

Committee on Juvenile Courts

Committee Minutes

Meeting Date: February, 11, 2016

The meeting was called to order by
Judge McNally at 10:06 pm

Minutes taken by: Kathy Gillmore

Roll Call

Present: Corsaro, Honorable Kimberly (phone); Kelroy, Joe; Koch, Connie; Lutt-Owens, Caroline; McCullough, Honorable Margaret; McNally, Honorable Colleen (Chair); Meaux, Eric; Oldham, Honorable Brenda; Perez, Jr., Martin; Perkins, Honorable, C. Allan; Quigley, Honorable Kathleen; Reeves, Honorable Mark Wayne; Ruechel, Honorable Michala; Sanders, Honorable Corey; Schow, John; Stauffer, Honorable Monica; Tickle, Sheila; Vederman, Honorable Samuel (Tyson Ross - proxy by phone); Young, Honorable Anna; Jantzen, Honorable Lee

Excused/Absent: Karl Elledge, Timothy Wright, Scott Mabery

Guests/Staff Present: David Redpath, Valerie Marin, Teasie Colla, Dr. Dominique Roe-Sepowitz, Angela Rhudy, Steve Tyrrell, Steve Selover, Katherine Guffey, Matthew Contorelli (ADJC), Tina Mattison, James Simpson (AG's Office), Nina Preston, Chris Phillis

Introductions were made around the room.

Adoption of Minutes:

Motion: To accept and adopt minutes from the November 12, 2015 meeting. **Action:** Approve;
Moved by: Honorable Monica Stauffer; **Seconded by:** Honorable Margaret McCullough.
Motion passed unanimously.

Topic: Minor Victims of Sex Trafficking (MVST) Update/Flyer/Video Information
(*This topic was taken out of agenda order*)

Speakers: Teasie Colla, JJSD, Valerie Marin, JJSD, Dominique Roe-Sepowitz, Associate Professor, Director, Office of Sex Trafficking Intervention Research (STIR) - Handout

Summary of Discussion:

- Dr. Roe-Sepowitz presented the ***Report on the Incidence of Sex Trafficking in Arizona Juvenile Probation.***

- The trafficking brochure has been completed and distributed. This is a quick reference guide targeting probation and detention officers as the primary audience. Front and center on the brochure is the hotline number. The brochure takes key points from Dominique’s training and puts them into an easy to read reference guide for officers.
- Fifteen county “sex trafficking specialists” have been identified as our “liaisons”. Quarterly informational webinars will be offered to the specialists. Our next training will include Dr. Robert Rhoton from the Arizona Trauma Institute for a six-hour presentation on trauma informed care. Detention educators, detention officers and treatment supervisors have also been invited to this training.
- An online training has been developed and presented to all county probation personnel. The video, titled *An Introduction to Sex Trafficking: What You Need to Know*” is one hour in length and should be available by March 1st. We will be collecting a pre- and post-training survey to gauge the effectiveness of the training.
- A “minor victim of sex trafficking” code has been added to the JOLTS and JOLTSaz systems. This code went live January 1st; all of the JOLTS coordinators have been notified.
- Other brochures have been developed by ASU for educators/counselors, teens, and medical providers. They are available on the Governor’s web site to anyone that would like to print them: <http://www.endsextrafficking.az.gov/training.html> .
- We are currently working with the Governor’s Office to secure some training for CASA, as they would have a greater chance of being in contact with these victims than FCRB. We will then look back and try to “catch” the other groups that we may not have captured yet. If anyone has ideas for dependency groups to be trained, please contact Caroline Lault-Owens.

Topic: DCS Update - Handout
(This topic was taken out of agenda order)

Speaker: Katherine Guffey, *Chief Quality Improvement Officer*, Department of Child Safety

Summary of Discussion:

Highlights:

- **Investigation backlog improvements-** There has been a 24% reduction in the total number of open reports since the new project began a few weeks ago. These are not court cases but do affect the ability to work with families. There has also been a reduction in the service wait list; not only in Maricopa County, but also in the other counties.
 - Information regarding the Pinal County and Yavapai County service wait list was requested; Ms. Guffey will provide further information.
- **New forms have been created-** Supervision guides have been created to assist with consistency of risk assessment statewide, both for investigation and for ongoing. This will add more structure to the discussion. These new forms will allow supervisors to guide the cases with the case managers. There are four forms altogether; two are supervisory case progress reviews (focusing around decisions made on a case), the other two are administrative case record review guides.

