

Minutes of the Joint Legislative Oversight Committee

February 21, 2024

Room EW41, Capitol, Boise, Idaho



Senator Melissa Wintrow, presiding cochair

Senator Melissa Wintrow called the meeting to order at 4:33 pm.

Committee members in attendance were Senators Melissa Wintrow (cochair), C. Scott Grow, Dave Lent, James D. Ruchti, Representatives Douglas T. Pickett (cochair), Jordan Redman, Ilana Rubel, and Steve Berch. Also present were Rakesh Mohan, Director, Office of Performance Evaluations; and Office of Performance Evaluations (OPE) staff.

Audience members in attendance included the following: Eric Fredericksen, Representative Lauren Necochea, Jason Spellman, and Bekah Bowman.

Report presentation: *Child Protection Follow Up*

Senator Melissa Wintrow (cochair) welcomed everyone and called the meeting to order. She introduced Representative Pickett as the new cochair, replacing Representative Cannon. Representative Pickett expressed gratitude for the opportunity to serve and acknowledged the leadership of Representative Cannon. Senator Wintrow also welcomed Representative Redmond as a new member of the committee.

Senator Lent moved to release the Child Protection follow-up report: *Representation for Children and Youth in Child Protection Cases*, which was seconded by Representative Berch. The motion passed unanimously.

Amanda Bartlett presented an overview of four previous OPE child protection reports and two background reviews on state transparency policies and child protection ombuds.

Senator Wintrow mentioned that she asked for one of the background reports and expressed gratitude for the reports. Representative Berch asked about the consequences of Idaho not having expungement regulations relating to one of OPE's previous child protection reports. Amanda explained that the absence of expungement regulations means that referrals to families remain on record indefinitely without a clear plan for removal. Amanda mentioned that OPE planned to soon release follow up findings specific to the report Senator Berch was interested in.

Amanda presented the follow-up evaluation findings in *Representation for Children and Youth in Child Protection Cases*, beginning with an explanation of who represents children and youth in abuse and neglect cases.

Senator Wintrow asked about how the involvement of the new Idaho State Public Defender's Office would affect representation for children. Amanda responded that, as of the time of the

presentation, it was unclear. One of the findings in the follow-up report was that there needed to be statutory clarity over who is responsible for coordinating legal counsel for children and parents.

Representative Berch sought clarification about the decision-making process for representation of children. Amanda explained that the decisions are made on a case-by-case basis by a magistrate judge, emphasizing the importance of considering the specific circumstances of each case. Representative Berch also inquired about whether the timeline in the report was up to date, to which Amanda clarified that the information presented was current.

Cochair Pickett raised a question regarding the dual role of attorneys serving as guardians ad litem, seeking clarification on whether one individual could fulfill both roles. Amanda explained that while in the general legal field an attorney could serve as both, in the context of child protection cases in Idaho the roles are distinct and attorneys would not fulfill both roles simultaneously.

Cochair Pickett further expressed concerns about the shortage of attorneys and the resource-intensive nature of child protection cases, especially in rural areas. Amanda acknowledged the challenges and highlighted potential policy considerations for increasing funding for attorneys in child protection cases.

Mackenzie Moss presented the next portion of the follow-up report regarding updates on OPE's 2018 policy considerations. Representative Berch requested that the committee be allowed to ask questions after each slide for clarity.

Representative Berch expressed surprise at the effectiveness of the guardian ad litem programs without centralized control and questioned the reasons behind the absence of oversight. Amanda highlighted the historical instability of the programs due to turnover and lack of coordination. She acknowledged the dedication of those involved in the programs but emphasized that without statewide coordination there is no way to guarantee program continuity.

Senator Wintrow elaborated on the limitations faced by the Administrative Office of the Courts in providing staffing oversight for the programs, emphasizing the role of the courts as a pass-through for grants to the CASA programs as opposed to an oversight entity.

Senator Grow inquired about the process for accessing federal funds for child protection services. Amanda explained that the Department of Health and Welfare is responsible for applying for these funds, but due to the decentralized nature of legal services, there has been a lack of aggregation of data necessary for the application.

Representative Berch sought clarification on the transition of responsibilities from county-level to the new state public defender's office. Amanda clarified that there has been no interruption in services, but there is ambiguity regarding who is responsible for indigent legal services in child protection cases. Senator Grow asked who would pass on this information to the relevant

departments. Senator Wintrow indicated that discussions on this matter are ongoing in legislation.

Cochair Pickett asked about the training of attorneys in child protection cases and whether oversight by the state public defender's office would be necessary. Amanda highlighted the specialized nature of child protection cases and the need for strategic training opportunities. Senator Grow suggested contacting the Department of Health and Welfare for further coordination. Amanda confirmed there is ongoing communication with relevant departments.

Senator Wintrow concluded the questioning and thanked Amanda and Mackenzie for their presentation. The committee discussed the need for further follow-up on the topic of child protection.

Representative Berch moved to keep the report open for further follow up, which was seconded by Representative Redman. The motion passed unanimously.

Representative Berch requested official responses from relevant agencies, including the Governor's Office, regarding the report. Director Mohan clarified that the Governor's Office was contacted and had no comments on the follow-up. He provided updates on upcoming meetings, the release of the *Death Investigations* report, and brought up the need for topics for additional evaluation projects.

Senator Wintrow adjourned the meeting at 5:35 pm.