

EXHIBIT 5



OFFICE OF FINANCIAL MANAGEMENT

STATE OF WASHINGTON

REPORT TO THE GOVERNOR AND LEGISLATURE

CHILD WELFARE REFORM SAVINGS REINVESTMENT

AS REQUIRED BY CHAPTER 520, SECTION 11, LAWS OF 2009

(SECOND SUBSTITUTE HOUSE BILL 2106)

OFFICE OF FINANCIAL MANAGEMENT
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
CHILDREN'S ADMINISTRATION
CASELOAD FORECAST COUNCIL

FEBRUARY 2011

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the Office of Financial Management at 360-902-0555 or TTY 360-902-0679.

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BACKGROUND

Chapter 520, Section 11, Laws of 2009 (Second Substitute House Bill 2106) directs the Office of Financial Management (OFM), the Department of Social and Health Services (DSHS) and the Caseload Forecast Council to “develop a proposal for submission to the legislature and the governor for the reinvestment of savings, including savings in reduced foster care caseloads, into evidence-based prevention and intervention programs designed to prevent the need for or reduce the duration of foster care placements.”

Amended in 2010, the legislation was directed at improving child welfare outcomes through the phased implementation of strategic and proven reforms. The new law directs DSHS, no later than July 1, 2011, to consolidate and convert existing contracts for child welfare services to performance-based contracts and to link a contractor’s performance to the level and timing of reimbursement for services (RCW 74.13.360). The law also changed the definition of child welfare services to include voluntary and in-home services (RCW 74.13.020 (4)).

To meet the July 1, 2011 deadline, the Children’s Administration will release a request for proposal that consolidates some 1,600 contracts for child welfare services, including voluntary in-home services, in a few performance-based contracts. In partnership with successful bidders (lead agencies), the Children’s Administration will monitor each contract monthly to ensure that expenditures do not exceed total appropriation authority for performance-based contracts.

Current Forecast Model

State appropriations for foster care and adoption support are increased or reduced depending on the forecasted caseload approved by the Caseload Forecast Council. The state appropriation for foster care and adoption support is calculated based on the forecasted caseload multiplied by a forecasted per capita cost. The forecasted per capita cost is based on the actual monthly expenditures for a particular program category divided by the applicable monthly caseload. For example:

$$\begin{array}{l} \text{Average Monthly} \\ \text{Forecasted} \\ \text{Caseload} \end{array} \times \begin{array}{l} \text{Average Monthly} \\ \text{Per Capita Cost} \end{array} = \begin{array}{l} \text{Average Monthly} \\ \text{Expenditures} \end{array} \times \begin{array}{l} 12 \text{ months} \end{array} = \begin{array}{l} \text{Total} \\ \text{Forecasted} \\ \text{Appropriation} \end{array}$$

When DSHS is successful in reducing foster care caseloads through prevention and intervention programs or other policies, the savings are not available for reinvestment to achieve long-term reduced caseloads and additional statewide reforms. In addition, if DSHS and its contractors are more efficient at providing foster care services, savings from the resulting reduction in per capita costs is not available for reinvestment. Conversely, if the caseload or per capita increases, funding is provided for additional costs.

Foster Care and Adoption Support are the only budget categories in the Children’s Administration whose appropriated levels change as a result of the forecasted caseload and per capita cost changes. The next section provides additional information about the Children’s Administration budget, including information on services that will be included in performance-based contracts.

Children's Administration Budget for Fiscal Year 2011

The Children's Administration's total state Fiscal Year 2011 appropriation is \$567 million. Of the total budget, \$323 million is allocated to services and \$244 million to staff and infrastructure. The following table details the budget by category; the second column identifies whether the budget category is part of the current expenditure forecast.

Service Budget Unit	Current Forecast	FTE Authority	GF-State	GF-Federal	Other	Total 2011 Funding
C12 - Behavioral Rehabilitation Services	No	0.0	\$ 34,602,000	\$26,430,000	0	\$61,032,000
C14 - Family Support Services	No	0.0	31,049,000	7,857,000	0	38,906,000
C15 - Transitional Services for Youth	No	0.0	1,517,000	115,000	\$6,053,000	7,685,000
C16 - Adoption Support Program	Yes	0.0	49,502,000	51,218,000	0	100,720,000
C18 - Victims Assistance Program	No	0.0	7,229,000	0	577,000	7,806,000
C19 - Foster Care Program	Yes	0.0	66,229,000	39,800,000	741,000	106,770,000
Total Service Budget		0.0	\$190,128,000	\$125,420,000	\$7,371,000	\$322,919,000
Administrative Budget Unit	Current Forecast	FTE Authority	GF-State	GF-Federal	Other	Total 2011 Funding
R00 - Direct Client Support	No	2,443.8	\$ 93,542,000	\$ 95,722,000	0	\$189,264,000
R01 - Licensed Resources	No	161.3	7,901,000	3,945,000	0	11,846,000
J60 - Federal and Local Grants	No	13.7	3,355,000	13,370,000	\$ 414,000	17,139,000
J50 - Child and Family Services	No	183.0	12,021,000	13,094,000	896,000	26,011,000
Total Admin Budget		2,801.8	\$116,819,000	\$126,131,000	\$1,310,000	\$244,260,000
Total CA Budget		2,801.80	\$306,947,000	\$251,551,000	\$8,681,000	\$567,179,000

Behavioral Rehabilitative Services is a temporary, short-term intensive support and treatment program to stabilize youth and assist them to achieve permanency. Behavioral Rehabilitative Services is contracted for a total budget of \$61 million. The number of clients is included as part of the foster care caseload forecast. However, the 2009–11 Appropriations Act directs that the behavioral rehabilitative service not be included as part of the per capita cost. Therefore, this caseload is pulled out of the calculation for the forecasted foster care budget; this budget no longer increases or decreases with the forecast changes.

Family Support Services provide culturally appropriate skill-building services as part of a comprehensive case plan to keep children safely in their own homes. This category includes evidence-based programs to prevent the need for or reduce the duration of foster care placements. The \$38.9 million budget for Family Support Services is primarily spent on in-home services, which are not part of the caseload forecast. However, RCW 74.13.360 directs the department to consolidate and convert its child welfare service contracts into performance-based contracts, and the child welfare services definition includes in-home services. Therefore, a majority of these services are included as part of the request for proposal process.

Transitional Services for Youth include short-term, temporary placement options for youth missing from home and those in conflict with parents or guardians. The \$7.7 million budget includes funding for crisis residential centers, secure crisis residential centers, Hope centers and responsible living skills programs. Due to the temporary nature of these programs and the fact that the majority of services are not for dependent youth, a large portion of these services will not be included in the service array provided by lead agencies.

Adoption Support Services are provided through agreements with adoptive parents to support the adoption of foster children. The adoption support budget will be managed by the Children's Administration as the agency provides a monthly cash subsidy to adoptive parents pursuant to an adoption support agreement.

Victims Assistance Services support domestic violence prevention shelters, children's advocacy centers and services for sexually aggressive youth. This budget will be retained by the Children's Administration to provide safe emergency shelters and homes for victims of domestic violence and their children who do not have open dependency cases.

Foster Care Services help families, children and placement providers to meet costs associated with out-of-home placements. A portion of the \$106.8 million budget will be retained by the Children's Administration for foster parent maintenance payments, translation of documents, foster parent training and a cost share agreement with the Division of Developmental Disabilities.

The following table identifies contracted services that will be paid by contracted lead agencies and those that will be paid by the Children's Administration.

Children's Administration 2011 Estimated Funding to Lead Agencies

Service Budget Units	SFY 2011 Appropriation	*Estimated Annual Funding	
		Children's Administration	Lead Agency Contracts
Behavioral Rehabilitative Services	\$61,032,000	0	\$61,032,000
Family Support Services	38,906,000	\$5,175,000	33,731,000
Transitional Services for Youth	7,685,000	6,282,000	1,403,000
Adoption Support Services	100,720,000	100,720,000	0
Victims Assistance Services	7,806,000	7,806,000	0
Foster Care Services	106,770,000	47,287,000	59,483,000
Total	\$322,919,000	\$167,270,000	\$155,649,000

* Based on current total fund appropriation levels. Amount of actual funding will reflect the final Fiscal Year 2012 appropriation for the Children's Administration.

REINVESTMENT PROPOSAL

Caseload Savings

The current budget process does not allow DSHS to retain and invest forecasted savings from successful reductions in foster care caseloads. A successful reduction is one in which a child safely returns home, is adopted or finds another safe and permanent placement. Such savings reduce the total appropriation authority for the Children's Administration.

