

California State Department of Social Services (CDSS)
ICWA WORKGROUP
January 14, 2014 • 1:00pm to 3:30pm
CDSS, 744 P Street, Conference Room 235/237 (OB 8)
Sacramento, CA 95814

Meeting Notes

SUMMARY OF ACTION ITEMS

1. The Child Safety Unit will email a draft of the press release to the workgroup once it is approved and before it is made available to the public. **[Pending]**
2. The tribal co-chairs will submit their comments regarding the draft ICWA Accomplishments document to the Child Safety Unit (icwaworkgroup@dss.ca.gov). **[Pending]**
3. A document compiling the recommendations from the four CCR subcommittees will be emailed to the workgroup. **[Done 2/4/14]**
4. It was requested that the AOC share their findings with the workgroup regarding ICWA compliance issues and violations. **[Done 1/29/14]**
5. The tribal co-chairs will contact Diana Orcino with regard to finding a tribal host for this year's Annual Statewide ICWA Conference. **[Pending]**
6. Nancy Currie will contact Diana Orcino with regard to finding a southern CA tribal host for the next ICWA Workgroup meeting scheduled for Tuesday, March 11, 2014. **[Done 1/21/14]**
7. It was requested that an update on CalSWEC's ICWA curriculum changes and a schedule of future CalSWEC training committee meetings be provided to the workgroup. **[Pending]**

Welcome/Introductions

Review Agenda and Minutes: Participants were introduced, and the previous meeting's minutes and current meeting's agenda were reviewed.

Tribal News/Additions to Agenda: The Tribal Caucus requested that the following topics be added as standing items for future meetings until there is no need: 1) ICWA Workgroup representation at CalSWEC meetings, and 2) CWDA regional representation at ICWA Workgroup meetings. Representatives can either participate in the workgroup meetings or submit a written update in advance of the meetings. The Tribal Caucus also requested that we include agenda topics for the next workgroup meeting in March to include the Training/Technical Assistance (T/TA) request to the National Resource Centers, as well as CDSS' development of a formal tribal consultation policy.

Follow-up on November Action Items: Action items from the November meeting were reviewed and a status update was provided during the meeting updates regarding those still in progress. Scott Stevens also mentioned that CDSS added the completion date of 11/18/13 for action item #3. Action items 1, 4 and 5 from the November meeting notes are still in progress and are all discussed in this document.

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 should move forward to the department's Office of Regulations Development by the end of January. Scott Stevens also mentioned that the Child Safety Unit is once again down by a few staff and so priorities have had to be shifted in order to accommodate the ongoing workload. However, the regulations are a priority and CDSS is moving on getting them approved and formalized very soon.

CDSS Press Release on Baby Veronica Case: Scott Stevens provided this update. Per the workgroup's request from the September meeting, the CDSS has been developing a draft press release that will express that, despite the United States Supreme Court decision in the Baby Veronica case, California will continue to support California ICWA law and the tribes, and will continue to seek compliance with both federal and state law with respect to Indian children, tribes and families. The press release is in draft form and is currently being reviewed by legal staff and upper management before it can be published. At the workgroup's request, Scott agreed to send the workgroup a draft of the press release once it is approved, but before it is made available to the public.

ACTION 1: The Child Safety Unit will email a draft of the press release to the workgroup once it is approved and before it is made available to the public. ***[Pending]***

ACL on SOC 815 Form: Relative Approvals and Tribally Approved Homes: Kendra Elmendorf provided this update. This ACL is currently undergoing the department's automated County Letter Process for review. It is expected that the ACL will be released to counties by the end of January.

Transfer of Case Records from Counties to Tribes: Kendra Elmendorf provided this update. This ACL is also currently undergoing the department's review process. It is expected that this ACL will be released to counties by the end of February.

Lisa Albitre asked: How will this transfer ACL address issues regarding non-federally recognized tribes. Liz Sandoval explained that these regulations were needed for IV-E tribes. Hopefully some future legislation will address non-federally recognized and non-IV-E tribes. It will take time.

