

**California State Department of Social Services
ICWA WORKGROUP**

**CDSS Headquarters
744 P Street, Conference Room 202
Sacramento, CA 95814**

November 8, 2011

Minutes

Welcome/Introductions. Agenda items were requested for the next workgroup meeting in January 2012. One was in reference to soliciting more participation on the workgroup. Another request was to follow-up on the Berkeley data issues. There needs to be public access to data sets on a broad scale. This topic needs to be revisited and BIA's participation is encouraged since they also have data.

Transition. Cheryl Treadwell gave this report. She explained that Ashley Franklin has transitioned to a new role at CDSS, and that Joyce Dowell (current Policy Bureau Chief) will be retiring from CDSS mid-November. Therefore, Cheryl will be the bureau chief overseeing CDSS' ICWA work. There should not be any steps missed in terms of the progress that the workgroup has made, and nothing is changing with respect to the roles and responsibilities that are assigned to Mary and Diana that work with ICWA.

Guest Speaker: Demonstration of American Indian Enhancement (AIE) ICWA Toolkit and Curriculum and Feedback on Draft Curriculum. Phyllis Jeroslow gave this presentation. She explained that this toolkit is not mandated; it merely provides tools for assistance. The survey tool was recommended for when people use the toolkit in order to collect feedback.

Tom Lidot mentioned that the short videos contained in the FACES video and in the toolkit are from Southern California. Videos from the north and central regions are welcomed in order to provide a better representation of the state. Tribal STAR had previously tested and critiqued the curriculum by providing training in Southern California. There needs to be training scheduled in central and northern California. Tom also mentioned that Chico State University has digital stories.

Stephanie Weldon suggested that the toolkit go out to all California tribes for feedback. Kim Cluff suggested Tribal Caucus meet separately on just this item to provide input. Tom Lidot asked why we would ask tribes to weigh in on this when they are neither engaged nor are they using the toolkit?

Tribal participants expressed the need to mandate an eight-hour curriculum for CORE be devoted to ICWA. Currently only three hours are allotted in the curriculum. *[Action Item: CDSS (Cheryl Treadwell) will research the feasibility of this request.]*

More follow-up discussion on this curriculum needs to occur. *[Action Item: Kim Cluff plans to take the lead and will contact the tribal caucus and coordinate a phone conference to solicit feedback on curriculum.]*

AB 12 Update. Lisa Molinar gave this report. Tribal consultations letter should come from the state inviting co-chairs and ICWA representatives to Sonoma on November 29, scheduled at the Sonoma County Indian Health Project. Maureen Geary recommended four to five consultations throughout California. Tribal advocates feel it is the state's responsibility to inform tribes and engage them, educate them on AB 12 and what it means to tribes, etc. Send letter and get the word out. Stephanie Weldon said that true consultation should involve the governor and state and tribal leaders...not just program workers that do not have the authority to make changes. Cheryl Douglas recommended that more tribal leaders or CWS directors be invited. Information doesn't necessarily trickle up. Maureen Geary mentioned that the state-tribal consultation guidelines, which explain the format of consultations, were sent out in 2005. Liz Sandoval commented that state agencies are not familiar with this type of formal consultation process used by the federal government and specifically not CDSS.

[Action Item: It was recommended that a schedule of dates and locations for consultations be developed for 2012. Karen Gunderson and Ashley Franklin received letter draft to send out regarding AB 12 consultation schedule. However, no comments were received as of this workgroup meeting. Notice of 90 to 120 days must be allowed before first date.]

The AB 12 Subcommittee was informed of a potential funding opportunity to support tribal engagement for AB 12. One thing that would be needed for that to go forward is a fiscal agent for the grant. The workgroup discussed possibilities with a caution to make sure it is fully understood all that is entailed with being the fiscal agent. *[Action Item: Kim Cluff will work with Lisa Molinar to coordinate this effort.]*

California Partnership for Permanency (CAPP) Update. Nicolle Larkins announced that she will be leaving CDSS in early December. Nicolle mentioned the CAPP Engagement Specialist position that is currently available. Interviews will be held November 18. She is soliciting a representative from the ICWA Workgroup to sit in on these interviews (approximately 8am-1pm). The job is a contracted two-year position that ends in the year 2015. Christine Williams volunteered to sit on the interview panel.

Cross-site implementation meetings and stakeholder meetings will be combined in the future.

Theresa Sam reported that Fresno County is creating an ICWA Unit.

A National Public Radio (NPR) news story from South Dakota was mentioned regarding the issue of children being removed from their homes to financially benefit group homes. As a result of the NPR story and Diane Sawyer's "20/20" recent report on the Pine Ridge Indian Reservation in South Dakota. Tribal advocates were advocating that CAPP and the AIE Toolkit work together. It was also suggested that the CAPP counties also have mandated 8 hours of ICWA training.

