

Court Improvement Program Committee
Meeting Minutes
January 14, 2009
10:00 – 1:00 Central Time
Pierre, SD

1. Welcome:

Judge Davis welcomed everyone attending; due to weather related issues some committee members participated via conference call.

- a. **Attending:** Judge Davis, Judge Myren, Dave Valandra, Virgena Wieseler, LuAnn Van Hunnik, Representative Carol Pitts, and Tony Bennings. On conference call: Amy Benda, Roxie Erickson, and Sharon Kallemeyn.
Staff: Sara Kelly
- b. **Absent:** Vicki Burger and Becky Morlock-Reeves.

2. October meeting minutes:

Judge Davis asked committee members if they had any comments or corrections to the October meeting minutes. No changes noted. Dave V. motioned to approve, Virgena W. second, motion carried

3. Future CIP funding projects:

Sara K. asked the committee for their comments on outside agencies or programs requesting CIP funds for special interest projects. A few requests have come forward, but did not fit the CIP federal requirements. Sara informed the committee the CASA programs receive CIP support through the basic grant fund, approximately 100,000 (+/-). Sara K. also commented if new agencies or programs receive funds the CIP strategic plan will need to be amended. Representative Pitts asked for a fact sheet on the CIP budget to get a better grasp on what funds are available and how much. Virgena W. stated funding should go through the committee to ensure it meets the goals of the committee and CIP. Judge Myren commented that looking at the mission of the CIP the committee makes recommendations to the Supreme Court for final approval. Judge Davis commented he wouldn't want to take from one program to give to another. Judge Davis asked Sara K. to screen requests and notify the committee of any request that fit the CIP criteria. Representative Pitts asked what the request protocol is for the CASA programs. Sara K. informed the committee the CASA programs submit a letter of request, along with copies of receipts for reimbursement. The CASA programs also submit a grant to the CASA Commission for the CASA Commission grant funds and the CIP uses that grant application when considering CIP funding.

4. **Case Flow Management Update:**

a. Purpose statement – Building a Better Dependency Court:
Tony Benning and Sara Kelly, along with Judith Roberts (Legal and Legislative Counsel for UJS), attending a child abuse and neglect case flow management conference as the South Dakota “team”. The conference was held in Williamsburg, VA by the National Center for State Courts. Participants were to assess their state’s dependency court’s child abuse and neglect case flow management system and learn how to develop and/or improve their case flow management system. Tony B. commented the underlying theme was “justice delayed, is justice denied” in a child abuse and neglect case. Sara K. reviewed the handouts with the committee.

b. Time Line:

Sara K. explained the timeline handout was created during a table top exercise. Discussion took place among committee members regarding interim billing for attorneys and making sure they stay on the case until dismissed by the judge. Judge Davis commented some cases do not go to adoption after TPR and not one format can fit all cases, it tends to be a case by case situation. LuAnn H. commented cases used to have a child’s attorney until disposition and the court would decide to further attorney representation or not. Judge Myren stated he sees attorneys just fade out of the picture or become inactive on a case unless required to attend or participate. Judge Davis commented this is a training issue and attorneys, along with the court, need to assess the benefit of representation and the judges decide when the attorney is dismissed from a case. Tony B. stated the thoughts of the conference team were to have interim billing for attorneys so they can get paid while representing the child.

c. Differentiated Case Management – Rushmore Renegades:

Tony B. and Sara K. discussed the table top exercise of creating a differentiated case management scenario and explained it was to be a particular case type to warrant special handling. Sara K. gave an over view of what the team came up with, an ICWA differentiated case management. Sara K. reviewed the issues and solutions with the committee. Virgena W. commented the ICWA Compliance Standing Committee (Judith R., Dave V. and Virgena W. are on the committee) is looking a developing an ICWA brochure. Virgena W. inquired about UJS taking the lead on the brochure development. Sara K. will talk to Judith R. and let the committee know the UJS level of participation. The committee discussed the issues and ideas for improvement the team came up with from the differentiated case management exercise. One topic of great discussion was qualified ICWA expert. Dave. V. stated the Greater Sioux Nation Consortium has developed a training manual to train identified tribal members to become certified ICWA experts. The consortium had planned to hold training in 2009, but lost their Casey Family funding. The consortium is investigating why the money has been terminated and if they will receive funds again. The consortium meets January 16th and they hope to have some answers at that time. Judge Myren suggested Sara K. contact Dave V. after the meeting and see if an alternative funding source

needs to be sought in order to get the training completed. The committee agreed the need for certified/qualified ICWA experts is immediate and to encourage the completion of the training efforts. Judge Davis recommended the committee make an interim recommendation to the Supreme Court for the necessity of the qualified ICWA expert training. The committee agreed and will wait to hear an update from Sara K., after she speaks to Dave V., regarding the funding issue to hold the ICWA expert training.

