



CDSS

JOHN A. WAGNER
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES

744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



ARNOLD SCHWARZENEGGER
GOVERNOR

January 23, 2009

ALL COUNTY INFORMATION NOTICE NO. 1-06-09

TO: ALL COUNTY WELFARE DIRECTORS
ALL CHILD WELFARE PROGRAM MANAGERS
ALL CHIEF PROBATION OFFICERS

SUBJECT: ADMINISTRATIVE OFFICE OF THE COURTS
INDIAN CHILD WELFARE ACT (ICWA) INITIATIVE

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

The purpose of this All County Information Notice (ACIN) is to provide information to counties, tribes and other interested individuals/organizations, concerning an invaluable resource that is available regarding the Indian Child Welfare Act (ICWA).

Since 2002 the California Department of Social Services (CDSS) has contracted with the Administrative Office of the Courts (AOC), Center for Families, Children and the Courts to develop statewide training materials and provide training and technical assistance to local courts and court personnel to help improve compliance with the requirements of the ICWA. The project is known as the ICWA initiative.

The ICWA Initiative Project came to be after discussions with the state's ICWA Workgroup, which indicated a great need to promote full compliance by county social workers and probation officers. A description of the program and staff contact information can be found at:

<http://www.courtinfo.ca.gov/programs/cfcc/programs/description/jrta-IndianChild.htm>

Over the past several years, the project has developed a number of resources which are available on line, including:

- Answers To Frequently Asked Questions About the ICWA
<http://www.courtinfo.ca.gov/programs/cfcc/faq/#icwa>

- A comprehensive list of services and resources for Indian children and families, organized by region. This list is updated regularly, and can be accessed at: <http://www.courtinfo.ca.gov/programs/cfcc/programs/description/ICWA/>
- A list of individuals who may be able to serve as a “qualified expert witness” in an ICWA case. This list is not endorsed by the CDSS nor the AOC, but rather is provided as a resource for identifying and screening potential expert witnesses. This list is updated regularly, and can be accessed at: <http://www.courtinfo.ca.gov/programs/cfcc/programs/description/jrta-ICWAExpertWitness.htm>
- Materials and resources on the background to and context for the ICWA. These include a power-point presentation prepared by Justice Thorne of the Utah Court of Appeal, a powerful video presentation by Justice Thorne regarding the history of the ICWA from a tribal perspective, and two video presentations, entitled “ICWA 101: Fundamentals of the Indian Child Welfare Act” and “Advanced ICWA: Detailed Provisions of the Indian Child Welfare Act.” They can be found at:
 - <http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/JRTA-ICWA-Symposia/IA.pdf>
 - <http://www.courtinfo.ca.gov/programs/cfcc/programs/description/jrta-ICWAHistory.htm>
- Links to relevant legislation and regulations can be found at: <http://www.courtinfo.ca.gov/programs/cfcc/programs/description/jrta-ICWALaws.htm>. Here you will find the Indian Child Welfare Act itself, the Federal Guidelines for State Courts, the Federal Regulations concerning the ICWA as well as relevant portions of the California Welfare and Institutions Code, Family Code and Probate Code, and California Rules of Court and Court forms concerning the ICWA.
- The Judges Bench Handbook for the ICWA can be found at: <http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/ICWAHandbook2008.pdf>
- A variety of charts and resources for practitioners can be found at: <http://www.courtinfo.ca.gov/programs/cfcc/programs/description/jrta-ICWA-JobAids.htm>. These include:

- “Indian Child Welfare Act Requirements” - a concise reference of the key substantive provisions of the ICWA and corresponding California state law provisions.
- “Juvenile Courts: Recommended Legal Findings and Orders for Cases Involving the Indian Child Welfare Act” – a guide to what issues need to be considered and ruled upon at each stage of a juvenile dependency/delinquency proceeding.
- “Social Service Departments: Requirements – Indian Child Welfare Act and Senate Bill 678”- a guide for social workers in dependency cases as to what their responsibilities are under the ICWA at each stage of the proceedings.
- “Probation Department Requirements – Indian Child Welfare Act and Senate Bill 678”- a guide for probation officers in delinquency cases as to what their responsibilities are under the ICWA as each stage of the proceedings.
- “Family Courts: Requirements Under the Indian Child Welfare Act and Senate Bill 678” – a reference chart tailored to the ICWA in proceedings under the California Family Code.
- “Probate Courts Recommended Legal Findings and Orders for the Indian Child Welfare Act” – a reference chart tailored to the application of the ICWA in proceedings under the California Probate Code.
- “Understanding ICWA Noticing Issues in California” - an outline of some of the historical factors that complicate the application of ICWA in California and make ICWA noticing so important and challenging.
- “Indian Child Welfare Act Interview Tool” – a checklist for interviewing individuals to gather the information required to complete ICWA notice.

In addition to these specific resources, project staff is available to give training and technical assistance to local courts and county personnel on a wide variety of ICWA issues. The project has a supervising attorney, a full-time staff attorney, a part-time social worker, who is a former Children Protective Services worker, and an administrative assistant. They can be reached at:

- Jennifer Walter, Supervising Attorney, jennifer.walter@jud.ca.gov or (415) 865-7687

All County Information Notice No. I-06-09
Page Four

- Ann Gilmour, Attorney, ann.gilmour@jud.ca.gov or (415) 865-4207
- Vida Castaneda, Court Services Analyst, vida.castaneda@jud.ca.gov or (415) 865-7874
- Kristi Bergen, Administrative Coordinator, kristi.bergen@jud.ca.gov or (415) 865-8836

Should you have any questions regarding this ACIN, please feel free to contact Teresa Contreras, Chief, Office of Child Abuse Prevention at (916) 651-6960.

Sincerely,

Original Document Signed By:

LINNÉ STOUT, Acting Branch Chief
Child Protection and Family Support Branch