

**Children's Administration Indian Policy Advisory Subcommittee  
Child Abuse Prevention and Treatment Act (CAPTA)  
Citizen Review Panel  
CAPTA Report for CY 2008**

**Purpose**

The purpose of the Citizen Review Panel (CRP) is to evaluate the extent to which the State is fulfilling its child protection responsibilities in accordance with its Child Abuse Prevention and Treatment Act (CAPTA) State plan. Children's Administration Indian Policy Advisory Committee (CA IPAC) is serving as a CRP; CY 2008 was the first year IPAC has done so. Established in 1977, IPAC was created to assist the collective needs of the Tribal governments and other American Indian organizations to assure quality and comprehensive service delivery from the Department of Social and Health Services (DSHS) to all American Indians and Alaska Natives in Washington State. The IPAC is comprised of representatives from the 29 federally recognized tribes in Washington and from five Recognized American Indian Organizations. Each DSHS division has an IPAC subcommittee including CA. The CA Subcommittee meets monthly in either a State office or at a tribal location.

**Acknowledgements**

CA would like to thank the IPAC CRP co-chairs Liz Mueller, Vice Chair of the Jamestown S'Klallam Tribe and Jim Sherrill, Social Services Director of the Cowlitz Tribe for their wisdom and leadership. CA would also like to thank Colette McCully, CA CPS Program Manager for inviting IPAC to become a CRP and for providing comprehensive information to support IPAC in its work.

**Area of Focus Selected**

During the 2008 reporting period, the IPAC CRP chose to focus on disproportionality of Indian children within the child welfare system and compliance with the Indian Child Welfare Act. The IPAC CRP has been able to utilize two existing programs that are in place in Washington State as the foundation for this work.

The first is Substitute House Bill 1472. In 2007 the Washington State legislature passed, and Governor Gregoire signed, SHB 1472. This Bill gave DSHS the responsibility of convening an advisory committee to analyze and make recommendations on the disproportionate representation of children of color in the Washington State child welfare system. It was found that Indian children are represented at the highest disproportionate rates throughout all points in the system.

The second is an Indian Child Welfare (ICW) Case Review that was conducted in 2007. Case reviews are conducted for all cases in DSHS on an ongoing basis. Tribes, DSHS staff and community partners voiced concern that Indian children and families are

involved in the child welfare system at disproportionate rates. Concern was also voiced that ICW laws and policies were not consistently being adhered to. As a result, an ICW Case Review tool was developed and administered throughout the six DSHS Regions in Washington. It was found that there exists a lack of consistent compliance with the Federal Indian Child Welfare Act and State policies related to ICW.

IPAC was involved in all phases of the above initiatives including advocacy prior to start, development, and implementation. IPAC also has served as a vehicle to disseminate information to tribes, Indian Organizations and other community partners and to solicit comments and suggestions on a regular basis.

The specific tasks the CA IPAC CRP worked on in CY 2008 to impact disproportionality and ICW compliance include:

#### Development of Washington State Indian Child Welfare Act (WSICWA)

In CY 2008 a draft Washington State Indian Child Act was developed, and distributed to tribes, CA staff and community stakeholders. The CA IPAC CRP has agreed to facilitate a formal consultation process to ensure community stakeholders, CA staff and all Washington State tribes, have the opportunity to provide input into the final draft that will be submitted to the Washington State Legislators. The development of the WSICWA will continue to be a goal for the CA IPAC CRP in 2009. The goal for the upcoming year is to have it ready for submission for the 2010 Legislative session.

#### Development of Template for Tribal-State Agreements

The CA IPAC CRP developed a template for agreements between Washington State tribes and the CA to improve ICW compliance by State and private Child Placing Agencies and support collaboration to ensure best practice and outcomes for Indian children and families. The template was created in a formal consultation process with tribal leaders. Tribes are in the process of updating their Agreements with the State. One Tribe has theirs fully completed. The Tribal-State Agreements will be posted on line so they will be active working documents accessible by all CA staff.

