

Court Improvement Project Committee

Minutes

November 20, 2015

10 a.m. to 12p.m.

GoToMeeting

Bismarck, ND

Present

Judge Laurie Fontaine, Chair

Dale Rivard

Judge Todd Cresap

Robin Huseby

Scott Griffith

Donna Wunderlich

Absent

Judge David Reich

Scott Davis

Karen Kringlie

Shari Doe

Connie Portscheller

Guests

Shawn Peterson, Unit 1 Juvenile Director

Brad Swenson, Director of North Dakota Guardian ad Litem Program

Erin Shanley, Judicial Systems Administrator for the Indian Affairs Commission

Staff

Lee Ann Barnhardt

Scott Johnson

Heather Traynor (scribe)

Katheryne Korom

Welcome and Introductions

Judge Laurie Fontaine called the meeting to order. Judge Fontaine introduced herself and welcomed the committee.

Approval of August 21, 2015 meeting minutes

Judge Fontaine asked if there were any comments or changes to the February 20, 2015 minutes. After no comment, **a motion was made by Dale Rivard to approve the February 20, 2015 minutes. The motion was seconded by Robin Huseby, the motion carried.**

Update on CIP 2015 Annual Self-Assessment Report

Heather Traynor discussed the CIP 2015 Annual Self-Assessment report and the required data on five court performance measures in child abuse and neglect cases. The five measures are Time to First Permanency Hearing; Time to all Subsequent Permanency Hearings; Time to Permanent Placement; Time to TPR Petition; and Time to TPR. The timeliness measures were reported on and sent to the committee prior to the meeting. Ms. Traynor will report on the timely termination of parental rights numbers as the yearend approaches. She mentioned that time to reunification in deprivation cases has decreased by a median of 52 days.

For the fiscal year 2015 self-assessment report the CIP is to highlight two of their highest priority projects and discuss them in depth from a CQI perspective. Ms. Traynor and Scott Johnson discussed highlighting the ICWA Audit project and Lay GAL program as the two priority projects. Mr. Johnson noted that the ICWA audit will be recognized in the self-assessment as it is becoming nationally recognized and is unlike any other audit being conducted in the nation. Ms. Traynor asked for feedback on the numbers reported and asked for input or thoughts on the projects discussed. Judge Fontaine noted she thought the ICWA audit and the Lay GAL program were projects worth recognizing. Once the self-assessment report is complete it will be disseminated to the CIP committee members.

Review of Legal Representation Toolkit CQI Workshop

Heather Traynor and Katheryne Korom attended a workshop hosted by the Capacity Building Center for Courts on quality legal representation for children in dependency cases. The workshop consisted of developing a theory of change to assist with focusing on CQI efforts on quality legal representation. Ms. Traynor reported that ND decided to focus on parent representation as it is currently being measured in the CIP quality assurance court observation project. During the workshop there was a suggestion for CIP to develop a stakeholder group to formulate quality parent representation indicators, what they mean and how they would be measured.

There was discussion that training for attorneys in dependency cases could also improve quality parent representation. Robin Huseby stated that the Indigent Defense Counsel does provide training on juvenile issues every year in the CLEs. This past summer Brad Peterson spoke on termination of parental rights cases and his presentation was well received. Ms. Huseby stated the issue is often a priority for training but there is no minimum curriculum that is mandatory for attorneys. Ms. Traynor mentioned that many states throughout the country require attorneys to complete a certification process before representing parents in deprivation and termination of parental rights cases. Judge Fontaine stated that the creation of the stakeholder group was certainly something to consider to assist in improving representation in dependency cases. Scott Johnson asked if anyone was interested in making a motion to peruse the creation of a stakeholder group. No motion was made. Judge Fontaine suggested tabling the topic for review at the next CIP committee meeting.

Scott Johnson proposed that for next meeting the CIP bring back a more detailed proposal on quality parent representation. Ms. Traynor and Katheryne Korom will gather information to be presented at the next meeting

GAL Sub-Committee – Shawn Peterson, Chair.

Shawn Peterson reported the GAL Subcommittee met on November 12th. Mr. Peterson noted the GAL training manual workgroup has been meeting regularly to update the GAL training manual. The workgroup has updated over half of the manual and has added links to statutes, rules and policies to make the manual more user-friendly.

