

California State Department of Social Services (CDSS)
ICWA WORKGROUP
November 10, 2015 • 1:00pm to 3:30pm
(Hosted by the Habematolel Pomo of Upper Lake)
Running Creek Casino ♦ 635 E. Highway 20 ♦ Upper Lake, CA 95485

Meeting Notes

SUMMARY OF ACTION ITEMS
<ol style="list-style-type: none">1. The tribal co-chairs will solicit membership for a subcommittee to look at different grants available through federal sources.2. Kelly Snow will send a description of the study and will contact interested individuals to arrange an interview. Can also send links to description of change to legislation, and it was requested that they also share the issues or concerns that have been identified as being areas needing change.3. Kendra will send the workgroup a working draft of the RFA directive.

Welcome/Introductions

Review Agenda and Minutes: Liz DeRouen chaired this meeting. Participants and callers introduced themselves to the group. Participants reviewed the minutes.

Amendments to September Minutes: None.

Other tribal news/amendments to agenda: Added a 5-minute presentation on the new ICWA curriculum. Also added time to discuss the Spring Summit that Susanville Rancheria is proposing to do in 2016 (not confirmed) as well as the proposed 2016 workgroup meeting schedule. Also, the CalSWEC Summer Institute will be held June 9-10, 2016.

Jennifer Buchholz announced Scott Stevens' departure from CDSS. She will facilitate the workgroup meetings until further notice.

Jennifer mentioned that #5 of the previous meeting minutes' action items has been completed. It was: Karen Gunderson to set up a follow up phone call to engage on how to move forward on AB 403 implementation and address immediate concerns.

ICWA CORE Curriculum 3.0 Update (added)

Kim Mettler of Tribal STAR announced that they have almost completed a second draft of the curriculum. They would like to schedule a presentation of the curriculum at the July 2016 workgroup meeting. The crosswalk will have all the content that will be included in the curriculum. The date for state vetting is in June 2016. They will pilot in Nov/Dec 2016 and plan to roll out in January 2017.

Federal Grants for Tribal-State ICWA Programs

Liz DeRouen provided this report. The tribal co-chairs and Scott Stevens had worked together to identify a number of different grants available through federal sources...a good

opportunity to work with the state to apply for some of this funding. Must look at priorities with regard to what is most needed. There is a need to set up a subcommittee of this workgroup to discuss at more length. Jennifer Buchholz asked who would be interested in being part of the subcommittee. However, Liz prefers that the co-chairs solicit membership for this committee.

ACTION 1: The tribal co-chairs will solicit membership for a subcommittee to look at different grants available through federal sources.

Foster Care Ombudsman's (FCO) Office - Student Intern

Regina Nivas, Student Intern with the FCO, was on the phone and provided this report. She talked about the FCO office and what they do. They take complaints regarding counties, foster caregivers, etc. and their number is 877-846-1602. They follow up 30 days after a call to make sure issue was resolved. They also take complaints via email. They do a lot of presentations to foster family agencies, etc. to let people know that they are available. They look to see if there have been violations of personal rights relating to care and services. In the case of ICWA, many times they are told that placement preferences were not followed. For more information about the FCO, contact: fosteryouthhelp@dss.ca.gov.

Government Accountability Office (GAO)

Kelly Snow provided this report. The U.S. Government Accountability Office (GAO) is an independent, nonpartisan agency that works for Congress. The GAO investigates how the federal government spends taxpayer dollars. Its mission is to support the Congress in meeting its constitutional responsibilities and to help improve the performance and ensure the accountability of the federal government for the benefit of the American people. They provide Congress with timely information that is objective, fact-based, non-partisan, non-ideological, fair, and balanced. Work is done at the request of congressional committees or subcommittees or is mandated by public laws or committee reports. They also undertake research under the authority of the Comptroller General, the head of the GAO.

At this time, they are working on tribal foster care placement and permanency goals. Changes were made to legislation passed last year with the intention of reducing placements in residential care and increasing number placed with families. The purpose is finding a permanent and safe home for all children and an appropriate placement for Indian children. Will send a description of the study and will contact interested individuals to arrange an interview. Can also send links to description of change to legislation. Mary Risling said it would be helpful if they share the issues or concerns that have been identified as being areas needing change.

ACTION 2: Kelly Snow will send a description of the study and will contact interested individuals to arrange an interview. Can also send links to description of change to legislation, and it was requested that they also share the issues or concerns that have been identified as being areas needing change.

CDSS Updates

CCR – Resource Family Approval: Kendra Elmendorf provided this report. She would like to establish a subcommittee to gather feedback on the Resource Family Approval program. They are looking to begin meeting after the holidays. If interested, email Kendra at kendra.elmendorf@dss.ca.gov. Counties are not including tribes in the RFA program; doing things the old-fashioned way. Maureen asked that the workgroup be sent a working draft of the directive.

