

IOWA DISTRICT COURT

First Judicial District

December 16, 2009

Honorable Marsha Ternus
Chief Justice of the Iowa Supreme Court
1111 East Court Avenue
Des Moines, IA 50319

RE: First District's Response to the Children's Justice Initiative

Dear Chief Justice:

The First Judicial District of Iowa began their work concerning the Children's Justice Initiative even before the first state-wide summit. Chief Judge Alan Pearson asked that I chair our efforts to comply with the Supreme Court's Children's Justice Initiative in the First District. On September 29, 2006, we held a First District Juvenile Judge's Conference at Park Farm Conference Center outside Dubuque, Iowa. It was attended by the judges from the district who would serve either as primary or back-up juvenile judges for the district. Chief Judge Alan Pearson also attended and Gail Barber and Kathy Thompson from the Court Improvement Project (now the CJI) were honored guests and presenters. A copy of the conference agenda is attached as Exhibit #1. By conclusion of the day-long session we had adopted court performance goals for our own district, knowing that the CJI may eventually settle on other goals, we felt this would give us a headstart in improving practice in CINA and TPR cases. A copy of those court performance goals is attached as Exhibit #2. These goals were distributed to counsel practicing in juvenile court and agencies in December 2006. The philosophy of the Children's Justice Initiative including the one family – one judge concept and the district court performance goals were presented to the Decorah and Independence Foster and Adoptive Parents Organizations in January 2007 and to staff from Iowa Department of Human Services in February 2007 during training sessions. We have attempted to adhere to those goals as best we can and from a recent pre-CFS review report from Winneshiek County, we are told we have set the highest standards possible. I recently reviewed the 2008 year-end statistics from "bizintel" to see how the First District did in meeting our own goals for the timeliness of juvenile hearings. The results of that review are attached as Exhibit #3. As you can see from the attachment, while we have not yet met our lofty goals, we are making progress in that direction.

Effective January 1, 2007, the First District implemented the one family – one judge concept fully and completely. District Court Judge Stephen Clarke was assigned to Black Hawk and Grundy counties, while Associate Juvenile Judge Daniel Block was assigned to Black Hawk and Buchanan counties. The Black Hawk county cases were equitably divided between Judges Clarke and Block. Associate Juvenile Judge Thomas Straka was assigned to Dubuque and

Delaware counties and I was assigned to Allamakee, Chickasaw, Clayton, Fayette, Howard and Winneshiek counties. We also assigned back-up judges to cover for us in the event of illness or other unforeseen problems. District Judge Kellyann Lekar was assigned as the backup judge for Judge Clarke, District Associate Judge Dave Coil was assigned as the backup judge for Judge Block, District Associate Judge Rick Gleason was assigned as the backup judge for Judge Straka, and District Judge John Bauercamper was assigned as the backup judge for me. The assignments were made so that each judge would follow a child's case from initial removal or initial adjudicatory hearing through termination and potentially adoption. If multiple siblings were involved, the same judge would be assigned all of the siblings' cases. Subsequent hearings would be scheduled on the assigned judge's docket. The judge would schedule his or her court docket around planned absences whether for vacation or other leave. Initially Judge Clarke was assigned as a .6 FTE juvenile judge, but his assignment was increased to full-time juvenile work in July 17, 2007, following a six-month review of the staffing. The juvenile judges have met semi-annually to review workload and consider any common problems. Those assignments continued in force until January 2008 when District Judge Monica Ackley took over for Rick Gleason as the backup juvenile judge in Dubuque and Delaware counties. Effective September 2009, District Judge Kellyann Lekar will take over for Judge Clarke as a primary juvenile court judge in Black Hawk and Grundy counties. Judge Clarke will serve as her backup. Judge Lekar will serve in that capacity for a two-year term. All of the juvenile judges from the First District attended the state-wide advanced juvenile court training hosted by CJI and held in December 2006 in Ames.

The primary juvenile judges and Chief Judge Pearson also attended the first state-wide Children's Justice Summit held in Des Moines in March 2007. The members of the First District's team that attended the first state-side Summit are shown on the attached Exhibit #4. Forthcoming from that Summit was the District's first action plan, attached as Exhibit #5. Linnea Nicol of the Waterloo Juvenile Public Defender's Office and I were asked to co-chair the First District's Team. The First District's Children's Justice Summit Team was expanded following the state-wide summit to include those persons listed on attached Exhibit #6. The team met regularly thereafter at a central location, in Independence, for work and luncheon sessions on April 30, July 9, and October 8, 2007, and April 28 and August 25, 2008. The team also met telephonically most recently on January 26, 2009. The District Team has attempted to study and address a number of different issues, all of which involve matters of safety, permanence, and well being of children in the juvenile court system. A revised action plan for 2007 and 2008 was adopted as shown on Exhibit #7. Subcommittees or work groups were formed surrounding the following topics:

a. Re-entry/ Permanency Work Group (Safety & Permanency) – the sub-committee (1) developed a tool to evaluate cases; (2) identified a cross section of cases across the district that did not meet permanency guidelines, e.g. 20 cases; and (3) evaluated those cases to identify issues that delay or advance permanency. The subcommittee produced a Top Ten List of reasons why permanency was not timely established, attached as Exhibit #8. The subcommittee then reviewed the information and developed multi-disciplinary best practice standards for our District. Interdisciplinary training concerning the best practice standards are planned to be held in three separate locations in the District in the spring of 2009. Mini-grant funding was used in

part to stage these three training programs. A copy of the mini-grant proposal for the three regional meetings is attached as Exhibit #9.

