

California State Department of Social Services (CDSS)

ICWA WORKGROUP

May 13, 2014 • 1:00pm to 3:30pm

Hosted by CDSS

Room 9-203 (OB 9)

744 P Street

Sacramento, CA 95814

Meeting Notes

SUMMARY OF ACTION ITEMS

1. Determine method for including tribes with regard to providing feedback for the development of the new 5-year CFSP. *[Done 5/20/14. CDSS will host a session at the upcoming 21<sup>st</sup> Annual Statewide ICWA Conference to collaborate with tribes on the CFSP.]*
2. Mary Sheppard will send information regarding the June 4-6, 2014 Partnerships for Well-Being Institute event to Diana Orcino for distribution to the ICWA Workgroup. *[Done 5/23/14]*
3. Diana Orcino will provide Melissa Aguila with the link to CDSS' ICWA web page for ICWA-related ACLs/ACINs or send her the PDF documents. *[Done 5/23/14]*
4. Dodie Barton will provide the conference registration information to Diana Orcino for dissemination when finalized. *[Done 5/22/14]*
5. Aggie Jenkins will work with a committee to draft a letter for the BIA to inform them of the negative impact their January 2014 modification of the Federal Register has had, and she will forward to Diana Orcino when available.

**Welcome/Introductions**

**Review Agenda and Minutes:** Participants were introduced, and the previous meeting's minutes and current meeting's agenda were reviewed. Liz Elgin DeRouen chaired the meeting.

**Tribal News/Additions to Agenda:** Changes to the agenda will be as follows: 1) the report-out regarding the upcoming ICWA Conference will be provided by Dodie Barton rather than by Theresa Sam, and the item will be moved to follow the "Follow-up on March Action Items" section; 2) the Pala tribal representative would like to provide an update; and 3) discussion regarding the BIA's recent modification to the Federal Register (ICWA designated tribal agents for service of notice) as of their January 2014 issue; this item will be added under the Other Issues category on agenda.

Nancy Currie announced that they recently hired a new case worker at Soboba. Liz DeRouen announced that they recently hired two interns to join the Indian Child and Family Preservation Program's Sonoma County and Ukiah offices.

**Follow-up on March Action Items:** Action items from the March meeting were reviewed and a status update was provided during the meeting updates regarding those still in progress.

## **CDSS Updates**

**Division 31 Regulations:** Kendra Elmendorf provided this update. The regulations package is currently undergoing its final legal review within the department. It is expected that the legal review of the regulations package should be completed soon and it will then move forward to the department's Office of Regulations Development.

Liz Sandoval asked if there was still a question about the definition of "tribally-specified home" versus a "tribally approved home". Tribally-specified refers to the home that is the preferred placement for the tribe. It has also been referred as tribally-designated home, although not preferred jargon. Tribally approved home is a home that has met all legal requirements for becoming certified for placement of tribal children. The tribe approves the facility, but the county is still required to run background checks on those living in the home.

**Annual Progress and Services Report (APSR):** Scott Stevens gave this report. The APSR is our annual report on the five-year Children and Family Services Plan (CFSP). We are currently in the fifth year (federal fiscal year, October 1, 2013 to September 30, 2014) of the CFSP. CDSS is working on the draft APSR for the feds. The draft was sent out to the workgroup for comments to be received by July 3, 2014. Comments will be reviewed and considered.

Sharon James asked if tribal stakeholders are consulted with regard to developing the new CFSP. Karen Gunderson replied 'no' since there are so many different committees with various stakeholders that are participating in this process. Liz DeRouen expressed, on behalf of the tribes she represents, that all tribes should have the opportunity to be able to provide input regarding any update to the CFSP or any policy that affects tribes or Native American children. Other tribal representatives shared the same sentiment.

