

Committee on Juvenile Courts

Committee Minutes

Meeting Date: 4/20/2017

The meeting was called to order by Judge McNally at 10:02 a.m.

Minutes taken by: Natalie Foster

Roll Call

Present: Honorable Kimberly Corsaro, Honorable Robert Higgins, Honorable Lee Jantzen, Joseph Kelroy, Connie Koch, Caroline Lutt-Owens, Scott Mabery (phone), Honorable Margaret McCullough (phone), Honorable Colleen McNally (Chair), Eric Meaux, Honorable Kathleen Quigley, Honorable Mark Wayne Reeves, Tyson Ross (proxy for Honorable Samuel Vederman) (phone), John Schow, Sheila Tickle, Honorable Daniel Washburn, Honorable Anna Young

Excused/Absent: Honorable Bryan Chambers, Honorable Karl Elledge, Martin Perez, Jr., Honorable Allan Perkins, Honorable Corey Sanders, Honorable Monica Stauffer, Honorable Samuel Vederman

Guests/Staff Present: Denise Barlow (phone), Angie Lopez, Amy Love, Lauren Lowe, Patricia Munoz (phone), Honorable Maurice Portley, Alissa Trollinger, Chris Vogler, David Withey

Introductions were made around the room.

Adoption of Minutes:

Motion: To accept and adopt minutes from the January 26, 2017 meeting. **Action:** Approve; **Moved by:** Judge Quigley; **Seconded by:** Eric Meaux.
Motion passed unanimously.

Topic: Legislative Update

Speaker: Amy Love, Deputy Director of Government Affairs, AOC

Summary of Discussion:

Handout/update provided to committee regarding the following bills:

Dependent Children

- HB2372 Public Benefits; Fee Waivers; Requirements (in holding pattern)
- HB2423 Parents' Right; DCS Website Information
- HB2435 Name Change; Juvenile Court
- HB2440 State Fleet; Inventory Reduction
- HB2476 Trauma-Informed Care Training

- SB1003 DCS Oversight Committee
 - Sen. Barto bill
 - Last week Rep. John Allen had an amendment that had been worked out through the courts and DCS, which was the result of a stakeholder group that participated in 2 ½ day Kaizen
 - Ms. Love sent the committee language that was agreed upon for comment
 - Rep. John Allen pulled his amendment due to concerns from the floor
 - The bill was retained on the calendar and brought back earlier this week
 - Four amendments were offered by Rep. Kelly Townsend, who has taken an interest in this issue. Three of the four amendments were supported and put on the bill
 - The sponsor, Sen. Barto, did not agree with the amendments and asked the bill be retained
 - Currently, there is no statutory language moving through the process to address the issue of warrants
 - Conversations continue with leadership and DCS to figure out the best way to approach this issue
- SB1107 Child & Family Advocacy Center
- SB1109 Fingerprinting; Child Placement; IT Contractors
- SB1194 DCS; Foster Parent; Medical Consent
- SB1360 Permanent Guardianship; Dependency Proceedings; Reunification
- SB1450 Return to Out-Of-Home Care; Placement

Juvenile Justice

- HB2185 Juvenile Corrections; Transfer to Counties
- HB2216 Prohibited Firearm Tracking; Classification
- HB2241 Victims' Rights; Pleading Endorsements
- HB2269 Victims' Rights; Requirements; Monetary Judgements
- HB2290 Provisional Licenses; Criminal Convictions
- HB2395 Schools; Illegal Substances; Notification
- HB2635 Name Change; Juvenile Court
- HB2470 Juveniles; Court Jurisdiction; Age
- SB1071 Provisional Licenses; Criminal Convictions
- SB1099 School Safety Program
- SB1380 DCS; Background Checks; Central Registry
- SB1442 Corrections Officer Retirement Plan; Modifications

Q & A opportunity provided

Topic: Record Retention (Discussion)

Speaker: Judge Kathleen Quigley

Summary of Discussion:

- Based on AO 2014-117 Electronic Destruction of Records by the court
- Every court was required to come up with a plan on how they were going to move forward with the electronic destruction of records
- In regards to juvenile cases, the requirement is:
 - After satisfaction of A.R.S. § 8-349 or 25 years following the year the case was filed the records would be destroyed
- An individual can ask the courts to destroy or set aside their juvenile record. However, law enforcement agencies will not accept a court minute entry saying they are destroying these records. The problem for adults later in life (after 25 years) who are seeking a weapon permit, security clearance, go into FBI, etc. is when law enforcement runs a background check, they will find any arrests/referrals appearing on a juvenile record. The courts, however, will not have a record showing if the individual was successful, unsuccessful, paid restitution, etc., because the records were already destroyed by the courts
- Judge Quigley's concern is that they are placing individuals in the community in a position where they are caught and the courts will have to make something up saying that the record is gone, but assume the person was successful; however, the court really will not know that
- Judge Quigley solicited committee discussion/comments/suggestions
- Theresa Barrett, Court Services, provided a history of how the current retention schedule was developed/approved. Proposal process reviewed
- Stewart Bruner provided additional comments
- Judge McNally proposed, due to time constraints, discussion regarding this topic should continue outside the COJC committee meeting

