

**JOIN HANDS FOR CHILDREN**  
**MINUTES FROM THE ADVISORY COMMITTEE ON LEGAL AND PRACTICE ISSUES**  
**June 7, 2010**

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**Committee Members Present:** Chris Wickham; Liz Mueller; Kris Powell; Jeanine Livingston; Steve Hassett; Jeanne McShane; Mary Meinig; Maureen McGrath; Samantha Evans; Gwendolyn Lawson Townsend; Patrick Dowd OPD (alternate for Joanne Moore); Shala Crow; Ken Nichols (on phone)

**Staff Present:** Julie Dunnington, Melissa Takade, and Benjamin Berres, Partners for Our Children; April Potts, DSHS Children's Administration; Jennifer Strus, Washington State Senate Human Services and Corrections Committee

**Others:** Stephanie Lee, Washington State Institute of Public Policy; Charlotte Booth, Institute for Family Development; Krista Goldstine-Cole, Washington State Senate Democrat Caucus; Laurie Lippold, Children's Home Society of Washington; Spring Hecht, World Association for Children and Parents; Lee Grogg, Ryther Child Center; Jim Theofelis, The Mockingbird Society; Carol Mikkelsen, AMARA; Brett Ballew, Office Public Defense; Tom Tremaine, Northwest Justice Project

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Chris Wickham, co-chair of the Advisory Committee on Legal and Practice Issues, opened the meeting and asked for introductions. Next, Julie Dunnington gave an overview of the meeting's agenda.

Chris Wickham introduced the first item on the agenda, an update on the legal questions compiled by Steve Hassett and himself for the previous advisory committee meeting. He explained that he and Steve Hassett compiled the list of questions with the ultimate goal of presenting them to the Solicitor General for a formal or informal opinion. In the last advisory committee meeting, the group discussed the questions and decided to submit three questions to the legislature before proceeding to the Solicitor General. Chris Wickham asked Jennifer Strus for an update on the progress. Jennifer Strus explained that she sent the questions to Sen. James Hargrove, who then met with Attorney General Rob McKenna. Rob McKenna said that he would take the questions to the Solicitor General for an informal opinion. Based on the results of the informal opinion, the CWTDC could then determine if they would like to request a formal opinion. She is not sure if the CWTDC would receive a response before the quarterly CWTDC meeting in June.

Liz Mueller asked about how ICWA issues will get folded into this process. Chris Wickham recommended that the advisory committee set aside time for a presentation on these issues at the next advisory committee meeting. Jeanine Livingston asked about whether the questions addressed contractor liability. Steve Hassett replied that there is nothing in the questions that will change or modify the risk of liability to private agencies.

Benjamin Berres presented the latest revisions of the *Preliminary Service Array/List of Core Services*, the *Preliminary Service Array Definitions*, and the *Principles and Values Used to Determine Core Services* documents. He clarified that there were only a few minor changes made to each document since the last advisory committee meeting. He summarized the changes and explained that the ultimate goal for the meeting was to vote to accept these documents as recommendations to be brought before the full CWTDC. The largest change was made to *Preliminary Service Array Definitions* around compliance with ICWA regulations. The

definition now specifies that contractors must refer to a small number of supplementary documents, which list the entire array of Indian Child Welfare rules. Julie Dunnington explained that Children's Administration has given the documents their blessing, but that they are still working on the division of labor for who would provide each service. Liz Mueller requested that the web addresses for the supplementary ICWA documents be added to the *Preliminary Service Array Definitions*. Maureen McGrath asked if there was a timetable from Children's Administration to prioritize the list of services in order of what is most important. There is no timeline yet.

Chris Wickham asked for a vote to approve all three documents as recommendations from the Advisory Committee on Legal and Practice Issues. The advisory committee voted to approve all three documents. The documents will be presented to the full CWTDC at the next quarterly meeting. When Chris Wickham asked if there was any public input, Jim Theofelis of The Mockingbird Society asked why HOPE Beds were not included in the *Preliminary Service Array/List of Core Services*. Chris Wickham replied that the advisory committee's intention was not to list specific programs nor eliminate any program or service. A caveat to the preamble of each document will be added to clarify this intention.

