

**California State Department of Social Services (CDSS)**  
**ICWA WORKGROUP**  
**May 10, 2016 • 1:00pm to 3:30pm**  
(Hosted by CDSS)

**Meeting Notes**

<b>SUMMARY OF ACTION ITEMS</b>
<ol style="list-style-type: none"><li>1. Vevila Hussey will send the ICWA Workgroup the application created especially for Federally Recognized Tribes and their designated Tribal Agencies seeking SB1460 capabilities has been completed by the DOJ.</li><li>2. Heather Pankiw will send out the AFCARS comments response letter to the workgroup once received from the deputy director.</li></ol>



**Welcome/Introductions:**

***Review Agenda and Minutes:*** Liz De Rouen chaired this meeting. Participants and callers introduced themselves to the group. Participants did not review or approve the minutes from March's meeting.

***Judicial Council (JCC) Updates:*** Ann Gilmore reported on the State and Tribal Indian Child Welfare Act (ICWA) Implementation Partnership Grant. Currently JCC is in the application phase and want to ensure everyone's input is integrated prior to the deadline. The U.S. Department of Health and Human Services posted this grant on April 6, 2016 and the minimum amount awarded is \$250,000 per year for five years while the maximum amount awarded is \$500,000 per year for five years. The first year of the grant is devoted to planning and assessment. The grant requires Tribal Government Entities, California Department of Social Services (CDSS), and the Judicial Council to participate. All potential partners recognized the need for a greater population to represent the diversity of California. JCC has requested letters of support for this initiative. The grant will be used to create an ICWA implementation partnership to establish a tribal consultation plan. The primary focus of the grant is relationship building, at both state and local levels, other areas of focus are statewide policy change, judicial education and training for specialized ICWA attorneys, as well as evaluating the need to align California governing statutes with federal regulations to ensure best practice and ICWA compliance. This partnership would also look at data availability and case management systems for the ICWA purposes. Tolowa Nation is interested in working with capacity building to ensure the Court Improvement Plan (CIP) system meet the federal requirements. The local pilot projects would include county assessments to improve practice for ICWA which include a dedicated staff person or office (tribes have requested this statewide but there is no practice model available). The pilot project for the court system would include implementation of dedicated ICWA calendars or courts for ICWA, more time for ICWA caseloads, and ICWA focused attorneys. In addition, the local pilot project would include appointed counsel specifically trained for tribes, to collect data and improve outcomes for ICWA compliance and children/families. The workgroup discussed the inclusion of the CDSS Tribal Consultation Policy (TCP) in the

grant, however due to the grant deadline the grant will build upon the efforts of TCP. Ann requested participants to volunteer to provide input for the grant application that is due June 22, 2016.

### **CDSS Updates:**

**CCR/RFA:** Kim Wrigley reported that the written directives version 2.1 should be released next week on CDSS' website. Version 2.1 has few changes which are only technical in nature. Version 3.0 should be released in July and should be reviewed by legal in June. Version 3.0 will include an overview of ICWA. These written directives are in place of regulations until the process stops changing and evolving. The Resource Family Approval (RFA) Program All County Letter (ACL) 16-10 was released in February and an All County Information Notice (ACIN) is in process regarding details to submit plans and enter families into Child Welfare Services/Case Management System (CWS/CMS). This draft ACIN is anticipated to be released to stakeholders for review next week and should be posted in June. There has been a low response rate for the satisfaction surveys. Due to the low response rate the counties will send CDSS the information for RFA families on a quarterly basis so CDSS can send out the surveys. We are working on an incentive for completing the surveys. In alignment with AB 403 (Chapter 773, Statutes of 2015) Foster Family Agencies (FFAs) can participate in the early implementation phase of RFA and five FFAs were selected: Aldea, Aspiranet, Bienvenidos, Family Care Network, and Lilliput. There are 1377 ICWA children statewide who are eligible under ICWA. There are 12 ICWA eligible youth within the cohort 1 counties and eight of these children are placed with resource families. Four of these eight are relative placements. Feedback was solicited from the workgroup on CCR calls and stakeholder groups in the following areas: 1) how tribes can be included, 2) tribes concerns regarding where to input CCR information, 3) ensuring that the right questions are being asked, and 4) counties have suggested regional meetings versus one larger meeting.

Theresa Thurmond requested questions/feedback regarding the Child Welfare Directors Association (CWDA) updates and asked about the joint letter to the tribes to engage in participation in CCR workgroups. The ICWA Workgroup members still want to collaborate with CCR regarding participation in the CCR workgroups. In addition, the workgroup discussed regional round tables and participation to improve relationships and to provide input for ICWA issues. The goal of attending and participating in these discussions are to include tribal participation and build relationships. Workgroup members discussed that CCR/RFA sessions statewide are not consistent from county to county which is challenging. Information sharing across the state should be consistent and the workgroup is unsure of where the input is the most effective since each tribe is unique and has their own social services. Workgroup members requested specific information to be requested from tribes to receive input for family based care. Workgroup members discussed the Indian child welfare and protocol for three counties collaborating with their tribe to share information. This practice is rare and not a statewide practice.