Topic: Detention Education Funding (Information Only)

Speaker: Alissa Trollinger, Deputy Associate Superintendent; ADOE

Summary of Discussion:

- Representing Special Ed and Title 1
- Provided background/explanation to address concerns being raised at juvenile detention schools regarding change in federal funds for this year
- Provided personal background history/experience as it relates to this topic
- Challenges this past year
 - Leadership changes
 - Turnover/changed vision
 - Dissolution of AOC reporting structure
 - IT statewide data system outdated
 - Federal fiscal auditors performed an audit and determined funding formulas are not accurate
 - Funding changes/decreases
- Title 1 and IDEA are still in the process of recalculating the allocations for this year

- Released preliminary allocations to make sure that there is some funding available to support programs
 - Other resources and opportunities for funding need to be explored
 - Recommendations
 - Looking at County Equalization Formulas. The formulas have not changed, but they may need to be reviewed/updated
 - Regional coordination of schools
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Topic: ICWA Roundtable

Speaker: Judge Maurice Portley

Summary of Discussion:

Two handouts provided and discussed

1. Investing in Hope, Signature Report 2016
 - History and goals
2. 2020: A Vision for America's Children
 - Statistics
 - Vision
 - Reduction and reinvestment
 - Improving the path to self-sufficiency

Committee discussion

- Judge Quigley suggested there be a Tribal Roundtable meeting the night before (August 10th) the ICWA Conference, which will be held August 11th at Wildhorse
 - David Withey suggested developing a planning group to discuss what the content would be
 - Judge Quigley thanked Caroline Lutt-Owens and Court Improvement for inviting/including tribal judges in the Dependency 101 training
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Topic: DCS Update (Information Only)

Speaker: Lauren Lowe, DCS General Counsel

Summary of Discussion:

- Stats/trends
 - Continue to see positive trends
 - Milestone: Backlog of inactive cases dropped below 1,000 (benchmark set by the legislature)
 - Caseloads have dropped
 - Increased engagement with families
 - Out-of-home care numbers are steadily dropping (currently closing in on 17,000 from a high of 19,044)
 - Ongoing caseloads dropping

Key Initiatives

- Safe Model Renovation
 - All staff will be trained this June-July
 - Judicial education planned
 - Not a new safety model; just a renovation/reemphasis
 - Mobile solution rolling out this summer
 - Practice guidelines have been issued (guidelines are listed on DCS website)
 - Karen Guffey emails practice guidelines out to a number of individuals in the community and welcomes stakeholder input before they are issued
 - Number of other guidelines in the works and planned for release later this month
- The Fostering Sustainable Connections IV-E Demonstration Project
 - Expanded to Pima County
 - Taking on several contract Family Engagement Specialists in Maricopa County from Arizona Children's Association
- Pro Active On Going Case Management (Maricopa)
 - Contractor resources through Human Development that are coming on, in a couple offices, to help case managers
 - Help family engagement
 - Reduce stress for case managers
- Core Training
 - Revamped
 - Friday will be the release of what Core model will look like
 - Roll out this summer

Caroline Lantt-Owens, Director of the Dependent Children's Services Division, discussed two training opportunities regarding the Safety Model:

1. Child Safety Decision-Making, An introduction to key concepts and tools (Webinar). May 25 2017 12:15pm – 1:15pm (handout provided)
2. Training July 20 and 21 (email was sent yesterday). It's specifically for county teams to go over the entire safety model and help develop a plan to disseminate the information out within each county.

Topic: Custody Cases 13-501

Speaker: Judge Daniel Washburn, Pinal County Presiding Juvenile Judge

Summary of Discussion:

- Request for committee discussion/processes regarding certain juveniles in the adult detention center being moved back to the juvenile detention center
 - Which ones can go to juvenile detention?
 - Who makes the determination, juvenile or criminal court?

Committee members shared examples/processes

Topic: ROP Update

Speaker: Joe Kelroy, Director, JJSD

Summary of Discussion:

Topics regarding the Sycamore Canyon - Rite of Passage Program

- Kid safety
- Medication issues
- Communications Reporting

Due to some immediate issues/concerns, a suspension was issued. Discussions ensued with AOC executive office and ROP leadership. Based on their immediate response and discussion regarding the concerns, Mr. Kelroy lifted the suspension the following day. There has been regular communication and discussion of the corrected action plan.

