

# **Indian Child Welfare Case Review**

## **Washington State Tribes And The Department of Social and Health Services The Children's Administration**



### **Region 2**

### **2009 Report**

#### **Children's Administration is committed to:**

- § Preserving the cultural heritage of Indian children by ensuring that staff identify Tribal children and connect these children to their Tribes through early Tribal notification.
- § Recognizing Tribal rights and cooperating with the Tribe's efforts toward enhanced self-determination relative to child welfare matters.
- § Establishing policies and procedures that protect Indian children from unnecessary removal from their families and Tribal communities.

## I. Inquiry of Indian Status: Statewide and Regional Results 2007-2009

The Children’s Administration’s (CA) Case Review Team has tracked compliance in the inquiry of Indian status on a large sample of cases regardless of identified race or ethnicity. The results below indicate the progress made during the last three years to ask both the mother and the father of possible Indian status on all cases served by CA. The number in parenthesis is the total number of cases that were applicable.

<b>Were efforts were made to discover the child’s American Indian/Alaska Native/Canadian Indian status by asking the mother and father about Indian status?</b>							
<b>Year</b>	<b>Statewide Results</b>	<b>Regional Results</b>					
		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
<b>2007</b>	<b>67%</b> (777)	<b>73%</b> (130)	<b>72%</b> (116)	<b>74%</b> (144)	<b>49%</b> (124)	<b>58%</b> (91)	<b>71%</b> (142)
<b>2008</b>	<b>71%</b> (668)	<b>76%</b> (198)	<b>65%</b> (57)	<b>74%</b> (83)	<b>68%</b> (117)	<b>53%</b> (40)	<b>73%</b> (173)
<b>2009</b>	<b>73%</b> (535)	<b>90%</b> (80)	<b>80%</b> (103)	<b>73%</b> (101)	<b>61%</b> (101)	<b>49%</b> (84)	<b>86%</b> (66)

## II. Purpose of the ICW Case Review

The purpose of the ICW case review is to assess in more detail, ICW compliance and quality of practice in cases where a child may be Native American. In 2005 Washington State began a collaborative effort to develop the Indian Child Welfare (ICW) case review. This effort was led by Washington State Tribes, the Indian Policy Advisory Committee (IPAC), and Children’s Administration (CA) staff. The first statewide ICW case review occurred in the summer of 2007, and this review created state and regional practice baselines on ICW compliance and quality of practice.

In the fall of 2009, the second ICW Case Review occurred utilizing the same methodology, questions and decision rules. The second review identifies areas of statewide and regional practice improvement, as well as areas still needing improvement.

The purpose of ICW Case Review is to:

- Assist CA social work staff in understanding the Indian Child Welfare Act and the practice requirements outlined in the Washington State ICW manual.
- Improve the quality of services to Indian children and their families.
- Collaborate with Tribes and Recognized American Indian Organizations (RAIO) to evaluate and improve statewide ICW practice.
- Provide CA management, supervisors and social workers with reliable and meaningful data on current practice that will identify strengths and areas needing improvement.
- Facilitate quality improvement activities at the regional and statewide level.

### **III. ICW Case Review Model**

The ICW case review utilizes questions and decision rules drafted by a workgroup that included Tribal partners, IPAC members, regional ICW staff and the Central Case Review Team.

The ICW Case Review is comprised of 29 questions that are divided into nine sections. Six sections apply directly to ICW compliance and the last three sections focus on Safety, Well Being and Permanency. All ICW compliance questions reference the Washington State ICW Manual or the Washington Tribal/State Agreement.

This model utilizes a blended team of reviewers comprised of Tribal and RAIO child welfare representatives, CA ICW staff, and the Central Case Review Team. All reviewers have a minimum of two years experience working in ICW, demonstrate excellence in social work practice and knowledge of ICW, and are recognized for having a culturally responsive and collaborative approach. Reviewers are required to attend training on the ICW Case Review model, questions and decision rules.

To enhance consensus building and ensure inter-rater reliability, each case is reviewed by two team members. After each regional review, a team debrief is held with Tribal and CA reviewers to identify regional trends, systemic barriers to ICW practice, and provide feedback on the case review process. Ideas are shared for practice improvement.

The regional case review results are shared with CA managers and social workers at the close of the review in an exit meeting. Individual feedback sheets are developed by the reviewers on each case summarizing areas of strength and areas needing improvement. The feedback sheets are provided to the social worker, supervisor, and area administrator.