Currently, caseload expenditures for out-of-home services and adoption support services are matched with federal Title IV-E funding at the Medicaid match rate. In state Fiscal Year 2011, total Title IV-E funding for the Children's Administration is nearly \$140 million.

The legislation requires that a reinvestment proposal consider reinvestment in evidence-based programs designed to prevent the need for or reduce the duration of foster care placements. Evidence from two studies¹ conducted by the Washington State Institute for Public Policy suggest that reinvestment into certain preventive or intervention programs not only improves outcomes for children, but also generates long-term monetary benefits in excess of program costs. For example, savings of \$2.59 is realized for every \$1.00 expended on Intensive Family Preservation Services that adhere closely to the Homebuilders model.

Not all preventive and intervention services yield the same results, so careful consideration must be given as to which services will benefit from reinvestment funding.

It also should be noted that in-home services provided to children and families are not eligible for Title IV-E funds unless the state is granted a Title IV-E waiver. At this time, DSHS is working at the national level to allow new Title IV-E waivers, which would permit retaining federal funding for preventive services.

Calculation of Reinvestment Savings

For every child who is safely reunified or finds a safe, permanent placement, the Children's Administration no longer makes a family foster home maintenance payment. This saves an average of \$837 each month, or slightly more than \$10,000 annually. About 20 percent of these funds are Title IV-E, with the remainder being General Fund-State (GF-S). Savings that could be considered for reinvestment are limited to the GF-S funds, as Title IV-E does not cover preventive services.

It is proposed that at least a portion of the GF-S savings be reinvested into programs that are designed to prevent the need for or reduce the duration of out-of-home foster care placements.

To determine how to calculate potential savings allowable for reinvestment, several decision points should be considered before defining caseload savings in child welfare. Each decision point includes options as indicated below.

¹ Intensive Family Preservation Programs: Program Fidelity Influences Effectiveness-Revised, February 2006; Evidence-Based Programs to Prevent Children From Entering and Remaining in the Child Welfare System: Benefits and Costs for Washington, July 2008.

First, what should be included when calculating savings?

- ◆ Consider the total Title IV-E and GF-S funds for foster care services as well as payments for adoption support. Caseload savings would be the net of caseload increases in adoption and/or per capita cost increases.
- ◆ Consider only the foster care maintenance caseload funding to determine the caseload savings amount.
- ◆ With either option, savings would be based on the GF-S component, unless Washington gains a Title IV-E waiver.

Second, how much of the GF-S savings would be attributed for reinvestment?

- ◆ Any GF-S savings would be available.
- ◆ A specified percent of GF-S savings would be available.

Third, how will caseload or per capita cost increases be handled?

- ◆ Foster care caseload growth is fully funded.
- ◆ Foster care caseload growth is only partially funded.

Giving full consideration to each question, the following proposal outlines how savings for reinvestment will be calculated and three reinvestment options.

Developing a Reinvestment Baseline

To determine the amount of funding available for reinvestment, the actual/forecasted family foster home (is displayed as FFH in the table below) maintenance payment expenditures (forecasted = forecasted caseload x per capita cost) will be measured against a baseline year. The difference between the two products will be the amount of funding available for reinvestment. The baseline year will be adjusted annually using the final and approved March caseload forecast. For illustrative purposes, reinvestment funding will be calculated as follows:

Baseline Year		
March 2011 FFH Monthly Forecast	March 2011 FFH Monthly Per Capita	Baseline Funding (x 12 months)
5,534	\$836.89	\$55,576,190
Year 1 Performance		
March 2012 FFH Monthly Forecast	March 2011 FFH Monthly Per Capita	Baseline Funding (x 12 months)
5,000	\$836.89	\$50,213,400
Year 1 Reinvestment Funding (Baseline Less Year 1)		
Total Funds	Title IV-E	GF-State (available reinvestment)
\$5,362,790	\$1,072,558	\$4,290,232

Adjusted Year 2 Baseline		
March 2012 FFH Monthly Forecast	March 2012 FFH Monthly Per Capita	Baseline Funding (x 12 months)
5,000	\$832.00	\$49,920,000
Year 2 Performance		
March 2013 FFH Monthly Forecast	March 2012 FFH Monthly Per Capita	Baseline Funding (x 12 months)
4,800	\$832.00	\$47,923,000
Year 2 Reinvestment Funding		
Total Funds	Title IV-E	GF-State (available reinvestment)
\$1,997,000	\$399,400	\$1,597,600

As the model suggests, an annually adjusted baseline re-sets the benchmark so that reinvestment opportunities are linked to higher levels of performance. For example, 5,534 children were in out-of-home placements in the benchmark year. After Year 1, the number of children dropped to 5,000, and the difference resulted in a net savings (holding the per capita constant at the appropriated level of \$836.89). In Year 2, the new baseline is set at 5,000 so that reinvestment savings can be realized only when performance improves over the previous year.

It is anticipated that this model will reduce the amount of reinvestment funding available over time as the number of children in out-of-home placements decreases and a new lower trend line develops.

A reduction in the number of children in out-of-home placement is necessary to realize savings for reinvestment opportunities. This model identifies how reinvestment funding will be calculated, but there is no guarantee that lead agencies will be eligible to receive reinvestment funding.

Eligibility for Reinvestment Funding: Linking Performance to Funding

A fundamental tenet of performance-based contracts is to link performance to funding. In fact, the legislation requires that the Children's Administration link a contractor's performance to the level of reimbursement for services. Over time, more funding should be channeled to lead agencies that have proven to be high-performance organizations. Savings will be distributed among the lead agencies based upon each agency's relative performance outcome.

To that end, a lead agency will be eligible for reinvestment funds only when it has demonstrated progress in the following areas:

- ♦ The safe reduction in the number of children placed into out-of-home care.
- ♦ The safe reduction in the time spent in out-of-home care prior to achieving permanency.
- ♦ The safe reduction in the number of children returning to placement following permanency.

Other Considerations

The transition to performance-based contracts promotes the need for greater funding flexibility to better meet the needs of children and families and to achieve desired outcomes. The Legislature has expressed an interest in allowing at least some reinvestment of caseload savings in evidence-based approaches for families.

How reinvestment funding will be used requires the same consideration given to how savings are to be calculated. For example, how will forecasted caseload increases be funded? If performance-based contracts lead to an increase in finalized adoptions, how will adoption subsidies payments be funded?

The state could consider three options for funding caseload increases and adoption support subsidies. The first two options assume that savings must be achieved on a statewide basis. The third option provides reinvestment based on savings for each lead agency.

OPTION 1

Make the statewide foster care and adoption support forecasts whole before reinvestment funding is made available. The calculation would be:

$$\text{Reinvestment funding} - \text{Forecasted caseload increases and per capita costs for foster care and adoption support} = \text{Savings for reinvestment}$$

As children transition to permanent placement through adoption, the state's fiscal obligation for adoption support increases. Therefore, this option would likely result in the lowest amount of savings available for reinvestment.

OPTION 2

Make only the statewide foster care forecast whole before reinvestment funding is made available. The current adoption forecast would remain unchanged. The calculation would be:

$$\text{Reinvestment funding} - \text{Forecasted caseload increases and per capita costs for foster care only} = \text{Savings for reinvestment}$$

While this option provides more savings for reinvestment than Option #1, it still requires the foster care caseload for the entire state to be balanced before any savings are available for reinvestment.

OPTION 3

Fully differentiate reinvestment funding from the foster care and adoption forecasts. Full reinvestment savings would be available to providers who have demonstrated attainment in the three outcomes described. Foster care and adoption support forecasts would continue to fund caseload and per capita increases when necessary.

This option provides the maximum amount of savings available for reinvestment.

RECOMMENDATION

Reinvestment is important as it prevents child welfare agencies from being “punished for success” (i.e., losing funding when fewer children are in out-of-home care or if children are “stepped down” to less restrictive forms of care). Although there are many approaches to reinvestment, OFM recommends Option #2. This recommendation will allow funds for reinvestment to lead agencies only if the entire system can achieve savings. Agencies that do not perform well will not have their contract continued, so eventually the high-performing providers will be rewarded for their performance. This option also protects the state’s limited fiscal resources. Reinvestment savings for high performers will be distributed to lead agencies that meet performance measures, based upon each agency’s relative performance outcome.

Reinvestment provides the agencies with a mechanism to prevent out-of-home care and reduce length of stay through such “front end” services as family preservation and reunification. Reduction in the number of children in care clearly results in lower maintenance costs and may result in lower administrative costs. This type of reinvestment can lead to approved child outcomes, including permanency.

