

**PART II:  
APSR Report for FY 2005**

**(6) Indian Child Welfare**

**Children's Administration  
Department of Social and Health Services**

## **Annual Progress and Services Report FY 2005 Indian Child Welfare**

### **Tribal/State Consultation Process**

The Centennial Accord and DSHS Administrative Policy 7.01 define the framework for consultation between Tribes, recognized Indian Organizations, and the State of Washington.

The Centennial Accord was executed between the federally recognized Indian Tribes in Washington State and the State of Washington on August 4, 1989. The purpose of the Accord is to improve the services delivered to people by the parties, and establish goals for improved services and identify obstacles to the achievement of the goals while respecting the sovereign status of both parties and operating in a manner that respects the unique "government to government" relationship that States have with Tribes. At an annual meeting with the Governor, the Tribes and State agencies report on progress made to achieve the identified goals.

The DSHS Administrative Policy 7.01 establishes the policy and framework that each Division within DSHS must adhere to in the provision of services to Indian children and families. The authority for the policy flows from the Centennial Accord, and addresses a consultation process that includes federally recognized Indian Tribes in Washington State, Recognized American Indian Organizations, and individual American Indians and Alaskan Natives in the planning of DSHS programs to assure quality and comprehensive service delivery to all American Indians and Alaskan Natives in Washington State. Regional 7.01 plans are developed between the Tribes and Recognized Indian Organizations in each of the 6 regions of Children's Administration. The plans are reviewed by all parties on a quarterly basis to ensure progress on identified issues is monitored, and any new plans to improve services are documented. Once a year the plans are submitted to the Assistant Secretary with Children's Administration for review prior to submission to the Office of Indian Policy and Support Services who is responsible for training and appropriate implementation of the 7.01 policy. The plans are then reviewed jointly by Indian Policy and the Secretary's Indian Policy Advisory Committee which is comprised of representatives from Washington Tribes and Recognized Indian Organizations. In addition, the Secretary's Indian Policy Advisory Committee (IPAC) provides on-going consultation to headquarters through the CA IPAC sub-committee which meets with Children's Administration on a monthly basis to address issues of concern to all parties or consult on the development of plans such as the General Accounting Office (GAO) report, and the State Child and Family Comprehensive Plan (CFSR).

In addition, during the development of the Program Improvement Plan, the State of Washington sponsored two tribal forums. One was held east of the mountains and the other west of the mountains. The National Indian Child Welfare Association and a representative of the Child Welfare League of America facilitated the forums. The purpose of the forums was to focus specifically on Tribal Indian Child Welfare concerns. Tribal representatives and representatives of Recognized Indian Organizations also participated on the numerous workgroups that was part of the Program Improvement Plan (PIP) process. Many concerns and issues were identified that were included in the PIP which also became part of the overall State "Kids Come First II" plan. Regular updates of progress on the Kids Come First II plan are given at the monthly CA IPAC sub-committee meetings with headquarters. All Tribes and Recognized Indian Organizations are invited to participate in the monthly meetings. The Kids Come First II Comprehensive Plan was also sent out to Tribes and Indian Organizations requesting feedback and encouraging representatives to participate on workgroups.

Implementation of the Tribal/State Accord, Administrative Policy 7.01, and regular meetings between CA headquarters and the CA IPAC sub-committee will lead to greater awareness of critical issues impacting services to Indian children and families throughout the State. It will also create greater opportunities to partner with Tribal representatives to problem-solve and coordinate much needed services for Indian children and families. This process will continue to be in place as the State continues to implement the 5 year plan, the PIP, APSR, and Kids Come First II through regular updates to the identified parties with regular meetings to engage in strategies which will address the issues in an on-going manner.