Judge McNally was concerned with the lack of information about the concerns that caused Mr. Kelroy to take action. She is also concerned how the contracting authority is being used as opposed to the licensing for some group homes, in addition to the lack of information. She would like to see the process reviewed.

- Mr. Kelroy provided a brief history of the issues
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Topic: Dependency – Removal/Warrants (Discussion)

Speaker: Judge Colleen McNally; David Withey, AOC Legal Counsel

Summary of Discussion:

- Instead of Warrants, this effort is now called Court Authorized Removal Orders
- David Withey provided an update
 - Press reports have been released and there has been some confusion
 - Related to emergency temporary custody
 - Temporary custody is something the judges do already in the context of dependency proceedings
 - This is looking at prior to the dependency proceeding being initiated
 - Authorized by 8-21 and 8-22
- This issue is a result of the 9th Circuit Court of Appeals case, Kirkpatrick vs. Reynolds. Overview of case details provided
- Statutes have been read to essentially say that DCS will have the authority to remove without a court order, which has become the presumptive way it's been done
 - Court order has been sought in some circumstances

- DCS says it may not work in emergency circumstance because a dependency petition has to be filed with the clerk, which means the court has to be open/judge available
- AOC is looking at what the courts need to do to be ready to issue such a warrant
- Rule needs to be created
- Forms (includes request and order in one form) need to be created
- Models have been looked at from other states
- Draft rules will be developed and distributed for judges to look at and comment on

Amy provided a legislative update

- Warrant language not included in bill

Committee discussion

Topic: Change of Venue in Dependency Cases

Speaker: Judge Kathleen Quigley, Pima County Presiding Juvenile Judge

Summary of Discussion:

- Change of venues can take approximately one month
 - Concern:
 - Parents are not getting information on when or where the next hearing is
 - Suggestions:
 - When a judge orders a change of venue, get a status date from the county being transferred to so it can be reflected in minute entry. The address of the courthouse and the name of the judge can also be added. Attorneys representing the parent in the county that is changing the venue can provide that to their client. It will also put the parents on notice, so if they don't appear the hearing can still move forward
 - List of contacts for change of venue
 - Judge Quigley volunteered to put the contact list together if everyone gets her their county's contact info
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Topic: Use of Polygraphs Involving Children (Discussion/2 handouts)

Speaker: Judge Colleen McNally

Summary of Discussion:

Two handouts provided and discussed

1. ATSA Document
2. Clinical Polygraph Examination of Juvenile Sex Offenders (Contract Year 2014-2019)

- Eric Meaux provided additional context

Committee discussion

Topic: Juvenile Justice System Improvement

Speaker: Joe Kelroy, Director, JJSD; Patricia Munoz, Cochise County Chief Probation Officer; Angie Lopez, JDAI State Coordinator

Joe Kelroy provided an introduction

Angie Lopez introduced herself, provided background, and discussed handout

Patricia Munoz and Denise Barlow presented on behalf of Judge Elledge

Summary of Discussion:

Three handouts distributed and discussed

1. 2017 Reducing Racial and Ethnic Disparities (R.E.D) Focus
 - The work
 - About B.I
 - County target populations/goals
 - Specific goals by jurisdiction
 - Judicial training
2. Cochise County, Juvenile Court Integrated System
 - Executive Committee
 - Develop agenda
 - First Executive Committee meeting will held Monday
 - Membership
 - Work groups
 - Data
 - Detention
 - Reducing Racial and Ethnic Disparities
 - Case Processing
 - Detention Alternatives/Graduated Responses
3. Arizona JDAI State Advisory Meeting – February 8th, 2017, FY2016 Statistics At-A-Glance
 - Race/ethnicity of detained youth in JDAI Counties
 - Reason for detention in JDAI counties
 - Average Length of stay by race and gender in JDAI counties
 - Additional statistics

Topic: DMC Presentation – Pima County (Information Only)

Speaker: Chris Vogler, Deputy Director, Pima County Juvenile Probation

Summary of Discussion:

PowerPoint presented and distributed

- History of RED work in Pima County
 - The Model Intervention Project
 - What was learned
 - What is next?
 - Identifying a target population
 - Identifying a geographic area
 - Work plan
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Topic: Old Business

Speaker: Judge McNally

Summary of Discussion:

N/A

Topic: Around the State/Upcoming Training

Speaker: Members

Summary of Discussion:

Judge Quigley (Pima) – Training: Judicial roundtable about best practices for attorneys in court, June 1st. Santa Cruz and Cochise Counties have been invited as well. Judge Quigley and Judge Corsaro have been working with Transnational Committee for about three years. They will be presenting on it at the next COJC meeting. The committee has developed a protocol for DCS regarding reunifying children back in Mexico; the consulate has provided an email address, a DCS and judge’s checklist has been created, a checklist on how to reunify children in Mexico was created, and if a child is in another country, the consulate’s information is available.

