

California State Department of Social Services (CDSS)
ICWA WORKGROUP
March 8, 2016 • 1:00pm to 3:30pm
(Hosted by CDSS)

Meeting Notes

SUMMARY OF ACTION ITEMS
<ol style="list-style-type: none">1. Sarah Rogers will email CCR deliverables timeline and outcomes document.2. Kim Wrigley will email RFA data report regarding relative placements.3. Vevila Hussey will provide timeline and checklist for SB1460 and CBCB PowerPoint.4. Jennifer Buchholz will consolidate CDSS updates for future workgroup meetings.5. Jennifer Buchholz will look into tribal reps at CWDA meetings.

Welcome/Introductions:

Review Agenda and Minutes: Liz De Rouen chaired this meeting. Participants and callers introduced themselves to the group. Participants reviewed the minutes from January's meeting.

Amendments to January Minutes: Vevila Hussey presented SB 1460 at the January workgroup meeting and requested exclusive recognition in the minutes. Clarification is necessary on page 3 under County/Tribe Updates section, "could county directors attend WG meeting instead of tribal representation at the CWDA meeting?" revised to "Could CWDA legislative representative attend ICWA meeting?"

Other tribal news/amendments to agenda: Former Soboba Chairman Robert Salgado passed away on March 6, 2016 at the age of 73 years old and services will be March 11 and March 12, 2016.

The ICWA Workgroup requested the new appointee for the Foster Care Ombudsman Office receive ICWA training and recommended that she attend the Statewide ICWA Conference.

Agenda items were moved for preference.

ICWA State Conference 2016 Pala June 5 - 7: Tom Lidot reported that the subcommittee met on February 22nd and decided on the conference title "Protecting ICWA, Because Culture Matters." Currently the committee is looking for keynote speakers and tribal judges for the conference, as well as pulling together a youth panel. The June conference registration fee will be \$50 and can be waived. The June conference dates include workshops on suicide prevention as well as placeholders for CDSS to discuss AB 12 (Chapter 559, Statutes of 2010) and SB 1460 (Chapter 772, Statutes of 2014). The committee is requesting feedback regarding the items to be discussed at the conference.

Judicial Council Updates: Ann Gilmore reported the California Department of Public Health Vital Statistics – in the past, had a policy that did not recognize tribal orders adjudicating parentage. By working with the Governor’s Tribal Advisor, the policy was changed statewide and can be used as guidance. Casey Family Programs has been working in various states to have ICWA roundtables to approach the forum and the Judges Association for a statewide roundtable. A few regional roundtables were suggested and input from the workgroup for organization and issues are requested; in addition to provide technical assistance for ICWA issues. There is a funding source for federal improvement and the Judicial Council. Ann Gilmour participated in the nationwide Court Improvement Project (CIP) ICWA constituency project call and two issues were discussed; implementing guidelines and getting data for ICWA compliance. California’s statewide case management system (CWS/CMS) for ICWA was suggested to be integrated into the court’s case management system but that idea was abandoned. About 70% of courts use the Odyssey case management system; however, county representatives and the Judicial Council do not have access to this system. The project wants to provide assistance and incorporate ICWA into the case management system. The unit is funded for CDSS and CalOES projects. There are five events for cross-cultural exchanges to foster collaboration between the tribal court systems. There will be an event on April 8th in Hopland in Mendocino. There will be a number of sessions regarding resource sharing which include ICWA and law enforcement. Inter-jurisdictions resources are being shared between county and tribal court systems that take jurisdiction over child welfare cases. The project is requesting Debra Samples from region XI to participate to hear issues regarding Title IVE funding and Liz Sandoval from CDSS is planning to attend.

