

**MINUTES**  
**Approved by the Committee**  
**Foster Care Study Committee**  
**Friday, September 22, 2017**  
**9:00 AM to 1:00 PM**  
**State Capitol**  
**Boise, Idaho**

Co-chair Lee called the meeting to order at 9:02 a.m., and a silent roll was taken. Members present: Co-chair Senator Abby Lee and Co-chair Representative Christy Perry; Senators Todd Lakey and Cherie Buckner-Webb; and Representatives Mike Moyle, Lynn Luker, and Jason Monks. Absent and excused: Senator Kelly Anthon and Representative Melissa Wintrow. Senator Mary Souza participated via conference-phone. Legislative Services Office (LSO) staff present: Mike Nugent and Ana Lara.

Other attendees: Tahna Barton, 5th District CASA; Director Russ Baron, Deputy Director Lori Wolff, Michelle Weir, Miren Unsworth, Roxanne Printz, Gracie O'Brien, and Sabrina Brown, Dept. of Health and Welfare; Brian McCauley, Foster Care Reform; Lauren Necochea, Idaho Voices for Children; Rakesh Mohan, Hannah Crumrine, and Lance McCleve, Office of Performance Evaluations (OPE); and Angela Ahlstrom.

Note: Presentations and handouts provided by presenters/speakers are posted on the Idaho Legislature website: [www.legislature.idaho.gov](http://www.legislature.idaho.gov) and copies of those items are on file at the Legislative Services Office located in the State Capitol.

Co-chair Lee publicly acknowledged the work and efforts of Representative Wintrow, who was not able to attend the meeting, but has worked diligently with many groups and stakeholders to address foster care issues. Co-chair Lee welcomed the committee and thanked the presenters for their participation as well as Division Manager Mike Nugent for staffing the meeting.

**Co-chair Lee called for the approval of the minutes of July 17, 2017. Senator Buckner-Webb made a motion to accept the minutes of July 17, 2017. Senator Lakey seconded the motion. The motion passed unanimously.**

**Update on OPE's Foster Care Project and the Scope of Review of CASA - Director Rakesh Mohan and Lance McCleve, Office of Performance Evaluations**

Co-chair Lee called upon Director Mohan and Mr. McCleve from the Office of Performance Evaluations (OPE) to provide an update on the foster care projects.

Child Welfare System: Reducing the Risk of Adverse Outcomes Study Scope - Mr. Lance McCleve

Mr. McCleve began by addressing the first handout and new title for the study ([Reducing the Risk of Adverse Outcomes Study Scope](#)) and proceeded to list the three main areas of focus for the study report:

1. Diverting children and youth from entering foster care;
2. Preventing children and youth from crossing between the child welfare and juvenile justice systems; and
3. Preparing youth (in foster care) who are transitioning to independent living as adults.

OPE found that the efforts by various partners in child protection and juvenile justice in these three areas have a goal to prevent the next potential negative experience from occurring.

Preventing Children and Youth from Entering Foster Care

Once a family has been referred to the Dept. of Health and Welfare (DHW) and DHW has determined that a safety concern exists, there is still an opportunity for DHW to address the safety concern without necessarily removing the child from the home. OPE is reviewing how DHW takes

advantage of the opportunity to keep the child at home; there are federal and state statutory expectations that DHW do what they can to address the safety issues while keeping the children at home with their families. However, there are many complicating factors to make it possible to leave the child at the home.

OPE is looking at the options that DHW has to keep children in their homes. They have also analyzed data from DHW on the in-home safety plans and will review how frequently those safety plans were conducted, and then perform case reviews on an individual case basis to see what circumstances existed that allowed for DHW to establish a safety plan instead of removing the child from the home. OPE also plans to analyze this information on a regional level to compare between regions across the state to find any patterns or reasons for why safety plans are, or are not, being done.