Christine Williams expressed concern that counties may think they can only transfer kids to tribes with IV-E programs. Liz explained that this ACL is not meant to preclude transfers to tribes that do not offer IV-E programs. Scott Stevens pointed out that this ACL is regarding federally mandated requirements concerning IV-E tribes only. Ann Gilmour and Liz Sandoval agreed that legislative authority could be a good way to insert this into the statutory codes with regard to non-federally recognized tribes and non-IV-E tribes. However, it would take some time before the legislation would be effective. Lisa Albitre suggested that the ACL include something for non-federally recognized tribes. Liz DeRouen suggested that it address non-federally recognized tribes so as not to limit transfers to only federally-recognized tribes. Liz Sandoval reiterated that this ACL is intended to clarify requirements regarding the transfer of case records for IV-E eligible children to tribes that operate Title IV-E programs. Liz Sandoval

and Scott Stevens agreed that there is still some time remaining to make modifications to the ACL before it goes out.

Updated ICWA Accomplishments: Scott Stevens provided this update and asked the participants to review the draft document and let CDSS know of any concerns or suggested edits. Christine Williams indicated that she would like to see the document include more data and outcomes and less narrative summaries. She would also like the document to reflect noticeable improvements in ICWA compliance. She also requested that the reference to the Beyond the Bench (BTB) conference be stricken from the section on the ICWA Initiative with regard to the AOC's education offerings, as it makes it appear as though CDSS provides funding for that conference since CDSS contracts with the AOC to provide ICWA training to judges and other court staff. Christine said that ICWA was completely omitted from the last BTB conference, and so she feels it should not be included as an example of an ICWA training session. Comments and suggested revisions should be emailed to: icwaworkgroup@dss.ca.gov.

Ann Gilmour (AOC) clarified that CDSS does not fund the BTB conference. CDSS has an interagency agreement with the AOC to provide ICWA-related resources and at least 10 trainings on ICWA to the courts. Ann also said that next year she will do more outreach to solicit more training sessions. The request was made to notify the workgroup early in the planning process for the BTB conference in order to solicit ICWA presentation opportunities. Calls for proposals are usually sent out to the workgroup; however, it is up to the members if they wish to participate in the conference. It is not within the AOC's authority to coordinate this conference. They merely distribute the information to the workgroup. The AOC is only minimally allowed to be part of the BTB planning process.

Liz DeRouen said the tribal co-chairs will submit their comments to the workgroup email address shown above.

ACTION 2: The tribal co-chairs will submit their comments regarding the draft ICWA Accomplishments document to the Child Safety Unit (icwaworkgroup@dss.ca.gov). **[Pending]**

Continuum of Care Reform: Ellie Jones provided this update. They are in the process of compiling recommendations from their four subcommittees into one summary document or framework. She apologized for the delay in getting this out to the workgroup. There was additional language added with regard to active efforts and other ICWA provisions. They plan to get the draft framework out by this Friday, January 17, or next Monday, January 21. They would like to receive feedback from the workgroup by mid-February. Comments should be sent to ccr@dss.ca.gov. The framework is the statutory requirement for putting together the legislative report. Since the legislative report is due to the legislature in October, it is very important for CDSS to receive all comments as early as possible to avoid delays in moving this through the process.

ACTION 3: A framework summary document which compiles the recommendations from the four CCR subcommittees will be emailed to the workgroup. **[Done 2/4/14]**

Resource Family Approvals (RFA) Program: Sharon DeRego introduced two of her staff that presented this information (Teresa Owensby and Kim Wrigley). The new RFA program is

authorized by Welfare and Institutions Code section 16519.5 and requires CDSS to implement a unified, family friendly, and child-centered resource family approval process that replaces the existing multiple processes, eliminates duplication, and increases approval standards by incorporating a comprehensive psychosocial evaluation of all families that want to foster, adopt, or provide legal guardianship to a child. This will help to streamline the process to better meet the needs of children by requiring only one application and one background check for a resource family.

This program will also impact probation youth as well. This is a joint effort between the department's Children and Family Services Division and Community Care Licensing Division. CDSS would like to gather input from the workgroup while this is still in the developmental stages.

Five counties volunteered and were selected by CDSS to be early implementation counties. They are: Santa Barbara, Santa Clara, San Francisco, San Luis Obispo, and Kings counties. These counties will implement the RFA process for three full fiscal years and modifications will occur as needed.