NEXT STEPS

Forecasts

To help incentivize the expansion of prevention and early intervention services, we recommend that the caseload forecast and budgeting approaches for child welfare services be modified to improve permanency and well-being outcomes for children and families.

The current process for developing caseload and funding information is as follows:

- ◆ Caseload Forecast Council staff work with agency, legislative and OFM staff to develop a foster care caseload projection.
- ◆ Agency, OFM and legislative staff identify per capita caseload costs based on actual expenditures.
- ◆ Agency, OFM and legislative staff use forecast and per capita to build maintenance level budgets.
- ◆ Agency, OFM and legislative staff may propose policy and/or funding changes and include in the policy level budgets.

The forecast process would remain relatively the same, except that the funding amount included in the agency, OFM and legislative budgets would reflect the continuation of some level of reinvestment funding due to caseload reductions.

As identified above, savings from reduced foster care caseloads would be budgeted and could be used for reinvestment in prevention and intervention programs by lead agencies to the extent that the caseload costs are covered up to the baseline level of funding. Periodic reconciliation of the caseload would be necessary so that increases in caseload are funded in the baseline appropriations.

Data Needs

The most important data need is for the Caseload Forecast Council to forecast in-home cases along with out-of home cases. There will also need to be a mechanism to track performance by each contracted provider, so both in-home and out-of-home caseloads will need to be forecasted by region. Many factors influence caseload levels, and it would be useful to track these:

- ◆ Length of stay by placement type
- ◆ Entry rates by placement type
- ◆ Exit rates by placement type
- ◆ Recidivism by placement type
- ◆ Participation rate as a proportion of the state population

Fully meeting these data needs will likely require additional resources at the Caseload Forecast Council.

Provisos

Currently the Children's Administration budget has 27 provisos that earmark approximately \$205 million in total funds. Due to the new request for proposal and the fact that all contracted child welfare services will be paid to successful lead agencies, provisos will be difficult to track. In addition, a more flexible budget will maximize the ability of contractors to achieve savings.

Budget Structure Change

Beginning July 1, 2011, the performance-based contracts for child welfare services will be in place. A new budget category will be created to budget and pay for the consolidated contracts.

**WASHINGTON STATE OFFICE OF FINANCIAL MANAGEMENT
INSURANCE BUILDING ♦ PO Box 43113
OLYMPIA, WA 98504-3113 ♦ (360) 902-0555 ♦ FAX (360) 664-2832**

COVID-19

For the latest COVID-19 health guidance, visit [doh.wa.gov](https://www.doh.wa.gov/Programs/Healthcare-Professionals/Healthcare-Professionals-Information-Center/Coronavirus-Disease-2019).

Washington Governor - Jay Inslee

Board & Commission Profiles

Below you will find detailed information on each state board and commission to which Gov. Inslee has appointment authority. Click below to view the boards -- these profiles will provide you with the detailed information about each board, including board members. You can also view all recently appointed board members.

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... or Select an Issue Area

- Any -

Accountancy, Board of	Transportation and Economic Development
Achieving a Better Life Experience Governing Board	Human Services
Adult Education Advisory Council	Education
Aerospace Technology Innovation Board of Directors, Joint Center for	Transportation and Economic Development
Affordable Housing Advisory Board	General Government
African American Affairs, Commission on	Government Operations and Public Safety
Aging, State Council on	Health
Anadromous Fish Commission Advisory Panel, North Pacific	Natural Resources and Environment
Andy Hill Cancer Research Endowment	Health
Architects, Board of Registration for	General Government
Arts Commission	General Government
Asian Pacific American Affairs, Commission	General Government
Auto Theft Prevention Authority	Public Safety
Background Check Advisory Board, Washington	Public Safety
Bates Technical College Board of Trustees	Education
Bellevue College Board of Trustees	Education
Bellingham Technical College Board of Trustees	Education
Big Bend Community College Board of Trustees	Education
Blind Board of Trustees, Washington State School for the	Human Services
Blind, Rehabilitation Council for the	Human Services
Boiler Rules, Board of	Labor
Boundary Review Board - Chelan County	Transportation and Economic Development
Boundary Review Board - Clallam County	Transportation and Economic Development
Boundary Review Board - Cowlitz County	Transportation and Economic Development
Boundary Review Board - Douglas County	Transportation and Economic Development
Boundary Review Board - Grays Harbor County	Transportation and Economic Development
Boundary Review Board - Kitsap County	Transportation and Land Use
Boundary Review Board - Lewis County	Transportation and Economic Development
Boundary Review Board - Pierce County	Transportation and Land Use

<u>Boundary Review Board - Skagit County</u>	Transportation and Land Use
<u>Boundary Review Board - Skamania County</u>	Transportation and Land Use
<u>Boundary Review Board - Snohomish County</u>	Transportation and Land Use
<u>Boundary Review Board - Thurston County</u>	Transportation and Economic Development
<u>Boundary Review Board - Whatcom County</u>	Transportation and Land Use
<u>Boundary Review Board - Yakima County</u>	Transportation and Land Use
<u>Building Code Council</u>	General Government
<u>Capital Projects Advisory Review Board</u>	Transportation and Economic Development
<u>Capitol Furnishings Preservation Committee</u>	General Government
<u>Cascadia College Board of Trustees</u>	Education
<u>Caseload Forecast Council</u>	Human Services
<u>Central Washington University Board of Trustees</u>	Education
<u>Centralia College Board of Trustees</u>	Education
<u>Charter School Commission</u>	Education
<u>Chehalis Board</u>	Climate and Energy
<u>Child Support Schedule Workgroup 2019</u>	Human Services
<u>Children, Youth and Families Oversight Board, Department of</u>	Human Services
<u>Chiropractic Quality Assurance Commission</u>	Health
<u>Civil Legal Aid Oversight Committee</u>	Government Operations and Public Safety
<u>Clark College Board of Trustees</u>	Education
<u>Clemency and Pardons Board</u>	Public Safety
<u>Clover Park Technical College Board of Trustees</u>	Education
<u>Coastal Marine Advisory Council, Washington</u>	Natural Resources and Environment
<u>Collection Agency Board</u>	General Government
<u>Columbia Basin College Board of Trustees</u>	Education
<u>Columbia River Gorge Commission</u>	Outdoor Recreation and Economic Development
<u>Community and Technical Colleges, State Board for</u>	Education
<u>Conservation Commission</u>	Natural Resources and Environment
<u>Convention Center Public Facilities District, Washington State</u>	Working Washington
<u>Criminal Justice Training Commission</u>	Public Safety
<u>Deadly Force in Community Policing, Joint Legislative Taskforce on</u>	Government Operations and Public Safety
<u>Deaf and Hard of Hearing Youth, Washington Center for</u>	Human Services
<u>Dental Quality Assurance Commission</u>	Health
<u>Developmental Disabilities Council</u>	Health
<u>Developmental Disabilities Endowment Trust Fund Governing Board</u>	Human Services
<u>Disability Issues and Employment, Governor's Committee on</u>	Human Services
<u>Early Learning Advisory Council</u>	Education
<u>Earth-Abundant Materials Board of Directors, Joint Center for Deployment and Research in</u>	Climate and Energy
<u>Eastern Washington University Board of Trustees</u>	Education
<u>Economic Advisors, Governor's Council of</u>	Working Washington
<u>Economic and Revenue Forecast Council</u>	Working Washington
<u>Economic Development Finance Authority, Washington</u>	Working Washington
<u>Edmonds Community College Board of Trustees</u>	Education
<u>Education, State Board of</u>	Education
<u>Educational Opportunity Gap Oversight and Accountability Committee</u>	Education
<u>Electrical Board</u>	Labor
<u>Energy Facility Site Evaluation Council</u>	Climate and Energy

COVID-19

For the latest COVID-19 health guidance, self-pharmacy resources, visit [COVID-19 dashboard](#).

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Caseload Forecast Council

Performs forecasts of state entitlement program: public assistance programs; state correctional institutions; state correctional noninstitutional supervision, institutions for juvenile offenders, common school system, long-term care, medical assistance, foster care, and adoption support. Provides forecasts that are the basis of the Governor's budget document in the development of the omnibus biennial appropriations act.

Board Website	http://www.cfc.wa.gov
Policy Area	Human Services
Governor Appointments	2
Total Board Positions	6
Statutory Authority	RCW 43.88c.010
Statutory Authority Website	Link to Authorizing Source http://apps.leg.wa.gov/RCW/default.aspx?cite=43.88C.010
Public Disclosure Required?	No
Senate Confirmation Required?	No
Compensation	reimbursed for travel expenses
Term Length (years)	3
Statutory Term Limits	
Board Requirements	Consists of representatives of each of the four legislative caucuses and two representatives of the Governor.

