



Members

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| <input type="checkbox"/> Dana Ainam | <input checked="" type="checkbox"/> Leslie Currin | <input checked="" type="checkbox"/> Nancy Miller | <input checked="" type="checkbox"/> Angela Sherbo | <input type="checkbox"/> Ruth Taylor |
| <input checked="" type="checkbox"/> Janet Arenz | <input checked="" type="checkbox"/> Don Darland | <input type="checkbox"/> Tracy Neely | <input checked="" type="checkbox"/> Becky Smith | <input type="checkbox"/> Nan Waller |
| <input checked="" type="checkbox"/> Mike Balter | <input checked="" type="checkbox"/> Mickey Lansing | <input checked="" type="checkbox"/> Pam Patton | <input checked="" type="checkbox"/> Christine Stetzer | |
| <input type="checkbox"/> Robyn Cole | <input type="checkbox"/> Jean Lasater | <input type="checkbox"/> Doug Poppen | <input checked="" type="checkbox"/> Judy Stiegler | |

DHS Staff

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

Guests: Linda Guss, AAG

Minutes Recorded By Pam Pearson

APPROVAL OF MINUTES

The September 14, 2005, minutes were approved. Approved minutes from the following subcommittees and work groups were presented:

- Teens Subcommittee – July 28 and Oct. 12, 2005
- Future Issues Work Group – Sept. 14 and Oct. 10, 2005
- Legal Representation Work Group – Sept. 14, 2005

LEGISLATIVE CONCEPTS – MICKEY SERICE

The ideas shared today are being considered by CAF as possible legislative concepts. By the March 8 CWAC meeting, we will know which concepts CAF will take to DHS Cabinet for proposal.

Worker authority to remove a child: DHS still needs to talk with law enforcement because it would impact them. The idea is to allow workers the authority to remove a child initially coming into care.

- Miller: Asked if DHS wants to know of any initial red flags.
- Serice: Yes, in addition to today’s discussion, members can email comment to him (michael.serice@state.or.us).
- Miller: DHS should determine if this concept is in conflict with the ORS that separates the roles of law enforcement to do the investigation and DHS to do the safety assessment.
- Serice: We may allow this authority only in certain circumstances. As we move forward with the idea, it will undergo many changes.

DHS custody when child remains in the home and DHS continuing to have custody after child is returned home (two separate concepts): We are looking at whether

DHS should have custody when a child is not removed from the home or if DHS should have custody only when a child is removed. Also, at the back end of a case after a child is returned home, we are looking at whether there should be a transition period to determine if safety elements are in place before ending DHS custody. We are looking at what other states do at the back end of cases when a child was in foster care and is reunited with the family.

- Miller: DHS should not have custody after a child is returned home for longer than a year. There has been an issue in the past with cases staying open for long periods of time. Courts and DHS could work together to ensure cases stay open for a period of supervision, then close at an appropriate time.
- Stiegler: In my experience, the court would review the case at 180 days. It may choose to keep a case open for the CASA to monitor for additional time. Asked what types of cases would continue to have DHS custody for longer.
- Burnell: Some cases have in-home services provided. When the services end, DHS would ask that custody be ended.
- Patton: It may be that DHS custody is necessary in order for services to be provided. Wraparound services fall apart without DHS custody. The issue is how to continue the funding stream for services to families without requiring DHS custody.
- Serice: When a child is returned home, services can be provided to a family as a voluntary case.
- Miller: Judges will have concerns about this possibly infringing on the discretion of the court to manage the case. Judges need discretion to decide if DHS should stay involved on a case-by-case basis.
- Serice: A poll of judges showed that they were in favor of a time limit.
- Miller: Judges would be in favor of a time limit, but one that they control.
- Serice: Agrees that the court would set the time limit for each case.
- Stiegler: DHS needs to look at specific cases that are open but have no services being provided.

Definition of “child” in residential treatment licensing statutes: The concern is that the definition of “child” is age 0-18, but some residential treatment facilities serve up to age 21.

