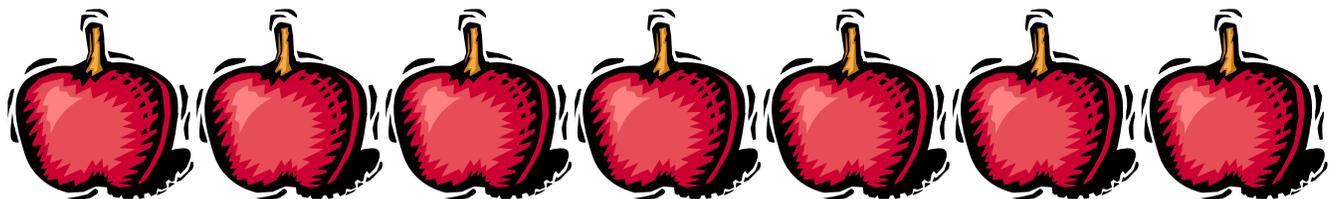


**Section B:
APSR Report for FY 2006**

(6) Tribal Consultation

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



Annual Progress and Services Report FY 2006 Tribal Consultation

Washington State's primary Indian Child Welfare goals have been to recognize a Government to Government relationship between the State and Indian Tribes/Nations through the maintenance and support of the:

- Indian Child Welfare Act
- Washington State Centennial Accord
- Washington State Basic Tribal State Agreement
- Washington State Localized Tribal State Agreements
- DSHS Administrative Policy 7.01

In addition to Federally Recognized Tribes/Nations, CA also recognizes through policy landless tribes, American Indian Organizations, and American Indian participants.

DSHS staff support for these goals is provided through Indian Policy and Support Services (IPSS) staff and their director who serve all the administrations of DSHS in each of the 6 regions. The IPSS promotes communications between DSHS programs and all Indian people while recognizing the unique government to government relationships. The Director of IPSS is on the DSHS Management Team and is able to bring up any issues that arise in Indian Country with the Secretary's Leadership Team.

Children's Administration (CA) has an Indian Child Welfare (ICW) Manager located at Headquarters and an Associate located in the field. The manager position was vacant for seven months during 2005 and was filled in February 2006. During this position vacancy, the ICW Associate assumed the responsibilities of the Managerial position. The ICW Associate's major responsibilities are contract management and case review for ICW matters throughout the state. The ICW Manager is part of the Assistant Secretary's Management Team and is able to convey ICW issues that arise from the Tribes/Nations or Regional CA staff. CA also has ICW liaisons located through the six identified CA's regions and several ICW units located in the larger urban offices of the State.

The ICW Manager assists in assuring communication, consultations, and relationships between CA and the Tribes/Nation are honored.

CA ICW Manager also works closely with the Indian Policy Advisory Committee (IPAC) Children's sub-committee with on-going issues and policies that affect ICW. IPAC membership is comprised of delegates appointed by resolution from the 29 Federally Recognized Tribes, Non-Federally Recognized Tribes, and letters of appointment from the Recognized Indian Organizations Board of Directors. IPAC meets on a quarterly basis and also appoints representatives to CA workgroups, advisory committees, and ad hoc committees for the purposes of tribal representation and input in CA.

Additionally, quarterly ICW meetings are held in each of the six DSHS regions to address the 7.01 Policy. The 7.01 Policy is a DSHS policy that outlines the implementation of the government to government relationship as directed in the Washington State Centennial Accord. The outcomes of these meetings are regional plans and the development of matrixes to measure and track local accomplishments and identify barriers. IPAC also utilizes these regional plans to develop and address the two highest priorities identified on an administration wide basis.

Because of a vacancy in the ICW Manager position in 2005, a formal consultation was not held between the Tribes/Nations and CA. However, numerous meetings and committee meetings did occur that addressed ICW issues. A summary of these meetings are listed. This listing may not include all of the local and regional meetings that were also held.

- Quarterly IPAC meetings with CA Administration and Tribal Delegates
- Quarterly IPAC Children's sub committee meetings (delegated authority)
- Regional quarterly 7.01 policy ICW meetings (program implementation staff)
- Monthly ICW Summit meetings with CA and Tribal representatives to design, plan, and implement an ICW Summit to be held in the first quarter of 2006
- Monthly meetings comprised of staff representing CA, Tribal/Nations, and State Legislative committee members to draft and support State Legislation allowing Tribes/Nations to license Foster homes on or near reservations
- Monthly work group meetings addressing the ICW Manual revisions, updating policies on active efforts, Tribal/Nations notification processes, 24 hour response time and it's ICW implications, identification of Indian Children, Local Indian Child Welfare Advisory Committee (LICWAC) roles, responsibilities, and training needs, outreach and training needs for Court Appointed Special Advocates (CASA's), and Guardian Ad Litem (GAL's) as it relates to ICW.

In addition to the quarterly IPAC meetings, which serve as on-going consultations through Tribal delegated authority, the Assistant Secretary meets bi-annually with the IPAC delegates to hear Tribal concerns and issues relating to policy and practice and the impacts on Tribal children and families. In June 2006 an unprecedented meeting with the Secretary of DSHS, the Assistant Secretary of Children's, and the Tribal Leaders Association Caucus was held to discuss the state of ICW and the disproportionate representation of Indian children in the State system. This meeting lead to an understanding and reaffirmation that the issues facing Indian children and families must engage all governments to be successful in developing a positive impact for systemic change as it relates to ICW. Additional meetings will be held with the Tribal Leaders Association and the Assistant Secretary to continue improving relationships through communication, education, and problem solving on a government to government basis. It is the expectation that these meetings will form the basis for a formal consultation to be held in 2007.

