

Minutes of the Joint Legislative Oversight Committee

March 1, 2018

Lincoln Auditorium, Capitol, Boise, Idaho



Cochair Representative Mat Erpelding called the meeting to order at 4:38 p.m. Attending the meeting were Senators Cliff Bayer (cochair), Michelle Stennett, Cherie Buckner-Webb, Representatives Maxine Bell, and Elaine Smith. Representative Caroline Nilsson Troy was excused. Also present were Rakesh Mohan, director, Margaret Campbell, administrative coordinator, and other OPE staff. Audience members included the following:

Senators Abby Lee and Tony Potts, Representative Packer
Director Russ Barron, Department of Health and Welfare
Director Sharon Harrigfeld, Department of Juvenile Corrections
Director Taunya Jones, Justice Services, Supreme Court

Report release: *Child Welfare System: Reducing the Risk of Adverse Outcomes*

Cochair Erpelding called on Rakesh to speak. Rakesh said committee members had been given a draft of the report. He apologized for not providing a final report. The report would be finalized soon, but he stressed that findings and recommendations would not change. He said the report was being released to meet the time demands of the Legislature. A highlights page was not available yet, but he would provide the executive summary to the audience. The draft report would be posted online after the meeting.

Senator Buckner-Webb moved to receive the report *Child Welfare System: Reducing the Risk of Adverse Outcomes*. Senator Bayer seconded the motion, and it passed by voice vote.

Cochair Erpelding called on Rakesh to introduce the report. Rakesh said team members Lance McCleve and Lauren Bailey would present the report. The report contained responses from the Department of Health and Welfare, the Department of Juvenile Corrections, and the Supreme Court. He thanked these entities and the counties for their assistance. He expressed a special thanks to children and youth who shared their experiences with staff. This was the third report on the child welfare system. He said the report answered in detail what was being done to keep children safe and out of foster care, how to prevent youth from crossing over to the juvenile justice system, and how to prepare youth for independent living as adults. The primary message of the report was a need for more strategic collaboration among partners. He said he believed the Legislature was in the best position to lead this collaboration. Collaboration was much needed. A youth who participated in one of the team's focus groups summed up this need:

Other people are able to call their parents, but I can't because I don't have that person to call. I am completely alone. Some people actually have somewhere to go for Christmas.

Lance McCleve, principal evaluator, said the request for evaluation asked for three separate topics. Although separate, all topics looked at ways to reduce adverse outcomes for at-risk children and youth. The first looked at how often the Department of Health and Welfare kept children who were determined unsafe from being placed in foster care. It also looked at how well the department used diversion instead of foster care. Lance said Child and Family Services' data system was not set up to collect the necessary information to answer how often children were

diverted. Because of this finding, he recommended that Child and Family Services improve its data collection and reporting capabilities.

Lance explained that the team manually analyzed 70 child welfare case files. They found that about 25 percent of children determined to be unsafe were diverted from placement in foster care. In about 19 percent of those diversion cases, the diversion strategy did not work, and those children were placed in foster care. Lance explained that Child and Family Services should work to reduce inconsistent application of the safety model and develop a plan for strengthening the role of child protection partners. In addition, the Legislature should clarify statute to express legislative intent about the acceptability and use of out-of-home diversion actions.

The second topic addressed youth who have had contact with the child protection system and the juvenile justice system. These youth were known as dual system youth. Lance said dual system youth were at risk of adverse outcomes. The team matched data from counties, the Department of Juvenile Corrections, and the Department of Health and Welfare. They found that of the approximately 1,870 youth who were on probation or committed to Juvenile Corrections in 2014 or 2015, about 640 or one-third had some contact with the child protection system from January 2005 to September 2017. Lance identified some initial characteristics of dual system youth in Idaho.

To address limitations in data sharing among agencies, Lance recommended that a governance structure be formalized for the multiagency group addressing dual system youth. In addition, agencies should jointly conduct a formal, in-depth analysis of the relevant laws and policies that define Idaho's framework for data sharing and coordinated approaches to treating dual system youth.

Lauren Bailey, evaluator, explained that the third topic looked at independent living services provided to older youth in foster care and youth who aged out of the system. Youth who were formerly in foster care were at greater risk for adverse outcomes as adults. These risks included not completing high school or a GED, unemployment, and homelessness. Lauren explained that participation rates in independent living steeply decline after youth aged out of foster care. As of January 2018, only 18 percent of eligible youth who had aged out in 2016 were still participating. The team conducted focus groups with youth and a questionnaire with program staff and found a gap in knowledge about benefits and services among both groups. The team recommended that Child and Family Services strengthen training materials, clarify benefit policies, and create comprehensive materials and resource guides in hard copy and online available to independent living youth.

Senator Buckner-Webb asked what determined a successful diversion. Lance said he considered diversions successful if safety concerns were managed without needing to escalate placement to foster care. Children escalated to foster care meant foster care diversions had not kept them safe.