### **IV. Practice Improvement Activities**

As a result of the first ICW case review that occurred in 2007, practice improvement activities began at both the regional and statewide level. Regional and statewide reports were distributed to CA management, social work staff and Tribes. The statewide report included a number of systemic issues that were identified by the review teams. These issues included:

- Additional workload issues for ICW cases
- Need for an ICW Practice Guide
- Need for specialized ICW training
- Policy clarification within the ICW manual
- Regional differences in forms and methods of documenting ICW compliance
- Regional differences in utilizing Local Indian Child Welfare Advisory Committee (LICWAC) staffings
- FamLink enhancements to document ICW compliance

Tribes and CA regional management teams collaborated in the development of regional priorities for practice improvement. Statewide and regional improvements occurred as a result of the first ICW case review. These improvements included:

- A review of all components of ICW training occurred, including a curriculum review of the four day mandatory ICW training with the National Child Welfare Association (NICWA).
- Additional resources were allocated in some regions to add social workers, supervisors in ICW units, and staff who assist with family search and tribal notification.
- Training was delivered to LICWAC teams and CA staff to support consistent and quality LICWAC staffings.
- A workgroup was established, comprised of DSHS and tribal staff, to update CA ICW forms. The workgroup continues to meet on an ongoing basis.
- Components were developed to allow tribal access to CA's electronic information system, FamLink, as part of the Phase 2 rollout.
- A workgroup developed recommendations for FamLink enhancements to support CA compliance with ICW policies and procedures (on going).

## **V. Indian Child Welfare in Region 2**

There is one federally recognized Tribe in Region 2, the Confederated Tribes and Bands of the Yakama Nation. The Yakama Nation consists of members and descendents of 14 tribes and bands that were federally recognized under the Yakama Treaty of 1855.

The Yakama Nation has a Tribal Court and an exclusive jurisdiction agreement with CA. The Tribe also has a licensed Child Placing Agency, Nak Nu We Sha. CA provides ongoing case management services for some dependency cases in Yakama Nation Tribal Court. In other dependency cases, custody is made to Nak Nu We Sha for case management. All Child Protective Services (CPS) intakes are investigated by CA.

The Yakama Indian Agency Bureau of Indian Affairs (BIA) Social Services and Nak Nu We Sha offer a substantial number of services to Native American children and families. Many of the services are provided regardless of Tribal affiliation. The Yakama Indian Agency BIA Social Services provides financial assistance, counseling for individuals and families, and referrals for various services. Nak Nu We Sha provides drug and alcohol programs for adults and youth, three Tribal Head Start locations, a homeless shelter program, Family Preservation Services (FPS) and foster homes for Native American children. Indian Health Services operates the Yakama Nation Tribal Health Facility in Toppenish. The Yakama Nation also owns and operates the White Swan Health Clinic in White Swan, and operates a satellite Maternal Child Health (MCH) center in Wapato. The Tribe's health service delivery area covers four counties.

There are eight CA offices in Region 2. There are no specialized ICW units in the region. The Toppenish office is located on the Yakama Indian Reservation and has a majority of the ICW cases in the region.

There are three LICWACs that serve the eight offices in the region. The Toppenish LICWAC meets twice a week and is able to schedule additional staffings by appointment. The Toppenish LICWAC serves the Toppenish office and at times may serve the Yakima, Sunnyside, White Salmon, and Goldendale offices. The Yakima LICWAC meets monthly, is able to schedule additional staffings as needed, and works primarily with the Yakima and Ellensburg offices. The Richland LICWAC meets monthly or more times if needed and serves the Richland and Walla Walla offices.

## VI. Characteristics of the ICW Cases Reviewed in Region 2

### A. Programs Reviewed

The Region 2 ICW Case Review was conducted October 26, 2009 through October 29, 2009.

A random sample of 36 Children’s Administration cases was reviewed. Cases were eligible for the sample pull if the child or parent was identified as Native American in FamLink. Cases reviewed were open during one or more of the months of December 2008 through May 2009. Cases in the program areas of Child Protective Services (CPS), Family Voluntary Services (FVS), Child and Family Welfare Services (CFWS), and Family Reconciliation Services (FRS) were reviewed.

CPS Cases	FVS Cases	CFWS Cases	FRS Cases	Total # of Cases
21	7	8	0	36

### B. Offices Included in the Review

Office	Total # of Cases
Ellensburg	3
Goldendale	2
Sunnyside	2
Toppenish	11
Tri Cities - Richland	5
Walla Walla	2
Yakima	11
Total	36

### C. Tribal Affiliation of the Children Included in the Review

The child's Tribal affiliation included all Tribes identified by a parent or family member including:

- Tribes that have determined the child's Indian status;
- Tribes with whom the child's Indian status is still pending;
- Tribes identified by a parent or family member, with whom inquiry of Indian status was not completed with the Tribe.

Some children were identified as having more than one Tribal affiliation. In 19 out of 36 cases, multiple Tribes were identified.

