

**Court Improvement Program  
CPACS Committee Minutes  
November 5, 2015**

**Attendance:**

Judge Griffith (Chair), Barb Baxter, Tabettha Blevins, Katherine Bond (by phone) Pete Conley, Andrea Darr, Kandi Greter, Carla Harper, Stacie Mullins, Catherine Munster (by phone), Tanny O'Connell, Misty Prillaman, Lisa Tackett (by phone), Nikki Tennis, Susan Wilmerink, and Joyce Yedlosky.

**1. Review of Minutes**

Judge Griffith called the meeting to order. After introductions, minutes from the meeting on August 7, 2015, were reviewed and approved.

**2. Review of Child Abuse and Neglect (CAN) database statistics and feedback**

Tabetha Blevins gave highlights of the latest C-PACS CAN database report. She said pages 5-7 show statistics the old way, and a new format, in which Monica Evans pulled data from multiple systems to combine into one report, is on pages 8-10.

Barb Baxter asked Tabetha to explain how the new system works. Tabetha explained the old way just showed statics from referrals from family court to Child Protective Services (CPS). Now they collect data from both family and circuit court referrals. **The group prefers the new way of reporting but suggests that future reports distinguish the family court and circuit court referrals.**

The numbers for 2015 are incomplete, as it is only November. Still, Joyce Yedlosky and Catherine Munster expressed concern that co-petitioning numbers are lower than in past years. Judge Griffith suggested training for circuit court judges. She is going to talk to Sara Thompson about training assistants and case coordinators. **Joyce Yedlosky would like to see a new co-petitioning report (detailed with outcomes), as Tabetha prepared earlier in the year.** Joyce and Catherine would like to have an updated co-petitioning report before the next C-PACS meeting so that they can share it with the National Council of Juvenile and Family Court Judges (NCJFCJ) for their study of West Virginia practices.

**3. Presentation on Centralized Intake**

Tanny O'Connell, Deputy Commissioner of the Bureau for Children and Families (BCF), gave a presentation on Centralized Intake, which is the new way BCF handles referrals to Adult and Child Protective Services since July 2014, with full implementation in January 2015. She gave the group a PowerPoint handout, went over the benefits of centralized intake of referrals, and the goals of the process. The data show that referral acceptance rate is at 58 percent, with a screen-out rate of 42 percent, for a total accuracy rate of 98

percent. She went over the information intake workers need from referents, who referents are, and what happens once the referral is accepted.

Tanny explained they are going to have to work smarter and without additional staff because budget cuts make adding more people unfeasible right now. They are looking at adding a dedicated email for judges and magistrates. Pete Conley and Andrea Darr suggested a fillable form to complete basic data and set up a call back time, so that it saves workers and judges time. **It was also suggested that Nikki Tennis send an email to remind all circuit court judges to choose option one, the same as law enforcement, when they call the hotline (1-800-352-6513).** Tanny advised that an average time of a call is 40 minutes. **The group suggested that all non-emergency referrals should be emailed first, using the hotline call queue only for emergencies.** Anything faxed or emailed would still need to be followed up with a call, but they might be able to work out a procedure for scheduling times convenient to both the judge and intake worker.

#### **4. Update from Joyce Yedlosky on co-petitioning and battered parent adjudication training**

Joyce Yedlosky went over the survey she conducted with prosecuting attorneys on November 4, 2015, at their training on domestic violence topics. The survey asked what they knew about co-petitioning, their feelings on it, and how many had used it. Not all of the prosecutors did child abuse/neglect work, and a few responses were from advocates. Training experience in this field was an average of 10 hours or less. More than half said they did not use co-petitioning. When they talked about barriers to co-petitioning, the prosecutors pointed to W.Va. Code §49-5-102, which erroneously has in its title that prosecutors “represent and cooperate with persons other than the Department in child abuse and neglect matters.” Nikki explained that the error in House Bill 2200 was discovered during the legislative session, but she and Tina Payne were unsuccessful in getting it corrected. Although the title of the section is not the law, the title correction will be part of the CIP Chapter 49 clean-up bill in 2016. Joyce said that most of the prosecutors said that if the error is fixed, they would use co-petitioning more. The post-training surveys will show if the prosecutors have moved in their attitudes on and use of co-petitioning. This information will help Joyce and Catherine plan the co-petitioning webinar on December 2, 2015, for attorneys. Joyce said the webinar will focus on how co-petitioning is helpful to the child.

