

Court Improvement Project Committee

Minutes
July 25, 2014
Bismarck, ND

Present

Judge Sonja Clapp, Chair
Shari Doe
Robin Huseby
Karen Kringlie
Connie Portscheller via phone
Donna Wunderlich
Jessica Johnson for Scott Davis

Absent

Judge Todd Cresap
Judge David Reich
Judge Jay Schmitz
Dale Rivard

Guests

Shawn Peterson, Unit 1 Juvenile Director
Brad Swenson, Guardian ad Litem Program Director
Don Wolf, Court Administration, Director of Finance

Staff

Lee Ann Barnhardt
Scott Johnson
Catie Palsgraaf, scribe

Judge Sonja Clapp called the meeting to order. She asked if there were any comments or changes to the May 16, 2014 meeting minutes. After no comment, **a motion was made by Robin Huseby to approve the February 28, 2014 minutes. The motion was seconded by Karen Kringlie, motion carried.**

Review CIP Coordinator Position Description

This agenda item was tabled indefinitely.

Review and approve draft Lay GAL Program budget recommendation letter

The GAL Sub-Committee researched and drafted a letter to recommend that an increase to the Lay GAL Program be included in the final court system budget presented to the 64th Assembly. The final version of the letter will be included in the materials for the next Administrative Council meeting.

Ms. Huseby will update the letter with the changes requested by the CIP Committee and arrange for Judge Clapp to sign the letter. Then, the letter will be submitted to Chief Justice VandeWalle prior to the next Administrative Council meeting.

Discuss and approve Lay GAL Program 2015-2017 budget

Don Wolf provided the proposed Lay GAL Program budget numbers for 2015-2017. The initial compilation of the 2015-2017 Lay GAL budget was distributed to the committee to review. Lee Ann Barnhardt asked if the total number of lay GALs has changed over the years, as the number of lay GALs available may impact the number of hours worked by each lay GAL and travel time. Mr. Wolf explained that the 2015-2017 budget is based on the number of lay GAL hours, rather than the number of GALs. Brad Swenson stated that all of the districts are adequately covered at this time and there is an increased number of lay GALs this year than last year. Currently, there are 43 lay GALs in the state.

The committee discussed the Lay GAL Program administrative costs. The Lay GAL Program administrative costs include the full time salary of the program director, part time salary of the program coordinator, and three to four people within the Youthworks organization that draw a small percentage of their salary from the Lay GAL Program; travel costs of the director and coordinator; certain training for current lay GALs, such as the annual ICWA Conference, the annual statewide lay GAL workshop, and the annual Children and Family conferences; and training for new lay GALs added to the roster. Based on a suggestion from Shari Doe, Mr. Wolf will clarify that operating costs are included in the administrative cost columns by labeling the columns “administrative and operating costs.”

Donna Wunderlich moved to approve the proposed Lay GAL budget for 2015-2017. Shari Doe seconded the motion, motion carried.

Discuss and recommend strategies to keep Lay GAL Program costs at or below projected increases

The committee discussed strategies to minimize continuances based on requests for attorneys and waiting for parents to complete indigent defense applications. Karen Kringlie shared that the referees in the East Central District ask for income information from the bench, which is entered into the record. The referee or district judge still requires the requesting party to fill out the indigent defense application and submit it to the court. The presiding judge asked the referees to do so and they feel this type of continuance has decreased as a result. Ms. Barnhardt suggested that Scott Johnson send a letter from the administrative office to the referees and presiding judges statewide to ask that income information be obtained from the bench. Then, Ms. Barnhardt will follow up with training via the quarterly referee webinar training series.

Robin Huseby moved to have Scott Johnson send an email to the referees with a cc to the presiding judges asking referees to obtain income information from the bench. Scott Johnson will include a statement that training and discussion will follow. Lee Ann Barnhardt will follow up with webinar training and discussion. Karen Kringlie seconded the motion, motion carried.

The committee discussed the strategies included in the Lay GAL Program Budget recommendation letter. There was also discussion about the possibility of capping the number of

hours per case and requiring approval if additional hours are needed. Ms. Barnhardt suggested that if this strategy is utilized, there must be uniform criteria in place to approve additional hours. Mr. Swenson stated that the goal is to determine a best practice number of hours per case. He is currently looking at GAL stats to determine best practice and it will likely include a range of hours.

Discuss future of QA project

The committee discussed Paul Ronningen's resignation as QA Monitor and how to progress with the QA project. There was discussion about whether to continue with a central QA Monitor or rework the project with a regional focus. Ms. Barnhardt reminded the committee that the grant funds designated for the project must be used within the grant timelines or they must be turned back to the Children's Bureau. A great deal of effort on the part of the committee went into freeing the grant funds for this use and the project should be continued.