- Guss: The licensing statutes need to be brought into line so that they can serve the 18-21 population that is in DHS custody. A similar change was made to the foster care statutes last legislative session.
- Olson: CAF needs to work together with DHS Mental Health in the development of this concept.

- Sherbo: Agrees with Madeline. DHS needs to prevent DD children from having to move from long-term placements on their 18th birthdays.

DHS authority to not hire or to dismiss employees with a founded CPS disposition:

This would also include providers. We are only researching the idea at this time. It may be a DHS Human Resources issue, not a CAF issue. It would be only for employees who work directly with children. Idaho passed a similar law.

- Patton: Founded disposition does not equal a crime.
- Sherbo: A founded disposition is an administrative determination. It is not a court finding even at the lowest burden of proof. It's worth looking at how to make a safer work force, but it may too broad as described.
- Darland: A founded disposition can be overturned in a review process. You can have a founded disposition and be a foster parent, but not a child care provider. The idea needs to be looked at more carefully.
- Arenz: Agrees with Angela that assuring safety is a good idea. Appreciates the opportunity to hear about these concepts at this early stage. From the provider's standpoint, she would be against DHS having this level of authority. She is interested in hearing the research as the concept is developed.
- Darland: When a branch reviews a founded disposition for physical abuse, it tends to get replaced with a founded disposition for threat of harm; however, it remains a founded disposition.

Definition of "threat of harm": First DHS is determining if the definition needs clarification. In the ORS, all definitions for abuse fall under the chapter on mandatory reporting not in the chapter of definitions.

- Sherbo: Because of the inconsistency between the definition of abuse and the jurisdictional basis for removal, Julie McFarlane has written a proposal (draft at this time) to request the Oregon Law Commission to revise the abuse reporting laws and jurisdictional bases of juvenile court. Angela shared copies of the draft proposal.

Concluding Discussion:

- Serice: At the March CWAC meeting we will know which of these concepts will be pursued. Members will have an opportunity to indicate their interest in working on concept development.
- Sherbo: Asked if there will be an opportunity to weigh in on the concepts before they become official.
- Serice: Yes, we will send them to CWAC so members can indicate their agency and constituency support or opposition before they go to DHS Cabinet

so that we can include the known positions of our stakeholders. Noted that more concepts could be added to this list and some of these may be dropped. They are due to Legislative Fiscal in May 2006.

- Stiegler: Because we want a more cohesive process in taking committee action and adopting recommendations, we will need to receive the revised concepts prior to the March 8 meeting. The time on the agenda will be to adopt recommendations regarding CWAC support of each concept and only if the concepts are received with sufficient time for members to review them.

BUDGET – ANGELA LONG

Two handouts were included in the agenda packets. The E-Board letter is available online at: <http://www.oregon.gov/DHS/aboutdhs/budget/#eboard>. The letter includes actions to address criticisms of how DHS tracks expenditures and adds monthly reviews of caseload actuals.

We have seen an explosion in the number of regular foster care cases since last biennium and expect the increase will continue, though perhaps at a slower rate.

- Miller: The Judicial Department tracks the number of child welfare petitions filed, with the largest percentage being for foster care. They have been relatively static over the last ten years. Is concerned about the impact on the courts if the number of cases coming through court match the increased number of foster care cases.
- Long: The second handout gives a summary breakdown of the \$172 million deficit. Explained the federal IV-E match rate decline. The Rosales decision, which allowed Oregon to make children who were living with relatives IV-E eligible, is overturned.
- Sherbo: This impacts a small number of cases but is relevant when placing children with relatives in that it allowed foster care payments to those relatives.
- Arenz: There is a \$600 million national impact, but it affects only the states in the 9th Circuit.
- Sherbo: Asked for and received clarification from Angela Long that on page five of the E-Board letter the \$4.6 million staffing costs in the Substitute Care program are part of the total \$13 million deficit for that program.
- The 1169 higher ADP in foster care could be due to longer length of stay, more children entering care or a combination.
- Patton: As Madeline Olson mentioned earlier, it is important to remember that cuts in CAF impact other DHS clusters, just as cuts in Medicaid and health services cross over into CAF.

