

MINUTES
SENATE HEALTH & WELFARE COMMITTEE

DATE: Wednesday, March 14, 2018

TIME: 2:00 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman Heider, Vice Chairman Souza, Senators Lee, Foreman, and Potts

ABSENT/ EXCUSED: Senators Martin, Harris, Agenbroad, and Jordan

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairman Heider** called the meeting of the Health and Welfare Committee (Committee) to order at 2:39 p.m.

GUBERNATORIAL APPOINTMENT: **Reappointment of Mark Von Lindern to the Hazardous Waste Facility Siting License Application Review Panel (Panel).** **Mark Von Lindern** described his educational background and his qualifications for this position. He noted he has been involved in a variety of environmental programs and has experience with hazardous waste.

DISCUSSION: **Chairman Heider** asked where Mr. Von Lindern earned his degree. **Mr. Von Lindern** stated he holds an engineering degree from the University of Idaho.

Vice Chairman Souza inquired as to when Mr. Von Lindern was initially appointed to the Panel and how often the Panel meets. **Mr. Von Lindern** stated he has served on the Panel for around 15 years. He noted the Panel has met roughly 6 times since he was first appointed.

PRESENTATION: **Office of Performance Evaluation Report: Representation for Children and Youth in Child Protection Cases.** **Amanda Bartlett** introduced herself as a Principal Evaluator at the Office of Performance Evaluation (OPE). She stated the request for this evaluation resulted from concerns regarding court-appointed special advocates, guardians ad litem, and a lack of volunteer advocates for children and youth in child protection cases. This evaluation was meant to determine whether court-appointed special advocates and guardians ad litem could provide effective representation for children in child protection cases. **Ms. Bartlett** explained that representatives for children can lead to improved case outcomes and increase the likelihood that a child will find a permanent home.

In Idaho, children under eleven years of age are represented by a court-appointed special advocate or guardian ad litem. These representatives determine what is in the best interest of a child by conducting an independent investigation of the case. They report what they find to be in the child's best interest. Children can also be represented by a public defender, although this is generally only for children over 12 years of age. The relationship between the child and the public defender is a typical attorney-client relationship. Judges also have the ability to appoint both a public defender and a guardian ad litem to a case.

Ms. Bartlett noted the representation process is contained in Idaho Child Protective Act (ICPA). She stated OPE identified two areas of concern when

investigating the implementation of the ICPA. The first concern is that there are gaps in representation for children. These gaps occur due to a shortage of guardians ad litem, who are generally trained volunteers working for a non-profit organization. Non-profits may not have the resources to continue representing a child, in which case they must petition to withdraw from a case. OPE found that judges do not always appoint a public defender after a guardian ad litem withdrew from a case. This leaves children without a representative. **Ms. Bartlett** stated in some cases no guardian ad litem or public defender was ever appointed by the judge. At the system-level, there is no way to verify whether a child is being represented.

OPE's second concern is that child representation in Idaho lacks consistency and stability. OPE researched child representation in other states and found that policy implementation varies widely; however, all states share some commonalities in regard to child representation. **Ms. Bartlett** asserted specific training is necessary for those representing children, representation is needed early in every case, and stability is vital for effective representation. She noted guardians ad litem in Idaho must undergo 30 hours of training before being appointed to a case. They must also undergo 12 hours of annual training.

Idaho often appoints a representative early in a case, but the State has a high representative turnover rate. As a result, the non-profit organizations overseeing guardian ad litem programs focus on recruiting volunteers and do not focus as heavily on supervision of volunteers or quality control. **Ms. Bartlett** explained guardian ad litem programs in Idaho are currently run by seven independent non-profit organizations; therefore, it is not clear who is responsible for ensuring the consistency and quality of child representation at the State level. OPE recommended the Legislature facilitate a meeting with stakeholders to determine who is ultimately responsible for child representation at the State level.

DISCUSSION:

Chairman Heider asked if child representation falls under the purview of the Idaho Department of Health and Welfare. **Ms. Bartlett** responded in the negative. She noted the Administrative Office of the Idaho Supreme Court acts as the grant administrator for guardian ad litem programs.

Chairman Heider sought information regarding the requirements for becoming a guardian ad litem. He asked why recruitment of volunteers is so difficult. **Ms. Bartlett** stated individuals must undergo a background check, 30 hours of pre-service training, and an interview process in order to become a guardian ad litem. She asserted being a guardian ad litem is demanding. It requires around a ten-hour commitment each month, which involves investigation and writing recommendations to the court. **Ms. Bartlett** explained the child representation process can be challenging.

Chairman Heider inquired as to whether judges take gender into consideration when appointing representatives for children. **Ms. Bartlett** stated there are no gender-matching specifications.

Senator Lee asked Ms. Bartlett to explain the need for a child representation oversight committee. **Ms. Bartlett** explained successful child representation requires a collaborative effort from multiple stakeholder groups. Currently, there is no entity that oversees this process. **Ms. Bartlett** emphasized the importance of an oversight committee that could facilitate stakeholder collaboration and provide a forum for policy discussions.

MOTION: **Vice Chairman Souza** moved to send the reappointment of Mark Von Lindern to the Hazardous Waste Facility Siting License Application Review Panel to the floor with the recommendation that he be confirmed by the Senate. **Senator Lee** seconded the motion. The motion carried by **voice vote**. Vice Chairman Souza will carry this appointment on the floor.

APPROVAL OF MINUTES: **Senator Foreman** moved to approve the Minutes of February 20, 2018. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

PAGE FAREWELL: **Chairman Heider** thanked Harrison Woodland for his excellent work as the Committee page. **Mr. Woodland** thanked the Committee and spoke about his experience as a Senate page.

ADJOURNED: There being no further business, **Chairman Heider** adjourned the meeting at 3:11 p.m.

Senator Heider
Chair

Rachel Goodman
Secretary