Co-chair Perry inquired whether OPE was separating the DHW referrals made by the public versus law enforcement in their analysis and report. Mr. McCleve responded that OPE would look at the rate of referrals from each source in their analysis. He added that there are various safety plans that can be offered for a limited amount of reasons for potentially removing a child from home. Co-chair Perry requested that, in OPE's research, they approach the question of how to make the removal of a child by law enforcement smoother by, for example, working closer with DHW to place the child with a family member instead of a stranger. Mr. McCleve responded in the affirmative. Representative Luker asked to what extent, if any, would OPE look at schools as a resource to help divert children and identify intervention and work with children on any issues. Mr. McCleve responded that education would be a larger part of their analysis since it is the single most frequent contact that state programs have with most children. Representative Luker asked if more could be done with identifying [issues] and assisting early in the intervention process. Mr. McCleve responded that OPE can take an initial look at how the education system as a contact point is utilized in Idaho and any opportunities to make the process more robust.

OPE is looking at what diversity exists in how states use the flexibility they have to do in-home safety plans or early diversion strategies. He added that in-home safety plans are uniform in the sense that few things can be done to keep children in their homes. In the end, Mr. McCleve said, there may be some options or unique ideas that Idaho may consider. Co-chair Perry asked OPE to look into what the ramifications would be for removing the offender (as allowed in statute) as opposed to removing the child from home. Co-chair Lee asked OPE to highlight any case files they come across in their research where there have been numerous reports of abuse of children with a safety plan and the responses have been 'unsubstantiated' or 'no response - DHW is working with the family.'

#### Youth Who have had Contact with Child Protection and Juvenile Justice

OPE will look at the different pathways that cause youth to have contact with both the child protection system and juvenile justice and attempt to analyze this population. They will analyze one to two years worth of youth in juvenile justice and look into who had contact with child protection after and/or before. After doing some initial data collection, it became apparent that this information would be difficult to collect on a yearly basis and are looking into what makes it systematically difficult to understand those populations (e.g., legal barriers, technology barriers to sharing information between agencies and counties and understanding the need to do so). He added that OPE looked at national literature and models for addressing information sharing and interventions. They are focused on reviewing methods to see if, as a contact point, they are well-situated and have the information and means necessary to be effective at limiting contact with juvenile justice. OPE is looking at methods, services and evidence-based practices that have been used nationally to prevent contact with juvenile justice.

#### Transitioning Youth in Foster Care to Independent Living as Adults

Mr. McCleve explained that the youth in foster care are not in a natural environment where they can fail and still have the security of family to fall back on. The State has an independent living program that is designed to help youth prepare for independent living. There are also a number of

benefits and services available, but there are several conditions around when services and benefits can be received and an individual may or may not qualify - despite having been in child protection at a given age. OPE's efforts are to:

- Cover the services available to this youth population;
- Describe and identify what conditions are necessary for each of those benefits and services; and
- Describe any limitations or the parameters of the program that may limit the youth's ability or awareness to access services.

OPE also conducted a focus group with some of the youth who have been through the program or are currently in the program, to obtain insight regarding their thoughts about the process and how they prepared themselves for their transition; results from this focus group will be shared with the committee. Representative Luker inquired about the characteristics of the youth who have reached adult age in the foster care program, including what commonalities they may share that could be focused on earlier to achieve a successful outcome.

#### Court Appointed Special Advocates Study Scope - Director Rakesh Mohan

Director Mohan explained that the team doing the research on this study are currently in Coeur d'Alene doing field work, but he would try to cover any questions the committee had regarding this study ([Court Appointed Special Advocates Study Scope](#)) in their absence. Director Mohan described the scope of this study and the four questions OPE would be answering in their report:

1. What is the structure of the guardians ad litem program in Idaho;
2. How well does the structure of the program align policy and procedures, stakeholder expectations, available resources, and quality control measures;
3. How does this alignment affect the program's ability to adequately advocate for children's best interests in child protection cases; and
4. What opportunities exist for improving the effectiveness of Idaho's CASA organizations.

