC meeting and the 3/24/06 House Interim Task Force on Child Welfare hearing show that Rep. Dalto intends to bring back the concepts in SB 818 next legislative session. The Interim Task Force will hold another hearing in June or July. They will move their legislative concepts forward during a work session in September.
- Gelser: Confirmed Janet's outline of the Task Force's schedule.
- Stiegler: This provides CWAC an opportunity to express concerns about the concepts in SB 818 that warrant input.
- Waller: Asked what parts of the bill are changes from current practice.
- Serice: Some concepts fit into existing CPS rule or practice. We have concerns about some and not others. The concepts themselves are good. Help is needed from attorneys to explain unintended consequences in the language as the bill is currently written.

Section-By-Section Discussion

Section 5

- Waller: Section 5 has its own definition of child protective services. Concerned that the definition may be used more broadly.

- Guss: It is possible this definition came from administrative rule. She will need to verify if it came from current CPS rules.
- Foley: Her understanding is that Rep. Dalto was focusing on a smaller definition of CPS for this section of the bill only. He may have a specific definition for foster care in his legislative concepts on that topic next session. The concept of working cooperatively with law enforcement came out of visits Representatives Dalto, Greenlick and Farr had to the CPS Hotline and local child welfare offices. They seek a standard of performance for workers and law enforcement. We do not oppose because we do work strongly with law enforcement. There is variation across the state in how this cooperation occurs.
- Serice: 5(3)(b) states DHS “shall designate a person at each local department office who shall be the contact for law enforcement in child protective services cases.” We do have a single point of contact, but not a single person.
- Foley: 5(3)(c) is of concern in terms of labor contract expectations. It regards weekend coverage and reinforces the need to have a DHS worker on call.
- Keeling: Each office has some type of weekend on-call coverage, whether it be to call the police, an on-call staff, or something in between.

Section 6

- Foley: This section concerns multidisciplinary teams (MDTs) and when law enforcement needs to be present during initial contact between DHS and a parent or guardian. In best practice this contact is made jointly with law enforcement. It is a resource issue for law enforcement. This concept may come back through Rep. Dalto’s Task Force or by Rep. Krieger.
- Sherbo: Section 9 describes when law enforcement should be present. Neither section 6 nor 9 are specific to removal of the child. Section 6 describes the when and where, but not how it should be done.
- Stetzer: Section 6 lists the makeup of MDTs. Current statutory language includes school officials, yet many don’t have them in attendance. What is the force to make sure schools are represented? Another concern is that many counties have multiple schools and school districts. One school official cannot personally know each child being discussed in the MDTs.
- Shugar: The district attorney runs the MDTs. Suggested Christine discuss these concerns with the local DA office.

Section 7

No issues of concern.

Section 8

- Sherbo: Amends the juvenile code, adding a preference to place sibling groups in the same home. She personally supports this concept.
- Serice: Though the intent is not about placing children with adult siblings, there may be language issues in the bill that result in an unintentional consequence that impacts such placements.
- Sherbo: The language is not the best, but it has a good intent.
- Waller: This section addresses the current practice of placing an infant in a medical foster home and the infant's siblings in regular foster care.
- Keeling: That practice is unique to Multnomah.
- Hazelton: Nancy Miller has some concerns about this section. It does not require that the best interest of the child(ren) be considered. Sometimes there is a risk to placing them together.
- Waller: Placing in the same home is added to a list of preferences, so exceptions are allowed.

Section 9

- Sherbo: A companion to Section 6. It requires law enforcement to be present during contacts between DHS and a child if the department has reasonable cause to believe the child is at substantial risk of serious physical injury. However, it does not specify initial contact. As written, the intent is unclear and will have a probable fiscal.
- Keeling: The use of "substantial risk" would indicate initial contact.
- Shugar: Perhaps this section should use the language in Section 6 to create a protocol.
- Guss: "Reasonable cause" is the standard for making founded dispositions, which is a higher standard than what is required for doing an assessment. It may not be the proper standard by which to require law enforcement's presence.

Section 10

- Serice: We want to be as forthcoming as possible within the confidentiality laws. This section instructs DHS to give an explanation to legislators when information cannot be shared with them. It would require that we go to legal counsel for each request.
- Sherbo: It does not grant more for a legislator other than the explanation.

