

California State Department of Social Services (CDSS)
ICWA WORKGROUP
July 14, 2015 • 1:00pm to 3:30pm
Hosted by CDSS ♦ 744 P Street, Conference Room 9-203
Sacramento, CA 95814

Meeting Notes

SUMMARY OF ACTION ITEMS

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| <ol style="list-style-type: none">1. Liz said she would provide a list of the survey questions for the workgroup. <i>[Pending]</i>2. Kim will send the latest version of the Directive to Scott for sending to the workgroup for their feedback. <i>[Sent July 16].</i>3. Sylvia will send a description of the advisory committee to the tribal chairs of the workgroup. <i>[Pending – No such summary is available at this time.]</i> |
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Welcome/Introductions

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

On phone: Nancy Currie, Soboba Tribe, Dorothy Barton, Delia Parr, Diane Carpenter, Sasha Stern, Ann Gilmour, JCC/AOC, Blair Kreuzer, Yurok Tribe, Colin Kelley, OSI, Stephanie Weldon, Humboldt County, Michelle Stevens, Humboldt County.

Amendments to Agenda:

Move CQI to CDSS updates after CSEC; Goldwater Institute lawsuit against ICWA; saying that it is unconstitutional.

Liz D pointed out that the May minutes were not attached to the packets that were distributed at the meeting.

Liz D mentioned flyer regarding Dreamz not Drugz event. Contact Liz Elgin De Rouen or Laila De Rouen for more information.

Tom L: Legal partners are working on the lawsuit. The question is: why is it so important to keep tribes from keeping their children when Native Americans only represent 1% of the national population.

Debrief of the 2015 ICWA Summit

Liz D: There is not yet a formal report on the summit from Graton Rancheria. A lot of positive feedback was received via evaluations. Youth speaker spoke about "Generation I". Michael Newman (CDOJ), Olin Jones (CDOJ), Addy Smith (NICWA) and Amber Blaha (USDOJ -- DOJ ICWA Taskforce. ICWA Compliance Surveys are coming to Liz's office; intention is to present to DOJ's office. 30 counties addressed in non-

compliance areas; highlighted by county. Liz is still collecting surveys so they can give a report that represents as many counties as possible. Liz said she would provide a list of the survey questions for the workgroup.

Scott Stevens: Jim Suennen, Associate Secretary of External Affairs for the CHHSA, joined the TCPC panel at the Summit at the last minute. It is believed that was the first time that any higher executive at CHHSA has ever attended an ICWA Conference or event. He will also attend the TCPC meeting on July 15, 2015.

ACTION 1: Liz said she would provide a list of the survey questions for the workgroup.

CDSS Updates

Resource Family Approval (RFA) Program: Kim Wrigley gave this report. RFA streamlines the programs for caregivers' approval process. It is a one-stop shop that will increase the standards for families. Five counties are currently participating as early implementers with RFA: San Luis Obispo, Kings, Santa Barbara, Santa Clara and San Francisco. Everyone gets the same information and must meet the same standard to become approved to provide care to a child in the child welfare and/or probation departments. They have a written directive that enforces RFA among the piloting counties, similar to regulations. Once fully implemented, there will be regulations. There will be 5 more counties that will be joining: Orange, Ventura, Stanislaus, Madera, Monterey and Yolo. All counties were invited in May to attend a convening to educate more counties about RFA. They are starting to conduct annual reviews as part of the requirement. They will review Kings County in August. Kim is interested in how this will affect Native families, so appreciates feedback and collaboration from tribes.

Tribes do their own approvals; however, the RFA statute was only enacted for public agencies to do the approval process. Much activity around AB 403 (CCR bill); RFA is built into that. They will do a new audio recording, webinar-style for people to learn about RFA and do Q & A. Stressing this is an early implementation phase so we can learn and improve the program. Nothing has been decided for TAHs, this is the right time to act, not react and collaborate on what is the best approach.

Maureen raised some concerns that tribes are only mentioned once in the RFA Comprehensive Implementation Plan, yet last year concerns were raised regarding TCA and how that may be impacted by RFA.

30 days for counties to implement the Directive. Amber ?? (tribe) has not received any outreach from Kings County on RFA.

Sylvia Deporto suggested that they also ask tribes what is their tribal community.

Tom Lidot suggested that the beginning of the implementation plan include something that says they support ICWA compliance.

Stephanie Weldon: There are a lot of opportunities here. Tribes that do not have the resources to do their own approvals, they can do the RFA instead. Training is necessary for tribal families.

Frank Canizales: Recommended that this topic be discussed further, perhaps in a separate meeting. Feels that tribes are always being forced to “react” rather than “act”.

Liz Sandoval: The intention was never to undermine the TCA or TAH processes, but rather provide an efficient way of becoming approved. It is not meant to replace the tribes’ way of approving TAHs.

Kim: There is a link to version 1 of the Directive. Version 2 will be posted once approved.

Mary Risling suggested a tribal consultation on RFA. She expressed a concern: If one standard will be applied to all families, then who does that exclude...whether or not intentional?

<p>ACTION 2: Kim will send the latest version of the Directive to Scott for sending to the workgroup for their feedback. <i>[Sent July 16]</i></p>

SB 1460 – Listening Sessions: Vevila Hussey gave this report. ACL went to Greg for signature. Will be working on ACL that will do into more detail; looking for feedback on how to make better for tribes. Presentation on SB 1460 (didn’t catch all of this). There have been issues with tribes being able to apply with DOJ.