- **Feedback-** A handout was distributed for feedback from the group; it will be helpful to find out what practice areas the committee sees the need for with regard to topics and content. Also welcome are the committee’s ideas on how to share these ideas.
- **Behavioral health providers-** The committee requests that DCS work with the behavioral health providers to find out exactly what it is that they need, then provide a check list to the case worker; when the referral is sent in they can provide that information or supplement it.
- **Practice guidelines-** These are still in draft form; Ms. Guffey will notify the committee when they have been finalized. COJC is a good hub for sharing this information with other members of the child welfare system. The best way to share comments with Ms. Guffey is to contact her by email: kguffey@azdes.gov.
 - **UA guidelines-** It may be helpful to state “missed tests need to be avoided” instead of “a missed test should not be considered a positive”. Or perhaps strike the phrase “missed test”.
 - **Psychiatric evaluations-** There is some concern that Telemed is conducting evaluations. Ms. Guffey will pass this along for review.
 - **Parents Visitation –** There is concern regarding the bullet “Do Not Set Extra Requirements Such as the Parent Call to Request Visits.” That should absolutely be the rule but oftentimes parents do not show up for visitation. There needs to be an acknowledgement that there are times when that rule *should not be* followed.
 - **Book Ended Visits** – alternate supervised with non-supervised visits.

Topic: Legislative Update - Handout

Speaker: Amy Love, *Legislative Liaison*, AOC

Updates:

- Ms. Love reviewed a handout with the current legislative updates pertaining to Juvenile Justice Services and Dependent Children Services.
- **With regard to agenda item “Family Law Case re: Confidentiality of Mediation”**, SB 1293 has passed the Senate and is ready for the House. This bill allows court appointed mediators who learn that a child or vulnerable adult has been the victim of abuse to report the incident to DCS, APS or law enforcement. This is a result of the Grubaugh v. Blomo case. Judge Quigley reports that a mediator had concerns recently over the proposal of amended language, in that it does not consider other mandatory reporters that may be at the mediation and does not give them the same ability.

Topic: R16-0025 Petition to Amend Rules 19, 30, 45, 47 and 104, Rules of Procedure for Juvenile Court – Handout

Speaker: David Withey, *Chief Counsel*, AOC

Summary of Discussion:

- The recommended changes are intended to provide the option for the court to set a date other than that prescribed by rule and to allow a child safety worker’s report to be admitted unless it is the subject of an objection. In the event of an objection, the right to have the worker who prepared the report available for cross-examination at the time the report is being offered is preserved.

DELINQUENCY

- The recommended changes are intended to clarify that the disposition report should include any Rule 19(A) (2) Social File information relevant to the recommendations and that the clerk must file in a segregated portion of the legal file. The social file is maintained by the probation department and does not belong to the court. It only comes to the court through the channels that the rule provides. We have to be sure that the documents that need to come to the court do so. Rule 30 (A) (1) has added a section (F) which makes it the responsibility of the probation department to include the social file information in a separate, confidential document in the disposition report. If the disposition report does contain social file information, it will be labeled “CONFIDENTIAL”.
- Additionally, (A) (6) states that the clerk of court will file in a segregated portion of the file anything marked “CONFIDENTIAL”. How the probation department marks the document will determine how the clerk will handle the file.

DEPENDENCY

- Rule 45 (C) – the court may review and *consider* the report prepared by the child safety worker if the report was disclosed to the parties by the specific times noted, even if not placed into evidence.
- If the party does not object, it can automatically be admitted into evidence.
- If the party does object, we are tracking with the existing rule that the author of the report needs to be there for cross examination.
- **Question/concern:** if it has already been considered and filed it at a prior hearing; if objected to and found invalid, should it be unconsidered and unfiled? **Moving forward you would address whatever objections occurred, which would become a matter of record in the case.**
- **Question/concern:** disposition report should be confidential information. **We will remove that section “The authorization for an information document”- we do not need to create an information document if that information is in a disposition document.**
- The new subsection requires the attorneys to order a certified transcript when a proceeding was recorded by audio or audio/video means because there is no court reporter to do so. The proposed language is consistent with the Arizona Rules of Civil Appellate Procedure, Rule 11(b) (2).
Question/concern: The judge sends the document off; it does not come from a party, it comes from the court. If the rule remains, they will think we do it by history, we will

think they are doing it by rule. **The party needs to tell us what hearing they want transcribed.** We need to put the burden on the party, to prevent the case from being delayed (D) (2). We want them to designate the record on appeals.

