

CALIFORNIA CHILD WELFARE COUNCIL

September 2, 2020

Meeting Discussion Highlights

(Note: Due to the Pandemic, the meeting was Virtual, through Zoom technology)

Present: Vance Raye, Co-Chair; Mark Ghaly, Co-Chair; Sarah Belton; Ken Berrick; Dana Blackwell; Stacy Boulware Eurie; Sheila Boxley; Bobby Cagle; Leonard Edwards; Will Lightbourne; Patrick Gardner; Douglas Hatchimonji; Leslie Heimov; Kathryn Icenhower; Kimberley Johnson; Karen Larsen; Sharon Lawrence; Frank Mecca; Michael Olenick; Amy Price; Cheryl Rave; Vaneshia Reed; Terry Rooney; Cherie Schroeder; Shawna Schwarz; Debra Silverman; Rochelle Trochtenberg; Daniel Webster; Jevon Wilkes; Chris Stoner-Mertz;

Call to Order and Introductions (Second Zoom Mtg for CWC)

The meeting was called to order at 9:35 a.m. by co-chair Secretary Mark Ghaly, who introduced two new members of the Council: Janay Eustace, Deputy Director, California Youth Connection (replacing Vanessa Hernandez) and Debra Silverman, Deputy Director, First 5 of California (replacing Camille Maben). Justice Vance Raye welcomed attendees and congratulated councilmember Leslie Heimov for her organization, the Children's Law Center, being selected by its peers as the National Association of Counsel for Children's 2020 Outstanding Children's Law Office. He then requested that Paula, Chris, and Marymichael share the "rules of the road" for the Zoom meeting. Members of the Council were asked to "rename" themselves by adding "Member" to the end of their names and were asked to use the chat and/or hand raise function to participate with questions or comments.

I. Approval of the July 21, 2020 Discussion Highlights (Action Item)

Justice Raye directed Council Members to the Discussion Highlights document that had been posted and sent to them prior to the meeting. He asked for comments, and/or suggested revisions from the Council and the public. There being none, he called for a consensus vote and in the absence of any revisions or comments the highlights were approved.

II. CSEC Action Team Survivor Advisory Board Recognition (Action Item)

Secretary Ghaly called on councilmembers Judge Boulware Eurie and Leslie Heimov to join CSEC Action Team member Kate Walker Brown in presenting the work of the CSEC Action Team's Survivor Advisory Board and to recognize

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LaToya Gix and Arien Pauls who appeared on behalf of the Survivor Advisory Board. A trailer from a recent film made about the board, all of whom are survivors of commercial sexual exploitation, was played for the Council. Councilmembers thanked them for their advocacy and courage, for sharing their truths, and indicated a very positive reaction to the film trailer. The film is in the process of being finalized and then will be available for showing to other CSEC victims, those working with victims, and to policymakers and others.

III. ACEs and the Child Welfare System (Information Item)

Justice Raye introduced California Surgeon General Dr. Nadine Burke Harris to present her work on ACEs and the Child Welfare System. She talked about the link between adverse childhood experiences and toxic stress that can have harmful effects on health later in life. She discussed the work she was doing with numerous counties that have high levels of community ACEs. Her presentation generated much discussion among members and the public. Multiple members and non-members noted the importance of the “public health” approach to child welfare, noting the need to intervene before there is abuse or neglect by focusing on structural issues and support for families in communities. Participants indicated concern and questioned Dr. Burke Harris about whether identified ACEs in parents would be considered risk factors for their children that could be used to justify removing children from their parents. Others noted that removal of children can only be supported by the factors listed in the Welfare & Institutions Code that define abuse and neglect and ACE scores are not listed as grounds for removal. One member of the public appreciated the presentation, but was surprised that the agenda did not address the more urgent and emerging issues that the child welfare system is grappling with during the pandemic, and hoped that those issues would surface in future meetings given the “incredible talent and expertise on the Council.”

- Laurie Kappe noted the two-part issue of Insights, from the California Child Welfare Co-Investment Partnership on ACEs and Trauma.
- Karen Larsen noted that the ACEs Aware website has amazing resources for employers to those who may be looking to provide a trauma informed culture within their workforce.
- Leslie Heimov noted that knowledge of the parents’ stressors should result in support services, not child abuse reports.

V.Continued Conversation, the Child Welfare System and Courts on Operations During the Pandemic (Information Item)

Justice Raye introduced the continued conversation with councilmembers Judges Stacy Boulware Eurie, Douglas Hatchimonji, and Shawna Schwarz. He also called on council staff Marymichael Smrdeli to present a PowerPoint on the Judicial Council’s county court support operations during the pandemic. The PowerPoint

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and presenters acknowledged frustrations that the Judicial Council has heard, including lack of technology for parents and children; inability to guarantee no future backlog; and inconsistent judicial practice. They noted the courts' frustrations, including that social workers were not completing timely reports and hearings cannot be held without the social worker's report; resistance of justice partners to re-opening the courts; and justice partners' lack of concern about timelines, evidenced by continuance requests. They pointed out the Judicial Council's participation in trying to ease the pressure on the courts through the Judicial Resources and Technical Assistance Project; participation in CWDA/CDSS/County Strike Team meetings; and bi-weekly meetings with Attorney Providers. They reported on an access to the courts survey and delineated several resources provided to the courts. They reported that all courts were fully opened as of June 23. Finally, they reported on future and current limitations on court capacity due to shrinking court budgets; staff furloughs; layoffs; Federal leave for staff for FMLA/CARE; and the need for physical distancing. They anticipated that the courts would be ready for a second wave of the pandemic because they have successfully figured out how to pivot to remote hearings; if social workers continue to assess families and have reports available.

The report generated active discussion by the members and the public, by chat and in person. There continued to be concern expressed about ongoing backlogs and that the courts were not all operating near full capacity.

- Bobby Cagle stated that LA County needed to develop a plan with additional resources to clear the backlog, stating that it cannot be a "get to it when we can" kind of effort.
- Leslie Heimov said that at the current rate, the LA backlog would "be with us" into 2021.
- Judge Shawna Schwarz noted that with budget cuts to the court, the courts now have layoffs and staff furloughs, which impacts how much work each courtroom can do. She noted a problem with late social worker reports and unprepared counsel, which leads to continuances that create clogged calendars and inefficiencies. She noted that there were not enough lawyers to staff the courtrooms that they would like to have open.
- Leslie Heimov noted that there was also a shortage of interpreters.

VI. Presentation of PEI Committee's Recommendations on the Development of California's Prevention Plan for FFPSA

Kim Johnson, covering for Secretary Ghaly who had to leave early, called on Kathryn Icenhower and David Swanson-Hollinger to present the PEI committee's FFPSA Implementation Recommendations for California. The recommendations generated active council engagement, with mostly positive reviews. Councilmember Patrick Gardner raised some concern that the recommendations did not include results, timelines, and outcomes. He requested that those be added to the document before it was approved. Dana Blackwell and Sheila Boxley

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pressed to move the recommendations forward because it was intended as a guide, not a blueprint. Dana Blackwell made a motion to bring it to a vote. Patrick Gardner requested a motion to make amendments, which was denied by Justice Raye. The recommendations were approved and adopted.

VII. Committee and Task Force Updates

Justice Raye called for committee/task force updates, which primarily focused on what would be discussed at the afternoon meetings. He thanked the Committee chairs for their reports.

VII. Public Comment and Adjournment to Committee Meetings

Kim Johnson asked for any final comments from the members of the public and noted that conference lines and/or Zoom line numbers and links for the afternoon meetings were in the agenda.