- Guss: Agreed. It does not allow more disclosure to legislators.
- Patton: Who is the “client,” the parent or the child?
- Guss: It can be either.
- Waller: A parent has authority to release only certain information. The parent may believe a release of information allows the sharing of information about the child that is not releasable.
- Foley: Believes this section comes from legislators’ impression that DHS will not share information with them. However, since they have been getting releases, we have been able to share more with them.
- Stiegler: This section does need some work.

Section 11

No issues of concern.

Section 12

A companion to sections 6 and 9. Further discussion is needed for 12(1). Sections 12(2) and (3) are in rule.

Section 13

No issues of concern except 13(2).

Section 14

Section 14(3) may have a fiscal. No other issues of concern.

Section 15

No issues of concern.

Section 16

No issues of concern.

Section 17

Needs further discussion to determine if this can be imposed on the Governor.

Section 18

Needs further discussion.

Section 19

Needs further discussion. Need to clarify that the court is not included in the group decision-making processes described in this section because DHS does not have authority over the court.

Section 20

The procedures manual clearly specifies supervisor review throughout the life of a case. Section 20(1) does not specify how often the supervisory review should occur. It would be defined in rule. A draft rule addresses 20(3).

Section 21

Needs further discussion.

ACTION: The sections needing further discussion are: 6, 9, 10, 12(1), 13(2), 14(3), 17, 18, 19 and 21. The task will be given to the Legislative Subcommittee, who will bring recommendations to CWAC for the July CWAC meeting. The final CWAC recommendations will be sent by letter to the House Interim Task Force on Child Welfare.

- Taylor: Section 21(1)(g) does not require CPS staff to be trained in drug and alcohol issues. Suggests that be a requirement.
- Stiegler: Asked that Ruth submit this possible CWAC issue in writing to the Future Issues Work Group.

HOUSE INTERIM TASK FORCE ON CHILD WELFARE

- Stiegler: Rep. Dalto invited CWAC to be open participants with the Task Force. We have discussed how CWAC can have an impact. Asked Janet Arenz to frame this moment of opportunity.
- Arenz: We have an opportunity to provide unified policy recommendations at the front end, rather than being reactive after the fact. The Task Force will be looking at foster care issues including: aging out without support, specialty placements, kinship care, recruitment, retention, more appropriate placements, and 24-hour crisis support for foster parents. She expects their work will be as broad for foster care as SB 818 is for CPS. She suggests CWAC identify key issues that the Task Force consider when drafting legislation.

- Gelsler: Is a member of the Task Force. Has not seen the next agenda or talked with Rep. Dalto, but believes Janet is correct. She expects two issues will be teens and aging out of foster care.
- Patton: Is not sure we can narrow the Task Force's focus. Suggested that we give them the language upon which to build their legislative concepts, focusing on the primary, fundamental things that a child welfare system needs. For example, a fundamental statement could be that if changes are going to be made to the foster care system, funding for training on those changes must be included.
- Stiegler: We would need to focus on only the key concepts.
- Balter: We should also communicate to the Task Force that we are in a system that has taken reduction hits over the past decade, yet the assumption is that it is working as normal. We need to reframe what a healthy system would look like. If revenue must be kept neutral, innovation is constrained and any changes will give a false sense of progress. A body such as CWAC needs to say to the citizenry that change within those constraints would be ineffective. That message would need to be paired with some good suggestions for what needs to be done.
- Gelsler: The gap in cost provides the challenge to the legislature to provide the resources.
- Patton: Such a message could help Rep. Dalto as he communicates with other legislators about the need for more funding.
- Stiegler: Is there consensus that we are interested in developing a statement of need as well as addressing the issue of process in how one cannot happen without the other? The Future Issues Work Group would frame the idea and bring it to CWAC in July, in time to submit it to the Interim Task Force.
- Waller: In redoing foster care, the foster parent payment rate should be considered.
- Keeling: Each person in this room will have a different idea about what the key issues are. For each person, the crisis is different. We need to determine if we can come together as a group in deciding what the key issues are for this crisis called foster care.
- Neely: Does foster parent recruitment and retention cover all the key issues?
- Stiegler: This discussion needs to occur in a smaller group.
- Benson: Foster parents are concerned about broadening the recruitment pool by removing some crimes from the restrictions.