- Arenz: Asked what the average cost is for a child in foster care. Angela Long will provide her with that information following the meeting.
- Patton: Because this is an advisory committee, she brought the following issue forward: Morrison Child and Family Services and other intensive treatment providers are getting fewer referrals from DHS. DHS workers may be confused about a recent change in the referral process. When a system change is made, line workers are impacted. The change in the referral process may not have accurately transferred to the workers.

FUTURE ISSUES WORK GROUP (FIWG)– JUDY STIEGLER

Judy explained that Bruce Goldberg, Ramona Foley, and Jim Neely were unable to attend today's meeting because the House Interim Task Force on DHS Review was also meeting. Rather than rescheduling CWAC, Mickey Serice is representing Ramona.

The FIWG has met three times. They are formalizing CWAC's operational structure to provide clear expectations and purpose so that meetings will be more directed and efficient. Before we can define specific issues, we need to better define the process for selecting the issues. The first task was to review and revise the bylaws. Judy's cover memo highlights the major changes to the bylaws. Attached to the cover memo are copies of the revised and current bylaws. Judy pointed out the major changes. A vote to adopt the revised bylaws will not occur today. We will vote by email so that they are in effect before the March meeting.

The work group wanted to capture in the bylaws the tension between the members' role as representatives of their respective agencies or branches of government and as members of the advisory committee. The next step will be to develop operating procedures. Janet Arenz is writing the first draft of the operating procedures that will be edited at the February 22 work group meeting. The bylaws will be kept free from the "how to" procedures. The draft operating procedures will be sent to CWAC prior to the March meeting.

The move away from operating by consensus toward formal voting is an effort to end the frustration evident at CWAC meetings that members leave not knowing if the committee took a position on an issue or if their individual position differs from that of the committee.

Article VII – Conflict of Interest – was reduced to that required by statute.

- Sherbo: Article II.3.1: Prefers that instead of using the DHS/CAF mission, a more specific child welfare mission be used. Suggested following the direction of federal law (Adoption and Safe Families Act – ASFA) to “promote the safety, permanency and well-being of children [~~DHS/CAF mission~~] when advising DHS on policy, program and practice.” Delete the quoted DHS/CAF mission.
- Stiegler: Agreed to make that change because upon review of the ORS for CWAC she found it is not in conflict with using this suggested language.
- Guss: Suggested moving IV.3.1 “Formal voting will be used when necessary as determined by the chair” to the voting section in Article III.
- Arenz: The cover memo needs to include the values and rationale behind the changes.

ACTION: Judy Stiegler will rewrite the cover memo and bylaws incorporating the above changes. They will be sent to members by email for additional review, allowing for a two-week notice required for a vote. Following the review, they will be sent by email again for voting so that they will be in place before the March 8 meeting. Operating procedures will be sent to CWAC following the February 22 FIWG meeting.

HOUSE INTERIM COMMITTEE ON CHILD WELFARE – JUDY STIEGLER

The interim committee has not set its agenda yet. The Future Issues Work Group wants CWAC to be proactive toward the interim committee. Judy plans to invite Rep. Dalto, the chair of the interim committee, to the March 8 CWAC meeting. Because CWAC is a legislatively created body, it can serve as a forum to vet legislative issues and concerns.

- Lansing: Stressed the importance of being well organized for the time with the legislator.
- Miller: Suggested that we use the time with Rep. Dalto to hear his concerns and issues and follow up with a discussion to form CWAC’s position on those concerns and issues.
- Stiegler: The goal of meeting with Rep. Dalto is to dialogue with him in an open environment and provide him with feedback from a broad group of people.
- Arenz: SB 818 was not well written and so may be difficult to amend.
- Lansing: Even if the time with Dalto is to hear from him, we will need to be prepared because she expects he will want immediate feedback.