APSR: Scott Stevens gave this report. Deadline for additional feedback is August 7, 2015. Nancy Currie encouraged the workgroup to carefully review the APRS and suggest edits to Scott ASAP, since some of the information that was included was old (from last year).

Status of Division 31 Regulations: Kendra Elmendorf gave this report. Public comment period is 45 days (in August) and will conclude with a public hearing date (in Sept). Liz Sandoval added that the Statement of Reasons gives explanations for all changes made. She also stated that it is more prudent to complete CDSS’ current regulations package and amend again later if necessary to be in line with the BIA final regulations.

CSEC Program: Frances Chacon gave this overview. SB 855, the state CSEC program; HR 4980, the federal sex trafficking act; AB 2035, a veto message that requires CDSS to convene a child labor trafficking workgroup.

SB 855 became law last June 2014. No money from the federal government (state only), but need to know data and how this is affecting foster children. This is an opt-in

program, voluntary for counties. Counties must submit a county plan. They will each receive an allocation from the \$14 million.

HR 4980 requires states to collect data elements and develop policies and procedures.

SB 2035 – Child Labor Trafficking Workgroup: Currently, child labor trafficking is not necessarily served by CWS; complicated. Governor required CDSS to convene workgroup and find solutions. No data collection requirements...yet. CWS/CMS has child labor trafficking in a sub-field under Allegation Exploitation field. Their website is nearly ready for posting. Tom Lidot suggested there be materials developed that address tribal children. RTAs should be notifying counties of available CSEC training.

Scott Stevens suggested that more attention be given and outreach be done to the casinos in the areas of Reno and Las Vegas where many children are preyed upon.

Frances encouraged folks to enter into the appropriate CMS field for CSEC. However, Liz D explained that the tribes do not have access to CWS/CMS. CSEC Action Team could use tribal representation. Tom requested an invite be sent to the workgroup to attend. Frances provided her contact number for any questions, (916) 651-6208.

Frances offered to share the list of the 35 counties that opted in to the CSEC Program for FY 2015-16 and county CSEC coordinator contact information with tribes with the suggestion that tribes reach out to gain knowledge and perhaps tap into resources. That list was shared on August 17th.

Alameda	Calaveras	Colusa	Contra Costa	El Dorado	Fresno	Kern	Los Angeles	Madera	Marin
Merced	Monterey	Orange	Placer	Plumas	Riverside	Sacramento	San Benito	San Bernardino	San Diego
San Francisco	San Joaquin	San Luis Obispo	San Mateo	Santa Barbara	Santa Clara	Santa Cruz	Shasta	Siskiyou	Solano
Sonoma	Stanislaus	Tulare	Ventura	Yolo					

Frances suggested that a powerful way to connect with CSEC information and resources is to join the Child Welfare Council’s CSEC Action Team. Plugging into this body will bring tribes into direct contact with California’s leading body on combatting CSEC. Tribal leaders who are interested in participating in the CSEC Action Team quarterly meetings as well as the sub-committee structure that studies specific issues should contact:

Kate E. Walker
Staff Attorney
 National Center for Youth Law
 405 14th Street, 15th Floor, Oakland, CA 94612

Judicial Council Update

Vida Castaneda gave this report. [See AOC update for more detail; toolkit for service providers.] AOC cannot be involved in an ongoing case, but they can do outreach. They can also point people toward resources within their county.

Liz D mentioned that it was requested years ago that there be a calendar of all ICWA-related meetings on a calendar that folks can access on the website. It never went anywhere.

CDSS Tribal Consultation Policy Development

Next meeting is tomorrow, July 15, 2015. Concerns were raised that there is only one policy, and that there be separate consultations held for federally recognized tribes and non-federally recognized tribes or urban Indians. The Governor's Office has expressed that CDSS' policy is not to be finalized and approved before CHHSA's policy.

CMS New System ICWA Consultant

Jeff Dent gave this report and introduced new tribal consultant, Mary Risling who will work with the new system. She is Hoopa and Yurok. Her background is primarily in law and she has worked with California Indian Legal Services (CILS) as well as others.

County/Tribe Updates

CQI Quality Case Reviews Advisory Committee: Sylvia Deporto gave this report. There needs to be an ICWA Compliance tool developed by the state in consultation with tribes for counties. Scott mentioned that there is a state that hired an independent organization to conduct an audit of all cases for compliance issues regarding ICWA. This auditor did a presentation at the NICWA Conference in Portland.

BIA Proposed Changes to ICWA Regulations: Liz D gave this report. She felt this was still important to discuss on an ongoing basis.

<p>ACTION 3: Sylvia will send a description of the advisory committee to the tribal chairs of the workgroup. <i>[Pending - No such summary is available at this time.]</i></p>

Next ICWA Workgroup Meeting Discussion

Topics for Next Agenda: Establish Sub-Workgroups Protocol, training: Division 31, RFA, SB 1460, etc.

Other Items

Season Brown asked if October 2016 is still a good month for Pala Tribe to host the ICWA Conference. Nancy Currie suggested February 2016 for the conference if October is problematic. Scott reminded folks that the money for the current SFY 15-16 must be used by June 30, 2016. The October 2016 conference would be utilizing SFY 16-17 funds. The National Congress of American Indians (NCAI) is in June and it makes it difficult to have tribal leadership presence at the conference in June. Liz feels that northern CA still have the bid for having a smaller ICWA Summit during SFY 15-16 before Pala does a full conference.

Adjournment

This meeting adjourned at 4:09 pm