

MINUTES
(Subject to Approval by the Committee)
Child Protection Legislative Oversight Committee
Thursday, February 22, 2024
8:00 A.M.
Room WW55
Boise, Idaho

Members in attendance: Cochair Senator Abby Lee and Senators Kelly Arthur Anthon, Linda Wright Hartgen, and Melissa Wintrow; Cochair Representative Brandon Mitchell and Representatives Jason Monks and Lauren Necochea; Absent/Excused: Representative Clay Handy. Legislative Services Office (LSO) staff present: Jill Randolph and Baylie Moore.

Audience sign-in: Roxanne Printz, Andie Blackwood, Cameron Gilliland, and Dean L. Cameron - Idaho Department of Health and Welfare (IDHW); Lesile Montgomery - representing herself; Jeremy Rudolph and Dr. Kylie Billingsly - foster parents; Brian McCauley - foster advocate; Rakesh Mohan, Mackenzie Moss, Lauren Bailey, and Amanda Bartlett - Office of Performance Evaluations (OPE); Merrit Dublin - attorney, representing herself; Stephanie Morgan, Bob Thomas, KJ Brant, Michelle King, and Amy Minzghor - region chairs, Citizen Review Panels.

NOTE: presentations and material distributed to members are posted to the Legislature's website: <https://legislature.idaho.gov/sessioninfo/2023/interim/cplo/> and copies of those items are on file with the Legislative Services Office located in the State Capitol. Video of this meeting is also available on the website.

OPENING REMARKS

Cochair Lee called the meeting to order at 8:00 a.m.; the committee members introduced themselves and a silent roll call was taken.

OVERVIEW OF CITIZEN REVIEW PANELS REGIONS 1-7

The chairs of the Citizen Review Panels (CRP) provided the committee with their region updates and shared their experiences working with IDHW.

- Senator Lee asked Ms. Brant if she had seen additional efforts for prevention in her region since the family first efforts came forward. Ms. Brant replied that she had.
- Senator Wintrow asked Ms. King if she had recommendations for the committee. Ms. King mentioned Idaho needs to recruit more foster parents and needs to create a foster parent bill of rights to protect foster parents.
- Senator Lee asked Ms. Morgan if there is additional documentation the CRP chairs should have access to. Ms. Morgan mentioned case note documentation including Espy Case Solutions notes should be made available. Senator Wintrow asked Ms. Morgan if she received adequate help from IDHW when she called with questions and concerns. Ms. Morgan stated she received adequate help from her region's IDHW liaison but not from the state's IDHW liaison. Senator Lee asked Ms. Morgan if there is any improvement that could be made for this program. Ms. Morgan replied there needs to be more oversight and more transparency within the program; she mentioned that a separate entity should be created to provide these services.
- Senator Lee asked Ms. Minzghor what the barriers for recruiting foster parents in the state are. Ms. Minzghor replied that foster families need a lot of training and support. She mentioned foster families often don't know what resources are available to them.

OFFICE OF PERFORMANCE EVALUATIONS REPORT

Rakesh Mohan, Director, Office of Performance Evaluations (OPE), discussed the reports and projects OPE has worked on over the past year. Amanda Bartlett, Principal Evaluator, OPE, mentioned that

since 2017 OPE has conducted four full-scale evaluations into child protection issues. She stated that last year OPE evaluated all four of those child protection reports to see if progress has been made. She then discussed the high-level takeaways from this evaluation. Ms. Bartlett then discussed a report concerning child protection ombudsmen and explained what an ombudsman's role looks like.

- Senator Wintrow asked Ms. Bartlett if she had any other recommendations that would increase transparency between foster families and IDHW. Ms. Bartlett mentioned that Idaho does not innumerate many statutory rights to information like other states do. She stated Idaho needs to clarify who may have access to certain documentation by strengthening the statutory language relating to rights to information.
- Senator Wintrow asked Ms. Bartlett if there are specific issues that continue to be brought up every year that still have not been addressed. Ms. Bartlett stated that recruiting and retaining an adequate amount of foster parents, making sure social workers are able to build relationships in order to practice good social work, and having an effective problem-resolution process for when problems come up are examples of issues that are brought up repeatedly and never addressed.

SUNSHINE FOR CHILD WELFARE CASES - AN OVERVIEW OF OPTIONS

Merrit Dublin, Attorney, representing herself, detailed her involvement and experience with the child welfare system. She mentioned the need for clarification in regard to the right to information in child welfare cases and stated this could be fixed with the appropriate guidance and direction from the state. Ms. Dublin mentioned how everyone involved in the system has been operating under the fear of violating confidentiality. She expressed the need of a statute that clarifies that the state wants the maximum amount of disclosure of information allowed.

- Senator Anthon asked if there is any legal authority that says IDHW does not have to answer a subpoena with the full record. Ms. Dublin replied yes and that it is the legal authority given to the state from the department. She mentioned that IDHW adopted an administrative rule that details how the department will answer subpoenas. Senator Anthon asked for further explanation about the rule that protects children in criminal proceedings. Ms. Dublin stated that under the Idaho Supreme Court Rules, Idaho Administrative Code Rule 32 was created to limit the access of court proceedings.