Standing Discussions.

State Budget Update/Realignment. Nothing new to report.

Legislation. Mary Enriquez reported that AB 968 on tribal consultation has been held over as a two-year bill.

Division 31 Regulations. Mary Enriquez and Liz Sandoval provided this update. There was discussion regarding the length of time it is taking to complete the regulation process. It was explained that it is due to the complexity and extent of the amendments. The ICWA amendments affect every segment of the regulations. Normally amendments affect only one or two elements of the regulations.

TCA Updates & Data Discussion. The legislative report that was required by AB 1325 (Tribal Customary Adoption (TCA) legislation passed in 2009) was discussed. The completion of a study and a report is due to the legislature by January 1, 2013. Getting correct numbers out of CWS/CMS has been problematic because of the complexity of the system. The system, when used correctly, can tally the number of TCAs applied, but it lacks the ability to tally reasons why a tribe would not choose to go with TCA. That would most likely only be found in the case file. Ann thanked staff for getting information to her regarding the number of TCAs in the system and the number of ICWA notices sent to tribes during the first 12-month period. (She had requested a “test run” data report of cases to better understand if the Special Project Code (SPC) in CWS/CMS is being used and how many cases are affected.) This information will be used to calculate the cost of sending the hard copies of ICWA notices (ICWA-030 form) and may provide justification for legislation to amend the law pertaining to TCA that would allow for digital notices. The workgroup agreed that quarterly reports should be done on TCA. Ann Gilmour also suggested that the group review the JV-285 form on Relative Information.

It was mentioned that there has been a reduction to the category “non-relation” in CWS/CMS, which would normally mean a good thing. However, the corresponding missing ethnicity data is way up. Cheryl Treadwell indicated that the Data Policy Subcommittee within the CWS/CMS Support Branch was reinstated to deal with data problems. *[Action Item: Cheryl plans to take the lead on these data issues. A notice will be forthcoming to the ICWA Workgroup to solicit volunteers that may wish to participate on the subcommittee.]*

During the discussion it was mentioned that the numbers in CWS/CMS and UC Berkeley’s reporting system compared with that of the Bureau of Indian Affairs (the BIA tracks numbers for the tribes) do not match. The numbers are different by county. Also Washoe has a system of tracking their children that appears to be a simple, accurate system. A question was asked whether or not the problems that are affecting South Dakota (contained in a recent NPR news story), are present in California. The workgroup agreed that there is no way to answer that question without accurate data.

The AOC has been working with CDSS on sending out a survey to counties and Title IV-E tribes, in the form of an All County Information Notice (ACIN). This survey will be used to

gather information on Tribal Customary Adoptions throughout the state, which will assist in the development of the legislative report by the AOC. There was some discussion as to whether the Special Projects Code (SPC) in CWS/CMS should be included in the ACIN, since it seems there is a lack of awareness of the SPC because not all counties are using it. The ACIN is near completion, but needs to be finalized before it is ready for distribution.

CWS/CMS & Data Discussion. Nothing to report other than what was discussed for TCA above.

Administrative Office of the Courts (AOC) Report and Discussion. Ann Gilmour of the AOC gave this report. In addition to her report above on TCA, Ann reported that the “Beyond the Bench” conference is coming up December 14-16 in San Francisco. Registration information for this event was emailed to the workgroup on October 13, 2011.

Report on 18th Annual Statewide ICWA Conference. Theresa Sam had not received any information from the Santa Rosa Rancheria to report to the group.

Subcommittee Updates/Status Discussion. It was suggested that CDSS invite more presenters to workgroup meetings. One suggestion was to invite the BIA’s newly-appointed Pacific Coast Region representative (replacement for Kevin Sanders, who recently retired), and to request that they present to the workgroup on their data collection and the PL 93-638 programs (Contracting and Compacting - Indian Trust Self-Governance and Self-Determination).

Another suggestion was to invite UC Berkeley’s data website manager to present information on their website. The workgroup agrees that more speakers will increase and/or attract additional workgroup attendees.

Next ICWA Workgroup Meeting Discussion. The next meeting is scheduled for Tuesday, January 10, 2012, and is scheduled to be held at CDSS Headquarters in Sacramento. Diana Orcino informed the group that video conferencing will be available for the January meeting, and asked that anyone interested and able to access video conferencing equipment on their end for the January meeting should let her know as soon as possible to make arrangements.

Closing Remarks. Kim Cluff would like the new CDSS Director, Will Lightbourne, to be invited to the next meeting in January. *(Director Lightbourne stepped in to the November meeting earlier in the afternoon to introduce himself to the workgroup.)*