CDSS Updates:

CWS/CMS Access for Tribes: Sara Rogers reported that the CCR Branch began work on the complex issues surrounding Resource Family Approval (RFA). One of the challenges with CWS/CMS is that it is an investigative tool and should not be used for employment and/or placement decisions since there is no legal process for due process. In the context of approving homes, it is problematic. CWS/CMS will not be available to Foster Family Agencies (FFAs) and is not a requirement of RFA. There will be subsequent legal analysis for the appropriate use of the data. It is likely that the information is strictly limited to active child abuse investigations. The data cannot be used for the approval of the family including Non Relative Extended Family Member (NREFMs). The system contains summary information for all allegations of abuse and neglect, records, and unfounded/unverified cases. In the context of RFA (FFAs) CWS/CMS will not be used for background checks. Granting access would put agencies at risk of lawsuits. As CCR progresses, the information is not used for removal but used to place children. The standard of proof to place a child is not the criminal standard.

The workgroup discussed the need for more information than is provided by Child Abuse Central Index (CACI) to further the tribe’s investigations and suggested the tribe contact the county for more information since CACI only provides a list of substantiated cases.

Continuum of Care Reform: Tracy Urban and Sara Rogers, CCR Branch, reported on the communication plan and how to find CCR resources. The workgroup reviewed the matrix of stakeholder groups currently meeting and requested those interested to contact the CCR branch at ccr@dss.ca.gov. CCR received a list of concerns that Tom Lidot shared regarding tribal youth and CCR. CCR is committed to putting together another webinar to address the concerns/questions and there was discussion regarding the need for additional meetings for tribal issues/CCR. The workgroup discussed the process for outlining how these workgroups are structured, with what they are tasked and how they carry out those tasks. Workgroup members requested to have work plans and evolving work identified on the CCR Workgroup document as well as timelines and ACIN release dates.

Sara Roger reported that the CCR Branch has created an implementation guide to counties with data regarding foster care retention and recruitment for native families. The workgroup discussed the high proportion of Native American tribes and the need to be informed of the process. The workgroup suggested that tribal issues be added to the implementation guides and the document include questions to ask tribes at consortium meetings. The workgroup may receive community input on the process at meetings during the Statewide ICWA Conference on June 6th-8th. The workgroup requested Sarah Rogers work with Nancy Currie to plan a presentation at the conference. Workgroup members suggested CCR/CDSS approach tribes for data and information for services provided.

The workgroup requested an office of Native American affairs within CDSS to work with the co-chairs of the group on CCR/CDSS information. Workgroup members can send out a joint letter to make a request and inform members of opportunities for CCR. It was recommended that CDSS approach the counties to facilitate the process of working with tribes and have regional meetings where tribal leaders can see and hear what needs to be done.

Resource Family Approval (RFA): Kim Wrigley reported that the tribal subcommittee met twice and identified some areas that can be enhanced to work with tribal children. The list with RFA issues corresponds to the list of the issues identified by the workgroup. Version three of the written directives will be released on July 1, 2016 and RFA will be statewide on January 1, 2017. Clarifications in the directive include changes to statute, hot topics for implementation, and ICWA related training changes enacted by AB 403 (Chapter 773, Statutes of 2015). The workgroup discussed the need for the ICWA training to be at the front end of RFA instead of when they identify the child as Native American, and to include an overview of ICWA at the preapproval stage for placement preferences. The workgroup discussed the importance of foster care parents being informed in the beginning of the approval process that the child is Native American prior to adoption. The family approval process is for short and long term care, and is trying to reach the same standard for all families.

Kim also reported that the early preliminary data for RFA is not ICWA specific. RFA allows flexibility for training (online, classroom, etc). All counties will have to implement training for prospective RFA families with a minimum of 12 hours. Surveys (available in Spanish) regarding the approval process for families are available and the results have been positive. The results show that relatives have appreciated the trainings. CCR is currently gathering

information regarding the family and not the child. The workgroup would like to know how many Native American children are placed via RFA. Mary Risling added that tribal approved homes are exempt from RFAs.

SB 1460 – Criminal Background Checks: Vevila Hussey reported that a preliminary 33-page ACL has been drafted; however, the draft still requires work. Once the draft is complete, it will be shared with our tribal and county stakeholders for comment.