Director Mohan explained that the CASA program is a volunteer program and it can be complicated for the State to make demands from volunteers who have limited resources and overwhelming caseloads at times and are putting forth their best efforts. He added that OPE will be reviewing what the CASA volunteers are doing well so their work can be acknowledged, but also reviewing what can be improved. The basic overall approach to this study will be analyzing quantitative data from the administrative office of the Idaho Supreme Court, but there is a great deal of qualitative information that must be analyzed as well. OPE will have thorough conversations with a vast range of stakeholders to provide, not only qualitative data, but rich context to accompany this data to assist the committee in deliberating when deciding certain policies. The team is spending two days in each CASA district office to speak with youth, volunteer advocates, program staff and CASA board members; these conversations consist of both interviews and focus groups, as well as surveys. Director Mohan reminded the committee that to effectively address these foster care issues in a sustainable manner, it must be done with a system approach; both reports will be released in January, 2018. OPE has also hired a consultant in Portland, Oregon to assist OPE in analyzing CASA programs in other states.

#### **Discussion of CASA's Ongoing Work in Idaho Courts - Tahna Barton, 5th Judicial District CASA Program**

Ms. Tahna Barton, Executive Director for the 5th Judicial District CASA Program, began her [presentation](#) by introducing herself and describing the CASA programs in Idaho.

Highlights and additional facts for Ms. Barton's presentation include:

- CASA programs in the state of Idaho are 501(c)(3) non-profit organizations, which are governed by a board of directors;

- All seven Idaho CASA programs are a member of the National CASA Association and follow its 14 standards and practices;
- CASA programs are funded through donations, fund-raisers, grants and funding from the Legislature;
- All volunteers adhere to extensive background checks (NCIC background check, DHW Child Abuse Central Registry Check and Idaho's Sex Offender Registry check); and
- Through supervision, CASA provides support to volunteer advocates and work to acknowledge the commitment and dedication of GAL/CASA volunteers.

The primary responsibility of the CASA programs are to recruit, train and retain community volunteers to represent the best interest of children involved in child protection proceedings. It is important for the program to recruit volunteers within the communities the children were removed from; this enables children to receive valuable services within their communities and maintain critical connections. All volunteers complete at least 30 hours of pre-service training listed on [slide 6](#). A large amount of resources (time and funding) are spent in training and retaining volunteers; it's critical that CASA secure that investment by implementing strategies and providing sufficient support.

The GAL/CASA duties include:

- Investigate;
- Advocate;
- Facilitate; and
- Monitor.

Most GAL/CASA volunteers stay on an assigned case until the case is closed; they strive for the 'one child-one CASA' goal. GAL/CASA volunteers bring consistency to the program; many have volunteered with the CASA program for several years. The CASA programs receive strong support from the courts and communities and are committed to increasing the number of children served by an active GAL/CASA volunteer.

CASA is in the process of developing a data-entry protocol so that they may gather information to analyze their practices and set future goals.

A couple of issues that the CASA programs struggles with are:

- Executive directors need to continuously seek a variety of funding sources through fund-raising, donations and grant writing; and
- Rural counties are difficult to reach to provide community awareness and to articulate the need for additional GAL/CASA volunteers.

This year the CASA program has received an additional \$467,500 from the Legislature; every program benefited from these additional funds. Almost all the programs, if not all, are using the additional funding to train and recruit new volunteers.

#### Discussion:

Representative Luker inquired about how many children in the system do not have a volunteer. Director Barton responded that, in the 5th judicial district, 48% of children do not have an active CASA volunteer; she believes the district is fairly representative of the entire state. Representative Luker asked about the decision-making process for appointing volunteers and at what point the volunteer becomes involved in the case. Director Barton responded that, due to a shortage of volunteers, the most complicated cases have priority in being assigned a volunteer, but it is not a decision they take lightly. The volunteers are given their cases as soon as possible, preferably before the family group decision-making meeting that sets the tone for the case.

Representative Luker asked Director Barton how the CASA program would define a positive outcome and whether there are any statistics as to how effective the program is in reaching this positive outcome. Director Barton described a positive outcome as a child being placed in a safe and permanent home where the child can reach its potential. She referenced national statistics that state that most children who have a CASA volunteer seem to receive more services than those who do not. Foster care children also spend two months less in foster care when they have a volunteer when compared to those who do not.