IDAHO FOSTER CARE: A DECADE IN REVIEW

Brian McCauley, foster advocate, shared his story and detailed his experience with Idaho's foster care system. Mr. McCauley urged the committee to use its influence to demand change within the foster care system.

- Senator Wintrow expressed her apologies and stated she would do everything in her power to change the foster care system.
- Senator Anthon stated every IDHW employee who has failed the foster care system must go, and he asked Mr. McCauley to stay engaged.
- Representative Mitchell thanked Mr. McCauley for everything he does for the foster care system and for staying engaged.

FOSTER PARENT CONCERNS / OPEN TESTIMONY

Foster parents detailed their negative experiences with the foster care and child welfare systems in Idaho.

- Senator Lee asked what the timeline looked like after Dr. Kylie Billingsley brought her grievance to IDHW. Dr. Billingsley stated that in Idaho people only have seven days to submit a grievance to IDHW. She mentioned that once IDHW receives the grievance, someone is supposed to respond within seven days. Dr. Billingsley mentioned she did not receive a response for several months after submitting the grievance.

- Senator Lee asked Mr. Jeremy Rudolph if the removal of the foster children from his home was done at his request. Mr. Rudolph explained that the sudden removal of the children from his home was not done at his request.

OVERVIEW OF DEPARTMENT GRIEVANCE PROCESS

Andi Blackwood, Child Welfare Bureau Chief, Idaho Department of Health and Welfare, discussed the time frames and guiding principles regarding the foster parent grievance process. She mentioned that since 2016, the full grievance process has only been used twice and both times were within the last year. Ms. Blackwood stated the entire grievance process needs to be revisited and updated.

- Senator Wintrow asked whose responsibility it is to establish the grievance process and ensure that it is working. Ms. Blackwood responded that it is the role of IDHW.
- Senator Lee asked whose job it is to ensure that the grievance process is working. Ms. Blackwood stated multiple people have responsibilities to ensure that the grievance process is working, including herself.
- Senator Wintrow asked what has been holding IDHW back from improving the grievance process over the last ten years. Ms. Blackwood mentioned that if the department received more input from foster parents, the department would be able to identify what part of the process creates a barrier for foster parents.

FOSTER CARE EMERGENCY HOUSING UPDATE

Cameron Gilliland, Administrator, Division of Family and Community Services, Idaho Department of Health and Welfare, discussed short-term rentals that are being used as foster care emergency housing. Mr. Gilliland stated that when Director Cameron began his interim he insisted that these short-term rentals be shut down.

- Senator Wintrow asked for a better explanation as to how IDHW will shut down short-term rentals and create a better culture at the department. Mr. Gilliland explained the way to shut down short-term rentals is to look at each individual case and find a foster family or residential treatment center to place the children in. He mentioned IDHW offers foster parents more money in order to remove children from these short-term rentals. Senator Wintrow asked Mr. Gilliland if he feels like IDHW has the discretion to solve the issues mentioned. Mr. Gilliland stated he believes IDHW has the discretion to solve the problems that were mentioned.
- Senator Lee asked Mr. Gilliland since he believes that IDHW has the discretion to solve these issues, why nothing has been done.

FOSTER CARE EMERGENCY HOUSING PROPOSAL

Senator Lee detailed a draft piece of legislation that addressed the placement of children in congregate care settings.

OMBUDSMAN PROPOSAL

Representative Raybould discussed problems she has seen brought up within IDHW over the past year. She stated she believes these problems are the result of IDHW having too many responsibilities and not enough resources. Representative Raybould gave the committee a copy of an RS that proposed the creation of an independent Office of Health and Social Services (OHSS). She and Senator Lee also proposed the creation of the following positions within the OHSS: an ombudsman, a client analyst, and an executive assistant. Representative Raybould mentioned funds are to be identified within IDHW's current budget and these funds are to be redirected to the OHSS.

- Senator Wintrow asked if the legislative intent is for the office to focus on current child protection cases and then, if more issues need to be addressed, they could be included. Representative Raybould stated that because of the current lack of resources for the OHSS, she wants to start with the framework and add to it based on what is learned throughout the process. Senator Wintrow asked if the RS were introduced as a bill and passed into law, would this oversight

committee continue to meet and monitor the OHSS and take recommendations relating to the office. Representative Raybould stated that this oversight committee would receive ongoing updates from the OHSS with the intent for the committee to make policy recommendations. Senator Wintrow then asked if a grievance is made and it is discovered that the grievance needs corrective action, does the OHSS have the authority to make the corrective action. Representative Raybould stated the goal of creating the OHSS is to empower the individuals who handle these grievances to ensure that if something has gone wrong there is an avenue going forward to correct these issues and prevent these errors from happening again.

COMMITTEE DISCUSSION

Cochair Mitchell made a motion to approve the minutes from the February 22, 2023, meeting. The motion passed unanimously.

With no further business before the committee, the meeting was adjourned at 10:55 a.m.