Current Members

Position Number	Member Name	Start Date	End Date	Role/Title
1	Strange, Cheryl	09/18/2017	01/01/2075*	Representative of the Governor
2	Schumacher, David	01/30/2013		Representative of the Governor

* indicates serving at the pleasure

COVID-19

For the latest COVID-19 health, economic, statistical and resource information, visit [doh.wa.gov/COVID19](https://www.doh.wa.gov/COVID19).

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Children, Youth and Families Oversight Board, Department of

The Ombuds shall establish the oversight board for children, youth, and families. The board is authorized for the purpose of monitoring and ensuring that the department of children, youth, and families achieves the stated outcomes of chapter 6, Laws of 2017 3rd sp. sess., and complies with administrative acts, relevant statutes, rules, and policies pertaining to early learning, juvenile rehabilitation, juvenile justice, and children and family services.

Board Website	https://dcyfoversight.wa.gov/
Policy Area	Human Services
Governor Appointments	0
Total Board Positions	18
Statutory Authority	RCW 43.216.015
Statutory Authority Website	Link to Authorizing Source http://app.leg.wa.gov/RCW/default.aspx?cite=43.216.015
Public Disclosure Required?	No
Senate Confirmation Required?	No
Compensation	Travel Expense Reimbursement in Accordance with RCW 43.03.050 & 43.03.060
Term Length (years)	4
Statutory Term Limits	None.
Board Requirements	The senate members of the board shall be appointed by the leaders of the two major caucuses of the Senate. The House of Representatives members of the board shall be appointed by the leaders of the two major caucuses of the House of Representatives. The remaining board members shall be nominated by the governor, subject to the approval of the appointed legislators by majority vote.

Current Members



Department of Children, Youth, and Families OVERSIGHT BOARD

Overview

The DCYF Oversight Board was created by HB 1661 in 2017 and was fully formed in March 2019. The Oversight Board is an independent body consisting of 21 members housed in the Office of the Governor.

The Oversight Board exists for the purpose of monitoring and ensuring that DCYF achieves the stated outcomes as intended by the legislation, and to ensure that the department complies with administrative acts, relevant statutes, rules, and policies pertaining to early earning, juvenile rehabilitation, juvenile justice, and children and family services.

Upcoming DCYF Oversight Board Meetings

There are currently no upcoming meetings scheduled.

[View all meetings.](#)

News

Apply to serve on the Child Care Licensing Internal Review Process Panel (IRP)

- [Check here for more information and how to apply](#)

DCYF Oversight Board Statement on the Call for Racial Justice

- [DCYF Oversight Board statement](#)

February 2019: DCYF Oversight Board announces the appointment of Crista Johnson as Executive Director.

April 2019: DCYF Oversight Board announces the hiring of Nickolaus Colgan as Administrative Coordinator.

Subscribe to the DCYF Oversight Board Newsletter

Sign up to receive email notices and information about upcoming board meetings.

Quick Links

Have a topic you want the DCYF Oversight Board to consider for a meeting topic?

Fill out the survey here to let us know!

Legislative Report & One Pager

- 2019 Legislative Report
- 2019 Legislative One Pager

DCYF Oversight Board Members

Find a current list of oversight board members.

DCYF Oversight Board Bylaws

Find the current version of the bylaws.

DCYF Oversight Board Stated Outcomes, Powers, and Work Activities One-Pager

Click here.



Department of Children, Youth, and Families OVERSIGHT BOARD

Board Members

Name	Representing
Katie Biron	Foster parent representative
Annie Blackledge, Mockingbird Society	Representative of an organization that represents the best interest of the child
John Braun, Senate	Legislator
Bobbe Bridge, Center for Children & Youth Justice	Juvenile rehabilitation and justice subject matter expert
Tom Dent, House of Representatives (Board Co-Chair)	Legislator
Jeannie Darneille, Senate	Legislator
Ben de Haan, UW School of Social Work	Child welfare subject matter expert
Sydney Forrester, Governor's Policy Office	Governor's Office representative (non-voting)
Loni Greninger, Jamestown S'Klallam Tribe	Western Washington tribal representative
Ruth Kagi, State Representative (ret.)	Early learning subject matter expert

Name	Representing
Anne Lee , TeamChild	Subject matter expert in reducing disparities in child outcomes by income, race, and ethnicity
Diane Liebe , Yakima Valley Farm Worker's Clinic/Children's Village	Physician with experience working with youth
Charles Loeffler , Department of Children, Youth, and Families	Child welfare caseworker representative
Lois Martin , Community Day Center for Children	Early childhood program practitioner representative
Shrounda Selivanoff , Office of Public Defense (Board Co-Chair)	Parent stakeholder group representative
Tana Senn , House of Representatives	Legislator

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EXHIBIT 6

On Thu, May 31, 2018 at 10:59 AM Taunnia Bockmier <taunniabockmier@gmail.com> wrote:

That would be the same individual. I am a private contractor through her agency, Dazell & Associates. Her name is Heather Dazell MSW, LICSW. She provides the majority of family assessments through this office.

Taunnia Bockmier, MSW, LICSWA, MHP, CMHS, CDP
New Connections Counseling Services
316 W Boone Ste 577
Spokane, Washington 99201
PH: 208-718-1144
Fax: 509-279-2506

EXHIBIT 7

BestLaw PLLC

From: BestLaw PLLC
Sent: Thursday, September 12, 2019 4:20 PM
To: dcyf.publicdisclosure@dcyf.wa.gov
Subject: public records request regarding information on state contractors' 1099 employees
a/k/a

To whom it may concern:

The link listed below contains a list of statewide contractors as found on the DCYF website. The statewide contractors on this list have "1099" employees a/k/a subcontractors. These "1099" employees have individual business licenses and are providing services to the taxpayers of the state of Washington. The individual "1099" employees providing services to the taxpayers of the state of Washington are not on this list. Please provide a list of names of the "1099" employees a/k/a subcontractors operating under the umbrella of the statewide contractors. Thank you.

<https://www.dcyf.wa.gov/sites/default/files/pdf/statewidecontractorlist.pdf>

CORRIE AMSDEN

*Paralegal to Ryan Best and Jacob Mark
905 W. Riverside, Suite 409
Spokane, WA 99201*



Washington State Department of
CHILDREN, YOUTH & FAMILIES

From: DeHart, James (DCYF)
Sent: Wednesday, September 25, 2019 3:08 PM
To: 'bestlawpllc@bestlawspokane.com' <bestlawpllc@bestlawspokane.com>
Subject: 201909-PRR-490

Dear Connie Amsden,

Thank you for your request to the department of Children, Youth and Families. You requested:

The link listed below contains a list of statewide contractors as found on the DCYF website. The statewide contractors on this list have "1099" employees a/k/a subcontractors. These "1099" employees have individual business licenses and are providing services to the taxpayers of the state of Washington. The individual "1099" employees providing services to the taxpayers of the state of Washington are not on this list. Please provide a list of names of the "1099" employees a/k/a subcontractors operating under the umbrella of the statewide contractors. Thank you.

<https://www.dcyf.wa.gov/sites/default/files/pdf/statewidecontractorlist.pdf>

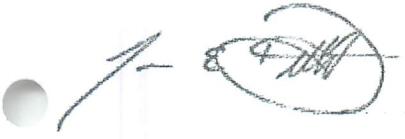
I have spoken to the office of record and they have indicated that they do not have this information readily available and easily accessible. The information on these subcontractors is only collected if the contractor submits those names to the department and are only just placed in the contractors file as an FYI. Some contractors don't even send in this information because it is not required in the contracts.

Unfortunately, the office of record indicates that to complete this request would take a month or more to search through individual files for lists of the subcontractors (that is if the contractors have voluntarily submitted the names to the department), compile the records and create a record from this information. By law, the agency is bound to create a record for a request, if it would cause an undue burden on the agency.

WAC 44-14-04003(6) No duty to create records. An agency is not obligated to create a new record to satisfy a records request. However, sometimes it is easier for an agency to create a record responsive to the request rather than collecting and making available voluminous records that contain small pieces of the information sought by the requestor or find itself in a controversy about whether the request requires the creation of a new record. The decision to create a new record is left to the discretion of the agency. With respect to databases, for example, there is not always a simple dichotomy between producing an existing record and creating a new record. In addition, an agency may decide to provide a customized service and if so, assess a customized service charge for the actual costs of staff technology expertise needed to prepare data compilations, or when such customized access services are not used by the agency for other business purposes. RCW 42.56.120.