- Patton: Suggested that when Judy invites Rep. Dalto, she give him a history of who the committee is, what we do and that we want to support system improvements.
- Arenz: Suggested that Judy also ask him what he would like from CWAC and set the parameters for the time together.
- Stiegler: When Rep. Dalto meets with CWAC, members will need to clearly explain that their responses given that day are individual responses and not the position of the committee.
- Sherbo: Keep in mind that when the legislative session ended, Rep. Dalto had SB 818 and the NRCCPS report as his last points of reference. Members should review SB 818.

ACTION: Judy will invite Rep. Dalto to attend the March 8 CWAC meeting. Members can review SB 818 at <http://www.leg.state.or.us/05reg/measpdf/sb0800.dir/sb0818.d.pdf> . The child welfare portions of SB 818 begin with Section 5.

TEENS SUBCOMMITTEE

- Serice: Credit goes to Julie McFarlane and Karen Andall for drafting the subcommittee report and recommendations. Summarized the work of the subcommittee leading to the report. As they looked at whether or not DHS had statewide consistency at intake for teens, it became clear that it was difficult to look at only CPS intake without looking at calls that don't come to CPS intake. As we get to the report's recommendations, you will see that the subcommittee concluded issues around consistency at CPS intake can be addressed through current actions the agency is taking (Recommendation A) The subcommittee recommends that they continue to meet to look at what is going on at the local level (Recommendation B). The subcommittee is in the process of surveying local communities to see what they have in place that looks similar to the youth service teams of the past. The subcommittee is also exploring the idea of a boilerplate interagency agreement for local communities to consider if they don't have a model currently in place.
- Stiegler: Asked if the survey is going to a variety of partners in the communities because different actors have different perceptions.
- Serice: The survey first was sent to commission directors. A limited response was received. Mike Kurtz, OCCF, is following up with the commission directors. In addition, Serice and Karen Andall are sending the survey to DHS and Oregon Youth Authority local managers. We are in the process of collecting the data.

- Stetzer: Had heard from her local multidisciplinary team that there was a request for this information but didn't know it was from the Teens Subcommittee. Is pleased to know of this subcommittee work.
- Currin: There will be different agencies managing this effort in different communities. Confidentiality can shut down communication at the local level sometimes.
- Serice: The commissions were surveyed first because they oversee the community plans. From the results collected so far, we see that every county has some type of effort. The last recommendation points out that the subcommittee does more than work on a specific project, but can be used as a forum to bring teen issues to the attention of CWAC (Recommendation C). This report is draft and open to comments. The subcommittee will ask CWAC to adopt its recommendations after members have time to review and comment.
- Miller: Suggested moving the 3rd bullet on the last page ("Examine ways in which local interagency agreements can promote consistent response at intake for teens by all agencies.") toward the beginning of the report because it gets to the heart of why the Teens Subcommittee was formed. The initial assumption was that services and funding exist for teens, but there is no coordination.
- Patton: The first year and a half, the Teens Subcommittee worked on that initial assumption, hiring an outside consultant to analyze the data we collected. The subcommittee then moved on to looking at consistency at intake. This bullet is not a goal, but a step. Is hopeful CWAC agrees that this is what they want the subcommittee to continue to do.
- Darland: Is foster parent training included in the references to training curricula?
- Patton: Yes.
- Sherbo: Does Recommendation A conclude the work on consistency at intake?
- Stiegler: Yes, but there may be a better way to say it. Insert "IN ORDER" before "TO CONCLUDE OUR WORK..."
- Patton: The report doesn't indicate who will track the follow up on the recommendations. The bylaws say DHS is to report back on CWAC recommendations.
- Stiegler: Clarified that Pam Patton was referring to the three bullets in Recommendation A.
- Serice: As a subcommittee, we make recommendations. The subcommittee includes members outside CWAC. The CWAC then would approve the recommendations.

