

California State Department of Social Services
ICWA WORKGROUP
January 8, 2013 • 1:00pm to 3:30pm
CDSS, 744 P Street, Conference Room 1032 (OB 8)
Sacramento, CA 95814

Meeting Notes

SUMMARY OF ACTION ITEMS
<ol style="list-style-type: none">1. With regard to inviting the Governor's Tribal Advisor to future workgroup meetings, CDSS agreed to make their request while the Tribal Caucus also makes their request directly.2. CDSS will complete their review of all suggested edits received from the workgroup on the ICWA amendments to the Division 31 regulations, and will follow up with the workgroup by scheduling a conference call in February 2013 to discuss CDSS' review.3. CDSS will reschedule a conference call for the subcommittee to discuss how to approach the ICWA non-compliance issues.4. Kevin will provide Diana with AB 12 tribal forum presentation materials to share via email with the workgroup.5. Karen will provide Diana with the AB 12 FAQ web link to share via email with the workgroup.6. The Tribal Caucus will draft a letter to the CWDA and others to express concerns regarding the Amicus brief filed with the U.S. Supreme Court regarding Baby Veronica.

Welcome/Introductions

Participants were introduced, and the previous meeting's minutes and current meeting's agenda were reviewed.

A review of Action Items from the September workgroup meeting was done as follows:

- #1 – Diana Orcino provided a status update on the upcoming CWS/CMS training webinar for tribal workers. The Northern and Central California Training Academies are working together to organize and conduct this 2-hour webinar on Thursday, January 24, 2013. The exact time of the webinar and the Adobe Connect link to enroll in this webinar is not yet known, but Diana will email out the information once it is received by the organizers. *[Done: A flyer containing the webinar time, Adobe Connect web link, and enrollment instructions was emailed to the workgroup on 1/10/2013.]*
- #2 – With regard to inviting the Governor's Tribal Advisor to future workgroup meetings, Stephanie Weldon indicated that it was her understanding that both the tribal caucus and CDSS agreed to make this request. Some participants felt that the tribal caucus would have more success and a quicker outcome than CDSS in this endeavor. However, CDSS agreed to go through their channels as well to accomplish this task.
- #3 – CDSS is continuing to review all comments received by the workgroup on the ICWA amendments to the Division 31 regulations. CDSS has scheduled two more meetings to

discuss suggested edits and should complete the review then. CDSS will schedule a conference call with the workgroup in February 2013 to discuss CDSS' review. *[Done: A conference call was scheduled on 2/27/13.]*

- #4 - CDSS scheduled a conference call for 12/19/2012 for the subcommittee to discuss how to approach the ICWA non-compliance issues. However, of the five tribal representatives that volunteered for this subcommittee, only one called in. Therefore, this conference call will need to be rescheduled in the future.
- #5 – It was agreed to swap the locations for March and July workgroup meetings, since the ICWA Conference will be held in Southern California in mid-to-late June. (Note: March meeting is usually held in Southern CA.) The March 2013 workgroup meeting will be held in the Northern region, and the tribal co-chairs will inform Diana Orcino of the exact location as soon as possible. *[Done: Information regarding the March workgroup meeting location was emailed to the workgroup on 1/17/13.]*

ACTION 1: With regard to inviting the Governor's Tribal Advisor to future workgroup meetings, CDSS agreed to make their request while the Tribal Caucus also makes their request directly.

ACTION 2: CDSS will complete their review of all suggested edits received from the workgroup on the ICWA amendments to the Division 31 regulations, and will follow up with the workgroup by scheduling a conference call in February 2013 to discuss CDSS' review. *[Done]*

ACTION 3: CDSS will reschedule a conference call for the subcommittee to discuss how to approach the ICWA non-compliance issues.

Stephanie Weldon asked that CDSS' Adoptions Bureau staff be present at a future workgroup meeting to answer questions regarding the upcoming Tribal Customary Adoptions (TCA) regulations. Nancy Currie asked that the tribal caucus and workgroup be included in the TCA regulations process. Paulie Boynton mentioned that not all tribes are the same with regard to processing a TCA.

California Partnership for Permanency (CAPP)

Aprille Flint indicated that Humboldt County is approaching the launch of CAPP training on the practice model. A partnership cross-site meeting is scheduled for January 29, 2013 from 10:30am to 4:00pm at CDSS. Contact Aprille if interested in attending. She pointed out that time between CAPP meetings is important in order to keep participants (tribes, counties, etc.) informed on what is happening and any decisions being made. Transparency is crucial to success.