There was discussion on the Lay GAL program changes that were implemented on September 1, 2015. The main priority of the program change is to provide effective services to the court while also meeting the budget. Mr. Swenson stated the since July, the program has been under budget. The target amount each month for salary and millage has also been under the set goal. It was reported that the Lay GAL workload is up 59 cases from the same time period last year and open cases are currently at 1300. Mr. Swenson stated that feedback from the GALs on the new program implementation continues as they are transitioning to the changes. The new transition includes a reduction of the GAL roster, a set amount of hours per case and a definition of monitoring guidelines that are consistent with Rule 17. Mr. Swenson stated he has had trouble convincing guardians to take on new cases due to limited hours. The program is new, and as it progresses over the time, the GALs will become more comfortable with the limited hours and the new system. Mr. Swenson welcomed questions or comments. There were no questions.

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

Ms. Traynor reported for Ms. Portscheller. The ICWA subcommittee met on November 5th. Heather Traynor reported the subcommittee members discussed updates to the draft ICWA hard card and ICWA best practice document. The guideline updates to the hard card and trial court bench book were approved during the subcommittee and will to be printed and distributed soon. An ICWA best practice guide was also approved. Ms. Traynor and the subcommittee discussed forming a workgroup to focus on the recruitment and training for QEWs. The intent of the workgroup is to work with the Indian Affairs Commission to identify people who could serve as a QEW and to bring in a third party to provide the actual training.

The current statewide ICWA audit is in the second round of case review. During the second round case review the UND researchers have noted that active efforts findings have increased. Heather Traynor reported that Melanie Sage and her research team at UND are also currently auditing Ramsey County court cases and social service records for ICWA compliance. Katheryne Korom is listening to audio recordings of ICWA cases in Ramsey County to assist with the audit. On November 3rd Ms. Traynor presented the statewide ICWA audit during a National CIP conference call to discuss audit and findings and efforts.

Scott Johnson reported that it was Connie Portscheller's final meeting as a CIP committee member. Ms. Portscheller also has completed her term as the chair of the ICWA Subcommittee. Mr. Johnson stated the CIP is looking for a new chair for the ICWA Subcommittee and if anyone is interested in chairing the committee to please let Judge Fontaine and CIP know. Erin Shanley

noted that Scott Davis may be interested in becoming the ICWA subcommittee chair. Ms. Shanley said she will discuss the opportunity with Scott Davis.

Education Sub-Committee – Judge David Reich, Chair.

Lee Ann Barnhardt reported working on an addition to the judicial conference to include an ICWA focused plenary session and workshop for the judges. The plenary session will provide an overview of ICWA and the new BIA guidelines. Judge Thorne and Judge Edwards will be the two judges on the panel along with Tom Lidote and Rose-Margaret Orrantia. A workshop will also be provided with a focus on QEWs and active efforts. Melanie Sage will present a brief summary on the ND ICWA audit findings and recommendations. Scenarios involving active efforts and QEWs will be provided to encourage group discussion. Tribal court judges and ICWA Subcommittee members were invited to take part in the workshop as well. The subcommittee is also working on coordinating the ICWA conference taking place in February. Heather Traynor and Kim Dockter are members of the conference planning committee. Lee Ann will send the registration to committee members when conference plans are finalized. Ms. Barnhardt is also working with the Department of Human Services to plan the Children's Justice Symposium. The symposium will be held the last week in July.

Data Collection Sub-Committee – Karen Kringlie, Chair.

Heather Traynor reported the subcommittee has not met since the last CIP committee meeting. The data committee and CIP have plans to meet to discuss data sharing initiatives between the court and state.

Next 2015 meeting dates

February 19, 2016 from 12:30 p.m. -2:30 p.m. - Baymont Inn and Suites Mandan & IVN
May 6, 2016 from 10 a.m.-12 p.m. – Bismarck & Grand Forks IVN
August 26, 2016 from 10 a.m.-12 p.m. – Bismarck & Grand Forks IVN
November 18, 2016 from 10 a.m.-12 p.m. – Bismarck & Grand Forks IVN

A motion was made by Donna Wunderlich to adjourn the meeting. The motion was seconded by Robin Huseby, motion carried.