5. Training:

- a. Best Practice Standards Tool for Judges and Practitioners
 - i. Best practice check list – response from committee members
 - ii. ICWA “Top Ten” check list

The committee discussed the professional resource guideline responses from Sioux Falls CASA and DSS-CPS. Sara K. reported contacting the State’s Attorney’s Association, State Bar Association, and the law enforcement training academy regarding distributing a professional resource guide, each group was very receptive to distributing information. The State Bar Association said the committee could have a table at the annual conference in June 2009. Dave Lunzman, AG-DCI Agent, said he could incorporate the resource guide into his 4-hour child abuse and neglect portion of law enforcement training and hand out a copy to every officer. Sara K. asked the committee their thoughts of how to proceed with development of the key points reference guide for each professional group. Sara K. passed around a draft example of what a guide could look like. Roxie E. and Sharon K. volunteered to work on the State’s Attorneys guide and talk to law enforcement regarding their strategy when dealing with child abuse/neglect cases. Amy B. will work on CASA and check with local law enforcement. Sara K. will continue to work with AG’s office and law enforcement training academy. Sara K. and Dave V. will work on ICWA guide.

Representative Pitts recommending contacting Kent Juhnke, Chair of the State – Tribal Relations Committee for input and communication on items they are working on. Sara K. will follow up with that contact. Sara K. will contact Becky R. for her help on child’s attorney guide. Judge Davis and Judge Myren will work on the judicial component.

Virgena W. commented that each resource guide should have the same “guiding principals” such as, be respectful to the other person, and act in a professional manner. Judge Myren commented each guide needs to highlight key points and be a quick reference guide.

b. A&N Training Video for Attorneys:

Sara K. stated she reviewed the current training video for attorney’s representing and although the content is good the quality is lacking. Sara K. expressed the idea of having a new video created, by a video production company, in 10 -15 minute segments. The video would be available on the UJS website with two different tracks. The first track would be for attorneys wanting to represent children; they

can review the video and take a short test after each segment. Once completed an email notice would go to the webmaster for their name to be added to the list of approved attorneys to represent children. The first track would have a sign-in page for attorneys to complete and include their SD State Bar license. The second track would be available for the general public to view for training purposes. The committee agreed this was a good idea. Judge Myren asked if there was an existing video we could purchase instead of creating one. Sara K. state she had checked with several national organizations and could not find one; videos that exist are specific to the state that produced it and wouldn't apply to SD statues. Judge Myren recommended adding a segment with the resource check-list for State's Attorneys and other attorneys to compliment the video. Amy B. questioned how to handle the attorneys who have already completed the current training and are on the list. Judge Davis stated they would be sent a notice to re-certify. LuAnn commented it would be nice to show the difference between A & N case -v- criminal case. Dave V. suggested an ICWA segment. Sara K. will continue to work on getting a professionally produced training video and will contact committee members for input on script etc.

6. A&N Hearing Types:

Sara K. requested the committee look over the A&N hearing definition page for corrections and additional information. At this time there is no definition for the clerks to reference when coding A&N court activity. Sara K. used the juvenile hearing information page as a guide when creating the A&N page. Once finalized the A&N hearing type definition page will go to the Clerk's Advisory Council for input. Sara K. has worked with Tara Hicks, UJS Clerk Liaison, and will continue to work with her to fine tune the draft document.

7. Program Improvement Plan (PIP) update:

Virgena W. reported the department has not received a final report from the federal review team. The department continues to work on the PIP from the preliminary findings. Once the final report is received, the department has 90 days to complete the PIP. After the Administration for Children and Families accepts the PIP the department has two years to fruition.

8. Next Meeting:

March 25, 2009 – Chamberlain, tentatively set for Cedar Shore from 10 am – 1 pm (CT).