**SB1460:** Vevila Hussey sent out the internal training committee's PowerPoint for background checks and exemptions. The conference call had been tentatively scheduled,

but did not occur due to the unavailability of key presenters. As a result, the SB1460 subcommittee was sent the materials a few days later to review and provide feedback. The Department of Justice (DOJ) finalized the SB1460 application and that will be sent to the workgroup. The DOJ's checklist will be available once it's finalized. The previous application will still be accepted, if Federally Recognized Tribes or Tribal Agencies have an application in progress. Now that the draft of the training material has been developed, the ACL will be revised and will be shared with the subcommittee for review/feedback upon completion. Vevila noted that there is an internal approval process that includes layers of approvals, so the date of finalization is not known at this time. Vevila asked if the Tribal Caucus would have recommendations of which list should be used to notify Federally Recognized Tribes of the SB1460 opportunities. The CFR was recommended by the ICWA Workgroup Chair.

Funding assistance for the reimbursement of live scan machines has been proposed. Vevila is hoping to know whether it will be approved in time to share the information at the ICWA Conference, but cannot say whether that information will be available in time conclusively. During this discussion the Soboba Tribe reported they have been approved for SB1460 capabilities; they were congratulated.

#### ***CWS/CMS Access:***

Vevila Hussey reported there is nothing new to report on behalf of the Special Projects Bureau. It appeared that it may not be possible without legislative change. Vevila reminded that Chris Rogers from the DOJ had suggested lobbying for CLETS access as well, and said that lobbying to official figures such as the Tribal Liaison may be helpful. Kim Wrigley (CCR/RFA) reported that the issue was still being discussed but agreed that it appeared that legislative change may be required. She acknowledged the need for CWS/CMS access for tribes. Legal is researching the issue, and the priority and urgency of the issue has been shared with Legal. The workgroup members discussed the need for CWS/CMS access since Federally Recognized Tribes have an informal process for placement/home study and exemptions are very urgent.

In an unrelated matter, Katie Perry announced to workgroup members that she is available for ICPC questions/concerns.

***ICWA elements of proposed AFCARS Regs:*** Mary Risling reported that the federal government issued a Supplemental Notice of Proposed Rule Making regarding ICWA AFCARS. This is a supplement to the AFCARS NPRM published in February 2015. The supplement solely addresses ICWA and proposes 27 data elements. These proposals will be included in a single final rule and would be subject to the same time frames and penalty requirements. California is ahead of other states for ICWA implementation in a number of respects and already incorporates some of the proposed elements in CWS/CMS. As a result, we have experience with challenges to collecting this data. California comments focus on sharing lessons learned and offering suggestions for how to improve data quality. Kelly Winston agreed to distribute the comments to the workgroup once a signed copy is routed back to her bureau. She went on to report on the meeting attachments which include

CWDA Updates and the ACL/ACIN in-process tracking document and is requesting feedback from the workgroup.

***Tribal Consultation Policy:*** Mary Risling reported that Kelly Winston will assume the lead on this policy. Director, Will Lightbourne, has agreed to serve as the official tribal liaison, with support of a designated staff liaison. Currently staff is working to clarify a process to create improved coordination and communication throughout the department, with direct linkage to the Tribal Liaison for consistent policy direction. Deputy Director, Greg Rose, authorized divisions to establish a pilot using the draft policy; however, the California Health and Human Services (CHHS) Agency has not finalized their policy yet and has directed that finalization of the CDSS policy wait until the CHHS policy is finalized. Kelly Winston will be communicating with CHHS about the status of their policy and lead efforts to develop a process for department vetting and finalization of the policy, including meeting with the Tribal Consultation Policy Committee. Director, Will Lightbourne, will address this issue at the ICWA Conference.

***ICWA WG Operational Status:*** Mary Risling reported that the draft is in process and a call should be convened in July regarding further work on this issue.

#### **County/Tribe Updates:**

***CQI:*** Sylvia Deporto reported that the group has not recently met. They meet quarterly and the meeting is this Thursday, May 12, 2016. The call-in information will be sent out to interested workgroup members to participate on the call.

***CWDA and tribal representation:*** Jennie Pettit reported that CWDA is open to tribal participation in the Children's Operational Subcommittee meeting. The meeting is on the second Wednesday of each month in Sacramento and there are no call-in capabilities. The format of the meeting is based on the hot topic which is now CCR. The workgroup discussed models for sharing information across agencies overtime. The workgroup discussed the Mental Health Workgroup which is open to all stakeholders and call-in attendance is available. The statewide model for foster care is being developed in this workgroup and tribal participation is requested.

***ICWA State Conference 2016 Pala June 5 - 7:*** Co-chair Nancy Currie reported on the tentative agenda for the conference which includes Incorporating Cultural Practices, BIA Guidelines, RFA/CCR/Katie A., How to Handle Negative ICWA Media, Tribal Code, Active Efforts, SB 1460 Background Checks, CalSWEC Training, and much more. Some of the sessions are duplicated to maximize attendance. In addition, Nancy reported on the event in Pala for the Corpus Christi Fiesta on June 5, 2016 celebrating 200 years for the Mission San Antonio de Pala. The festivities include food, games, raffles, booths, slides, entertainment, dancers, bird singers, a procession and Holy Mass.

#### **Next ICWA Workgroup Meeting Discussion:**

**Topics for Next Agenda:** Tabled from this meeting: ICWA Core 3.0 (Tom Lidot), proposed BIA Regulations (Delia Parr), as well as the continued standing updates.

**2016 ICWA Workgroup Meetings:** July 12, 2016. Location is pending.

**Adjournment**

This meeting adjourned at 3:08 pm.