- Stiegler: The bylaws do say the role of DHS includes a response. The expectation is that there will be this back and forth dialogue. CWAC would adopt a subcommittee's recommendations and then they are to be forwarded to DHS.
- Sherbo: Asked if the subcommittee is willing to give up the expertise they gathered in looking at consistency at intake with these recommendations?
- Stiegler: Further recommendations can be adopted that the subcommittee continue to do the work necessary to effectuate the implementation of these recommendations.
- Miller: The Teens Subcommittee would take responsibility for monitoring and deciding when to bring issues back to CWAC.
- Currin: Would everyone in DHS agree on what is considered a consistent response? What does "consistent response" mean in this context?
- Sherbo: In the context of the NRCCPS report, it means that a report of abuse or neglect of a teenager will get the same response from DHS in any city in Oregon.
- Stiegler: Our role is not to prescribe what the consistent response is, but only that there needs to be one and that it needs to include teens.
- Serice: As a review of the subcommittee's work, their first project looked at resources for teens. Then from a long list of topics, they selected the consistency at intake issue because there was a general impression that there was no consistency. This occurred before the NRCCPS report. Since that time, changes have been made and we have come to the time to conclude that project. We need to keep the scope narrow and complete one project before moving to another. We chose to conclude this project by folding elements into the NRCCPS report.
- Patton: The subcommittee is not adopting the NRCCPS report, but accepting that it is part of what DHS is using to assure consistency. The subcommittee is recommending that DHS enhance the use of the NRCCPS report with examples and inclusions about teens.
- Miller: This reinforces the message once again that DHS does serve teens.

ACTION: Members are to review the subcommittee report and recommendations and be prepared to vote on adopting it during the March 8, 2006, meeting.

MEDIA PRINTING NAME AND PICTURE OF MINOR CHILD – JUDY STIEGLER

Ramona brought issue to Judy last fall after a local newspaper chose to print the name and photo of a child abused in foster care. Is this an issue on which CWAC could take a position? While DHS prefers the media not include names and photos of minor children in its custody, it is a freedom of the press issue. The media are allowed in juvenile court but there has been an unwritten code to not identify victims.

- Guss: There is a statute about DHS not releasing names. Law enforcement has its own restrictions. The same is true for foster parents, but not for relatives and other interested persons.
- Miller: Her concern is how the media accessed the name and photo.
- Darland: Suggested that DHS draft a statement for CWAC to review.
- Sherbo: Gave a heads up that she probably would not be able to agree with the general tone of what the statement would be for reasons including freedom of the press and a child's freedom to identify him/herself as being in foster care. Suspects that the entity not wanting to release the information is the agency with custody of the child.
- Guss: However, the concern is for possible harm caused to a child when the identifying information is released and the child does not want to be identified, such as when it's a criminal case involving a child victim.
- Serice: Our intent is not to prevent the story from being published, but that the name and picture of the child not be included. Generally the media agrees to protect the child's identity, but there was this instance, which resulted in negative consequences to the child.

ACTION: Judy will ask Ramona to draft a statement for CWAC to review and possibly adopt.

OTHER ISSUES

There was discussion about other issues CWAC may need to address:

Legal Representation

- Stiegler: The Legal Representation Work Group is inactive because the Attorney General has a work group formed. As the AG's work group moves forward, Judy will report on their work. They are preparing a survey on current practices.

- Stetzer: Concerned about legal representation in Columbia County.
- Guss: No practices will be changed in any county until criteria are developed.
- Miller: Will contact the judge in Columbia County for a status update and will relay that information to Christine Stetzer.

Legislative Concepts

- Miller: Asked if it was time to reconvene the Budget/Legislative Concepts Subcommittee.
- Serice: It is too early for the subcommittee to meet, but asked members to share their legislative concepts at the next CWAC meeting.

NRCCPS Report

- Sherbo: Requested an update on the NRCCPS Report.
- Serice: We will put this on the next agenda and ask that Toni Peterson attend.

Meeting adjourned.