Vevila has been meeting internally with Relative Approval, Caregiver Background Checks Bureau (CBCB), RFA, and Legal, who are advising on the materials. An initial decision was to pull drafts/materials together prior to sharing out with stakeholders. However, stakeholders will have the opportunity to provide feedback on all materials via the SB1460 Subworkgroup. Vevila shared that waiting for information from various departments on technical matters caused a delay in the materials; however, she will provide an updated timeline and forward it to the workgroup, as well as the Application Checklist. DOJ was contacted regarding CACI Emergency placements for tribes in the fall of 2015, and recently responded that one tribe has that capability. Reportedly, it was an arrangement with the tribe's law enforcement agency that made it possible.

ACIN Division 31 regulations: Kelly Winston reported that the first version was revised and incorporated feedback from the workgroup. The electronic version was sent out this morning and CDSS is soliciting feedback. The regulation package is with CDSS' Office of Regulations Development (ORD). Program staff are meeting with ORD this week to finalize the changes made from public comment. Kelly Winston introduced new staff (Heather Pankiw, Olga Gonzalez and Barbie Buchanan) to the workgroup that will be working on ICWA and tribal affairs amongst other child safety issues.

Federal Grants for Tribal-State ICWA Programs: Erin Thuston reported that the grant will be released on March 22nd, due on June 30th and awarded on September 30, 2016. The model of collaboration was forwarded from the collaboration team, which included: Tom Lidot, Nancy Currie, Liz De Rouen, and Liz Sandoval. The workgroup can duplicate and troubleshoot barriers to collaborate, share best practices, and update protocols using the model of collaboration.

Tribal Consultation Policy: This department-wide policy needs to be vetted internally with Deputy Directors of other CDSS Divisions. CDSS Director, Will Lightbourne, is committed to undertake the Tribal Liaison role together with his Chief Deputy Director, Pete Cervinka. The requests of establishing an Office of Native American Affairs has been raised at the executive level.

ICWA WG Operational Status: Mary Risling reported that subcommittees are not detailed in the document. This document is a statement of the status quo, and is intended to focus discussion on possible modifications to ICWA Workgroup operations in light of the impending completion of the Tribal Consultation Policy, and general interest in enhancing workgroup functioning. Individuals interested in participating in a subcommittee on this topic should respond to ICWA workgroup inbox. As well, anyone with suggestions or comments

may submit them to the ICWA workbox inbox with the subject “ICWA Workgroup Operational Statement.”

ICWA Core 3.0: Tom Lidot reported that the webinar is this Friday and requested participants to attend.

County/Tribe Updates:

CQI: Sylvia Deporto reported that the workgroup met last month after the Children’s Ops meeting and the email invite went to Nancy. Preliminary data from case reviews on how we’re performing was presented. The focus for counties was on continuous quality improvement for data in our own counties, trends and issues, and practice/policy issues to find out what’s going on. Continuous quality improvement for ICWA is an issue that needs extensive research. First we need data to review which include the percentages of statewide data. Some counties can drill down but it is unknown when all will have that ability. The CWDA Legislative Person, Eileen Cubanski, can come to the workgroup to talk about current legislation.

County Liaison: Sylvia Deporto introduced Jennie Pettet as a new County Liaison working with CDSS to provide applied local implementation expertise to the work currently underway on CCR. Jennie’s extensive experience includes directing child welfare services for Riverside County. While her initial focus will be CCR, she will also be available to work with counties regarding improved ICWA compliance.

CWDA and tribal representation: A discussion was held following the request for tribal representation at CWDA meetings and the counter offer to send a CWDA representative to ICWA Workgroup meetings. Some representatives of the ICWA Workgroup indicated that a CWDA representative at the ICWA Workgroup would be helpful in establishing a connection between the two groups, and others disagreed and expressed frustration with respect to the exclusive nature of CWDA meetings. No resolution was reached and it will likely be discussed at a future ICWA Workgroup meeting.

Next ICWA Workgroup Meeting Discussion:

Topics for Next Agenda –

Adjournment

This meeting adjourned at 4:10 pm