b. Building Resources for Individuals Direction & Guidance (BRIDG) formerly Improving Communication (Wellbeing) – The subcommittee obtained protocols and forms to assist children in the foster system to obtain driver’s licenses and identification cards (*See www.iadotforms.dot.state.ia.us/iowadotforms/Library.aspx*) and birth certificates (*See www.publicrecordsinfor.com/vital_records/iowa_vital_records.htm*). The subcommittee studied the issue of application for learner’s permit or driver’s license for foster children whose parents are not involved in the case. Current administrative rules for the Iowa Department of Human Services based upon Iowa Code Section 321.184 provide that the Department can only make such application if named guardian of the child and not merely a custodian under chapter 232. The subcommittee recommended and Chief Judge Jon Fister agreed to take the matter to Judicial Council. SF 419 has been introduced this session that includes a Code change to allow a custodian under chapter 232 to assist the foster child in obtaining their driver’s license. Legislative action on the proposal is expected this session. The Department could then amend their regulations in compliance with the amended statute. The relevant portions of SF 419 are attached as Exhibit #10.

The subcommittee also proposed and a mini-grant application was approved to purchase 1,000 gavel-shaped pencils at a cost of \$620.00 to be divided among the four juvenile judges in the district and distributed to children participating in CINA cases. The pencils are similar in shape to those given away at the United States Supreme Court. (*See attached Exhibit #11.*) The pencils obtained by the First District include the motto “Your Voice Matters” and also include telephone numbers of the Elevate Chapter and CASA. (*See attached Exhibit #12.*) The distribution of the pencils has begun and early reaction from the foster children is extremely positive. Many have wanted to use them to “gavel” court into session. A copy of the mini-grant proposal for the “gavel” pencils is attached as Exhibit #13. Judge Block will distribute one of the pencils to each District at the second state-wide summit.

In order to further support Elevate chapters in the District and across the state, the Team also obtained monies through a mini-grant to pay travel expenses for current and former foster children from the First District to attend Elevate chapter meetings and events. Non-employee expense reimbursement forms are distributed through the District Court Administrator’s Office. Foster and Adoptive Parent Association and Kidsnet have been provided information about the availability of the funding and requirements for reimbursement of travel expenses of 40 cents per mile. Several expense claim forms have already been requested and awaiting return to the Court Administrator’s office for reimbursement. A copy of the mini-grant proposal for travel reimbursement is attached as Exhibit #14.

c. Mental Health/Substance Abuse/ Child Welfare (Safety, Permanency Wellbeing). Alan Pearson was a presenter and Tom Straka an attendee at the Meth Conference held August 7 & 8, 2007, entitled “Families Affected by Substance Abuse Disorders – Improving Outcomes.” The nature of the methamphetamine addiction and effective treatment was outlined for attendees. Each DHS cluster was to assign a coordinator to review the information presented with a local multidisciplinary team to determine if any changes should be made in local protocols regarding

meth treatment, testing, and child safety. Team members were encouraged to attend Dr. Nicholas Taylor's second presentation in Iowa on the Delta Treatment Model for methamphetamine addiction held in February 2008 designed to help establish family drug courts. Black Hawk and Dubuque County juvenile courts have been encouraged to consider implementation of a family drug court once the CJI pilot sites have set an example as to how to best proceed.

Al Allbee and Alan Pearson completed an updated District policy on the involvement of Patient Advocates in Juvenile Mental Health Cases attached as Exhibit #15. Previously the Patient Advocates in the First District were not involved in mental health cases concerning juveniles, but with research and support by the Chief Judge and the Summit team, this is now occurring.

d. **CASA Expansion (Wellbeing).** A one-half time CASA coordinator for Allamakee, Winneshiek, Howard and Chickasaw counties in NE Iowa was approved. The new coordinator is Deanna Hageman. Shirley Hoefer coordinates the CASA's in Clayton and Fayette counties as well as Dubuque and Delaware. A community informational program was held on October 12, 2007, at Country Hills in West Union. An open house was held at the Courthouse in Fayette County on October 30, 2007, to garner potential CASA volunteers. A community informational meeting for Howard and Winneshiek Counties was held in Decorah on November 19, 2007. Judge Allbee served as co-host for the events. The Summit team supports his goal of 10 CASA's for Fayette County and a total of ten for the other counties in his area. To this date, we have three CASA's trained and working in Fayette County and approximately 10 CASA's trained and working in the other five counties in rural northeast Iowa.

More recently in looking forward to 2009 and beyond, the Team felt it necessary to determine those issues that are important to foster children. A new work group was then formed as follows:

e. **Child Surveys (Safety, Permanency Wellbeing).** The team proposed that a survey instrument be prepared by which foster children could indicate what could be done to improve their lives in foster care. Contact was initially made with the UNI School of social work. The cost of preparation of the survey instrument by UNI staff was more than the Team felt appropriate to spend. Wartburg College will be contacted to see if other arrangements could be made. The Team seeks feedback from foster children before establishing new goals and action steps for itself.

Sincerely,

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Alan D. Allbee