As federally required, CA is also committed to discussions with IV-B Tribes on permanency protections. The Assistant Secretary continues to offer any assistance from the State to ensure protections are available to children in State and/or Tribal custody.

In addition to the general annual activities noted above, the specific actions below were taken by the State in the past year to improve or maintain compliance with each of the five major requirements of the Indian Child Welfare Act:

Identification of Indian Children by the State Child Welfare Services Agency

Efforts have been on-going between IPAC Children's sub committee and CA in updating and revising the ICW State Manual for caseworkers. Included in these efforts has been work to strengthen identification of Indian Children to ensure that all tribal affiliations are noted.

Notification of Indian Parents and Tribes of State Proceedings Involving Indian Children and Their Right to Intervene

As part of the ICW Manual revision work, notification is also of prime interest. CA is in the process of a systems review and intensive redesign of operational protocol and procedures. A twenty-four hour response to child referrals policy is being established and implemented. This resulted in a review of CA notification to parents and Tribes. Minor adjustments to the notification policy to include registered mail, return receipt requested for all notification to Tribes including Canadian Bands will be implemented.

Special Placement Preferences for Placement of Indian Children

CA continues to work with Tribes and Recognized Indian Organizations to identify appropriate family placements and, in the absence of such, Indian Foster homes to serve the needs of Indian dependent children either in State or Tribal jurisdiction. Additionally, joint efforts from CA and Tribes working together, has resulted in Legislation to address Tribes ability to license Tribal

Foster homes on or near reservations. This will result in more appropriate placement opportunities for Indian children to be placed in homes that will preserve and maintain their cultural identity when family placement is not an option.

Active Efforts to Prevent the Breakup of the Indian Family

An Active Efforts Work Group was established to address these efforts. However, when the ICW Manager's position became vacant progress stalled. Efforts are underway to revitalize this work topic and develop a plan that will incorporate active efforts for ICW cases in the broad arena of systems change.

Use of Tribal Courts in Child Welfare Matters, Tribal Right to Intervene in State Proceedings, or Transfer Proceedings to the Jurisdiction of the Tribe

The CA ICW Manual has an extensive section related to Tribal notification and the subsequent rights of Tribal governments to intervene in matters that involve an enrolled, enrollable, or descendent of (Washington State ICW policy) Indian child. Identification of issues relating to the consistent implementation of these policies when there is involvement of CASA's and/or GAL's due to their lack of knowledge of the ICWA are being explored. Discussion of cross training, ICW summit sessions, local outreach to these entities or include them in local case staffings and other solutions are currently being explored.

Laws, policies and trainings implemented to increase compliance with ICWA have been mentioned in the above narrative.

Identification as to who is responsible for providing for the protections for Tribal children delineated at Section 422(b)(10) of the Act, whether they are in State or Tribal custody;

(B) is operating, to the satisfaction of the Secretary--

(i) a statewide information system from which can be readily determined the status, demographic characteristics, location, and goals for the placement of every child who is (or, within the immediately preceding 12 months, has been) in foster care;

(ii) a case review system (as defined in section 475(5) for each child receiving foster care under the supervision of the State;

(iii) a service program designed to help children

(I) where appropriate, return to families from which they have been removed

(II) be placed for adoption, with a legal guardian, or, if adoption or legal guardianship is determined not to be appropriate for a child, in some other planned, permanent living arrangement

(iv) a preplacement preventive services program designed to help children at risk of foster care placement remain with their families

CA information system, CAMIS, is seriously antiquated. Resources have been received from the Legislature recognizing this and the need to have a system that accurately and effectively meets the Administrations needs. Included in the new State Child Welfare Information System (SACWIS), will be enhanced abilities to input Tribal fields that will enable identification and tracking of Indian children at a more efficient rate than is currently being achieved. Work on collaboration and development with Tribes/Nations and CA will take place in 2006.

Case reviews, ancestry charts, search requirements, placement preferences and documentation are identified through the ICW Manual. Efforts are being made to ensure consistent application of these policies and practices are being uniformly applied throughout the state. An ICW case review is being

planned to assist CA in assessing the implementation of these policies. The results of this review will be available in the next reporting period.

Tribal concerns with CA largely fall into three realms: Communication, policy, and funding. Specific services to and identification of Indian children are additional areas of focus, including the recruitment and licensing of Indian foster homes. CA has committed to the following steps to address these concerns:

- Implementing the formal protocol on on-going consultation with IPAC, Tribes and Indian Organizations
- Drafting with Tribes a list of potential licensing options that would allow Tribes to license their own homes and continue to get payment for care of children in tribal homes
- Developing a formal review process for ICW cases, outside of the current ICW case review questions Continued targeted recruitment of Indian foster homes
- Joint collaboration to develop the CA biennium budget to assist in meeting the needs and responsibilities of ICW

In conclusion, efforts to recognize government to government relations between DSHS Children's Administration and the Tribes/Nations to protect Indian children continue to be a high priority of both governments. Continued efforts to solidify and strengthen services to these and all children will be done with respect and integrity for the betterment of all.