

California State Department of Social Services (CDSS)
ICWA WORKGROUP
September 8, 2015 • 2:00pm to 5:30pm
Hosted by CDSS ♦ 744 P Street, Conference Room 9-235/237
Sacramento, CA 95814

Meeting Notes

| SUMMARY OF ACTION ITEMS |
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| <ol style="list-style-type: none">1. CDSS will distribute the Dear Tribal Leader letter to the ICWA workgroup mailing list. [Completed 9-17-15]2. CDSS will distribute the California Youth Connection ICWA Focus Group Report to the ICWA workgroup mailing list. [Completed 9-17-15]3. Send out an email for CCR/ICWA sub-committee to explore the idea of the larger legislative sub-committee.4. Sylvia Deporto to approach CWDA regarding ICWA representation on CWDA Legislative Committee. [Report out on this will be provided at next ICWA Workgroup Meeting]5. Karen Gunderson to set up a follow up phone call to engage on how to move forward on AB 403 implementation-immediate concerns. |

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 July Minutes:

Tom Lidot of Tribal STAR made a correction to the July meeting minutes: “Legal partners are working on the press release in response to 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.

Other tribal news/amendments: Michelle Carr sent the Dear Tribal Leader letter on Code X to CDSS for distribution to the Workgroup.

Youth Engagement Project (YEP)

Alyssum Maguire: YEP is currently in 7 counties: Los Angeles, Placer, Ventura, Humboldt, Monterey, Santa Clara, and Yolo. They are currently looking to expand to 8 counties within the next few months; open to suggestions. Two of the 8 Youth Ambassadors have told YEP that they think they have Native heritage, but they struggle with identifying/connecting with their heritage and engaging with appropriate tribal communities.

Each county has up to two ambassadors who are current and/or former foster youth. They form partnerships with primary and secondary county contacts. Primary county contacts are

usually upper level management. Secondary county contacts are usually mid-level management who work with Ambassadors to identify a project of importance. Ambassadors also depend on their mentors for personal support. Ambassadors self-identify their mentor with support; mentors are usually from their community.

It is important to build capacity for youth engagement in all levels of child welfare agencies, such as involving them as stakeholders in various state-level meetings. Youth panels are impactful and YEP uses a partnership approach, focusing on collaboration, empowerment of all stakeholders, and providing youth partners with adequate preparation and support for engagement activities. It is important for CDSS to have voices of the young people in meetings, and also to help others do a better job at youth engagement.

Project & counties: Feels good about the relationships developed with young people – there is a sense of urgency around engaging with youth, and it seems to be increasing. UC Davis Interns provide key support for the project. YEP Ambassadors provide the valuable resource of lived experience to the state, and they work on a wide range of topics. Ambassadors are paid a stipend and transportation costs are covered by the county or YEP depending on the engagement activity (ICWA meetings would be paid directly through YEP). Karen Gunderson from CDSS, Diana Boyer from CWDA, and Robin Allen from CYC are on the leadership team.

Enhancement for Native American engagement toolkit is on the Berkeley website – different value system – Judicial Council has a toolkit also.

YEP is currently recruiting for Ambassadors in the following Counties:

- Ventura (1 open position)
- Monterey (2 open positions)
- Humboldt (1 open position)

YEP recognizes the need for tribal youth voice, please contact Project Coordinator, Alyssum Maguire with questions, youth interested in Ambassador positions, and any other comments: Alyssum.maguire@cfpic.org, [\(530\) 520-1676](tel:5305201676)

BIA Emergency Criminal Background Checks

Liz De Rouen and Nancy Curry gave the report on the printout of the Bureau of Indian Affairs (BIA) regarding the DOJ Tribal Access to National Crime Information Databases. A couple of current initiatives: Department of Justice (DOJ) Tribal Access Program (TAP), Department of the Interior – Companion Program to provide name-based emergency background checks for child placement.

Tribal caucus would like to set up meetings with Michelle Deason from BIA to move forward with the programs.

Pilot programs looking for 10 tribes to start with: 1st project is a name background check. Will be looking to engage with tribes that have established law enforcement in place; additional links to review, TAP program in particular and how that will be established.

There are currently five national programs in place. DOJ Interior's office will be piloting – CA has additional process through 1460. Language will be coming out in a letter that will be going to all tribes identifying that there are various options in CA in identifying people available in emergency placements.

Nancy Curry: One of her concerns is the ability to do an emergency placement.

Michelle Deason from BIA: That would need to come from California's database. Project X & tribal police and tribal agencies to submit information for the name checks. In order for the BIA to get involved, there would need to be agreements between the State of California and should there be a 30 day trial with Project X with 10 tribes?

ACTION 1: Scott Stevens said the Dear Tribal Leader letter will be distributed to the ICWA Workgroup e-mail list.

California Youth Connection (CYC)

Hector Cerda, CYC Central Region Coordinator gave this overview.