Update on AB 12 Tribal Forums

Kevin Gaines provided this update. Assembly Bill (AB) 12 went into effect January 2012. CDSS conducted a series of convenings to give tribes the opportunity to talk about the possible implications. The following AB 12 tribal forums were held in 2012:

- March 22, 2012 – Hosted by the Big Sandy Rancheria – Fresno County
- March 30, 2012 – Hosted by the Yocha Dehe Wintun Nation – Yolo County
- May 31, 2012 – Hosted by the Wiyot Tribe – Humboldt County
- June 7, 2012 – Hosted by the Pala Band of Mission Indians - San Diego County

The feedback from these meetings was that independence for a tribal non-minor dependent (NMD) may be different from a non-tribal NMD. Also, there are geographic issues that need to be addressed when providing other services such as education and work readiness. Kevin is willing to share the presentation materials and can forward to Diana to send out to the workgroup. *[Done: The AB 12 presentation material was emailed to the workgroup on 3/1/13.]*

Karen Gunderson asked that any AB 12 questions be directed to: AB12@dss.ca.gov. Karen will provide Diana with the AB 12 web link to share via email with the workgroup. *[Done: The AB 12 web link was emailed to the workgroup on 3/1/13.]*

ACTION 4: Kevin will provide Diana with AB 12 tribal forum presentation materials to share via email with the workgroup. *[Done]*

ACTION 5: Karen will provide Diana with the AB 12 FAQ web link to share via email with the workgroup. *[Done]*

Administrative Office of the Courts Update

Ann Gilmour gave this update. On December 14, 2012, the Judicial Council approved sponsoring legislation to provide a more streamlined procedure for the recognition and enforcement of tribal court civil judgments. The report on this can be found at <http://www.courts.ca.gov/documents/jc-20121214-itemG.pdf>.

As a result of the California Supreme Court's decision in *In re W.B.* 55 Cal.4th 30, 281 P.3d 906, 144 Cal.Rptr.3d 843, we are required to make amendments to the rules of court concerning the application of ICWA to delinquency cases. This proposal has been posted for public comment at <http://www.courts.ca.gov/policyadmin-invitationstocomment.htm>. The comment period ends at close of business January 25, 2013.

The TCA Legislative Report was approved by the Judicial Council on December 14, 2012. The report on this can be found at <http://www.courts.ca.gov/documents/jc-20121214-itemM.pdf>.

Upcoming events include participation in the Adoptions Convening that is being organized by the Northern California Regional Training Academy and is happening in Redding on January 23, 2013. Ann and Vida will be providing TCA training to San Mateo County Adoptions staff on February 5, 2013.

The AOC is also planning to organize a TCA symposium in mid-March in Sacramento. They are working with Nancy Currie to organize that event and details will be forwarded to the workgroup. *[Done: Information and details on this symposium were emailed to the workgroup on 1/16/13. The symposium will be held on 3/13/13 at the Intertribal Friendship House in Oakland.]*

Vida mentioned that they have created a basic ICWA brochure for parents and caregivers entitled "Information for American Indian/Alaskan Native Families in California: A Guide to the Indian Child Welfare Act (ICWA)". Service providers and the general public can

download the brochure from the AOC's website at <http://www.courts.ca.gov/documents/Tribal-CrossoverIWCA.pdf>. Vida indicated to the workgroup that they welcome additional contributions or suggestions to their information brochure.

Update on Issues of Non-Compliance with ICWA Document

It was agreed that CDSS and the tribal caucus will organize/prioritize the work as a separate subcommittee of the workgroup. CDSS had scheduled a conference call for the subcommittee to discuss how to approach these issues on December 19, 2012; however, only one person was available to call in on the day of the conference call. CDSS had begun the process of creating a summary matrix to help with categorizing and organizing the items to be discussed. CDSS will complete work on the summary matrix and attempt to schedule another conference call with the subcommittee. *[See Action Item #3.]*

Other Issues

Nancy Currie initiated discussion regarding the Amicus brief filed with the U.S. Supreme Court by the California State Association of Counties (CSAC) and the County Welfare Directors Association (CWDA) of California regarding Baby Veronica. The Tribal Caucus expressed concern that CWDA is in support. Kevin assured the workgroup that CDSS/ICWA staff had only just heard about this earlier today. Hon. Charles Henry asked that workgroup members let CWDA know about our concerns and explain that the Amicus brief sets ICWA back 15 years or more. Kevin encouraged the workgroup to voice their concerns to the court, CWDA, etc., as not only representatives of their tribes/organizations but also as individuals, to let them know their concerns. Nancy Currie asked that CDSS staff speak with Will Lightbourne (CDSS Director) and that CDSS and the Administration take a position. Nancy said the tribes will draft a letter.

ACTION 6: The Tribal Caucus will draft a letter to the CWDA and others to express concerns regarding the Amicus brief filed with the U.S. Supreme Court regarding Baby Veronica.

Next ICWA Workgroup Meeting Discussion

The next ICWA Workgroup meeting is scheduled for Tuesday, March 12, 2013, and will be held at a Northern California location. Nancy will let CDSS know when a location is confirmed. *[Done: CDSS was informed in mid-January that the March workgroup meeting will be held at the Intertribal Friendship House in Oakland.]*

Meeting adjourned at 3:09pm.