- Foley: The intent is to allow relatives to provide care when the crime occurred a long time ago.
- Benson: Suggested an ad campaign highlighting the positive things about foster parenting.
- Balter: Many in this room have presented system changes in various forms. Suggested members submit them to the FIWG, who can decide which are most important. A worksheet similar to what Angela Sherbo did for SB 818 could be prepared.

ACTION: Members are asked to submit their system changes to the Future Issues Work Group, who will frame the key concepts and process recommendations. They will be presented to CWAC on July 12, 2006.

- Serice: Can the same thing be done to the budget making process?
- Stiegler: We are limited by a process that must be followed.
- Balter: However, we can give advice about the system and take that back to our own arenas over the long term.
- Serice: For the budget process, we do have community meetings occurring this month, but they may not get to what Mike is suggesting. However, this is the window of opportunity for CWAC to submit a letter to Bruce Goldberg if they choose.

ASSISTANT DIRECTOR'S REPORT – Ramona Foley

Sensitive Review Committee

Bruce Goldberg is unable to attend this portion of the meeting and sends his apologies for a scheduling error. We will invite him to the July 12 meeting.

The Sensitive Review Committee (SRC) is authorized in ORS 409.225, the confidentiality statutes. Rep. Krieger requested the recent SRC. Members included Bruce Goldberg as chair, Representatives Krieger, Flores, Schaufler, and Richardson, Nancy Miller, Mary Jaeger for CASA and Ramona. Joe o'Leary and Mickey Serice staffed the SRC.

Rep. Krieger requested the SRC after hearing testimony before the House Judiciary Committee by a grandmother who wanted her grandchild placed with her. She

alleged the child had been placed with the caseworker's sister. Though the review found the foster placement was not a relative of the caseworker, other issues arose. In particular, after the child was in care for only four months, DHS began to move toward termination of parental rights and adoption. The Court ordered DHS to work toward reunification, but DHS continued on with the plan of TPR and foster parent adoption. The mother appealed the decision. The Court of Appeals overturned DHS' decision during the time of the SRC. The good news is that the mother is doing well and the plan is now reunification.

The SRC raised an opportunity to look at how TPR decisions are made and the authority to make them. We expect to see some legislative concepts come from the review, but we are not prepared to discuss them. We may know before the July meeting what legislative concepts will be coming out of the SRC. Some of the issues that came out of the review were:

- Reasonable efforts before removing a child.
 - Currently, a CRB review can be waived if a court hearing is scheduled. Rep. Krieger is considering a change that would not allow the first CRB review to be waived. Ben Hazelton indicated that Nancy Miller agrees that the first CRB should not be waived.
 - Conflict of interest when there are relationships among child welfare staff in decision-making positions or staff and a contractor providing services to child welfare clients. We do have a process to declare a conflict of interest and may only need to do a better job of educating staff.
 - Improving the grievance process so clients understand it better.
 - Timelines to appeal TPR.
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- Waller: Regarding the case reviewed by the SRC, there was a conflict between what the court directed and the agency's decision.
 - Foley: That is one concern. Another is waiving initial CRB reviews and not getting the benefit of the CRB discussion.
 - Guss: The permanency statute says during a permanency hearing the court shall determine the permanency plan and make findings on reasonable efforts. There are both legal and policy questions regarding if DHS has independent authority to pursue a different plan and the advisability of such action.
 - Foley: Staff need to understand that a court order is not a suggestion. We need to research the statute. If it clearly states that the agency must follow court orders, we need to train to it. If it is unclear, a statute change may be needed.

- Waller: Is also concerned about the practice of filing a TPR before the hearing. A permanency hearing is the opportunity to weigh in and present positions. Recognizes there is a balance between ASFA requirements and other requirements.

ACTION: An update on the SRC's recommendations will be on the July CWAC agenda.

- Hazelton: CRB's recommendation would be that DHS go to court before changing a case plan.
- Guss: The Court of Appeals took a long time to make their decision in this case. Legislators were able to talk to the Chief Justice about the Court of Appeals' decision. There are expedited timelines for filing briefs in the Court of Appeals, but the court itself can take a long time.
- Waller: The PEW Commission has a work group regarding these timelines.
- Keeling: Is a member of the workgroup. The legislators who were on the SRC have populated the workgroup. It has met only a couple of times.
- Foley: Rep. Flores will be chairing a committee on reasonable efforts. It is not a legislative committee. If anyone is interested, let Pam Pearson know.