CYC is a non-profit organization to improve foster care, child welfare services through policy and legislative advocacy. Up until a couple of decades ago, foster youth were disadvantaged and no one really represented them. CYC has played an important role to turn this around. Current and former foster youth get involved at a policy and legislative level. The CYC youth work in their counties to influence and have a say at how resources should be used. CYC is currently working on legislation to improve programs and services for parenting or pregnant foster parents due to the stigma around youth in care who have children and youth in care that lose their children.

CYC also works on Anti-recidivism of keeping youth from falling into probation/group homes by having influences on CCR.

In the last year, Fresno received a contract due to the high rate of youth in care that are Native. CYC approached its own members that are non-native youth to see if it's something ICWA wants to explore (youth needs to approve) and they said yes, they wanted to explore ICWA, the best interests of children, ICWA top-notch laws. CYC received a contract through CAPP funding to provide input and feedback around Indian children being placed in foster homes, finding placements, what their needs are, how would they feel about being placed in a non-native home. There is a pilot project of a focus group of 1 – 11 participants. The hope is for it to grow to help native youth stay connected to their culture. Some challenges around it: some youth are not connected and want to be connected to their culture; or whether CDSS, county agencies responses are in draft report. CYC provided feedback to Fresno County, to provide better care to Indian children and youth. Potential for partnership or growth, goal for next year would need more resources to

explore as an organization, how to keep native children connected to their culture while getting them engaged in policy legislation advocacy work. There are other challenges, with 33 counties, some are small, and some are larger and only 7 regional coordinators throughout the state.

CYC youth in different counties are **ICWA cases**, not necessarily doing work on ICWA but doing work on placement, group homes, pregnant and parenting issues. We want to build a bridge between CYC and native youth. There are 350 youth membership across the state. There are two native members in Fresno, one in Merced, one in Stanislaus and two in Humboldt.

With regard to Fresno County ICWA work, the first step is to guide direction on what caregivers would like/need to know. They need to know that culture is important and that youth need to stay connected to their culture. CYC has been advocating for improved programs or services for pregnant and parenting teens: sex education

CYC appreciates the effort put into the report. It solidifies recommendations that have been made at Fresno County ICWA work groups for years regarding cultural competency. CYC has been watching Humboldt and Fresno because they are target counties for a DSS project – a recommendation for cultural competency training to be given to non-tribal foster parents. Tribes in many cases have a lot of resources that can be provided to tribal youth – no interest in providing this kind of service.

YEP – sometimes voices of adults blend together and if you bring a young person to the table, supported and prepared to share voices it's more interesting, unique and and sometimes people listen more, making more of an impact.

How can we support work? Young people speaking up – would be great if young people had the opportunity to engage at this kind of level. Invite youth to come to ICWA work group meetings (succession planning) to see how difficult it is to make decisions at the state level.

How to get CYC involved with tribes at Humboldt? YTP – Youth Training Project-sister organization that does a lot of training to social workers, probation, people who have experience with youth in care. Small CYC chapter in Humboldt which includes wellness programs and services.

Michelle from BIA is asking for a data call on these issues.

CYC is not a native organization – serves and advocates for youth who have been or are in foster care. It took a year to connect with native youth.

Hector Cerda: 916 340 5746, hector@calyouthconn.org.

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| ACTION 2: CYC to disseminate the draft report to the work group. |
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CDSS Updates

ILP Update: Services for Tribal Youth Scott Stevens gave this report. CDSS is currently working on the beginnings of an ACL which clarifies the ability of tribal youth to tap into ILP services. Tribal youth would have had to have been in foster care between 16-19 years of age. ILP Services include classes, workshops, employment skills, fiscal management (life preparation).

Other benefits available to ILP youth include the Emancipated Youth Stipend (EYS) which are direct county funds, not from the IV-E funding stream. For tribal youth to access these stipends they would have to work with a county to develop a protocol.

Education and Training Vouchers (ETV) are also available to ILP youth and would be available to tribal youth under tribal jurisdiction. \$95,000 worth of ETV went unspent in the last fiscal year so there is an opportunity to evaluate how better to disburse these funds.

The significance of this ACL is that ILP services will be available to youth under Tribal jurisdiction as opposed to only those under county jurisdiction. CDSS will be looking to establish a stakeholder group to ensure the language in the ACL is reflective of how tribal social service departments and governments operate. We would also be seeking guidance on what would be required from the tribe to communicate to the county that a youth under tribal jurisdiction is eligible for ILP services through the county.

Some suggestions provided by the workgroup were:

- Habematolel Pomo of Upper Lake: Tribal Resolution
- Indian custodian form
- If tribe has a department of social services that should be sufficient

APPLA: Turid Gregory-Furlong gave this report. There is a 3 year delay for tribes on 794. It will take two years to be able to implement – for tribes with IV-E agreements (Oct 2016). No longer have long term placement for children 15 and under. Options will now have adoptions, Tribal Customary Adoption (TCA), legal guardianship and return home – can no longer have the goal/plan be long-term foster care. For youth 16 and older, will have APPLA but will need to exhaust previous options first. The Federal compliance bill has cleaned up language to add TCA, return home, fit and willing relatives. Cultural concerns – connected with NICWA to explore. Children need to be connected to their culture and tribal identify

CCR: Karen Gunderson gave this report. Summary – over the last several years there has been discussion of reform of group homes and foster care. There have been ongoing conversations over the last three years with participation in workgroups and the department has taken a lot of input.

