

## MINUTES

### CHILDREN AND FAMILIES IN THE COURTS COMMITTEE

September 23, 2015 // 1:00 p.m. – 6:00 p.m.  
Boise, Idaho

**Call to Order:** Honorable Russell Comstock (CHAIR) called the Children and Families in the Courts Committee (CFCC) to order at 1:05 p.m.

**CFCC Members in Attendance:** Judge Russell Comstock (CHAIR), 4<sup>th</sup> Judicial District; Judge Rick Bollar, 5<sup>th</sup> Judicial District; Judge Jerold Lee, 3<sup>rd</sup> Judicial District; Judge Steven Thomsen, 6<sup>th</sup> Judicial District; John Sahlin, 1<sup>st</sup> Judicial District; Judge Scott Hansen, 7<sup>th</sup> Judicial District; Ann Just, FCS, 7<sup>th</sup> Judicial District; Judge Anna Eckhart, 1<sup>st</sup> Judicial District; Seth Platts, 5<sup>th</sup> Judicial District joined by conference call.

**Court Staff Attending:** Cori Erickson, Statewide Family Court Services Manager; Amber Moe, Statewide Domestic Violence Court Manager; Deena Layne, Deputy Counsel; Kerry Hong, Justice Services Division Director; and Janice Beller, Administrative Assistant/Reporter.

**Guests:** Camille Nelson, ISC Web Developer.

**CFCC Voting Members Not Present:** Tom Dial, 6<sup>th</sup> Judicial District; Dr. Virginia Allen, 6<sup>th</sup> Judicial District.

#### **Opening Comments:**

Judge Comstock opened the meeting and welcomed the committee.

#### **A. Mission Statement, Values and Strategic Goals and Objectives of the Idaho Courts and the CFCC:**

Judge Comstock reviewed the mission statement from the Idaho Supreme Court. Judge Comstock reminded the committee of the charge to create policy to improve the lives of children and families with a statewide system.

#### **B. Approve the Minutes**

The Minutes from the May 12, 2015, CFCC meeting were reviewed.

**Motion: Made by Judge Thomsen to approve the Minutes. A second to this motion came from Judge Bollar. The Minutes were unanimously approved.**

#### **C. Idaho Rules of Family Law Procedure: Update**

Judge Comstock and Judge Bollar updated the Committee on the implementation status of the Idaho Rules of Family Law Procedure (IRFLP). It was noted that a few errors had been identified after the publishing of the complete rules. Judge Comstock noted that errors by the publisher will be corrected with the next edition.

#### **D. Odyssey Portal Demonstration**

Idaho Supreme Court Web Developer Camille Nelson updated the committee members and provided a presentation on the Odyssey Portal. The presentation included the iCourt Website and

how to apply for extended access.

#### **E. Brief Focused Assessments**

Judge Comstock reviewed the purpose of the Brief Focused Assessment (BFA). Although the proposed rule had been approved by the rules subcommittee and the CFCC, several concerns were voiced and the CFCC revisited the rule for possible improvements prior to public comment. A lengthy discussion ensued with the members of the committee. While many felt that a well-done BFA could be of significant value to the court, several concerns arose:

- Vagueness of the proposed rule and it would be helpful to have an order with the rule.
- No professional practice guidelines by a licensing entity and no clear qualifications.
- BFA's do not fit the evidence-based standard and no established training.

Judge Comstock says he feels like there is support for a rule, but maybe not this rule. Committee consensus is that we need a rule. Judge Comstock's question to the committee is do we rework the proposed rule, or do we go back to the drawing board? Members of the committee were polled and the results were 6 members supported the rule and 4 members supported changes to the proposed rule.

Judge Comstock acknowledges that the majority of the committee would like the rule as written to go out for public comment and then to the Admin Conference in April. Judge Comstock asked for an opportunity to amend the rule and submit the changes to the committee. If everyone does not agree with the amendments the current proposed rule will be submitted as written and approved. All the committee members agreed that Judge Comstock should proceed with additional changes and create an order to use with the rule.

