

Indian Policy Advisory Committee  
January 8, 2009

Present: see sign in sheet

After Liz Mueller, IPAC Chair, welcomed the Delegates, DSHS staff and guests, Jim Sijohn, Member at Large, conducted the invocation.

Children's Administration (CA)

Randy Hart, Interim Assistant Secretary

Liz introduced Randy as the new Interim Assistant Secretary for Children's Administration (CA). Randy discussed the transition, explaining that DSHS would conduct interviews for a permanent Assistant Secretary. He said the Governor's budget was fairly kind to CA, with few cuts.

Nancy said the two decision packages put forth related to tribal issues were not included in the Governor's budget.

Related to disproportionality, Liz asked Randy for a list of the contractors who serve Indian children. In the past, the ICW Director was directly connected to the Assistant Secretary; Liz asked Randy to return to that model, allowing for direct communication between the ICW Director and the Assistant Secretary.

The disproportionality remediation implementation plan was submitted to Secretary Arnold-Williams by December 10. One of its requirements is compliance with ICWA and Washington ICWA.

Liz introduced Tom Tremain from Northwest Justice Project. In 2004, Tom worked to draft the Washington state ICWA, which was modeled after the one used in Iowa. Tom described the process, which included submitting the draft to Representative Pettigrew, who had worked to help clarify some issues surrounding enforcement of ICWA on non parental custody issues, adoption and dependency statutes. The draft was never ready to submit to the legislature, and in the intervening years fifteen other states have enacted their own version of the statute.

Tom described the intent of the 26 page draft, which he hoped to have ready for the upcoming legislative session. In last minute edits Tom tried to ensure the bill would be relatively budget neutral.

If enacted, this law would return exclusive jurisdiction to all Washington State tribes, and any tribe wanting concurrent jurisdiction would have to pass a resolution stating that. It is broad enough to include Federally Recognized Tribes in the US, Canada First Nations, and Matis.

ICWA provides equal protection based on a unique political status, not race or any other means. Of great importance is the implementation of sanctions against people or organizations that try to conceal that a child is an Indian child.

There is a definition of Indian Organizations on Page 3, subparagraph 10, which has been questioned and will be eliminated.

Gwen Gua asked if this would be enacted this legislative session; Liz responded the tribes had not yet been notified about consultation, so it would probably not happen that soon. Tribes will have a chance to work on it. Liz asked to have active efforts and reasonable efforts defined and included. There is an expanded section that describes and distinguishes between active and reasonable efforts at the end of section 5, subsection 19.

Feel free to contact Tom at 888-201-1019 ext. 225 or [tomt@NWJustice.org](mailto:tomt@NWJustice.org).

Doug North asked that private placing agencies be included in sanctions for not notifying tribes of the placement of one of their children, and that if a tribe chooses concurrent jurisdiction it is not cut out of case planning. Tom replied that the effort was to ensure that the sanctions would be applied to everybody with a responsibility to disclose to court. He will recheck to make sure the language is clear.

Jennifer is concerned about the state law requiring adoptive birth certificates to be changed to eliminate the birth parents' names. Washington requires that first, parental rights are terminated, and then the adoption decree is entered. Under federal ICWA, that is the point at which the parents' right to withdraw ends. This bill would change that to extend the right to withdraw consent up to the point the adoption decree is entered. It also includes agreements enforceable in court that the child will maintain contact with the tribe and community.

IPAC will present this bill and will ask the Tribes for consultation to allow the Tribal leadership time to review and respond to the draft. Liz asked the delegates to urge their tribal council person to attend the consultation with their attorneys and other key staff. Jim Sijohn agreed with Liz that even though there are timelines, the committee needs to urge the Tribal Leaders to carefully consider this bill.

Liz returned the floor to Randy Hart, who discussed the budget and provided handouts.

#### Farewell to Robin Arnold-Williams

Liz introduced Robin Arnold-Williams, who has accepted a position as the Governor's Policy Director. She commented on the good working relationship over the past four years and presented a beautiful carved hummingbird to Robin. Gwen discussed her happiness about the diversity and honesty Robin brought with her to the Department, and then she, Liz and Jennifer LaPointe presented Robin with a Pendleton blanket. Various Delegates conveyed their feelings and thanks to Robin and wished her well.

Robin assured the group that DSHS and the Governor were working to help Tribal members affected by the recent snow and flooding. She then thanked the Delegates for their work, saying it had been a highlight working with the Tribes, IPAC and IPSS. She shared her sense of accomplishment, saying she plans to continue the positive relationship in her new position. She asked the group to feel free to call her, providing her contact information (her office number is 360-902-0640, and her email address is [Robin.Arnold-Williams@gov.wa.gov](mailto:Robin.Arnold-Williams@gov.wa.gov)).

