

California State Department of Social Services (CDSS)

ICWA WORKGROUP

September 9, 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. Karen Gunderson will provide all bill sections to Diana Orcino for distribution to the ICWA Workgroup.
2. Carry-over item from May workgroup meeting: Aggie Jenkins of Riverside County will look to develop a committee to draft a letter to the Bureau of Indian Affairs (BIA) to inform them of the negative impact their January 2014 modification of the Federal Register has had. Aggie will forward an email to CDSS for distribution to the ICWA Workgroup.

**Welcome/Introductions**

**Review Agenda and Minutes:** Liz DeRouen chaired this meeting. Participants were reminded to mute their phone lines and be aware that participants in the room can here other conversations. Participants and callers introduced themselves to the group.

**Tribal News/Additions to Agenda:** There were some additions and/or changes to the agenda as follows: AB 1460 (RFA); move Choctaw discussion forward to discuss earlier; and CWS/CMS staff will come to meeting at 2:30 to do a quick update on the progress of the new system and reach out for tribal engagement.

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

**Tribal Co-Chair Vacancies:** The tribal caucus appointed Frank Canizales to be the new Central Region Tribal Co-Chair of the ICWA Workgroup.

**CDSS Updates**

**Division 31 Regulations:** Teresa Contreras gave this report. Teresa retired in 2009, but was requested to return to CDSS to work on the revision of the Division 31 regulations. The revisions were submitted to the Office of Regulations Development (ORD) in late June 2014; however, more edits were requested. We are currently in the process of finalizing our review before sending them back to ORD. If they are in agreement with the changes we are recommending, they will hold a status conference to give people an opportunity to provide their final input. We expect the regulations to become effective in early 2015. It was explained that the regulations have been reworked several times and have been augmented to include Tribal Customary Adoption. Also, Teresa is only available part-time to work on the regulations, so it has taken a while.

**Annual Progress and Services Report (APSR):** Scott Stevens gave this report. CDSS/CFSD is in the 5<sup>th</sup> year of its 5-year CFSP, and every year we have to report on that plan. CDSS hosted a 3-hour session at the last ICWA Conference to receive feedback on the new five year plan. Kimberly Cluff recognized that the ICWA and AOC pieces are large sections of the APSR, which can be attributed to the hard work that the ICWA Unit has done to make sure the work is reported. There is a need to call out what the data limitations are so that we can see them. Data and the APSR indicate that court/judges training is working, but Kimberly's experience tells her it is not accurate. Tom Lidot suggested that we all point our efforts toward areas that need more work; we need a dashboard of indicators so we know what we are accomplishing. Liz DeRouen added that the development of the TCPC is only one avenue by which the state can work with tribal leaders on important issues that affect tribes and tribal children. Maureen Geary asked what we are doing with the feedback received on the APSR. Kelly Winston, Chief of the Child Welfare Policy and Program Development Bureau, stated that to the extent possible the comments were incorporated and the final version was forwarded to the Administration for Children and Families for their review and approval. The November agenda will be an opportunity to discuss how we can better request feedback from stakeholders. Lisa Albitre said that all tribal leaders were able to sign off on SB 678. Can the same process be applied to the CFSP? Kelly suggested that those comments be mentioned at the November meeting.

**CDSS Tribal Consultation Policy Development:** Scott Stevens gave this report. He directed the participants' attention to the projected screen at our Tribal Consultation Process (TCP) web page (<http://www.childsworld.ca.gov/PG3295.htm>) to show our TCP Committee (TCPC) links and particularly our newest links pertaining to the meeting that occurred at the 2014 Annual ICWA Conference. The geographical map shows tribal and urban Indian representation on the TCPC. Scott mentioned that we have reached out to Los Angeles for urban representation. The map will change as additional representatives are added. Scott also mentioned that we are being strict on having tribal leaders, or those designated by their tribe, participate on the committee. Tribal participants expressed interest in non-federally recognized tribes being invited to TCPC as well. Vida recommended that we reach out to Mary Trimble Norris with BACAIR for more Bay Area urban representation. Scott reminded participants that our next conference call with the TCPC is scheduled for September 15<sup>th</sup>. The next face-to-face meeting with the TCPC is October 28<sup>th</sup>. Jennifer Buchholz mentioned that they were able to secure funding from the California Partnership for Permanency (CAPP) contract for two face-to-face meetings, one of which will be the October 28<sup>th</sup> meeting. Strict guidelines for reimbursement were sent out to the TCPC on 9/3/14.