Co-chair Perry inquired about the reasoning for having separate CASA program districts versus something more centralized for the entire state. Director Barton did not know the historical reasoning for this. Co-chair Perry asked about the 5th judicial district recruitment pool and whether each district's recruitment pool looks unique or similar. Director Barton responded that each district looks for similar qualities in volunteers - someone who cares deeply about children and has good judgement. She added that some of their best volunteers include teachers, counselors and housewives. Co-chair Perry asked if it was a fair assessment that the CASA program lacks a straightforward and organized effort to direct marketing to a specific pool. Director Barton responded in the affirmative, but added that they extend their efforts to the entire community since they have a diverse group of volunteers.

Co-chair Perry emphasized that her line of questioning was an attempt to gain information to assist the CASA program. Co-chair Perry asked who required the CASA programs to provide 12 hours of training for volunteers. Director Barton explained that it is a requirement of the National CASA Association and most volunteers far exceed the 12 hours of in-service training. Co-chair Perry asked under what authority do CASA programs ensure that court-ordered services are followed. Director Barton responded that under statute they have a duty to monitor and ensure that court-ordered services are fulfilled and utilize releases of information from judges to access the information needed to do so.

Co-chair Lakey inquired about the process to obtain information needed to monitor court-ordered services and whether they receive good cooperation from government entities involved in the process. Director Barton responded in the affirmative, but added that it does vary a bit from district to district depending on the working relationships between entities. Representative Luker inquired about the average time invested by volunteers on each case. Director Barton responded that volunteers spend an average of 8-10 hours a week on each case. Representative Luker asked about how many children do volunteers work with at a time. Director Barton answered that each volunteer takes one to two cases at a time and each case encompasses all the children in the family. Representative Luker referenced the responsibilities delineated in Section 16-1634, Idaho Code, and asked if the work had become too complicated for volunteers to take on. Director Barton responded that the work in and of itself is complicated. She added that the complexity of the work has, at times, caused people to shy away from volunteering.

Co-chair Lee inquired about who would speak on behalf of a child at a family planning meeting if there is no volunteer assigned to the case. Director Barton explained that, out of necessity, staff will take on cases that lack a volunteer, but it is not the ideal practice because they cannot provide the same attention to the case as a volunteer could. Co-chair Perry asked if court recommendations are shared with other parties throughout the process. Director Barton responded that, once a court report is filed, all parties are privy to it.

Representative Luker inquired whether there are ever conflicts between volunteers and foster parents or family members, and if so, whether it happens seldomly or frequently. Director Barton responded yes, but it happens rarely; usually they can work through any issues and there is a grievance process in place to address those situations.

Representative Perry asked Director Barton what the CASA program needs statewide to make the program extremely effective at helping children. She explained that adequate funding would be

the first and paramount need for the CASA program. She also added that providing consistency in training, recruitment and practices would also benefit children. Director Barton emphasized her strong belief in the CASA program model, but described the difficulty in managing a program without the adequate resources needed. Co-chair Perry inquired about the CASA program fund-raising practices. Director Barton explained that some rural programs do not have the resources within their boundaries that other programs do. She described some of the fund-raising events (e.g., golf tournaments, singing competitions, painting parties).

Co-chair Lee inquired whether Director Barton had seen any changes in practice due to the changes made to the GAL role and responsibilities or the legislation passed two years ago that allowed for courts to review contested cases. Director Barton responded that, in the 5th judicial district, all issues were resolved without resorting to the final step, but it is comforting to know that the option is available.

Representative Luker inquired whether the CASA program receives federal grants, and if so, are they obligated to comply with federal requirements. He also asked about the makeup of the CASA program in the 5th judicial district. Director Barton responded in the affirmative and explained that the Administrative Office of the Courts (AOC) administers the state grant. She further explained that some CASA programs do receive federal grants, usually from the National CASA Association. The staff makeup varies among the CASA programs throughout the state; the 5th judicial district CASA program has 8 staff members (3 full-time and 5 part-time employees).