Mr. Johnson stated that the QA project is an essential element of the overall strategic plan and he sees the juvenile directors as the oversight within each unit. One option is to contract QA assistance for each unit. Ms. Barnhardt reminded the committee that the original proposal for the QA project were regional monitors and morphed into one central monitor. The reason may have been ease of supervision at the beginning of the project and that the caseload only warranted one person. There was discussion of the juvenile drug court coordinators who are temporary employees and directly supervised by the juvenile directors. The dual reporting and supervision has created confusion and challenges. Ms. Kringlie discussed the difficulty in hiring, supervising and retaining part time, temporary staff.

The committee discussed the options available under the grant for staffing a QA monitor. The options include a request for proposals for QA monitoring, contracting for QA monitoring, or hiring a temporary QA Monitor. Mr. Johnson will discuss the project with the juvenile directors and determine their preferred course of action. Mr. Johnson will then review with the CIP Committee.

Review draft of Strategic Plan Update for FFY 2014 (Due to the Children's Bureau on August 30, 2014)

The committee reviewed the strategic plan update and provided feedback. Ms. Palsgraaf will update the plan as requested.

Karen Kringlie moved to approve the Strategic Plan Update for FFY 2014 as amended. Robin Huseby seconded the motion, motion carried.

Sub-Committee Reports:

GAL Sub-Committee – Robin Huseby, Chair

The committee recognized Robin Huseby, the outgoing chair of the sub-committee. Shawn Peterson, Unit 1 Juvenile Director, was recognized as the incoming chair.

ICWA Sub-Committee – Judge Todd Cresap & Connie Portscheller, Co-Chairs

Ms. Palsgraaf reported that the initial ICWA audit nearing completion and a final report for the committee to review will be ready near the end of September 2014. The auditors need guidance on how to manage the next two audits, per the contract, since the initial audit began later than anticipated. Options are to take a random sample of the next two audit years, rather than auditing all ICWA cases; extend the contract to ensure all cases are audited in the next two audit years; or skip the 2011/2012 audit and go straight to the 2013/2014 audit.

Shari Doe moved to extend the ICWA audit contract with the UND Department of Social Work to complete the next two full ICWA audits, if additional time is determined to be necessary. Robin Huseby seconded the motion, motion carried.

Education Sub-Committee – Judge David Reich, Chair

Ms. Barnhardt reported that the Children’s Justice Symposium had good word of mouth and was well attended. Training grant funds will continue to support the Children and Family Service conferences in off years. Planning for the 2015 ICWA conference is under way. Ms. Barnhardt will be going to St. Paul in August 2014 to review a draft of ICWA curriculum training for judges produced by the Children’s Bureau. Once the training is finalized, the sub-committee will look at how to bring it to North Dakota.

Data Collection and Analysis Sub-Committee – Karen Kringlie, Chair

Ms. Kringlie provided a summary of hearings that were held, continued, cancelled, reset or deleted from October 2013 through March 2014. This summary was gathered from data collected from the reset hearings report the sub-committee created. There is a potential issue with deleted hearings. It is possible to right click on the hearing and select delete. This bypasses the continuance/reset options set up in Odyssey that feed the report. The continuance/reset report will not be helpful until all info can be captured. The sub-committee is asking the CIP Committee if they should go forward and ask the odyssey workgroup what to do to get the info captured correctly and consistently.

Donna Wunderlich moved to send a change request form to the Odyssey User Group to see what solutions they have to these issues. Shari Doe seconded the motion, motion carried.

Discuss Department of Public Instruction representation on committee within Supreme Court Policy 520 membership parameters

Bob Rutten of the Department of Public Instruction retired at the beginning of the summer. The committee discussed DPI representation on the committee. A review of Policy 520 prior to the meeting indicated an education member is not included on the membership list. The committee discussed the importance of an education representative. Judge Clapp, Ms. Barnhardt and Ms. Kringlie recalled that an education member had been added to Policy 520. Ms. Palsgraaf stated that her review of CIP Committee minutes and Policy 520 did not show an education member was added.

Karen Kringlie moved to request the Administrative Council add “Superintendent of Department of Public Instruction or Designee” to Section 2 of Policy 520. Shari Doe seconded the motion, motion carried.

(*Note – Following the meeting, Ms. Palsgraaf reviewed the minutes of CIP Committee. At the 11/5/2009 CIP Committee meeting, the committee recommended adding an education member to Policy 520. This recommended change to Policy 520 was approved at the Administrative Council meeting on 3/12/2010. The change was sent out for comments, none were received and the policy was officially updated. However, adding the actual wording to the policy document did not occur. Policy 520 is now updated and posted on the court system administrative site. The updated section reads: “One representative of a North Dakota educational service or entity appointed by the Administrative Council.”)

Next 2014 meeting date

November 7, 2014 – 10am to 12pm, IVN