It was requested by the workgroup that ICWA requirements be taken into consideration when developing the RFA process. It was recommended to the counties to consult with the tribes in their counties before they submit their MOUs. CDSS merely wants to know what impact this may have on tribes, if any. Tribes and tribal families, however, are not required to go through the new RFA process unless they wish to be considered a Resource Family.

John Dufresne raised his concern that this RFA process is very restrictive for families that wish to serve tribes and Native American children, but do not necessarily wish to be a "resource family". He said that not all resource families wish to adopt, so they shouldn't have to jump through so many hoops if they only wish to be a foster parent. CDSS clarified that this process is trying to meet the needs of many types of families as well as Native American families.

A question was asked via the webinar: Is there funding for tribes that are not within one of the five volunteering counties?

Due to lack of time, Theresa Sam requested that we table the rest of this discussion for the next meeting.

Website and email contact information for RFA process: www.childsworld.ca.gov/PG3416.htm and RFA@dss.ca.gov.

"Katie A." Implementation: Mary Sheppard (CDSS) was available during the CDSS Updates portion of the meeting to present this update. However, due to a large turnout and extensive discussions, time was short on the agenda and Mary had to head off to another meeting. Scott directed participants to the handout copies left by Mary on one of the meeting tables. CDSS will attempt send to the workgroup an electronic version of the handout. Contact information: KatieA@dss.ca.gov or KatieA@dhcs.ca.gov.

Administrative Office of the Courts Update

Ann Gilmore provided this update. At its December meeting, the Judicial Council approved the recommendation to sponsor legislation to amend Welfare and Institutions Code section 827 regarding tribal access to juvenile court records. The legislation will now move forward in this legislative session. The proposal can be viewed at: www.courts.ca.gov/documents/LEG13-03.pdf.

The California Law Revision Committee (CLRC) met in December to consider the treatment of tribes and tribal courts under the proposed Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (UAGPPJA). Information about the CLRC proposal can be found at: www.clrc.ca.gov/L750.html. Recommendations were made to the CLRC, many of which were included in the final proposal adopted by the CLRC. The CLRC's decisions in the minutes of the December meeting can be found at: www.clrc.ca.gov/pub/Minutes/Minutes2013-12.pdf.

Vida Castaneda provided an update regarding the AOC's ICWA collaborations. She attended an ICWA convening in Denver, Colorado, hosted by the Denver Indian Family Resource Center and Casey Family Programs. The purpose was to meet with service providers, ICWA trainers, and state/federal policy representatives to discuss current issues, open dialogue, and derive solutions for Native American families in urban communities throughout the nation. As a result, subgroups were formed to more closely examine current issues, follow proposed laws/policies, and provide additional technical assistance for one another. The group may convene in-person and/or by phone as needed in 2014 and may expand to include additional individuals.

Christine requested, since the AOC had started tracking ICWA compliance issues and violations, that they provide information on those findings.

<p>ACTION 4: It was requested that the AOC share their findings with the workgroup regarding ICWA compliance issues and violations. <i>[Done 1/29/14]</i></p>
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California Partnership for Permanency (CAPP)

Jennifer Buchholz (CDSS) provided this update. She reintroduced Vevila Hussey to the workgroup. She worked for CDSS several years ago and has since worked in the private sector and as a consultant outside of CDSS. Vevila has now returned to CDSS and will be serving on the workgroup in that role.

The Fidelity Assessment Process occurs once every 6 months and was designed to make sure that CAPP is being implemented effectively and consistently according to the CAPP Child and Family Practice Model and to make sure counties are doing what they are supposed to be doing. Santa Clara is having a cross-site meeting on January 28, 2014. Documentation about "lessons learned" is an important component. There is a plan to have a project manual and toolkit since CAPP is nearing the latter part of the 5-year project (currently in year 4). Website: www.reducefostercarenow.org. Contact: Aprille.Flint@cfpic.org. Even though federal funding goes away after the 5th year, they would like to see the program sustained and the work and collaborations continue. CAPP will be presenting at the upcoming Alliance for Child and Family Services Conference in Napa scheduled for February 2014.