### **Methods Implemented by the State to Comply with ICWA**

- The State provides on-going mandatory ICWA training to staff and interested Tribal representatives. The ICWA training is currently under revision to ensure it captures changes reflected in the revised Indian Child Welfare Manual. The National Indian Child Welfare Association is currently working on the revisions and will be piloting training with State and Tribal representatives before the final curriculum is approved and made available to the field.
- ICW specialists have been identified in each region to answer questions or concerns staff may have in the implementation of ICW practice or policy related issues. This should assist in achieving consistency in ICW practice statewide.
- CA currently has a code in the Case and Management Information System (CAMIS) that is associated with each Tribe, Band, or Alaskan Native Corporation in the United States and Canada. This code allows the State to identify Indian children within the system for the purpose of notifying the appropriate tribe of their right to intervene in the proceeding, or take jurisdiction as well as request information regarding the child's membership status and possible relatives who may be available as a placement resource.
- The State developed a web site to post resources, and a directory of Tribes and bands for the purpose of keeping staff up to date with tribal addresses for inquiries of a child's membership status and notice of proceedings. The site also has a number of resources that staff can use to consult in the development of culturally competent case plans for children being served by the Administration.
- The ICW web page includes the ICW Manual which is the tool staff uses to implement ICW appropriately. The manual includes provisions of the federal ICW law, the Tribal/State Agreement, as well as local policy and statutes relevant to ICW implementation.
- The ICW web site includes current local Tribal/State Agreements that have been negotiated and is operational in the region. The Agreements include information that assists the worker to appropriately handle the case in accordance with arrangements negotiated between the Tribe and the State.
- CA issued a memo to staff reminding them to utilize the ICW Compliance Checklist when an Indian case is identified to ensure consistency of ICWA practice and implementation of ICWA mandates.
- The Assistant Secretary issued a letter to Tribes and Recognized Indian Organizations requesting that a representative be identified who can consult with Children's Administration on ICWA issues, the federal plan, etc. The purpose was to ensure that the State is communicating with representatives who have the authority to officially represent the position of the Tribe or Organization. The list of representatives was

incorporated into the Children's Administration mailing list, and is utilized by all divisions throughout the Administration.

- The CA IPAC sub-committee is in the process of reviewing the Kids Come First II plan in its entirety for the purpose of analyzing the impact of possible practice or policy changes on ICWA. The goal is to ensure ICWA practice is not compromised, but strengthened throughout the implementation of the Kids Come First II Initiative.
- The State currently reviews cases on a regular basis through a "peer review model." The peer review model includes questions about documented efforts to determine the child's Indian status, documentation to demonstrate an inquiry to the tribe was made, and documentation to determine the child's Tribe was notified and involved in planning for the child at the earliest opportunity after determining the child's Indian status. While the reviews assist the State in determining ICWA compliance in these three areas, the review does not include information that would assist the state to evaluate compliance with ICWA on a broader level, as well as practice issues that have implications on the state's ability to adequately implement and monitor ICWA.
- The State and the Port Gamble 'Skallam Tribe signed the first agreement in Washington State to recognize Tribal licensing standards for foster care homes. Supporting the Tribes right to license foster homes should lead to additional foster home resources being developed for Tribal children. While there continue to be barriers to fully recognizing Tribal licensing standards, the State of Washington is committed to continued work in this area to support the right of additional Tribes wanting to exercise this authority, and currently has contracted with the National Indian Child Welfare Association to further study the issue jointly between the State Division of Field Operations Licensed Resources and the Tribes.

#### **IV-B Tribes Permanency Protections**

As federally required, CA is also committed to discussions throughout 2005-2009 with IV-B Tribes on permanency protections. To that end, CA and Region X ACF staff met with the CA IPAC sub-committee in January of 2005 to discuss the provisions of the protection requirements. As a result, a letter was sent to all the IV-B Tribes in Washington from the Assistant Secretary offering any assistance from the State to ensure protections are available to children in State and/or Tribal custody. The letter was the first step in entering into dialogue with the IV-B Tribes about the permanency protections. This effort was followed up with telephone calls initiated by CA to all IV-B Tribes. No requests have yet been received for assistance.

#### **IV-E Tribal/State Funding Agreements**

Tribes are able to access federal Title IV-E funds that reimburse Tribes for a portion of Tribes' administrative and training costs; however, the Tribes can only obtain the reimbursement through a partnership with the State since the State is the Title IV-E agency. Currently, Washington State has three Tribal/State IV-E agreements. The three Tribal/State agreements are with the Lummi, Makah, and Quinault Tribes. These three Tribes state that Tribal/State IV-E agreements have aided Tribes in recovering some of their administrative and training cost associated with operating a Tribe's child welfare program. A fourth Tribe, the Port Gamble S'Kallam, is negotiating with the state to sign a Tribal/State IV-E agreement. Also, three other Tribes and a consortium of five Tribes are discussing whether to pursue Tribal/State IV-E agreements with the state.