#### **Follow Up from the July 17 Meeting - Miren Unsworth, Division Administrator of Family and Community Services, Dept. of Health and Welfare**

Co-chair Lee called upon Ms. Unsworth to present next. Ms. Unsworth began her presentation by discussing DHW's processes for assessing allegations of maltreatment in foster homes. There are instances where children in out-of-home care are abused or neglected by members of their foster family or other persons living in the foster home. While the goal is elimination of these incidents, immediate action must be taken to protect children in homes where this occurs. Any social worker, who has "reason to believe" abuse or neglect has occurred in a foster home has an ethical and legal responsibility to report such abuse or neglect. Referrals related to children placed in foster care are also often made by community members. Referrals are prioritized according to the program's established Priority Response Guidelines and a safety assessment is conducted when the referral contains allegations meeting these guidelines

When a report of maltreatment in a foster home is received, a companion licensing report is also created requiring a licensing response from the foster family's licensing worker. Both reports are received and generated by the centralized intake unit. In many cases both the assigned safety assessor and the licensing worker will meet with the family together and conduct their assessment processes in tandem. The role of the safety assessor is to determine if maltreatment occurred and identify any possible risk or safety issues to the child in the resource family home. The role of the licensing worker is to identify any licensing concerns and provide supports to the foster family when necessary.

If the allegations and initial assessment indicate a child has experienced abuse or neglect or is at substantial risk of abuse or neglect, the child would be placed in another foster home for a period of time pending a full assessment. The child may ultimately return to the home if the allegations are found to be unfounded, but would not return to the foster home if the assessment indicates a safety concern.

When an allegation is made regarding controlled substance use, a safety assessment and/or a licensing assessment would be conducted. This assessment would typically include drug testing and possibly a substance abuse evaluation. If the outcome of the substance abuse assessment indicates an issue, this would result in closure or revocation of the family's license. If licensing concerns

which don't rise to the level of revocation are identified, a written plan of correction would be developed to address the concerns.

For fiscal year 2017, there were 285 unplanned placement changes; 19 children were moved due to allegations of abuse or neglect. These instances involved 14 licensed foster families and 10 of these 14 families had their license revoked or closed.

Ms. Unsworth explained that there is a clear protocol in place so that when staff is at the decision-point of possibly removing a child from a foster home, their local program manager, central office and deputy administrator need to be made aware. She added that the safety of children in foster homes is paramount, but they also want to ensure that children are not unnecessarily being moved.

Co-chair Lee inquired about any assurance DHW could give regarding instances where children have been moved from foster homes without cause or regard for statutes or policies. Ms. Unsworth explained that, in the circumstances raised, they met with leadership to understand the seriousness of the issues and the need for accountability and to comply. Secondly, she said, when there have been instances of misapplication of statute, standards or policy, there was appropriate personnel action taken.

#### Problem Resolution Process:

DHW has recently made modifications to the Foster Parent Problem Resolution & Grievance Process in an effort to streamline the process. The process is reviewed with families several times throughout licensure. The process begins with an attempt to resolve the issue with the assigned social worker, it then elevates to the supervisor, and if it remains unresolved it elevates to the local program manager, and finally a statewide problem resolution team.

This process is designed for foster parents caring for children in the DHW's custody who may have a grievance. The primary principles of the process include:

- Resolving concerns in a transparent, collaborative manner and without prejudice;
- Establishing an environment in which foster parents feel heard, informed, and respected during and after discussions, without fear of retaliation; and
- Resolving concerns in the most timely and efficient manner possible.

Prior to making the most recent modifications to the process, the Department gathered feedback regarding concerns with the process. The feedback and concerns consisted of:

- The process appeared cumbersome and unclear, due to the multiple steps;
- The process was often confused with the Permanent Placement Selection Committee process, as they were combined in one practice standard;
- There were no specified requirements with regard to time frames for following up with the family; and
- The process was not well advertised. Some staff and many foster families were unaware of its existence; and
- There was no available data to speak to the use and effectiveness of the process.

Based on this feedback the following revisions were made to improve the process:

- The process was condensed from five stages to four stages;
- Specific time frames regarding follow-up with the family at each stage were implemented;
- The grievance process was separated from the permanent placement selection committee process;
- Templates were developed and implemented to assist in the collaborative development of Resource Parent Resolution Plans;

- A database was implemented to collect data specific to grievances that reach stage two until resolution has been achieved;
- A resource parent flyer outlining the process was developed; and
- An implementation and education plan was developed for resource parents and staff.