Discussion Items for Follow-up

Solicit or Confirm Central Region Tribal Host for June 2014 ICWA Conference: Diana Orcino informed the workgroup that it will be necessary to confirm a tribal host for this year's conference soon if CDSS is going to provide the allocated \$25,000 for support. The standard agreement will take about 90 days to process before it can be executed and work can technically begin. The tribal co-chairs said that they have not yet found a tribal host, but will continue to assist with this. They will contact Diana Orcino soon with their findings. The tribal caucus also mentioned that they would like to request an increase in the \$25,000 funding provided by CDSS.

ACTION 5: The tribal co-chairs will contact Diana Orcino with regard to finding a tribal host for this year's Annual Statewide ICWA Conference. **[Pending]**

Workgroup Logo: This item will be tabled until the next meeting due to lack of time.

Interstate Compact on the Placement of Children (ICPC) and Adoptions: There is concern that counties are ignoring or not following this process properly with regard to Native American children. There needs to be better coordination of service delivery and notification for cases that are crossing state lines, and the issue of possible child-trafficking needs to be addressed. Also, the process needs to address placement preferences and the time it takes to get an ICPC completed. The length of time contributes to the lack of or delays in appropriate services being provided. Sheila Dupuy said that the requirement for home studies is that they be completed by the receiving state within 60 days. However, sometimes it takes longer when there is a delay with the family being considered or something has come up on the caregiver background check. Safe and timely has always been the goal. A question was raised: Why can't tribe approve the home outside of California since they can approve a home within California? Sheila Dupuy clarified that we have to comply with the governing laws of the receiving state, so the rules for accepting tribal approval of homes vary from state to state.

Liz DeRouen suggested we resume this discussion at our next meeting due to lack of time. The workgroup would like to keep this as a standing item until there has been some resolution. Questions: Sheila Dupuy's office: (916) 651-8100 or icpc@dss.ca.gov. If there are concerns regarding a particular ICPC, please include the name of caller, issue, date of birth of child, and county with jurisdiction.

Next ICWA Workgroup Meeting Discussion

The next ICWA Workgroup meeting is scheduled for Tuesday, March 11, 2014, and is scheduled to be held at a Southern California location. Nancy will assist in soliciting a tribal host and will follow up with CDSS.

ACTION 6: Nancy Currie will contact Diana Orcino with regard to finding a southern CA tribal host for the next ICWA Workgroup meeting scheduled for Tuesday, March 11, 2014. **[Done 1/21/14]**

Agenda Building: As mentioned earlier under Tribal News/Additions to Agenda, the Tribal Caucus requested that the following topics be added as **standing items for future meetings** until there is no need: 1) ICWA Workgroup representation at CalSWEC meetings, and 2)

CWDA regional representation at ICWA Workgroup meetings. Representatives can either participate in the workgroup meetings or submit a written update in advance of the meetings.

Scott Stevens added that there are five regions under CWDA: Northern, Bay Area, Mountain Valley, Southern, and Los Angeles County. Currently, the Northern and Bay Area Regional Representative positions are vacant, and the Los Angeles representative has not been active or present at the ICWA Workgroup meetings. The workgroup currently has active representation for the Southern and Mountain Valley regions.

Christine Williams also requested a report out to the workgroup on CalSWEC's curriculum changes. Liz DeRouen also requested that a calendar or schedule be provided of when CalSWEC meets.

The Tribal Caucus also requested that we include agenda topics for the **next** workgroup meeting in March to include the Training/Technical Assistance (T/TA) request to the National Resource Centers, as well as CDSS' development of a formal tribal consultation policy.

ACTION 7: It was requested that an update on CalSWEC's ICWA curriculum changes and a schedule of future CalSWEC training committee meetings be provided to the workgroup.
[Pending]

Other Issues

Don Pickens (Parents Anonymous) and Melissa Aguila (parent for Parents Anonymous) were in attendance for the purpose of providing a brief history with this organization and with CDSS' Office of Child Abuse Prevention and the reason the team was developed. Melissa was planning on providing a parent's perspective to the workgroup in hopes that it will help to improve services to those that CDSS serves. Time ran short on the agenda, so this item will be tabled for a future meeting.

Adjournment

The meeting adjourned at 3:45pm.