Because the records are not readily available and will take a significant amount of research, compiling and creating a record for your request, we are denying your request under the statute named above.

Thank you for the opportunity to serve you!



James DeHart

Public Disclosure Administrator

Washington State Department of Children, Youth, and Families

1310 Jefferson St. S.E.

Olympia, WA 98504

Office: 360-407-5569

James.dehart@dcyf.wa.gov

www.dcyf.wa.gov

Preferred Pronouns: He/Him/His



Washington State Department of
CHILDREN, YOUTH & FAMILIES

From: BestLaw PLLC
sent: Friday, October 4, 2019 12:54 PM
To: dcyf.publicdisclosure@dcyf.wa.gov
Subject: Public Records Request

In follow-up to the response (highlighted in yellow below), to the original records request (highlighted in green below), please provide all information regarding "1099" employees a/k/a subcontractors collected by the Department of Children Youth and Families that has been submitted by the statewide contractors, voluntarily or otherwise. Thank you.

Corrie Amsden

Paralegal to Ryan Best and Jacob Mark
905 W. Riverside, Suite 409
Spokane, WA 99201

From: DeHart, James (DCYF) <james.dehart@dcyf.wa.gov>
Sent: Wednesday, September 25, 2019 3:08 PM
To: BestLaw PLLC <bestlawpllc@bestlawspokane.com>
Subject: 201909-PRR-490

Dear Connie Amsden,

Thank you for your request to the department of Children, Youth and Families. You requested:

The link listed below contains a list of statewide contractors as found on the DCYF website. The statewide contractors on this list have "1099" employees a/k/a subcontractors. These "1099" employees have individual business licenses and are providing services to the taxpayers of the state of Washington. The individual "1099" employees providing services to the taxpayers of the state of Washington are not on this list. Please provide a list of names of the "1099" employees a/k/a subcontractors operating under the umbrella of the statewide contractors. Thank you.

<https://www.dcyf.wa.gov/sites/default/files/pdf/statewidecontractorlist.pdf>

I have spoken to the office of record and they have indicated that they do not have this information readily available and easily accessible. The information on these subcontractors is only collected if the contractor submits those names to the department and are only just placed in the contractors file as an FYI. Some contractors don't even send in this information because it is not required in the contracts.

Unfortunately, the office of record indicates that to complete this request would take a month or more to search through individual files for lists of the subcontractors (that is if the contractors have voluntarily submitted the names to the department), compile the records and create a record from this information. By law, the agency is bound to create a record for a request, if it would cause an undue burden on the agency.

WAC 44-14-04003(6) No duty to create records. An agency is not obligated to create a new record to satisfy a records request. However, sometimes it is easier for an agency to create a record responsive to the request rather than collecting and making available voluminous records that contain small pieces of the information sought by the requestor

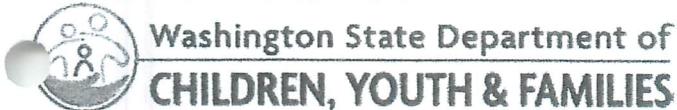
or find itself in a controversy about whether the request requires the creation of a new record. The decision to create a new record is left to the discretion of the agency. With respect to databases, for example, there is not always a simple dichotomy between producing an existing record and creating a new record. In addition, an agency may decide to provide a customized service and if so, assess a customized service charge for the actual costs of staff technology expertise needed to prepare data compilations, or when such customized access services are not used by the agency for other business purposes. RCW 42.56.120.

Because the records are not readily available and will take a significant amount of research, compiling and creating a record for your request, we are denying your request under the statute named above.

Thank you for the opportunity to serve you!



James DeHart
Public Disclosure Administrator
Washington State Department of Children, Youth, and Families
1310 Jefferson St. S.E.
Olympia, WA 98504
Office: 360-407-5569
James.dehart@dcyf.wa.gov
www.dcyf.wa.gov
Preferred Pronouns: He/Him/His



BestLaw PLLC

From: DeHart, James (DCYF) <james.dehart@dcyf.wa.gov>
Sent: Tuesday, December 3, 2019 9:40 AM
To: BestLaw PLLC
Subject: RE: 201909-PRR-490

Dear Connie Amsden,

Thank you for your updated request in which you requested:

In follow-up to the response (highlighted in yellow below), to the original records request (highlighted in green below), please provide all information regarding "1099" employees a/k/a subcontractors collected by the Department of Children Youth and Families that has been submitted by the statewide contractors, voluntarily or otherwise.

This issue also presents itself as with the previous request for this information. The department again, does not have this information readily available or is easy to search through a database to find the names of these subcontractors. Our contracts office would need to go through individual contracts and search from within the documents to find the information and then prepare a new record with this information. As said previously, this request would require a significant amount of staff time and resources to compile and create a new record for this request.

As cited previously: WAC 44-14-04003(6) No duty to create records. An agency is not obligated to create a new record to satisfy a records request. However, sometimes it is easier for an agency to create a record responsive to the request rather than collecting and making available voluminous records that contain small pieces of the information sought by the requestor or find itself in a controversy about whether the request requires the creation of a new record. The decision to create a new record is left to the discretion of the agency. With respect to databases, for example, there is not always a simple dichotomy between producing an existing record and creating a new record. In addition, an agency may decide to provide a customized service and if so, assess a customized service charge for the actual costs of staff technology expertise needed to prepare data compilations, or when such customized access services are not used by the agency for other business purposes. RCW 42.56.120.

Therefore, we are again, denying your request based on the statute cited above.

Sincerely,



James DeHart
Public Disclosure Administrator
Washington State Department of Children, Youth, and Families
1310 Jefferson St. S.E.
Olympia, WA 98504
Office: 360-407-5569
James.dehart@dcyf.wa.gov
www.dcyf.wa.gov
Preferred Pronouns: He/Him/His

From: BestLaw PLLC <bestlawpllc@bestlawspokane.com>
Sent: Tuesday, December 3, 2019 11:28 AM
To: DeHart, James (DCYF) <james.dehart@dcyf.wa.gov>
Subject: RE: 201909-PRR-490

Mr. DeHart:

In follow-up to the response to the second records request, please provide all documentation regarding DCYF's policies and procedures for monitoring and overseeing the services that are subcontracted by the statewide contractors. Thank you.

Corrie Amsden

Paralegal to Ryan Best, Jacob Mark, and Mike Merkelbach
905 W. Riverside, Suite 409
Spokane, WA 99201

From: DeHart, James (DCYF) <james.dehart@dcyf.wa.gov>
Sent: Tuesday, December 3, 2019 9:40 AM
To: BestLaw PLLC <bestlawpllc@bestlawspokane.com>
Subject: RE: 201909-PRR-490

Dear Connie Amsden,

Thank you for your updated request in which you requested:

In follow-up to the response (highlighted in yellow below), to the original records request (highlighted in green below), please provide all information regarding "1099" employees a/k/a subcontractors collected by the Department of Children Youth and Families that has been submitted by the statewide contractors, voluntarily or otherwise.

This issue also presents itself as with the previous request for this information. The department again, does not have this information readily available or is easy to search through a database to find the names of these subcontractors. Our contracts office would need to go through individual contracts and search from within the documents to find the information and then prepare a new record with this information. As said previously, this request would require a significant amount of staff time and resources to compile and create a new record for this request.

As cited previously: WAC 44-14-04003(6) No duty to create records. An agency is not obligated to create a new record to satisfy a records request. However, sometimes it is easier for an agency to create a record responsive to the request rather than collecting and making available voluminous records that contain small pieces of the information sought by the requestor or find itself in a controversy about whether the request requires the creation of a new record. The decision to create a new record is left to the discretion of the agency. With respect to databases, for example, there is not always a simple dichotomy between producing an existing record and creating a new record. In addition, an agency may decide to provide a customized service and if so, assess a customized service charge for the actual costs of staff

BestLaw PLLC

From: BestLaw PLLC
Sent: Monday, December 16, 2019 8:38 AM
To: DeHart, James (DCYF)
Subject: RE: 201909-PRR-490

Just following up on this records request. Thank you.

Corrie Amsden

Paralegal to Ryan Best, Jacob Mark, and Mike Merkelbach
905 W. Riverside, Suite 409
Spokane, WA 99201

From: DeHart, James (DCYF) <james.dehart@dcyf.wa.gov>
Sent: Wednesday, December 4, 2019 7:06 AM
To: BestLaw PLLC <bestlawpllc@bestlawsokane.com>
Subject: RE: 201909-PRR-490

Ms. Amsden,

I want to first apologize for miss-spelling your first name.