#### Development of Brochure for the Local Indian Child Welfare Committee (LICWAC)

Washington Administrative Code stipulates that ICW cases be staffed with LICWAC at the request of the child's tribe or if the tribe is not involved. LICWAC is a staffing committee comprised of tribal and Indian community volunteer's who provide cultural expertise as part of an overall staffing process. There are LICWAC's throughout Washington State. The staffings help to ensure that case plans meet the needs of Indian children including safety, well being, permanency and tribal connections in a culturally appropriate manner. Quite often these staffings cannot occur due to a lack of LICWAC volunteer's. Also families may not be aware of this resource which can be a supportive resource for them. The IPAC CRP developed a brochure to assist in the recruitment of LICWAC volunteer's and to inform families and tribes of this venue.

#### Early Identification of Indian Children and Tribal Engagement

Findings of the CA ICW Case Review and the Disproportionality Committee commissioned by the Legislature showed that CA needed improvement in compliance with the ICWA. The CA IPAC CRP worked on the following tasks to increase ICWA compliance

- Developed mechanisms to support early identification of Indian children. The inquiry letter that is sent to tribes and the BIA and the Family Ancestry Chart has been updated. The CA data system will now automatically populate these letters with client information to make the form more user friendly for CA staff. The new CA data system will also track the dates that the Inquiry letters are sent to tribes and BIA.
- Ensure that tribes receive notice of placement of a child within one working day of emergent placement or one working day of knowledge of tribal affiliation. If placement is not of an emergent nature tribes will be notified prior to placement. Tribes and CA collaborated to develop this goal into policy; this policy was distributed to all CA staff.
- Ensure Washington State tribes receive Intake reports, on all referrals including those not opened by CA for services (for children from the given tribe). An Intake cover letter to tribes has been created that will be used by CA staff. CA staff will be reminded on an ongoing basis of this expectation. The Local Agreements will contain the contact information to ensure the proper department at the given tribe receives the Intakes.
- A workgroup comprised of tribal and CA staff revised and/or developed ICW forms to support ICW compliance and best outcomes for Indian children. This work will continue through 2009 as well.

#### ICW Training for LICWAC's and CASA's

Provided training for members of the Local Indian Child Welfare Committees' (LICWAC) and Court Appointed Special Advocates (CASAs'). Training was developed and delivered collaboratively by Tribes and DSHS staff.

#### ICW Training for DSHS staff and Community Partners

A grid has been developed by the CA Training Unit to track all ICW trainings delivered by CA. Areas of need will be assessed by CA and IPAC and plans will be developed to fill training gaps.

#### ICW Training for Family Team Decision Meetings Facilitators

ICW training for FTDM facilitators was developed and delivered by CRP IPAC Co-Chair Liz Mueller and lead CA ICW Program Manager Nancy Dufraine on the ICWA and how to best partner with tribes at FTDM's to ensure child safety and ICWA compliance.

The IPAC CRP examined relevant documents and research, received information from tribes, staff and stakeholders, and used group discussion as its primary methods for development of plans. The CRP met 10 times during 2008.

### **Recommendations from CA IPAC CRP to CA for CY 2009**

- Continue to work on the development of the Washington State Indian Child Welfare Act.
- Conduct the second ICW Case Review in September, 2009; ensure that the Case Review outcomes are communicated to all CA staff and that recommendations for the case review are clarified and that progress is reported out on a regular basis by RA's.
- Develop mechanism to allow for tribal access to the CA, DSHS data system.
- RA's will work with Tribes in their area to complete Local Tribal/State Agreements.
- RA's will set up ICW and Quality Assurance training with Local LICWAC's and CPS and CWS workers.
- Distribute copies of the most recent federal listing of designated tribal agents for ICWA notices. It is titled 'Federal Register, Tuesday, April 28, 2009, Part IV, Department of the Interior, Bureau of Indian Affairs, Indian Child Welfare Act; Receipt of Designated Tribal Agents for Service of Notice.