Leadership rolled out the revisions to all staff; the New Worker Academy Foster Care session was also revised to include information about the process.

Since October 2016, there have been 14 grievances that have at least reached stage two (the supervisory level). Over 64% of the grievances resulted from communication issues between DHW and foster families. Of those grievances, 50% were resolved at the supervisory level, 21% were resolved at the program manager level and the remaining three grievances are in the process of achieving a resolution.

The DHW plans further refinements to the process. This will include:

- Ongoing training and follow-up with staff and families on the process;
- Providing further clarification in terms of time frames associated with each stage of the process;
- Providing clarification regarding communication with the family's supportive individual - if the family chooses to have one participate; and
- Updating brochures for families.

Discussion:

Co-chair Perry asked how DHW determines safety concerns. Ms. Unsworth explained that, since the new statutory changes related to placement changes, DHW has updated their data management system to better track unplanned placement changes - specifically for safety concerns. She further explained that, regarding the 19 children that had unplanned moves, the concerns involved allegations of physical abuse and, in a couple of cases, there were allegations of sexual abuse.

Co-chair Perry followed up by asking if the safety concerns were one in the same for both biological parents and foster parents and were they minor or major concerns. Ms. Unsworth responded that, of the 19 children who were removed from a foster home and never returned to those homes, there were serious concerns and serious allegations. The data she hopes to bring to the committee is reasons and circumstances for which, after an assessment, stay in respite and a determination that no safety concern exists, a child is placed back into the foster home. Co-chair Perry requested information regarding the reasons for a child being removed from home and custody of their parents, as well as the reasons and circumstances for which a child would be returned home after the assessment. Co-chair Perry asked if there was a grievance process for biological parents who have an issue or concern about their child's placement. Ms. Unsworth responded that the pathway parents seek when they have a disagreement regarding something DHW has done is through their attorney and the court system.

#### GAL/CASA Program

Ms. Unsworth explained that, while the CASA program and the DHW have roles and responsibilities that differ, each share similar values related to protecting children in communities. The system is designed to enable each entity to conduct their own assessment and bring their information and recommendations to the court for consideration; this makes the process more informed, comprehensive, and rich. DHW worked with the AOC to update the standardized order appointing a Guardian ad Litem to a case. This was done in an effort to provide consistent expectations in relation to GAL's rights to certain information. DHW have also begun working with the programs and the AOC to update their memorandum of understanding to further clarify processes related to information sharing, training, and problem solving.



## **Work Being Done by Idaho Voices for Children - Christine Tiddens, Community Outreach Director, Idaho Voices for Children**

Co-chair Lee called upon Ms. Tiddens to present. Ms. Tiddens began her [presentation](#) by introducing herself and providing some background information regarding Idaho Voices for Children as a nonprofit organization focused on improving the lives of children in Idaho. Idaho Voices for Children advances policies that improve the lives of Idaho children and their families in four key areas of focus:

- Child safety and welfare;
- Health and access to care;
- Education and school readiness; and
- Family economic stability.

She addressed two areas that Idaho Voices of Children is working on prevention and strengthening the foster care system to ensure children receive support.

Highlights and additional facts for Ms. Tidden's presentation include:

- Advocated for the committee to look into prevention efforts and invest in programs that have proven to reduce entry into foster care;
- The Maternal, Infant, and Early Childhood Home Visiting Program is a program that can be used as a preventive measure. It is a voluntary program that provides family support and coaching and offers evidence-based services and referrals.
- Studies have shown that home visiting programs have been proven to reduce 48% of child abuse and neglect;
- Every \$1 invested in home visiting saves \$5.70 in future costs for families and communities; and
- Over half of U.S. states have legislation that address sibling relationships in foster care and adoptions, but Idaho does not.

Ms. Tiddens stated that home visiting programs can help reduce costs for DHW and the State and also increase the welfare for children. She shared a short video ([slide 11](#)) created to introduce the work done by Idaho Voices for Children, foster care youth and their partners.