ACTION 3: Kendra will send the workgroup a working draft of the RFA directive.

Division 31 Regulations: Elizabeth Sandoval gave this report. Public comment hearing was in September. Received comments from six major entities and received significant recommendations and many align with the new BIA guidelines. There has been a need to prioritize the recommendations and justify all changes. Some changes may not have been made in order to avoid further delays in the regulations process. Maureen suggested CDSS listen carefully to what the tribes have said. The two areas in need of clarification and guidance are Active Efforts and Qualified Expert Witness. Elizabeth doesn't see a giant leap from the BIA guidelines and where the CDSS' Division 31 regulations are trying to go.

Tribal Customary Adoption: Celeste gave this report. The adoptions regulations manual has not been update to include Tribal Customary Adoption (TCA). Therefore, they want to establish a TCA subcommittee to gather feedback. If interested, email icwaworkgroup@dss.ca.gov and include "TCA Subcommittee" in the email heading. Hoping to establish membership by the end of December 2015.

SB 1460 – Criminal Background Checks: Jennifer Buchholz gave this report. The SB 1460 Subcommittee has met for the past two months. They are learning from the Pala Tribe as they go through their implementation process. CDSS is developing trainings and a training manual and aims to have a first draft of the ACL by the end of the year for stakeholder review. CDSS is still pursuing funding to support the costs of the background checks.

ILP Services for Tribal Youth: Susan Zimny provided this report. They are drafting an ACL on this subject and the draft ACL was made available on the webinar for the workgroup participants to view. They are also looking to form a subcommittee. If interested, please contact Susan by December 15th at susan.zimny@dss.ca.gov.

CDSS Tribal Consultation Policy

Jennifer Buchholz provided this report. She has been told by executive management that this policy is to be government-to-government for all of CDSS. It has been shared with executive staff and comments have been received. It needs to be shared with other divisions that will be affected. Please send comments to Jennifer within the next few weeks (jennifer.buchholz@dss.ca.gov). There is a need to engage and collaborate with tribes that are not federally recognized as well. There is also a need to organize the workgroup as a result of the policy. Looking for historical information as to how the workgroup was formed.

CMS New System ICWA Consultant

Mary Risling provided this report. CMS New System remains in the procurement stage. The release date will be November 24. Technical agencies are now reviewing the Request For Proposal. After Scott Steven's departure, CDSS is looking closely at how tribal issues are being handled within the department. She also called for another subcommittee to discuss the framework for the workgroup. Contact Mary at mary.risling@dss.ca.gov.

Judicial Council Update

Vida Castaneda provided this report. Vida co-presented with Mary Risling at a training for CDSS staff on ICWA requirements to prepare reviewers for the upcoming Del Norte review. Ann Gilmour and Vida had a resource table at the Native American Day (NAD) event at the Capitol on September 25, 2015. Staff is coordinating three sessions relating to ICWA at this year's Beyond the Bench in Anaheim. Several plenaries will also include ICWA topics. Staff is in the process of creating the ICWA and Services Providers for Parents Toolkit, as well as an educational resource for judicial officers and families on child sexual assault, focusing on information and resources to assist after a child discloses of sexual assault by an adult. In addition to NAD, some other recent collaboration includes: California Social Work Education Center (CalSWEC) Quarterly Board of Directors and Partners meeting, September 17-18, 2015; and Bay Area Collaborative of American Indian Resources (BACAIR) Bimonthly meeting, October 28, 2015. The Tribal Court-State Court Forum held its most recent teleconference on October 8, 2015.

County/Tribe Updates

Nancy Currie and Maureen Geary asked the state and others to hold off on filing or joining any amicus briefs that are anti-ICWA. They will do a formal request to CDSS.

Next ICWA Workgroup Meeting Discussion

Jennifer Buchholz provided this update. The ICWA Spring Summit will tentatively be hosted by the Susanville Rancheria. This will be confirmed as soon as possible. If it changes, they are asking for a back-up. They need to allow a full 90 days for the contracting process. The Pala Tribe is planning to host the ICWA Conference in October 2016. If we do not have a Spring Summit, we lose the 2015-16 funding since it has not been used and the fiscal year ends June 30, 2016. We did not use the CWS training money last year that was set aside for the conference, and we could therefore stand to lose our funding if we pass it up for two consecutive years. It may be possible to roll the October 2016 conference to June 2015 if Pala can do it. The Graton Rancheria will host the following year after Pala Tribe. Nancy Currie said that Jennifer will have her confirmation before the January workgroup meeting.

Adjournment

This meeting adjourned at 3:34 p.m.