**Motion: Made by Judge Hansen to have Judge Comstock take another look at the proposed BFA rule. If Judge Comstock and Judge Bollar can't come up with improvements, the current version will go to public comment and Admin. A second to this motion came from Judge Bollar. The Motion was unanimously approved.**

#### **F. Subcommittee Reports**

##### **1. Family Court Services**

Ann Just reviewed the work of the Family Court Services (FCS) Subcommittee and its charge to create a new plan for the vision and direction of FCS in the future. Ann submitted two documents that were included with the meeting materials. The first document was a conceptual narrative of what FCS could become in the future and the second document was a flow chart depicting the narrative.

Committee members discussed the plan with the context that this conceptual plan will need numerous other individuals involved, at both state and local levels, to determine if the plan is feasible.

It is noted that Family Court personnel need to be responsive to parties as well as to the judges in the district and this can stretch personnel thin. Options were discussed that could make the system more efficient including options for training.

Original discussions on the future of FCS involved consideration for respecting local control vs. what we could do collectively as a state (when possible). The question is whether family courts in Idaho continue to operate independently by district or will they venture towards a true statewide model. Other questions remain as to funding options, services consistency, and quality assurance.

Judge Comstock asked if the Subcommittee had a preference to an “in house” model, “private vendor” model, completely “outsourced” model or “something mixed” with both in house services and private vendors. Responses were mixed on the best model by the Subcommittee.

**Motion: Made by Judge Thomsen to adopt the broad outline of the FCS Subcommittee narrative and flow chart as presented by the Subcommittee as the CFCC preference for future research and feasibility. A second to this motion came from Judge Bollar. The Motion was unanimously approved.**

Judge Comstock clarified that this is an initial blueprint, as presented today, and is NOT a mandate for districts to take this plan and run with it. This, he says, is a long-range plan; the first step of many.

**ACTION ITEM: The subcommittee will look at eligibility/qualifications for services in the model, staffing needs, and funding needs (in that order).**

Judge Comstock expressed gratitude to Ann Just, Kristie Browning, and the entire Subcommittee for all of their incredible work on this plan.

## **2. Domestic Violence Subcommittee Report**

Judge Lee and Amber Moe provided an update on Domestic Violence Courts.

Judge Lee stated that the DV Court subcommittee approved a statewide evaluation plan. The annual evaluation for the DV Courts includes: court data, an exit offender survey, and a stakeholder survey. The surveys are confidential and anonymous and are disseminated by Planning and Research staff.

The Idaho Supreme Court submitted a proposal to the Department of Justice, Office on Violence Against Woman, for the Justice for Families grant in the amount of \$499,950. The Idaho Supreme Court was awarded the funds and these funds will continue to support the DV Court in the First Judicial District.

## **G. CFCC Committee Membership**

Judge Comstock noted that terms for committee members were expiring and he would be contacting everyone to determine their desire to remain on the committee. The seats that are left vacant by Judge Dennard, Judge DeMeyer and Linda Wright will need to be filled.

**ACTION ITEM: Judge Comstock will contact all committee members to determine continued interest in remaining on the committee. He will also pursue individuals of interest to add to the committee.**

## **H. Future Funding for Family Court Services**

Kerry Hong discussed the decision with the committee that the Children and Families Institute (CFI) will not take place in 2016 in order to protect the health of the dedicated fund. Kerry also shared various options for future funding. Kerry recommended that we should explore stable funding opportunities that support meeting the stated goals of Family Court Services. The AOC continues to strive for additional funding streams that will support the effective operation of the courts.

**I. Developmental Information**

The committee made a decision to hold off on this agenda item until the next CFCC meeting in order to allow Judge Merica and Tom Dial to weigh in on this subject.

*Judge Comstock adjourned the meeting at 5:00 p.m. Next meeting date/time to be announced.*

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