While entering foster care can be traumatic for children, separating siblings has been shown to further increase trauma for children. Maintaining sibling bonds in foster care is proven to:

- Help children achieve developmental milestones;
- Provide emotional support;
- Ensure a share history, culture, and sense of community; and
- Spare children the experience of yet another loss in their lives.

### Challyce's Story

Miss Chalyce Hurt, member of the Idaho Foster Youth Advisory Board (IFYAB), shared her story of entering foster care. She voiced the difficulty and emotional toll it took on her and her siblings to be separated. Miss Hurt explained that separating siblings in foster care can cause behavioral issues at home as well as a feeling of loss of family and cultural identity.

The IFYAB is working on a post-adoption sibling agreement that would allow siblings to maintain contact during their entire stay in foster care and in the case of adoption as well; some states across this country have already adopted this contract. The end goal is to put in place a Sibling Bill of Rights, similar to the Idaho Youth in Care Bill of Rights, that would allow contact between siblings.

### Discussion:

Co-chair Lee inquired who Miss Hurt identified as an advocate during her time in foster care when she was separated from her siblings. Miss Hurt responded that she was her own biggest

advocate and continually voiced her concerns to her social worker. Representative Luker asked what percentage of foster care youth are separated from their siblings. Ms. Tiddens responded that the information for Idaho was not available, but they would work towards gathering this information to see how Idaho compares to the rest of the country in sibling connection.

### **Discussion on Draft Legislation on Judicial Review**

Co-chair Lee invited the committee to look at the draft legislation before them. She reminded the committee that in the last meeting, they discussed the misunderstanding of when the courts could review placement. After looking at the statute, the co-chairs met with the magistrate judges to discuss this issue. The magistrate judges do not believe they have to prove abuse of discretion in cases where the placement decisions are contested by a party. They have brought forward a court rule to address this concern and the co-chairs have put this court rule forward in the draft legislation.

Representative Luker shared some of his thoughts regarding the draft, such as the court dates and time lines being unnecessarily delineated in the draft legislation, since they are already found in the court rule. He opined that what the courts need is legislative authority [to allow for a standard of review]. He suggested combining the first sentence of line 10 and the last two sentences on line 11 of the draft to express a standard of review to apply to the review process. Lastly, he opined that this section should be placed in Section 16-1619, Idaho Code, rather than Section 16-1629, Idaho Code, because the former deals with adjudicatory hearings. Senator Lakey agreed that the draft should not include all time lines, but opined that it would be of some value to insert a backstop in the statute. He commented that they may need to clarify who would carry the burden of proof in a adjudication hearing or a subsequent modification hearing.

Co-chair Lee referred to Section 32-717, Idaho Code, and noted that the courts look at some of the issues and criteria for making best interest decisions for children. She noted that this draft is different in that Section 32-717, Idaho Code, deals with divorce and custody proceedings in which a parent would receive custody of a child and in foster care placement it would not be a parent. Co-chair Lee asked Mr. Nugent to look at any similarities between both sections and to move some language from Section 32-717, Idaho Code, so there can be some clear criteria available for courts to refer to. She also suggested looking at some draft language in regard to sibling connection.

### **Final Discussion:**

Co-chair Lee inquired if anyone had signed up for public testimony. Ms. Lara responded in the negative. Co-chair Lee inquired about a potential meeting date in October. After some discussion, Co-chair Lee stated that she would follow up with the committee members via email to find a meeting date that would work best for the committee.

Co-chair Lee asked the committee to contemplate any additional testimony, follow-up or information they wish for the next meeting. Co-chair Perry shared her approval regarding OPE's focus on the risk of adverse outcomes in their study report. She reminded the committee of a prior OPE report that recommended the Legislature establish a committee that would be involved consistently in the issues affecting children in Idaho, such as potential adverse outcomes, for example. Representative Monks inquired whether there was a 'bill of rights' for foster children and parents, so that parents can be made aware of their rights in a well-defined manner. Co-chair Lee responded that they would include this inquiry in their follow-up and provide the committee with any materials. She thanked the committee, presenters, and the public for their time.

The committee adjourned at 11:57 a.m.