TANF Welfare Reform

We have not received the federal legislation yet. Michelle Cole will have an article in *The Oregonian* soon. We expect to receive the legislation by July 1. Oregon no longer has its waiver. We must now notify the families who were enrolled under the waiver that the 5-year window for them is now in effect. Our participation rate without the waiver is 16% for all families (both one and two parent) and 19% for two-parent families. We are far below the standard of 50% for single parent families and 90% for two-parent families.

The flexibility in defining "work" weighs in the balance. We may have some CWAC members help review the regulations when we receive them. Another issue at the federal level is how to document citizenship when people apply for services, especially the Oregon Health Plan. We will keep CWAC apprised. We do not yet have word on how Behavior Rehabilitation Services (BRS) will be defined.

Budget and Legislative Special Session

During the special session, the Legislature approved 63 additional child welfare field positions (caseworkers, supervisors, and support). We continue to see an increase in the foster care caseload.

Public hearings on the DHS budget are being held statewide. The first one was in Bend. During the hearings, the audience splits into small groups for the five areas of DHS and is asked three questions: 1) Where should additional resources be invested? 2) What could we be doing differently or more efficiently? 3) Are there things we shouldn't be doing? Notes from the hearings will be posted on the DHS website (<http://www.oregon.gov/DHS/index.shtml>). CWAC members were encouraged to attend.

Other

The Oregon Commission on Children and Families recently received training from Kevin Campbell, consultant for the National Resource Center for Family-Centered Practice and Permanency Planning, on how to locate relatives of children in the foster care system. CAF will be receiving ten free days of his training through one of our national resource centers. The training provides a tool to find relatives for the child who has no one with whom to connect. The training also addresses situations when it is in the child's best interest to not have contact with certain relatives. Several local communities have expressed interest in this tool. It does not apply to all children in foster care; it focused on those who are aging out and have no known relatives or adoptive family. The rule on "alternate planned permanent living arrangement (APPLA)" requires finding an adult as an ongoing resource for the youth. This tool can be useful for this search.

CWAC members may know of partners that could benefit from this training. If so, send the names to Pam Pearson.

- Balter: Independence at age 18 is not a realistic expectation we hold for our own children, yet we expect that from children in the foster care system. Is concerned that this tool is nothing more than a fancy, expensive attempt at a solution.
- Stiegler: It is part of a larger process.
- Foley: Some states do a better job for older foster youth, such as providing for college.

- Hazelton: Asked if this program is designed for finding relatives at the point when children come into care.
- Foley: No, that is separate from this effort. Only three sites have attempted to use this tool for new entries and Kevin Campbell cautions us that the outcomes are not as clear as they are in the other projects.
- Patton: The issue of services to the 18-21 year old should go to FIWG.

SUBCOMMITTEE REPORTS

- Future Issues Work Group: The next meeting date is to be set for June.
- Legislative Subcommittee: Met on April 28, 2006. CAF legislative concepts were sent to CWAC and the subcommittee. Members have until May 18 to indicate their interest in joining the work groups for the concepts. The subcommittee will discuss SB 818 at its next meeting. It may work on the statement of need and fundamental key concepts for CWAC to submit to the House Interim Task Force on Child Welfare, if that does not go to FIWG. The subcommittee will meet again in June.
- Teens Subcommittee: Their work continues to see what services to teens exist and what could be replicated in other communities. Surveys were sent to SDA managers, local commissions and the juvenile departments. Their next meeting is on June 14.
- Children's Justice Act Task Force: No report available. A letter to the Governor was sent recently to reapply for the grant.

MISCELLANEOUS ISSUES

- Patton: A recent letter to the editor in *The Oregonian* from Wade Horn, DHHS, announced child welfare waiver demonstration projects. What flexibility does this give states?
- Foley: This is a block grant to states. It allows more flexibility under Section 1130 of the Social Security Act to keep children out of foster care. However, the waiver does not work for states with increasing caseloads as it freezes the amount of federal financial participation available to a state.

The next meeting is scheduled for July 12, 2006.

Meeting adjourned.