I have contacted the contracts office and they should have those records to me next week. I will forward them on to you as soon as I receive them.

In the interim, please do not hesitate to reach out with any questions.

Best,



James DeHart
Public Disclosure Administrator
Washington State Department of Children, Youth, and Families
1310 Jefferson St. S.E.
Olympia, WA 98504
Office: 360-407-5569
james.dehart@dcyf.wa.gov
www.dcyf.wa.gov
Preferred Pronouns: He/Him/His



**Washington State Department of
CHILDREN, YOUTH & FAMILIES**

BestLaw PLLC

From: DeHart, James (DCYF) <james.dehart@dcyf.wa.gov>
sent: Monday, December 16, 2019 8:38 AM
To: BestLaw PLLC
Subject: Automatic reply: 201909-PRR-490

Greetings, Thank you for your email. I will be out of the office Thursday December 12 - December 16 returning on December 17. I will reply to your email as soon as is possible. If you need to submit a public disclosure request, please submit your request to dcyf.publicdisclosure@dcyf.wa.gov. or call (360) 407-5520 Thank you!

James DeHart Public Disclosure Administrator
Washington State Department of Children, Youth, and Families
P.O. Box 40970 | 1310 Jefferson St. S.E. Olympia, WA 98504-0970 Office: 360-407-5569
James.dehart@dcyf.wa.gov
www.dcyf.wa.gov
Preferred Pronouns: He/Him/His

BestLaw PLLC

From: DeHart, James (DCYF) <james.dehart@dcyf.wa.gov>
Sent: Tuesday, December 17, 2019 6:18 AM
To: BestLaw PLLC
Subject: RE: 201909-PRR-490

Good morning Ms. Amsden,

Thank you for following up. I have been out due to illness yesterday so I apologize for not getting back to you. I did receive a response I have pasted below from our Contracts Compliance Officer:
"So, my answer is no we do not have anything as stated below (within your request).

The reason is we do not review the subcontractors. We only monitor the Person/agency/provider that DCYF directly contracts with. Per our contracts, it is the responsibility of the person/agency/provider/contractor to monitor their subcontractors to ensure adherence to our contract requirements. In other words, we hold the contractor responsible for all subcontracted services.

So, the policies/procedures we have relate to how DCYF will monitor our contractors."

With this explanation regarding your inquiry, your request will remain closed.

If you have any further questions I may forward to our contracts office, please do not hesitate to let me know.

Thank you for the opportunity to serve you!



James DeHart
Public Disclosure Administrator
Washington State Department of Children, Youth, and Families
1310 Jefferson St. S.E.
Olympia, WA 98504
Office: 360-407-5569
james.dehart@dcyf.wa.gov
www.dcyf.wa.gov
Preferred Pronouns: He/Him/His



Washington State Department of
CHILDREN, YOUTH & FAMILIES

From: BestLaw PLLC <bestlawpllc@bestlawspokane.com>
Sent: Monday, December 16, 2019 8:38 AM

EXHIBIT 8

Washington State Department of Revenue

[Services](#)[Business Lookup](#)

CAITLIN SAUNDERS COUNSELING AND PSYCHOTHERAPY

License Information:

[New search](#) [Back to results](#)**Entity name:** CAITLIN SAUNDERS COUNSELING AND PSYCHOTHERAPY PLLC**Business name:** CAITLIN SAUNDERS COUNSELING AND PSYCHOTHERAPY**Entity type:** Professional Limited Liability Company**UBI #:** 604-238-124**Business ID:** 001**Location ID:** 0001**Location:** Active**Location address:** 160 NW GILMAN BLVD
STE 327
ISSAQAH WA 98027-2407**Mailing address:** 22717 135TH AVE SE
KENT WA 98042-3730**Excise tax and reseller permit status:** [Click here](#)**Secretary of State status:** [Click here](#)

Endorsements

Endorsements held at this location	License #	Count	Details	Status	Expiration date	First issuance
Issaquah General Business				On Hold	Mar-31-2021	Apr-09-2018

Governing People *May include governing people not registered with Secretary of State*

Governing people	Title
INSLEE, JAY	

Registered Trade Names

Registered trade names	Status	First issued
CAITLIN SAUNDERS COUNSELING AND PSYCHOTHERAPY	Active	Mar-30-2018

The Business Lookup information is updated nightly. Search date and time: 3/6/2020 11:53:58 AM

Working together to fund Washington's future

Public Records Request

From: Corrie Amsden (corrieamsden@yahoo.com)

To: dcyf.publicdisclosure@dcyf.wa.gov

Date: Friday, March 6, 2020, 01:06 PM PST

Please identify if Caitlin Saunders Counseling and Psychotherapy PLLC, (UBI # 604-238-124) has provided services to individuals receiving support services through DCYF. Please identify what statewide contractor Caitlin Saunders is subcontracted through/umbrellaed under. Please provide all documentation, including but not limited to billing, for these services, including that billing which was submitted for reimbursement by the federal government. Thank you.

Corrie Amsden

Re: Public Records Request Re: ARRTS # 202003-PRR-350

From: Corrie Amsden (corrieamsden@yahoo.com)

To: sibylle.oatney@dcyf.wa.gov

Date: Tuesday, March 10, 2020, 11:04 AM PDT

Ms. Oatney:

Caitlin Saunders, at least according to the DCYF statewide contractors' list, does not have a contract with DCYF. But, because some of the statewide contractors do subcontract to other providers, Caitlin Saunders, if hired by any of the statewide contractors, would still submit billing for any services performed on behalf of the State of Washington to those receiving DCYF services. I am asking for any documentation, including billing, submitted by Caitlin Saunders Counseling and Psychotherapy, PLLC for any services provided to individuals receiving DCYF services.

Thank you,

Corrie Amsden

On Tuesday, March 10, 2020, 10:47:04 AM PDT, Oatney, Sibylle (DCYF) <sibylle.oatney@dcyf.wa.gov> wrote:

Dear Corrie Amsden:

Thank you for your public records request dated March 6, 2020 in where you asked for the following:

"Please identify if Caitlin Saunders Counseling and Psychotherapy PLLC, (UBI # 604-238-124) has provided services to individuals receiving support services through DCYF. Please identify what statewide contractor Caitlin Saunders is subcontracted through/umbrellaed under. Please provide all documentation, including but not limited to billing, for these services, including that billing which was submitted for reimbursement by the federal government. Thank you."

I have contacted our contracts office and was informed that they have no records pertaining to Ms. Saunders. Is there more information you might be able to provide me? This way I will be able to do a more extensive search.

Best regards

Sibylle Oatney, Forms and Records Analyst 3

PO Box 409902

Olympia, WA 98504-0992

www.dcyf.wa.gov

Sibylle.Oatney@dcyf.wa.gov phone: (360) 407-5557 / fax: (360) 407-5571

Fw: Public Records Request Re: ARRTS # 202003-PRR-350

From: Corrie Amsden (corrieamsden@yahoo.com)

To: corrieamsden@yahoo.com

Date: Tuesday, November 3, 2020, 07:09 AM PST

Sent from Yahoo Mail on Android

----- Forwarded Message -----

From: "Oatney, Sibylle (DCYF)" <sibylle.oatney@dcyf.wa.gov>
To: "corrieamsden@yahoo.com" <corrieamsden@yahoo.com>

Sent: Mon, Mar 23, 2020 at 10:26 AM

Subject: Public Records Request Re: ARRTS # 202003-PRR-350

Re: Request for Records, ARRTS#: 202003-PRR-350

Dear Corrie Amsden:

The Department of Children, Youth, and Families received a public records request from you on March 6, 2020. In your request, you asked for:

"Please identify if Caitlin Saunders Counseling and Psychotherapy PLLC, (UBI # 604-238-124) has provided services to individuals receiving support services through DCYF. Please identify what statewide contractor Caitlin Saunders is subcontracted through/umbrellaed under. Please provide all documentation, including but not limited to billing, for these services, including that billing which was submitted for reimbursement by the federal government. Thank you."

Our billing / accounting department has done an extensive search pertaining to Caitlin Saunders for any type of payments or billing and found no records. Therefore we have no records responsive to your request.