Question/concern: authorized transcriber- attorneys may perceive that they could use their own transcriptionist; we can change the wording to “**court authorized**” transcriber to eliminate this.

- The proposal has not been circulated for pre-petition comments. Once the language has been changed (above), we will then circulate it to everyone for comment.

Topic: Rule Petition Discussion R-15-0037 Rule 40.2 as it relates to R-15-0040 – Handout

Speaker: Caroline Lantt-Owens, *Director*, Dependent Children’s Services Division, Nina Preston, *Legal Counsel*, AOC

Summary of Discussion:

- The first petition was filed by Judge McNally.
 - This petition was filed on behalf of COJC for parent representation standards which had been approved by this committee and implemented through Administrative Order by the Chief Justice. This petition has been filed and is open for comments.
- It should be brought to the attention of the Committee that a second petition has also been filed for the same rule by the Arizona Public Defender’s Association.
 - Comments for this petition are due on May 20th. If there are any concerns or comments from this committee on behalf on this petition, please let us know at the next COJC meeting.
- **Comment:** 40.2 (D) amends the rules for appeal; we need to make sure that Guardian Ad Litem is in the rule for the appeal for juvenile, so that they match one another.

Topic: Rules of Procedure for Juvenile Court – Decision Item

Speaker: Judge McNally

Summary of Discussion:

- A rule petition was filed last year by an assistant attorney general that was neither granted nor denied. This may be a good time for us to do a broad review of the juvenile court rules by forming a committee and sub-committees to work on this across the state. This has been done effectively in civil and probate. Today we are evaluating interest and leadership in such a project.
- Judge Reeves has volunteered to chair this new committee. Judges McCullough and Young have also volunteered to serve.
- Dependent Children’s Services will staff the committee.

- Moving forward, we will note what kind of interest is generated in our own counties and what areas are perceived as priorities. This information can then be shared with the Committee at the May COJC meeting.
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Topic: Juvenile Justice in Arizona: The Fiscal Foundations of Effective Policy - Handout
(*This topic was taken out of agenda order*)

Speaker: Beth Rosenberg, *Director of Child Welfare & Juvenile Justice*, Children's Action Alliance

Summary of Discussion:

- Beth was unable to present due to illness.
 - Judge McNally introduced the handout and gave a brief background.
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Topic: Child & Family Services Review Final Report

Speaker: Judge McNally

Summary of Discussion:

- The U.S. Department of Health and Human Services Administration for Children & Families does a review for each state outlining standards for each, which are then evaluated. All states receive a performance improvement plan. In order to “not need improvement”, 95% of the case review must reach the set standard.
 - Our Arizona report issued December, 2015 was lacking in many areas.
 - DCS is required to submit a plan of improvement within 90 days from the report publication date. This is followed by a two year implementation period during which they must show progress.
 - The Courts can play a role in assisting with this, by holding the case managers accountable. Not only will DCS do a better job in meeting performance goals, but it will also improve their practice overall.
 - There are some areas that have Court responsibilities:
 - Permanency hearings – Dependent Children's Services do a good job of this
 - Notice to hearings - not consistently provided
 - Judge McNally will pull information together on this topic for our next meeting.
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Topic: Safe Reduction Update-Maricopa County

Speaker: Judge McNally

Summary of Discussion:

- We have been working on this for fifteen months.

- The pilot mediation program has been implemented with new training and new expectations and is being tracked. The attorney group has come up with a bench bar forum which has also been launched to help improve the system.
- Everyone owns a piece of this: caseworkers, supervisors, as well as the court signing the petitions without proper review. It is difficult to simply look at a petition and see how serious it is. If we don't have enough facts, we need to strike them. Also, in making a finding where there have been reasonable efforts to prevent removal, sometimes we do not receive enough facts. It is also important that all of the attorneys are doing their part by bringing this information to court.
- The stakeholder workgroups had identified family engagement, targeted services, consistent decision making and community engagement as the main issues that need to be improved upon to make the cases resolve and to reduce the number of children in care.
 - Supervised visitation- starting to look at “parenting time” in a different way.
 - Parents helping parents; engage the parents more by giving them more knowledge.
- There is a Bench Bar Forum training at the AOC on February 26th. The Casey Family Programs are bringing in Judge Thorne to discuss ICWA in the afternoon.