- **Resource Family Approvals (RFA) Program:** Karen Gunderson gave this report in which she shared that out of conversations with the Workgroup came the issue of how tribes can do their own criminal background clearances for Tribally Approved Homes (TAHs). It was found that there needed to be a statutory change. Language was put into a bill, which is now with the governor (SB 1460). It was agreed that it is better to get it in rather than get it right the first time. The bill allows tribes that have an agreement with the Department of Justice (DOJ) to go through their process to do background checks for TAHs. Maureen Geary explained that non-federally recognized tribes do not receive federal funding, so the same rules do not apply to them. Liz DeRouen stated that we need to start with federally recognized tribes, but it is not the intent to exclude anyone. We will start at the initial stage and move forward on expanding this process later when possible. SEC 15 defines responsibilities of tribes in obtaining the criminal background

information and what needs to happen when approving TAHs. It defines who needs to be fingerprinted; however, it needs more clarity so it aligns better with the adoption approval process and RFA process. Next steps will be to get information out to tribes and counties to let them know this has happened. We will provide further instruction later.

Maureen Geary mentioned that SB 1460 does not mention a culturally-compliant home...only RFAs. Karen stated that although foster parents receive training, we have asked what kind of components would be more relevant to include. Lisa Albitre said that many times foster parents are not trained on Native American rituals so that the children can continue participation.

**ACTION 1:** Karen Gunderson will provide all bill sections for SB 1460 to Diana Orcino for distribution to the ICWA Workgroup. *[PENDING]*

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

Due to the lack of time, this item was tabled for the next meeting.

### **County Updates**

***CWDA Central Valley Regional Representative:*** Due to the lack of time, this item was tabled for the next meeting.

***Los Angeles County American Indian Unit:*** David White, Robert Rodriguez and Eddie Adams from the Los Angeles County Department of Children and Family Services' (DCFS) American Indian Unit (AIU) gave this report and handouts were provided. The unit was established in 1989 after much collaboration between Los Angeles County's DCFS and the tribal community. The AIU provides culturally appropriate services to American Indian families. There are 165 American Indian/Alaskan Native children supervised by the AIU with 40 tribes represented. The AIU collaborates with 560+ federally and non-federally recognized tribes nationwide. The AIU is working in collaboration with the Los Angeles County ICWA Task Force toward the development of Native foster parent recruiting, development of foster parents/homes and foster family agency (FFA) foster homes. For more information, please call the Los Angeles County DCFS American Indian Unit at (626) 938-1722 or visit [www.ShareYourHeartLA.org](http://www.ShareYourHeartLA.org). Desiree Collum recommended that the AIU try to work with the local universities in Los Angeles for help with public service announcements (PSAs). Film Studies students can sometimes do these while using college resources.

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

Due to the lack of time, this item was tabled for the next meeting.

### **Pre-Planning for Next ICWA Conference**

Due to the lack of time, this item was tabled for the next meeting.

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

***Topics for Next Agenda:*** This item was not covered.

**Revised 2014 ICWA Workgroup Meeting Schedule:** Diana alerted participants to the revised meeting schedule. This was only emailed out today and provided at the meeting handout table. It was proposed that the November meeting be hosted by a northern region tribe rather than central tribe, since the ICWA conference was just held in the central region in June. Participants agreed.

### **Other Issues**

California Appeals Court Upholds ICWA in Choctaw Foster Case: Vevila Hussey from CDSS gave a brief report on this article. The father was ordered family reunification services. He was released from jail, but found there were barriers to employment. He requested that his child be placed in Utah. He challenged placement preferences because they were unconstitutional and inappropriate. This case had the same legal team as the Baby Veronica case. Liz DeRouen said that the courts need to recognize that the needs of an Indian child are different than that of a non-Indian child.

CWS/CMS New System: Jeff Dent, Program Manager for the CMS New System, of the CMS Support Branch, reported on the new case management system development. They are currently writing the Request for Proposal (RFP), which will go out in about 7 months to stakeholder group. They are looking for a full time Tribal Consultant to work with the team to make sure the voices of Native American children are heard. This will be a web-based system; not CWS/CMS-Part 2. The successful candidate needs cultural knowledge, child welfare practice, knowledge of native families and resource issues. They may need to be in Sacramento for meetings.

### **Adjournment**

The meeting adjourned at 3:47 p.m.