This mailing completes the Department of Children, Youth & Families response to your request and your file is considered completed and closed. If there are additional records that you believe exist, please let us know and we will attempt to locate them. If you disagree with any denial of records under your request, you may ask for a review under WAC 388-01-130(1) by writing to:

Jody Arndt
Department of Children, Youth & Families
Public Disclosure Appeals Officer
PO Box 40992
Olympia, WA 98504-0922

Sincerely,

Sibylle Oatney / Forms and Records Analyst III / Public Disclosure
Washington State Department of Children, Youth, and Families
(O) 360-407-5557 / (F) 360-407-5571 / sibylle.oatney@dcyf.wa.gov

EXHIBIT 9

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF SPOKANE

3 In re:)
4 CHRISTOPHER SIMON,)
5 Child,)
6 WAYNE JANKE and DORIS STRAND,)
7 Petitioners,) COA No. 35055-0-III
8 and) Cause No. 15-3-02130-1
9 RONALD SIMON and TERESA SIMON,) VERBATIM REPORT
10 Respondents.) OF PROCEEDINGS

BENCH TRIAL
VOLUME VIII, pages 1387-1463

12/15/16 (Adequate Cause)

Spokane County Courthouse
Spokane, Washington
Before the
HONORABLE MARYANN C. MORENO

Terri A. Cochran, CSR No. 3062
Official Court Reporter
1116 W. Broadway, Department No. 7
Spokane, Washington 99260
(509) 477-4418

1 December 15, 2016 - ADEQUATE CAUSE HEARING
2
3

4 A P P E A R A N C E S
5
6

7 For the Petitioners:

SPENCER W. HARRINGTON
Harrington Law Office, PLLC
1517 W. Broadway Avenue
Spokane, Washington 99201

8 For the Respondent Teresa
9 Simon:

GLORIA FINN PORTER
Attorney at Law
1309 W. Dean Avenue, Suite 100
Spokane, Washington 99201

10 For the Respondent Ronald
11 Simon:

DENNIS C. CRONIN
The Law Office of D.C. Cronin
724 N. Monroe Street
Spokane, Washington 99201

13 The Guardian ad Litem:

KIMBERLY A. KAMEL
Witherspoon Kelley
422 W. Riverside Avenue
Suite 1100
Spokane, Washington 99201

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December 15, 2016 - A.M. Session

3 THE COURT: All right, good morning. We're back here
4 on the Janke-Strand and Simon matter. It's 15-3-02130-1. This
5 is sort of the segue into part 2 of the case. We're on the
6 adequate cause piece of this. I previously rendered an opinion
7 with regard to the de facto. I heard testimony for several
8 days. So are we ready to proceed?

9 MR. HARRINGTON: We are, your Honor.

THE COURT: Okay. Mr. Harrington?

11 MR. HARRINGTON: Thank you, your Honor. This is the
12 time and place that the Court set on the hearing on adequate
13 cause and I believe also on reunification. And some of these
14 tie together a little bit. But regarding the adequate cause
15 for a nonparental custody, we look to RCW 26.10.032. And it
16 sets forth what the requirement is. And quite simply it sets
17 forth a two-part test. The child is not in the physical
18 custody of one of his parents or neither parent is a suitable
19 custodian.

20 We then move to what is the purpose of adequate cause,
21 which is it's a threshold finding. I know that the respondents
22 have said that it was our burden to set this hearing, but I
23 found nothing to support that. And actually the standard and
24 the mandatory forms, it asks who set the hearing. Anybody has
25 the right to set this hearing. Strangely, that has not

1 occurred in this case, and you'll see that's because agreed
2 orders were entered in April of 2015. Now --

3 THE COURT: Agreed -- what agreed orders?

4 MR. HARRINGTON: Pardon me?

5 THE COURT: What agreed orders?

6 MR. HARRINGTON: There was the agreed temporary order.

7 It was in, I believe, April, I want to say 2015.

8 THE COURT: Yeah, but to do what? An agreed order to
9 do what?

10 MR. HARRINGTON: Pardon me?

11 THE COURT: An agreed order on adequate cause?

12 MR. HARRINGTON: No. An agreed order where Christopher
13 was placed with the petitioners. And then at that point the
14 adequate cause issue, I believe, just sort of fell through the
15 cracks from that point forward.

16 Now, adequate cause, the petitioners are required to
17 set forth allegations, factual allegations, that if proved at
18 trial would establish that a parent is unfit or the child would
19 suffer actual detriment. That's from *In re Custody of J.E.* a
20 2015 case. So at adequate cause, the petitioners alleged a
21 variety of issues. And again, they have alleged that these
22 stem generally from complaints of Christopher in his CHINS
23 petition, from the counseling that occurred throughout this
24 case, from interviews with CPS and so on. At the beginning of
25 this case there was -- as pointed out by counsel, there wasn't

EXHIBIT 10

1
2
3
4
5
6
7 FILED

APR 24 2015

8 Timothy W. Fitzgerald
9 SPOKANE COUNTY CLERK

10 SUPERIOR COURT OF WASHINGTON, FOR SPOKANE COUNTY

11 In re the Parenting of:

12 Christopher Simon,

13 Child,

14 Wayne Janke and Doris Strand,

15 Petitioners,

16 and

17 Ronald Simon and Teresa Simon,

18 Respondent.

19 NO. 15-5-00185-5

20 AGREED Temporary Order
(Parentage)
(TMO/TMRO)21 Clerk's Action Required
 Law Enforcement Notification ¶ 3.2

22 I. Judgment/Order Summaries

23 1.1 Restraining Order Summary

24 Does not apply. Restraining Order Summary is set forth below:

25 Name of person(s) restrained: Ronald Simon; Teresa Simon aka Teresa Juneau-Simon.

26 Name of person(s) protected: Wayne Janke, Doris Strand; Christopher Simon.

27 See paragraph 3.2.

28 **Violation of a Restraining Order in Paragraph 3.2 below with actual knowledge of its terms
is a criminal offense under Chapter 26.50 RCW and will subject the violator to arrest. RCW
26.26.590.**

29 1.2 Money Judgment Summary

30 Does not apply.

31 II. Basis

32 A motion for a temporary order was presented to this court and the court finds reasonable cause to issue this
33 order. The parties have agreed to entry of this Temporary Order.

1
2 **III. Order**

3 *It is Ordered:*

4 **3.1 Temporary Relief**

5 [RESERVED] Child support shall be paid in accordance with the order of child support signed by
the court.

6 [RESERVED] The parties shall comply with the Temporary Residential Schedule/Parenting Plan
signed by the court.

7 **3.2 Restraining Order**

8 *Previous Order:*

9 The prior restraining order dated **APRIL 17, 2015**

10 Remains in full force and effect.

11 Is terminated.

12 Is terminated and replaced by the following.

13 This order shall be filed forthwith in the clerk's office and entered of record. The clerk of the court
shall forward a copy of this order on or before the next judicial day to (name of appropriate law
enforcement agency) Spokane County Sheriff / Police Dept. which shall forthwith enter this order
into any computer-based criminal intelligence system available in this state used by law
enforcement agencies to list outstanding warrants. (A law enforcement information sheet must
be completed by the party or the party's attorney and provided with this order before this
order will be entered into the law enforcement computer system.)

14 ***Violation of a Restraining Order in Paragraph 3.2 with actual knowledge of its
terms is a criminal offense under Chapter 26.50 RCW and will subject the violator
to arrest. RCW 26.26.590.***

15 Does not apply.

16 **Ronald Simon and Teresa Simon** are restrained and enjoined from disturbing the peace
of (name of the protected person) Wayne Janke, Doris Strand or of any child.

17 **Ronald Simon and Teresa Simon** are restrained and enjoined from going onto the
grounds of or entering the home, work place or school of the protected person or the day
care or school of the following named child: Christopher Simon.

18 **Ronald Simon and Teresa Simon** are restrained and enjoined from knowingly coming
within or knowingly remaining within (distance) 2 blocks of the home, work place, or
school of the protected person or the day care or school of this child: Christopher Simon.

19 **Ronald Simon and Teresa Simon** are restrained and enjoined from molesting,
assaulting, harassing or stalking **Wayne Janke and Doris Strand**. (The following firearm
restrictions apply if this box is checked: Effective immediately and continuing as long as
this restraining order is in effect, the restrained person may not possess a firearm or
ammunition. 18. U.S.C. § 922(g)(8). A violation of this federal firearms law carries a
maximum possible penalty of 10 years in prison and a \$250,000 fine.)

1
2 An exception exists for law enforcement officers and military personnel when carrying
3 department/government-issue firearms. 18 U.S.C. § 925(a)(1).)