Topic: Family Law Case re: Confidentiality of Mediation (Grubaugh v. Blomo, Div. 1, 9/22/15)

This topic was covered in the Legislative Update

Speaker: Judge Kathleen Quigley

Summary of Discussion:

Noted in Legislative Update

Topic: Around the State/Upcoming Training

Speaker: Members

Summary of Discussion:

Judge Lee Jantzen (Mohave) - Next Thursday we will be conducting a fetal alcohol seminar. In March there will be attorney training for dependency. *First Things First* is also coming this spring. Additionally, we are looking at the legal issues of using our under-used detention center to modify for other purposes.

Ms. Connie Koch (FCRB Rep) - Amy covered the HB and SB.

Director Joe Kelroy (JJSD):

- Judge McNally, Dave Byers and Joe attended a 50-State Conference in Austin TX in November. It was determined that we need a state plan; moving JDAI and JOLTSaz statewide.

- JJSD is bringing SPEP back in collaboration with Vanderbilt University, targeting the higher impact programs first (residential).
- EBP was rolled out mid-year last year; we are now developing a training curriculum for the front line supervisors that are working with the case workers, so that the EBP principles are being rolled out with the caseloads.

Judge C. Allan Perkins (Apache) – Welcome to the committee!

Director Caroline Lauth (DCSD):

- The Crossover Youth initiative is moving forward with the second expansion, which includes Pinal, Pima and Santa Cruz Counties. There are now seven counties in the CYPM. At mid-year, we will look at finances and determine if new counties will be added.
- The Arizona Bar Foundation has offered some interesting ideas with regard to CASA. Some exploratory meetings have been set up to determine collaboration and interest.

Judge Margaret McCullough (Coconino) - Our crossover is co-locating from DCS. One of our “kids” came back to visit- positive thought!

Mr. Eric Meaux (Juv. Court Director, Maricopa) - We recently applied for and received a technical assistance grant for a second round of training for our detention centers to reduce the use of isolation. We will be one of six national sites going through the second cohort to look at our policies and procedures. This will help our thinking with capacities.

Judge Brenda Oldham (Pinal) - Pinal is one of the new Crossover Youth counties. Pinal has hired a statistician to extrapolate data which has helped to understand the impact that JDAI has had. This also helps us to find where our needs are and what to spend our money on. Our court is struggling with the shackling issue during transport, due to the structural layout of the complex. We have made a lot of positive changes by moving positions around to accommodate CYPM and JDAI.

Judge Kathleen Quigley (Pima) – At the end of January, Pima County reinstated the dependency collaborative with the community. The collaborative will be working on goals and issues that have been set. We have also begun the Crossover Youth Practice Model.

Judge Mark Wayne Reeves (Yuma) - On February 19th there will be a dependency training, bringing in a couple of specialists on substance abuse as it relates to the parents’ ability to parent. We are rolling out Success Court as a pilot program, identifying 12-15 kids and involving humanities, culinary arts, financial responsibility and ethics. We will fine-tune this as we go along. On April 11th, Rick Miller will be speaking to middle schools, bringing Kenny Dobbs with him.

Judge Michala M. Ruechel (Navajo) - Navajo County has been working on Kids at Hope. We have some concerns on transfers with dependency cases. The attorneys are not able to get ahold of their clients in a timely manner. Perhaps the judge should advise the new judge in advance that the case is coming; give the parents a notice of the next hearing.

Judge Corey Sanders (Graham) - This is the month that our juvenile court actually gets control of the detention center.

Judge Monica Stauffer (Greenlee) – This year at the Judicial Conference there will be a number of programs offered involving delinquency and dependency. If you are interested, please register early; the classes are small and may fill quickly.

Ms. Sheila Tickle (Public Member, Maricopa) - We will modify the invitation for the Bench Bar Forum and send it out to members.

Mr. Martin Perez, Jr. (Public Member, Maricopa) – There has been a strong push with the city and community members that would like to get more involved. There is a Chicago summit in March with the organization “*Generation Progress*”. Martin will forward the email if you or your counties would like to become involved. This movement helps parents and communities focus on the positive and not always on the negative.

Judge Anna Young (Yavapai) - Scott Mabery led a group of the girls in recording a song. Momentum built, funding was offered and now a music video is being produced regarding a “victim” of sex trafficking. The final scene of the video will be shot on Saturday, February 22nd; the link will be forwarded to the committee. This has been a wonderful experience to be a part of.

Topic: Call to the Public:
None

Next COJC Meeting:

The next COJC meeting is scheduled for Thursday, May 12, 2016 at the Arizona Courts Building, Rooms 119A/B.

Adjournment:

The meeting adjourned at 2:05 p.m.