#### Health and Recovery Services Administration (HRSA)

Doug Porter, Assistant Secretary

Doug and Deb Sosa presented information related to the HRSA budget and activities. Program eliminations include GAU and ADATSA, and funding will be cut for child care in the First Steps Program. Eligibility for children at will remain at 250% of the federal poverty level. Media and outreach efforts are terminated. Family Planning nurses are eliminated effective January 30. Pharmacy spending will be streamlined, with a twenty percent increase in generic medication utilization (raised to 70%). State only payments have been cut for RSN and Medicaid per capita, DASA state only payments, and low income programs for treatment. Drug court is eliminated, and Government to Government DASA contracts are reduced by twenty percent. HRSA has not seen this much reduction in 20-30 years. There is concern that the March forecast will show the need for more cuts.

Amended contracts will be mailed to Tribes as soon as they are ready.

John Stephens asked about potential cuts in the SCHIP program. HRSA is monitoring the situation in Washington DC, watching work on a stimulus package that would reduce the need for cuts locally. Doug expects SCHIP to be on President-Elect Obama's desk shortly after his inauguration, which would maintain the current eligibility level for children.

HRSA will present the budget at the meeting with Tribal Leaders on January 16, and on January 30 there will be a tribal roundtable about mental health billing rules and issues. Related to Provider One, HRSA is in negotiations with the vendor, and will identify a new "go live" date, which may not happen until late summer. CMS has extended the current Medicaid Administrative Match until June 30. The HRSA budget will be mailed to the Tribes Friday.

April is the target month for the Mental Health Transformation Grant Conference.

Jennifer asked about the ability to automatically transfer data from the Puyallup Tribe's system into TARGET via a mid tier system, saying two providers are already allowed to do it. Doug will find out how to support that and will stay in touch with Jennifer.

## Juvenile Rehabilitation Administration

John Clayton, Assistant Secretary

John discussed the budget climate for JRA, saying the number of juveniles in the justice system is down substantially. JRA is funded based on the number of youth in the system. As a result, the administration needs to close Naselle Youth Camp, which will impact 125 employees. JRA will try to find them employment elsewhere in the system, but most employees will probably not want to move. Naselle is one of the major employers in Pacific County, so the closure will have far reaching effects.

Another issue is that the minority contract grants had to be rescinded. JRA will work to obtain grants to continue many of its services, and the budget remains intact compared to some of the other administrations. The closure will not impact capacity to accept new youth into the system.

## Aging and Disability Services Administration

Jim Sijohn and Garnet Charles

Garnet reported that ADSA's budget cuts will reduce Adult Day Health services, and they are reducing nursing home rates five percent across the board. The Division of Developmental Disabilities will close Yakima Valley School, as well as the swimming pools at Fircrest and Rainier. They will also stop providing dental services for clients living in the community, and will delay training for providers.

The COPES Waiver renewal is moving forward after soliciting and receiving input from the Tribes. One element is added health care services for workers with disabilities, and another is to allow people who are working to remain on COPES and enroll in a waiver.

The Tribes met twice last year with the AAA's. They have decided to meet twice annually, in March and September. A planning committee is working to set a date and plan the agenda. Bill will ask the Tribes for issues to address at these meetings. At the last meeting there were eleven AAAs and eleven tribes. Someone suggested inviting the Home and Community Services Regional Administrators.

Garnet discussed the items on the matrix.

Ed asked for the practical outcome of getting Home Health Care for the tribal clinic. Deb said HRSA handles the transition from the hospital, which is a small piece of the Home Healthcare, and that Port Gamble S'Klallam Tribe is working on it.

Garnet provided the final report from the NICOA conference, reporting it was a success. One concern was that throughout the conference the group had caucused about bylaws, and then at the last meeting the NICOA staff didn't take action, saying there wasn't a quorum. This was disappointing after of all the work delegates had done.

Jim commended Garnet for chairing the ADSA committee while he less available, saying she did a good job.

#### Economic Services Administration

Jennifer LaPointe and Rosi Francis

Jennifer reported on the ESA Meeting December 1, saying she was impressed at the attendance and participation. She reported there had been changes related to TANF in August for children temporarily out of the home. They can be absent six months instead of three before ESA closes the parents' TANF case. This will be discussed at the ESA/DVR and CA subcommittee meetings.

Related to the treatment of tribal income for eligibility, the workgroup met to discuss the income issue December 5. ADSA, HRSA and ESA were there and put the current regulations on the table. The next meeting is scheduled in February. The distinction between per capita and other incomes is confusing in the worker's manual, so the definitions should help.

The committee working on the Tribal TANF WAC reviewed the draft for use of MOE and reporting requirements. Tribal representatives and attorneys attended and will meet again March 2.

The Division of Child Support's proposed legislation was recently emailed; delegates can let Jennifer know if they want to work on it.

Those present introduced themselves and the group broke for lunch.

#### Budget

Stan Marshburn, Interim Secretary

Stan thanked IPAC for having him here, saying he anticipates continuing the strong relationship between DSHS and IPAC. In October, Stan started to prepare us for the bad fiscal news, which he was now able to explain. The Governor's budget has been released, and Stan provided an update on the major programs concerning IPAC and the Tribes.

Congress is considering a stimulus packet that includes an enhanced Medicaid match for the next few years, which should reduce the state's need to provide that funding.

Each Administration agreed to provide IPAC with copies of their budgets, which will be forwarded to the Delegates.

Liz thanked each person for making the effort to come to the meeting and concluded the meeting at 1:30.