Working with Woman in Refugee, out of DC. A webinar is in the works.

Sheila Tickle (Maricopa) - Summit May 4 and 5 on Human Trafficking. The purpose is to: 1. Bring together the community around what is currently happening in the community regarding this issue, 2. Develop a coordinated response, 3. Plan for next steps and the long term plan of developing a coordinated response. The 3rd National Reunification Day is on June 10.

John Schow (Pima) - Just returned from the JDAI conference in Orlando and provided an update. Several counties and AOC were represented. A JDAI site visit with Santa Cruz, California is coming up. This is Mr. Schow’s last COJC meeting as he will be retiring on May 26.

Eric Meaux (Maricopa) – Detention updates: A contract is in place to bring in preventative dental services on regular basis; changed policy on visitation for families (now allowed a handshake/hug); providing haircuts for kids in detention. Probation updates: Providing training for staff on evidence based practices; all staff will received one day of BITS. Attended Georgetown lead conference.

Caroline Lauth-Owens (DCSD, Director) – Caroline sent an email yesterday regarding next round of operational reviews. Attached in the email is the new tool and guidebook. They have just completed the operational review in Maricopa. They will enter into Yavapai next. The tool is very different from any of the tools used in the past. It focuses on timely and quality hearings. Worked very closely with Casey Family and Center for Capacity Building to develop the form. Since Maricopa was the first county, it was shared with them and tweaked as needed.

Judge McNally (Maricopa) – The following projects are funded through Casey Family Program or CPI: Dependency Process Mapping Tool - used to train a judge coming on to the juvenile bench. The goal is to have this tool done by May 18. Dependency Case Management Plan - judges have been working on this. It's used to make sure there is consistency on how statutes and rules are being implemented. Juvenile Access Communication Exchange – will allow DCS to directly update a report to the court and parties. Expecting is to go live this summer. Possibly demo at next COJC meeting. ISIS Next Generation: working on juvenile; viewed demo.

Joe Kelroy (JJSD, Director) - Thirty delegates went to the JDAI conference in Orlando; all JDAI sites were represented, in addition to Mohave County. Just started the Detention Center Regionalization Task Force: approximately 20 members; met for the first time last month; the committee will have a report with recommendations to AJC by September 1st; good discussions. Once recommendations come from that committee, it will be vetted out for more input. Training: Moving to University of Cincinnati product. ADJC uses them with their contracted providers. Received a presentation by Ed Latessa. In conjunction with that will be system alignment, through Georgetown. There will be training in the fall with the two of them. Reminder to send questions for Judicial Conference sex offender providers.

Judge Young (Yavapai) – Dependency: Update on DCPI funding and progress in conjunction with the Parents Support Now program that they have funded through HCIC. Probation: Launched Detention Alternative Options (DAO) Program.

Scott Mabery (Yavapai) - Spent last year implementing three phases of DAO: 1. Enhanced GPS and home detention program. 2. Assessment center; to date there has been 12 kids in there. 3. Plan is to spend next year perfecting everything put in place. Judge McNally and DCS supervisors toured the center.

Judge Corsaro (Santa Cruz) - Using DCPI for mediation in Dependency court: The first mediation was scheduled this week and the parent did not show. About 1 ½ years ago Judge Fink, Presiding Superior Court Judge, started taking on some dependency cases, which has been very helpful. He now has agreed to do some delinquency cases. Santa Cruz launched CYPM protocol. The first training was last week, next week is the last one. Received positive feedback from the community. It was a full house. As part of the process, they looked at data and found out 50% of their kids were dually involved. Distributed a list of community resources.

Connie Koch (Maricopa) - FCRB has 16% statewide vacancy rate (100 volunteers needed). The Outreach Committee continues to recruit. One main concern is to increase diversity on FCRB local boards.

Judge Jantzen (Mohave) – New to the JDAI program. Trainings: 1. Infants and Toddlers in Foster Care on June 8 in Kingman. 2. Working with Foster and Adoptive Parents of Traumatized Children on July 6 in Kingman.

Call to Public

Erin Freeman – Foster/Adoptive mom addressed the committee; spend time at the Capitol telling her story; former foster child who aged out of the system.

Next COJC Meeting:

The next COJC meeting is scheduled for Thursday, August 24, at the Arizona Courts Building, Rooms 119A/B.

Adjournment:

The meeting adjourned at 2:25 p.m.