Walk through legislation – trying to shift system to be more engaged with children, youth and families that come into the child welfare system to more individually tailor services and supports that they need working to focus on keeping kids connected to their families, tribes and moving kids to permanency. Limiting the use of congregate care/group homes when

children and youth come into care, we want them to go to families. If children and youth are placed into group homes, we are failing up. We must bring services to the child and the home that they're in. To get systems to work better to meet the child's needs, collaboration between mental health and child welfare is needed and work on how to integrate services better. CCR recognizes probation youths' needs and their family's needs. The program will increase engagement, child and family team, how does agency team with the child and family around assessment, case planning, service delivery, placement decisions. Assessment needs to be ongoing and upfront. One of CCR's goals is increasing support for foster families. Beginning in 2017 all resource families - all foster families will be receiving training prior to being approved (increased training for foster families); one of new training components is around ICWA – what will that really mean as we implement? RFA will be statewide by 2017. CCR has set forth, core services that are intended to be trauma informed and culturally relevant and with 'active efforts' as defined in statute. Legislation also has cleanup language for SB 1460. The first section is intent of the bill. Sections on pg. 3 are the intent of the legislature to continue to comply with ICWA – nothing in the bill intended to deny ICWA. Page 4 is regarding foster parent training language and should include parenting from a native perspective. CDSS is still open to suggestions as to who will be doing the training.

There are currently two counties who are piloting – relatives don't want to be foster parents. They just want to take care of the grandchildren and don't want to jump through hoops. Nothing in the law requires people to adopt or care for children permanently, however, for many years, it does occur that relatives may have children in their care while reunification efforts are underway, if reunification is not successful, they do end up pursuing adoption.

There is development of tribal subcommittee to work through some of the implementation issues on AB 403 – if that subcommittee could have direct connection with people working on the program – Art Martinez – ask him to review. We anticipate doing legislation cleanup later this year.

Maureen Geary requested a standing legislative sub-group/sub-committee. The focus would be to review every piece of legislation that impacts child welfare also impacts tribal children on a more elevated level. We need an engaged process with all legislation work.

Is there availability for ICWA participants to engage in CWDA legislative committee? Sylvia Deporto stated she can ask CWDA if they could have tribal representatives.

Tom Lidot - How can we get more tribal reps and community members to engage in these issues? We're not going to be a victim to the process.

The need for the TCP to be solid – We need an ongoing process to solidify consultation and engagement. There will be a need for tribal consultation letters to solicit information. Someone needs to track legislation with child welfare concerns and plug in legislative sub-committees. CDSS analyzes legislation – not usually sponsoring bills, not usually in the driver's seat.

Karen Gunderson states that early on in the legislative session, we can provide a list of child welfare legislation for review. Legislation week-Lisa cited Governor's Executive Order. Sylvia Deporto is willing to take the issue to CWDA to see if they'd be willing to have tribal representation on the Leg Committee.

Other participants should include other stakeholders: TANF, native health clinics. We need to institutionalize engagement.

ACTION 3: Send out an email for CCR/ICWA sub-committee-explore the idea of the larger legislative sub-committee.

Action 4: Sylvia Deporto to approach CWDA regarding ICWA representation on CWDA Legislative Committee.

Action 5: Karen Gunderson to set up a follow up phone call to engage on how to move forward on AB 403 implementation-immediate concerns.

Division 31 Regulations: Antonio Weary gave this report. Division 31 regulations will continue to receive comments until September 16, 2015. Package will go to CDSS Office of Regulation Development. Up to this date, we have received one set of comments.

CDSS Tribal Consultation Policy: Scott Stevens gave this report. TCP is in its final stages. It will only reference federally recognized tribes and will be for the entire Department. There is pushback from non-federally recognized tribes, there is deep frustration.

Lisa Albitre pointed out that in LA, 95% of natives come from non-federally recognized tribes.

Tom volunteered to work on separate policy for non-federally recognized tribes.

CMS-New System: Mary Risling gave this report. CMS New System improves service delivery and outcomes. It will achieve SACWIS compliance to maintain IV-E funds. It will replace CMS with the New System. It will create a tool to enhance work that will improve outcomes. It attempts to institutionalize tribal engagement, indiscriminate, casual use of terms and every case becomes an ICWA case. The New System is in a procurement state and is surrounded by confidentiality.

Pending items: DOJ/DSS/Tribe taskforce: Counties (Humboldt) participation – seeking participation – standing item to be discussed

CQI – case review advisory committee - Sylvia to circulate

CWDA meeting – every Thursday during CWDA meeting week: 1pm Thursday afternoon

BIA proposed changes to ICWA Regulations

Federal grants for tribal-state ICWA programs - implementation for partnership grants -4 grants – subgroup to get grants

Judicial Council Update

This item was not covered.

Next ICWA Workgroup Meeting

Habematolel Pomo of Upper Lake—can host - Lake County

Adjournment

This meeting adjourned at 5:30.