Catherine thinks more focus needs to be made on training everyone (judges, attorneys, caseworkers, etc.). She believes that people may not be aware of the possibility of realigning the parties after a petition is filed. **Catherine also recommended that in Rule 17 (a) of the Rules of Procedure for Child Abuse and Neglect Proceedings, “mutual consent” should be deleted** from “Upon *mutual consent* of the co-petitioners, the verified petition may have co-petitioners, in which case each petitioner must indicate which allegation(s) he/she verifies in the petition” (emphasis added).

#### **5. CRP recommendations/Impending dangers**

The W.Va. Judicial Guide to Child Safety in Custody Issues was discussed. West Virginia customized the state guide from the NCJFCJ guide. Joyce gave history of it. Its intent is to cover child abuse and neglect issues in child custody cases across the board, although the emphasis is on domestic violence. Joyce suggested that the guide be revised to focus more on substances abuse, given the current epidemic. Instead of doing a whole new guide, this one could be expanded include substances abuse, Joyce said. **Catherine suggested making a new bench card on substance abuse and the nexus with parenting.** Barb suggested making it available online. Nikki offered the suggestion that for child abuse and neglect cases, it would be better to incorporate the new bench card information into the existing Judicial Benchbook for Child Abuse and Neglect Proceedings. Judge Griffith offered a title for the new card: Substance Abuse and Evidence of Risk. The card might include BCF policy on parental substance abuse, definitions, federal legislation, and tips on how people can interpret policy and law. **Tanny and Misty Prillaman will bring highlights of CPS policy related to substance abuse to the next C-PACS meeting. Nikki will email a link to CPS policy to the C-PACS group.**

The group discussed the harm reduction model of dealing with addiction. The drug addiction epidemic has gotten so bad that it may be unrealistic to expect parents to be completely drug-free. Perhaps, the focus could be on monitoring the drug use and on the safety of the children; instead of removing the children, the family could receive help to stay together.

## **6. Planning the 2016 committee work plan**

The group reviewed its work plan and suggested revisions to review at the January meeting. Understanding the roles of players will be an overarching mission of the group, rather than a specific goal/objective. Also, the truancy-related goal will be removed, as it is being covered by other groups. Goals and objectives for 2016 will include the following:

- **Framework for addressing effects of substances abuses on children.**
  - Look at principles of harm reduction as they apply to children safety
  - Share harm reduction research with the CIP Oversight Board after exploring whether needle-exchange ideas can be adapted to child abuse/neglect
  - Development of a bench card on child safety/risk and parental substance abuse
  - Determining avenues to disseminate the materials created
- **Duty to monitor and ensure implementation of overlapping issues.**
  - Encourage training on co-petitioning, battered-parent adjudication, and “knowing allow” policy with multiple disciplines
  - Explore any rule, policy, or statutory changes needed to encourage use
- **Impending dangers and how Safe at Home addresses those issues.**

- Suggest cross-training between economic services, CPS, and BCSE workers on impending dangers and child safety issues
- Review BCF policy on recommended use of Chapter 44 minor guardianship in lieu of Chapter 49 petitions
- Recommend that the Oversight Board schedule a presentation by Tanny on the decision-making processes throughout DHHR bureaus and offices.
- **BCF background-check process and administrative procedure for substantiating child abuse or neglect and expunging child abuse/neglect records.** (added by CIP Oversight Board on 11-6-15).

**7. New/Old/Other Business**

Barb asked Carla Harper to come back and give examples of how to help.

**8. Next Committee meeting**

The next C-PACS committee meeting will be **Thursday, January 14, 2016**, from **10:00 a.m. to 2:00 p.m.** at the City Center East Building in Kanawha City, Room 222. Lunch will be provided doing a break in the meeting around 12:00 p.m.

**Adjourned**