**ACTION 1:** Determine method for including tribes with regard to providing feedback for the development of the new 5-year CFSP. *[Done 5/20/14. CDSS will host a session at the upcoming 21<sup>st</sup> Annual Statewide ICWA Conference to collaborate with tribes on the CFSP.]*

**CDSS Tribal Consultation Policy Development:** Scott Stevens provided this update. The development of a department-wide tribal consultation policy for CDSS began out of collaboration with the ICWA Workgroup. CDSS has met with eight tribal councils to receive feedback on the development of this committee and we currently have 20 tribes represented. About half are Tribal Council members and half have been delegated by their Council. We are only looking for members that are either Tribal Council members or have been delegated by their Councils. CDSS is asking that those delegated by their Councils provide a simple email or letter from their Council indicating that they are approved to represent the tribe and participate on our Tribal Consultation Policy Committee (TCPC).

Robert Rodriguez suggested that we also reach out to the Los Angeles City/County Native American Indian Commission as well as American Indian Community Council in Los Angeles to help reach the urban Indian population.

Scott pointed out that the TCPC will be the committee that will work on developing the policy, but is not considered to be consultation necessarily. However, the policy that is developed will be used by all of CDSS. He also shared that he and ICWA staff have been traveling and

meeting with various tribal leaders and making face-to-face connections to gather input and developing those important relationships.

A caller mentioned that the BIA is holding a training during the week of the ICWA Conference, so some tribal leaders may be participating in that instead. Scott mentioned that the TCPC kick-off meeting at the conference will have webinar and teleconference capability.

**Continuum of Care Reform:** Megan Stout gave this update. They are in the process of drafting their legislative report, which is due in October 2014. They are reforming the current rate setting system for programs and services regarding continuum of care. They are tying up recommendations regarding program and funding coming from stakeholders on their workgroup. They are also working on group home staff qualifications (e.g., increasing required age to 21, increasing education requirements). Another recommendation is that all group homes be nationally accredited.

**Resource Family Approvals (RFA) Program:** Karen Gunderson gave this update. There is a need to work on this with regard to tribally approved homes (TAHs). Tribes want to have the opportunity to pull from a pool of available TAHs at any time...not just when an Indian child comes into care. They are looking at different ways to include this in the RFA program (e.g., does it require statutory change?). They want to make sure that tribes receive the appropriate level of access to information.

**“Katie A” – Latest Information:** Mary Sheppard gave this update. CDSS has eight months remaining of full coordinated oversight/jurisdiction...until later this year. They are working with counties through their four learning collaboratives. The second statewide leadership convening for the child welfare/mental health learning collaborative will be held on August 21, 2014 in Sacramento and is coordinated through CalSWEC. Also, the Partnerships for Well-Being Institute, *Embracing a Shared Vision*, will be held June 4-6, 2014 at the Hyatt Regency in Anaheim/Garden Grove, CA. The event is co-sponsored by the California Department of Health Care Services and CDSS. Registration is open now.

<p><b>ACTION 2:</b> Mary Sheppard will send information regarding the June 4-6, 2014 Partnerships for Well-Being Institute event to Diana Orcino for distribution to the ICWA Workgroup. <i>[Done 5/23/14]</i></p>
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### **State Parent Leadership Team**

Melissa Aguila provided this introduction. Melissa is a member of the State Parent Leadership Team (SPLT) under Parents Anonymous® Inc. The SPLT is a diverse group of mothers, fathers and grandparents that have personal experience with the child welfare system and have demonstrated leadership in Parents Anonymous® Inc. groups and organizations and want to make a difference at the state level. One of Parents Anonymous’ partners is CDSS’ Office of Child Abuse Prevention (OCAP) and they have a grant with OCAP to provide support and expertise as parents and help to improve family support programs and child abuse prevention efforts throughout the state. Liz Sandoval suggested that Diana Orcino send ICWA-related ACLs/ACINs to Melissa or provide her with the link to CDSS’ ICWA web page for ICWA-related ACLs/ACINs.

**ACTION 3:** Diana Orcino will provide Melissa Aguila with the link to CDSS' ICWA web page for ICWA-related ACLs/ACINs or send her the PDF documents. *[Done 5/23/14]*

### **Administrative Office of the Courts Update**

Ann Gilmour and Vida Castaneda provided this update. The AOC continues to collaborate and provide technical assistance to Los Angeles County and has established the Los Angeles County Round Table with technical assistance from Judge Amy Pellman. Since the first round table meeting on January 24, 2014, staff has continued to provide support and assistance to the court and other stakeholders to establish the round table. The second meeting occurred on May 2, 2014. Staff will continue to collaborate with Tribal STAR in this endeavor and the judge, as well as the group, requested our respective agencies remain providing technical assistance until otherwise indicated. They are currently focusing on issues surrounding noticing, inquiry, foster homes, as well as others. The next round table meeting will be July 25.

