

**Court Improvement Program**  
**Joint Data, Statues and Rules & Federal Review Committee Meeting Minutes**  
**July 8, 2016**

**Attendance**

Laura Barno, Barb Baxter, Christina Bertelli-Coleman, Tabettha Blevins, Melinda Dugas, Kandi Greter, John Hedges, Peter Layne, Stacie Mullins, Nikki Tennis, Patty Vincent, Joyce Yedlosky

**1. Review of Minutes**

Nikki Tennis, serving as temporary chair, called the meeting to order. After introductions, minutes from the meeting on April 22, 2016, were reviewed and approved.

**2. Data updates from the Court Service analysts**

**Web-based JANIS (Juvenile Abuse and Neglect Information System) training.**

Tabetha Blevins reported that Phase 2 of JANIS is nearly finished. Phase 3 will include the last of the orders. ASP, the JANIS programmer, has proposed Phases 4 and 5, which would include motions and JUDI, respectively.

Pete Conley and Tabetha have been conducting webinar training on JANIS. They also presented at the recent prosecuting attorneys' conference, which went well. Ashley Connolly and Tabetha will reach out to offices that have not received training. The next trainings will be September 19, 20, and 21.

Tabetha said that the case styling approved by the CIP Oversight Board has been updated in JANIS. Rory Perry, who is in charge of implementing electronic filing, has been in touch with the ASP programmers. John Hedges said he had also spoken to Rory and will be on the e-filing business management committee, where they will work on details like case styling.

**CAN Database update.**

Tabetha said there were no updates or edits to the CAN Database this year. They continue to have web trainings with the judges' assistants, and the new judges will receive training at their judicial conference.

**3. Title IV-E updates**

Peter Layne reported that the Title IV-E penetration rate (P-rate) is at an all-time high of 55.4 percent. He said that he and the BCF IV-E staff went to the four DHHR regions to provide refresher training on IV-E requirements. They have been clarifying issues like candidacy (i.e., can claim kids at risk of foster care) and ROSA time study/management data entry to maximize IV-E claims.

Nikki Tennis updated that the Court and BCF has worked to resolve some issues with orders, such as removing the judicial signature line from the Application for Ratification of Emergency Custody to alleviate confusion and reinforce that a separate order with removal findings is required. Peter said that orders have improved, although everyone is still working on required removal findings when an adoption or legal guardianship is disrupted.

Laura Barno reported that there is an active IV-E program improvement plan (PIP) on the safe and stable family provisions (normalcy and sex trafficking) from the Preventing Sex Trafficking and Strengthening Families Act of 2014. Having a human trafficking task force and promoting human trafficking legislation are parts of the plan.

#### **4. Child and Family Services Review (CFSR)**

Nikki gave Jane McCallister's update, as Jane was unable to attend the meeting. Jane wrote, "The Feds have recommended that instead of doing just three counties, we should just keep our regular review schedule and process to do the review. The leadership team has agreed. We will do a district a month which is how we currently conduct reviews. They have requested we make a few changes to the manual and we are in the process of those changes." The next CFSR round for West Virginia is in 2017.

#### **5. Legislative Proposals for 2017**

The group discussed possible legislative priorities for the 2017 session, including the following:

- repeal of the Supporting and Strengthening Families Act (H.B. 4237)
- passage of the human trafficking bill (H.B. 4489)
- support of CASA's expansion efforts
- if current state laws are not certified as qualifying, then passage of provisions of the 2015 Rape Survivor Custody Act (H.R.1257) that allow mothers of children conceived by rape to seek termination of the rapists' parental rights by clear and convincing evidence, which would increase West Virginia's Violence Against Women funds up to 10 percent.

## **6. Discussion of proposed rule amendments**

John Hedges shared his draft of rules to correspond with Senate Bill 504, on confidentiality of juvenile records, including recordings of child interviews. He proposed adding Trial Court Rule 18. The committee recommended sharing the draft with the CIP Oversight Board for consideration.

## **7. Discussion on shackling of juveniles in court**

Joyce Yedlosky suggested shifting the view of the issue to increasing judicial discretion. Judges have discretion on a case-by-case basis of whether juveniles are shackled in their courtrooms. There may be time on the spring judicial conference agenda for the topic, and Joyce would be an excellent consultant on framing it.

## **8. Interstate Compact on the Placement of Children (ICPC) agreements with border states**

Bob Wilkinson was not available for an update of his efforts with Cabell and Wayne Counties and neighboring Ohio counties. Laura discussed “illegal placements. She said expedited home studies would help. If a placement is deemed illegal, Medicaid is affected, and monthly payments are suspended. Joyce asked if having the child live with a parent in another state triggers ICPC. Laura said that it is not considered a removal for ICPC if the case is CPS/court closed when the other parent gets care, custody, and control. If there is a home study on the other parent, then it prompts ICPC. If it is just a guardian *ad litem* (GAL) or private agency checking on the other parent, then it is not ICPC. Laura said it has to be a clean break from CPS to prevent ICPC implications.

## **9. New/Other business**

There was no new business.

## **10. Next committee meeting**

The next combined CIP Data, Statutes and Rules & Federal Review Committee meeting will be on **Friday, September 20, 2016, from 1 p.m. to 4 p.m.**, in the 9<sup>th</sup> floor conference room of the City Center East building in Kanawha City.