

Court Improvement Program
Joint Data, Statutes, and Rules & Federal Review Committee Meeting
April 17, 2015
Draft Minutes

Attendance:

Judge Derek Swope (Chair), Laura Barno, Tabettha Blevins, Katherine Bond, Monica Evans, Kendra Fershee (via phone) Tamerra Gilmore, Kandi Greter, Sue Hage (via phone), John Hedges, Mike Johnson, Nikki Tennis, Laura Walsh, Bob Wilkinson, and Susan Wilmerink.

1. Review of minutes and database update

Judge Swope called the meeting to order. Minutes for the joint Data and Federal Review meeting on January 16, 2015, were reviewed and approved.

Before moving to the next item on the agenda, Angie Saunders asked to do a database update. Ashley Connolly reported that recently they had completed some secretary trainings in Randolph and Fayette counties and met with Judge Wilmoth, the new circuit judge in Randolph County. She presented to the committee a “new judge” letter from the Chief Justice welcoming them and explaining what CIP is and their function. Tabettha Blevins included in the meeting folder a list of proposed 2015 database changes. Scott Harvey needs the final changes by May 1, 2015; therefore, she would like feedback as soon as possible to meet the deadline for Scott. She said that Scott also mentioned that some of the changes may not be available.

Additionally, Angie Saunders discussed with the committee about data sharing between circuit judges, family court judges, and magistrates. She would like to know what family court and magistrates can have access to if anything. John Hedges recommended an Administrative Order. Nikki Tennis asked the committee whether Rule 6a should be amended to include the access the committee deems allowable. Judge Swope recommended letting all parties know upfront what would be exchanged. He also said to take it to the judicial association. Judge Swope would like to ask Judge Johnson if he will ask for feedback on data sharing in his presentation at the spring judicial conference. He would like Judge Johnson to ask Judge Evans to form a subcommittee and also include family court and magistrate input.

The discussion is tabled for a more in depth discussion in the future.

2. Updates on Title IV-E Secondary Review, next round of CFSRs

Title IV-E Secondary Review - Evan Steel noted a lot of strengths in the judges’ findings. He said they gave some recommendations on improvements to be made. Sue Hage reported there are two program managers to work on the IV-E findings, Renea Brown and Peter Layne. They are now relocated together in the Diamond Building, she said.

CFSRs – Brenda McPhail reported they are currently working the recommendations made. Evan Steel mentioned BCF will have a meeting with ACF the last week in April. He said by June 2016, BCF needs to let them know if they're doing their own review or if they prefer a federal reviewer.

3. Legislative Update

Tina Payne gave a brief overview of H.B. 2200; S.B. 393; H.B. 2563 (long-arm statute), the Juvenile Justice Bill; H.B. 415, which added four new circuit judges and two new family court judges; 2527 Erin's Law; 2550 truancy law; 2939, on sexual offenses; and 430, on mutual protection.

4. Proposed procedural rule changes

Nikki introduced the side by side comparison handout of Chapter 49 and the proposed re-write with the committee. She then reported on the CAN rules and all the updates that were made. Catherine Munster recommended a change to Rule 3(g) to add the school of origin findings to the preliminary hearing. Nikki suggested capturing the rights to terminate the parental rights in Rule 19(c) motions and other papers. Catherine suggested adding the motion to terminate in five days to Rule 30. The committee agreed to wait and talk with David Kelly before making a decision on whether to amend procedural rules.

5. Interstate Compact on the Placement of Children (ICPC) discussion

Bob Wilkinson is still working out the details for a Cabell County and Lawrence County, OH, meeting. He said they have had great interest, but they want to measure what types of placements don't fall under ICPC. They're worried about abandoned displacement, he said.

6. New/other business

No new business was introduced, but a few loose ends were discussed further. Evan Steel reported that WV has been updated as a waiver state and won't have to have a traditional IV-E review, but they are trying to find a way to measure eligibility for kids in the waiver. An actual review will not take place, he said. All other measurements will still be determined the traditional way. Evan also reported that the CAP allocation process' latest revision is currently with the Division of Cost Allocation (DCA). He said the reimbursement back-pay will be determined by the first quarter that is eligible.

Barb Baxter mentioned because of the new H.B. 2200 child support language, the BCSE work is more efficient, and they were able to pass the WIFSA Bill, S.B. 510.

Judge Swope asked the committee members to think about two to three critical things they hope to get accomplished on the legislative agenda for next year's session and report back at the next committee meeting.

7. Next Committee Meeting

The next combined CIP Federal Review and Data, Statutes, and Rules committee meeting will be on **Friday, July 17, 2015**, from **12:30 p.m. to 3:00 p.m.**, at the City Center East Building in Kanawha City in the 2nd Floor Conference Room. Lunch will be served between 12:00 p.m. and 12:30 p.m.

Adjournment