Chris Wickham shifted the advisory committee to the next item on the agenda, a discussion to accept a definition for Evidence Based Practice (EBP). Julie Dunnington described the efforts of a small workgroup of advisory committee members and representatives from the Washington State Institute of Public Policy (WSIPP) that met to review definitions of EBP from multiple sources. She said that the workgroup came to a consensus to recommend the use of the EBP definition from the California Clearinghouse on Evidence Based Practice. She brought a copy of this definition for the advisory committee members to review. Many advisory committee members were concerned about how the rating scale used by the California Clearinghouse would be implemented. There were questions whether service providers would be expected to use only programs with the highest ratings. Maureen McGrath pointed out that there would not be enough available programs with high ratings to provide a full service array. There were some concerns how agencies would use EBP to reduce racial disproportionality. Chris Wickham asked for some clarification on what was the advisory committee's responsibility. Julie Dunnington said that the CWTDC has a responsibility to help define EBP. Julie Dunnington said that she could add a caveat at the beginning of the document to clarify the advisory committee's intentions. Krista Goldstine-Cole added that the advisory committee should look to the experiences of other fields in Washington State that have attempted to integrate evidence-based programs in their service arrays. The advisory committee voted to accept the California Clearinghouse's definition for EBP.

The advisory committee took a brief break.

When the advisory committee reconvened after the break, they began to discuss the roles and responsibilities around the intake process. Jeanie McShane helped to discuss the current organization of services from intake forward within Children's Administration. Julie Dunnington helped to describe some of the materials and diagrams provided by Children's Administration. She explained that services are currently divided into Investigation and Assessment, Family Voluntary Services, and Child and Family Welfare Services. There was a question whether private agencies would have to maintain separate units for voluntary and dependency services. Maureen McGrath advised the advisory committee to leave this decision up to private contractors. Julie Dunnington said that the bill doesn't require the CWTDC to make any recommendations post intake and investigation. The committee wondered about how the ongoing assessments of safety and risk will be conducted. The advisory committee agreed that although CPS will conduct the initial assessment, supervising agencies would be required to

continue to monitor safety and risk to children. Chris Wickham underscored the importance of cross-system communication so that unfortunate circumstances don't arise. Steve Hassett said there should be contractual obligations that require private agencies to complete these assessments because the state will be retaining placement and care authority. Mary Meinig asked about how CPTs and FTDMs will be completed.

Liz Mueller asked for some clarity on the advisory committee's responsibility for the day. Julie Dunnington replied that the advisory committee needs to make a recommendation on the roles and responsibilities around the intake process and that it needs to go into the report submitted to the Children's Legislative Oversight Committee. Tom Tremaine asked whether the advisory committee needs to make a recommendation on the points in between the case management process. Julie Dunnington replied that the priorities for the committee are those issues articulated in the text of the bill. Steve Hassett said that the design on the table is a good overall design, but there still may be some smaller issues that need to be ironed out at a later date, such as the responsibility for filing petitions. The advisory committee consented to the basic organization presented by Children's Administration. The advisory committee decided that if a case remains solely as an investigation, then it will remain with CPS; however, if there are services provided, then the case will receive services from private agencies. The advisory committee felt that they might want to separate out assessment services.

Liz Mueller asked about where Child Protective Team (CPT) reviews fit into the process. Steve Hassett gave a brief summary of the origins of the CPT, but was unsure who would call for and conduct the CPT. He felt that there could be a conflict of interest if private agencies are calling for and conducting their own CPT's. CPTs are created from an Executive Order in 1995 and are convened by the department and composed of community volunteers. He believes that private agencies could call for a CPT, but that it wouldn't make sense for them to convene and conduct the CPT.

The advisory committee agreed that they would take the larger concept of the intake design to the full CWTDC. They agreed to do so but would remove the points regarding filing case-related legal documents.

The advisory committee agreed to move on to the next issue, a discussion of the roles and responsibilities during the exit from care. The advisory committee brought up a large number of issues, including things like conducting background checks. It was suggested that some of the administrative functions remain with the state, maybe in one unit per region. Julie Dunnington requested that advisory committee members submit their ideas and she will start compiling a list and prioritizing them for later discussion.

Julie Dunnington reviewed the next steps for the quarterly CWTDC meeting. She asked again for advisory committee members to send her ideas regarding the exit criteria. Lastly, the advisory committee scheduled dates for next meetings. Tentatively, meetings are set for: July 13, August 9, and September 8.