AB 1618, regarding tribal access to confidential juvenile court files, has moved to the Judiciary Committee.

Cow County Judges Conference is coming up May 14-16, 2014 in Rancho Cordova, CA. One session will be taught by Judge Kingsbury of El Dorado County and Judge Patricia Lenzi of the Colorado River Indian Tribes on the topic of jurisdiction on tribal lands. The second session will be taught by Judge Sunshine Sykes of Riverside County and Judge Joanne Willis-Newton of the Inter-tribal Court of Southern California that will focus on ICWA updates and hot topics.

### **21<sup>st</sup> Annual Statewide ICWA Conference**

Dodie Barton, Big Sandy Rancheria, gave this update. Registration information has been fully drafted, but needs to go through final approval before being posted online or disseminated.

Breakout Sessions: Olin Jones will introduce the Governor's Tribal Advisor, Cynthia Gomez. There will be sessions regarding ICWA and Probate Guardianships, Appeals, Confidentiality; Dr. Art Martinez will do one on Historical Trauma and Family Trauma; Kim Cluff on discrepancies in data; Nancy Currie on Tribally Approved Homes; and Tule River will do one on grant writing.

The daily rate for hotel rooms is \$84 until June 3, 2014; participants should indicate they are there for the ICWA Conference. Registration is \$100; presenters are no charge.

Committee meetings have been on Tuesday mornings, but not this week. They will try to meet later in the week.

**ACTION 4:** Dodie Barton will provide the conference registration information to Diana Orcino for dissemination when finalized. *[Done 5/22/14]*

### **Pre-Planning for ICWA Conferences**

Scott Stevens began this discussion. Since the conference is such a massive event to organize, he suggested that there be a committee for each of the three regions (north, central

and south) that would facilitate in the organization of the conferences held within their region. Nancy Currie shared that the tribal caucus agreed this is a good idea, but that more discussion would need to occur to work out the details, terms of service for committee members, etc.

Frank Canizales feels that CDSS should increase their funding above \$25,000, since this is a huge undertaking. Funding has remained the same for many years, yet the attendance at the conference and overall cost has increased.

Nancy Currie agreed that starting early will make it easier for the conference planners to have access to other funding opportunities, and will also allow more time to locate an appropriate venue. Finding a venue that has enough space for conference attendees is always an issue. It was suggested that perhaps future conferences not be held in June, but rather in July. There was a concern that the money not used in Fiscal Year (FY) 2014-15 would be lost for 2015-16 (if the next conference was held in July 2015). Diana explained that the money is reserved in the CWS training budget a year in advance for the next fiscal year. Also, money cannot be rolled from one fiscal year to the next.

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

The next ICWA Workgroup meeting that was scheduled for July 2014 is cancelled due to the ICWA Conference being in June. The next full workgroup meeting is scheduled for September 9, 2014 and will be held at CDSS Headquarters in Sacramento.

### **Agenda Building**

No items were suggested at this time for the next meeting agenda.

### **Other Issues**

The BIA revised the last issue (published January 2014) of the Federal Register, that lists the designated tribal agents to receive ICWA notice, to no longer include the alphabetical listing "by tribal affiliation". Aggie Jenkins expressed concern that proper timely notice to all affiliated tribes is being affected by the loss of this listing by affiliation. Aggie will work with a committee to draft a letter for the BIA to inform them of the negative impact this modification has had. She will send to Diana when completed. Tribal representatives agreed that letters from the tribes, counties, NICWA and CDSS to the BIA would be preferred over one letter expressing the issue from all the above entities.

<p><b>ACTION 5:</b> Aggie Jenkins will work with a committee to draft a letter for the BIA to inform them of the negative impact their January 2014 modification of the Federal Register has had, and she will forward to Diana Orcino when available.</p>
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### **Adjournment**

The meeting adjourned at 3:44 p.m.