Cochair Erpelding noted that if 19 percent of children were escalated back to foster care, that percentage represented about 45 kids. Lance said the reason the report was in draft form was because the numbers were confusing; however, 45 was the correct number of cases that were escalated.

Senator Buckner-Webb asked about a hierarchy for child protection partners to declare imminent danger. Lance said social workers cannot remove children from the home. Only law enforcement and the courts have the option and discretion to remove children from the home.

Senator Buckner-Webb asked whether family was considered family by origin. Lance said a blood relative, anyone in the community, or anyone who can keep the child safe can care for the child was considered family.

Senator Stennett asked why some regions had 2–3 times more diversions than other regions. Lance explained several reasons why priority I referrals were less likely to be diverted than priority II or III referrals. More severe threats in priority I referrals were not well suited to diversion actions. Diversion actions required creative or adaptive actions rather than turning to a list of foster parents. Law enforcement or Health and Welfare are required to respond to priority I referrals within 24 hours. When law enforcement sees an unsafe situation, it declares imminent danger if no other alternative can be worked out quickly. Imminent danger influences diversion rates. Lance said he saw more inconsistency among law enforcement and priority IIIs for diversions. Improvement in that area would be good to look at.

Cochair Erpelding said the exhibit on page 33 of the report demonstrated that regions 3 and 4 used diversion much less than other regions. Lance said regions 3 and 4 had experienced turnover, including management in region 4, which may have affected their use of diversions. Also, Ada and Canyon counties had a more specialized set of partners in prosecutors and courts, which influenced the process. Knowing what specifically was driving the numbers was limited. Cochair Erpelding asked if these counties had more diversions. Lance said the rate of each priority was consistent among the regions.

Senator Stennett said the report did not include a map to know what areas encompassed the regions. Lance said region 1 was north Idaho, region 2 was Lewiston, region 3 was Nampa and Caldwell, region 4 was Ada County, region 5 was Twin Falls, region 6 was Pocatello, and region 7 was Idaho Falls.

Representative Bell said that children who aged out of the foster care system had been an ongoing issue; however, the number seemed low. She asked whether the number had gone up or down. She also asked whether Idaho should serve children until they turn 21 as some other states do. Lauren said an average of 65 youth had aged out of foster care each year in the past four years—lower than in previous years. However, in addition to the youth who age out, more youth are in foster care in their later teen years and are receiving independent living services to help them transition. They may be reunified or adopted, even right before turning 18. In Idaho, youth over 18 could stay in foster care if they were still in high school and on track to finish by age 19, depending on whether they were in a foster home and the foster parents were willing to continue care. Twenty-three states have extended foster care, and an additional four states have passed legislation in the past year.

Representative Smith referred to pages 77–78 of the report and asked whether formalizing a governance structure in statute was a viable solution. Lance said Idaho's structure needed to be formalized, and statute was one of multiple ways. No one entity oversees dual system youth, and an oversight committee could take a lead.

Cochair Erpelding invited the Governor's Office to respond but no one was available. He invited other agency heads to respond.

Russ Barron, director, Department of Health and Welfare, complimented the report in conjunction with the report last year. He said the three topics in the report were very important. He said he agreed with diversion. If there was a better way to divert, he was for that. However, he was leery about setting goals and quotas. He said Idaho was in the top 10 percent in the country for diversion. Information in the report gave him more things to think about—more

data to collect with automated systems. He said it was scary that children were aging out at 18 or 19. Those kids needed to have as much support as possible.

Sharon Harrigfeld, director, Department of Juvenile Corrections, said it was always a pleasure to work with Performance Evaluations. She said Juvenile Corrections had been actively involved in data sharing since 1995. Juvenile Corrections was sharing data with the departments of Health and Welfare, Labor, Corrections, and with counties. Better data collection would help address dual system youth. She was looking at participating in a crossover youth practice model. She said she supported a formal governance structure and recommended looking at the Criminal Justice Commission. A lot of the players were the same with some expansion.

Taunya Jones, director of Justice Services, Idaho Supreme Court, commended the office on excellent work in the three studies. She said she appreciated the analysis of dual status youth. The court had been involved in previous efforts to understand this youth group and identify gaps in the system. The report had highlighted that efforts were not as fruitful as hoped. She said information sharing for dual status youth needed to occur on an aggregate and individual level. She said she supported the recommendation for entities to work together.

Rakesh said he would contact House and Senate chairs of the Judiciary and Rules committees and the Health and Welfare committees. In addition, he believed a follow-up should be conducted in one year to see how agencies, as well as the Legislature, have implemented recommendations.

Cochair Erpelding recognized presence of Senator Lee, who made the request, and Senator Potts in the audience.

Senator Buckner-Webb moved to conduct a follow up in a year. Representative Smith seconded the motion, and it passed by voice vote.

Other committee business

Rakesh said the office would have two more meetings. One to release a report on Pardons and Parole and another for topic selection. He was receiving a few requests and encouraged legislators to talk to him about requests.

Cochair Erpelding thanked Rakesh and staff.

The meeting adjourned at 6:07 p.m.