4 **Clerk's Action/Law Enforcement Action:** The clerk of the court shall forward a copy of this order,
5 on or before the next judicial day, to (name of the appropriate law enforcement agency) Spokane
6 County Sheriff / Police Dept. which shall enter this order into any computer-based criminal
7 intelligence system available in this state used by law enforcement agencies to list outstanding
8 warrants. (A law enforcement information sheet must be completed by the party or the
9 party's attorney and provided with this order before this order will be entered into the law
10 enforcement computer system.)

11 **Service**

- 12 [X] The restrained party or attorney appeared in court or signed this order; service of this
13 order is not required.
14 [] The restrained party or attorney did not appear in court; service of this order is required.
15 The requesting party must arrange for service of this order on the restrained party. File the
16 original Return of Service with the clerk and provide a copy to the law enforcement agency
17 listed above.

18 **Expiration** This restraining order will expire in 12 months and shall be removed from any computer-
19 based criminal intelligence system available in this state used by law enforcement agencies to list
20 outstanding warrants, unless a new order is issued, or unless the court sets forth another
21 expiration date here: (month/day/year) _____.

22 **Full Faith and Credit.** Pursuant to 18 U.S.C. § 2265, a court in any of the 50 states, the District of
23 Columbia, Puerto Rico, any United States territory, and any tribal land within the United States
24 shall accord full faith and credit to the order.

25 **3.3 Other Restraining Orders**

- 26 [X] Ronald Simon, Teresa Simon are restrained and enjoined from permanently removing the
27 child from the state of Washington.
28 [X] Ronald Simon and Teresa Simon shall surrender any deadly weapon in his or her
immediate possession or control or subject to his or her immediate possession or control to:
(name or agency) Spokane County Sheriff/Police Dept.
[] (Name) _____ shall pay temporary attorney's fees, other
professional fees and costs in the amount of \$ _____ to:
[X] Other: Christopher Simon shall remain in the care of the petitioners.

3.4 Bond or Security

[X] Does not apply.

3.5 Other

1. Based on the GAL's initial contact with the child, the child shall remain in the primary care
of Wayne Janke and Doris Strand, *w/o drawing any conclusions.*

2. The child shall participate in a mental health evaluation with a provider to be agreed upon
by the parties and the GAL. The child shall sign a release authorizing the GAL to speak with and
obtain information/records from the mental health evaluator to further her investigation.

3. This order may be reviewed upon completion of the mental health evaluation of the child.

4. *All w/o prejudice*

Dated: 4/24/15

Petitioner or petitioner's lawyer:

A signature below is actual notice of this order.

[X] Presented by:

[] Approved for entry:

[] Notice for presentation waived:

Spencer W. Harrington, WSBA #35907

Attorney for Petitioners

Tony M. RUGEL
Judge/Commissioner

Respondent or respondent's lawyer:

A signature below is actual notice of this order.

[] Presented by:

[X] Approved for entry:

[X] Notice of presentation waived:

Gary R. Stenzel, WSBA # 16794

Attorney for Respondents

Approved for entry:

Electronically Approved

Kimberly Kamel, WSBA # 30041

Guardian ad Litem

EXHIBIT 11

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2
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FILED

MAR 31 2015

SPOKANE COUNTY CLERK

SUPERIOR COURT OF WASHINGTON, FOR SPOKANE COUNTY

In re the Custody of:
Christopher Simon,
Child,

Wayne Janke and Doris Strand,
Petitioners,

and

Ronald Simon and Teresa Simon,
Respondents.

NO.

15500185-5

Ex Parte Restraining Order/
Order to Show Cause
(Nonparental Custody)
(TPROTSC/ORTSC)

Clerk's Action Required
 Law Enforcement Notification,
¶4.1

14
15
Restraining Order Summary:

[] Does not apply. Restraining Order Summary is set forth below:

16
Name of person(s) restrained: Ronald Simon and Teresa Simon.

17
Name of person(s) protected: Wayne Janke, Doris Strand and Christopher Simon.

See paragraph 4.1.

18
Violation of a Restraining Order in Paragraph 4.1 Below With Actual Knowledge of its
19
Terms is a Criminal Offense Under Chapter 26.50 RCW and Will Subject the Violator to
Arrest. RCW 26.10.115.

20
I. Show Cause Order

21
It is ordered that Ronald Simon and Teresa Simon appear and show cause, if any, why the restraints below
22
should not be continued in full force and effect pending final determination of this action and why the other
relief, if any, requested in the motion should not be granted. A hearing has been set for the following date,
time and place:

23
Date: April 14, 2015

Time: 8:30 am

24
Place: Spokane County Superior Court
1116 W. Broadway, Spokane, WA

Room/Department: 401

25
If you disagree with any part of the motion, you must respond to the motion in writing before the
hearing and by the deadline for your county. At the hearing, the court will consider **Written** sworn
affidavits or declarations. Oral testimony may **Not** be allowed. To respond, you must:

(1) file your documents with the court; (2) provide a copy of those documents to the judge or commissioner's staff; (3) serve the other party's attorney with copies of your documents (or have the other party served if that party does not have an attorney); and (4) complete your filing and service of documents within the time period required by the local court rules in effect in your county. If you need more information, you are advised to consult an attorney or a courthouse facilitator.

Failure to Appear May Result in a Temporary Order Being Entered by the Court Which Grants the Relief Requested in the Motion Without Further Notice.

II. Basis

A motion for a temporary restraining order without written or oral notice to (name of nonrequesting party) **Ronald Simon and Teresa Simon** or that party's lawyer has been made to this court. The court has consulted the judicial information system, if available, to determine the existence of any information and proceedings that are relevant to the placement of the child.

III. Findings

Indian Child Welfare Act

Indian child status:

- The child(ren) are not Indian child(ren) as defined by 25 U.S.C § 1903 and the Indian Child Welfare Act, 25 U.S.C. § 1901, et seq., does not apply to these proceedings.

The court adopts paragraphs 2.1, 2.2, and 2.4 of the Motion/Declaration for an Ex Parte Restraining Order and for an Order to Show Cause (Form WPF CU 03.0150) as its findings, except as follows:

IV. Order

It is Ordered:

4.1 Restraining Order

Violation of a Restraining Order in Paragraph 4.1 With Actual Notice of its Terms Is a Criminal Offense Under Chapter 26.50 RCW and Will Subject the Violator to Arrest. RCW 26.10.115.

- Does not apply.
 Ronald Simon and Teresa Simon is/are restrained and enjoined from disturbing the peace of Wayne Janke, Doris Strand and Christopher Simon.
 Ronald Simon and Teresa Simon is/are restrained and enjoined from going onto the grounds of or entering the home, work place or school of the protected person(s) or the day care or school of the following named child: Christopher Simon.
 Ronald Simon and Teresa Simon is/are restrained and enjoined from knowingly coming within or knowingly remaining within (distance) 2 blocks of the home, work place, or school of the protected person(s) or the day care or school of this child: Christopher Simon.
 Ronald Simon and Teresa Simon is/are restrained and enjoined from molesting, assaulting, harassing, or stalking Wayne Janke, Doris Strand and Christopher Simon.

[] **Clerk's Action.** The clerk of the court shall forward a copy of this order, on or before the next judicial day, to (name of appropriate law enforcement agency) Spokane County Sheriff/Police Dept. which shall enter this order into any computer-based criminal intelligence system available in this state used by law enforcement agencies to list outstanding warrants. (A law enforcement information sheet must be completed by the party or the party's attorney and provided with this order before this order will be entered into the law enforcement computer system.)

Service

The requesting party must arrange for service of this order on the restrained party. File the original Return of Service with the clerk and provide a copy to the law enforcement agency listed above.

4.2 Other Restraining Order

- [X] Ronald Simon and Teresa Simon is/are restrained and enjoined from permanently removing the child from the state of Washington.
- [X] The child shall reside with Wayne Janke and Doris Strand until the hearing.
- [] Other:

4.3 Surrender of Deadly Weapons

- [] Does not apply.
- [X] It is ordered that Ronald Simon and Teresa Simon surrender any deadly weapon in his or her immediate possession or control or subject to his or her immediate possession or control to:
 - [X] the Spokane county sheriff.

The court finds that irreparable injury could result if an order is not issued until the time for response has elapsed. (See RCW 26.09.060(2)(b).)

4.4 Expiration Date

This order shall expire on the hearing date set forth above or 14 days from the date of issuance, which ever is sooner, unless otherwise extended by the court.

4.5 Other

Dated: 3/31/2015 at 2:23 a.m./p.m.



Judge/Commissioner

Presented by:



Spencer W. Harrington, WSBA #35907
Attorney for Petitioners

Harrington Law Office, PLLC
1517 W. Broadway Avenue
Spokane, WA 99201
Phone: 509.328.9300