Tribe	Total # of Children
Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation	4
Blackfoot Nation	5
Cherokee (specific Tribe not identified)	3
Cherokee Nation	1
Cheyenne (specific Tribe not identified)	1
Choctaw (specific Tribe not identified)	1
Comanche	1
Confederated Tribes and Bands of the Yakama Nation	23
Confederated Tribes of the Colville Reservation	1
Confederated Tribes of the Warm Springs Reservation	4
Cree (specific Tribe not identified)	1
Eastern Shawnee Tribe	1
Fort Belknap Indian Community (Gros Ventre and Assiniboine Tribes)	1
Jicarilla Apache Nation	1
Lummi Nation	1
Miwok Indian Tribe	1
Muckleshoot Tribe	1

Native Village of Mekoryuk	1
Nez Perce Tribe	1
Pascua Yaqui Tribe	1
Puyallup Tribe	2
Quinault Nation	1
Sioux (specific Tribe not identified)	1

#### **D. Children from Washington Tribes**

Children were identified as Indian children from Washington State Tribes, Indian children from out-of-state Tribes or children having Tribal affiliation with both Washington state and out-of-state Tribes. This was done in an effort to assess if there were practice and compliance differences when serving Washington State Indian children and children from out of state Tribes.

<b>Tribal Affiliations of Children</b>	<b>Total # of Children</b>
<b>Washington State Tribes</b>	15
<b>Out-of-State Tribes</b>	12
<b>Both Washington State and Out-of-State Tribes</b>	8
<b>Total</b>	35

There was also one case in which the parent indicated Indian status but the Tribe was unknown.

## VII. Region 2 ICW Case Review Results

### A. Comparison of State and Region 2 Averages

The following results were the averages for each of the nine sections. Results below compare the 2007 statewide averages to the 2009 statewide and regional averages. The results are the fully achieved averages in each of the nine sections. Many sections contain multiple questions. The average for each section was obtained through dividing the number of cases that were fully achieved for all questions in each section by the total number of applicable cases.

The 2007 review included cases that were in Tribal court. After consultation with the Office of the Attorney General and CA ICW program managers, it was decided that the 2009 review would exclude cases in Tribal court. Tribal court orders take precedent over ICWA and CA ICW policy. This change may have led to differences in some of the results.

Section		State Results		Region 2 Results	
		2007	2009	2007	2009
1	<b>Inquiry of Indian Status</b> <i>(Questions 1-6)</i>	57%	68%	50%	64%
2	<b>Engagement of Family and Tribes</b> <i>(Questions 7-13)</i>	55%	52%	49%	46%
3	<b>Maintaining Cultural Connections</b> <i>(Questions 14-17)</i>	55%	56%	66%	43%
4	<b>Voluntary Placement</b> <i>(Questions 18-21)</i>	54%	55%	-	-
5	<b>Dependency</b> <i>(Questions 22-23)</i>	45%	31%	75%	50%
6	<b>Tribal Placement Preference</b> <i>(Questions 24-26)</i>	74%	69%	79%	70%
7	<b>Safety</b> <i>(Question 27)</i>	69%	77%	77%	78%
8	<b>Well-Being</b> <i>(Question 28)</i>	77%	73%	73%	80%
9	<b>Permanency</b> <i>(Question 29)</i>	81%	75%	71%	67%



## B. Region 2 Results for Each Case Review Question

Some questions had partially achieved ratings, and some did not. Partial compliance was used for some questions when half or more, but not all, of the required activities occurred.

### Section 1: Inquiry of Indian Status

Question #1	Were efforts made to discover the child's American Indian/Alaska Native/Canadian Indian/Metis status by asking the father/Indian custodian and or the paternal relatives, about the child's Indian status?			
	State Results		Region 2 Results	
	2007	2009	2007	2009
Fully Achieved	58%	72%	41%	80%
Total Applicable Cases	142 cases	172 cases	27 cases	30 cases

The percentages below break out the Region 2 results by the child's Tribal affiliation:

- 0 91% fully achieved (10 out of 11 cases) for Indian children from Washington State Tribes.
- 0 90% fully achieved (9 out of 10 cases) for Indian children from out-of-state Tribes.
- 0 63% fully achieved (5 out of 8 cases) for Indian children from both Washington and out-of state Tribes.

Question #2	Were efforts made to discover the child's American Indian/Alaska Native/Canadian Indian/Metis status by asking the mother/Indian custodian and or the maternal relatives about the child's Indian status?			
	State Results		Region 2 Results	
	2007	2009	2007	2009
Fully Achieved	87%	97%	75%	94%
Total Applicable Cases	172 cases	214 cases	28 cases	35 cases

The percentages below break out the Region 2 results by the child's Tribal affiliation:

- 0 93% fully achieved (14 out of 15 cases) for Indian children from Washington State Tribes.
- 0 100% fully achieved (11 cases) for Indian children from out-of-state Tribes.
- 0 100% fully achieved (8 cases) for Indian children from both Washington and out-of state Tribes.

Question #3	If the parent(s) and/or relatives indicated American Indian/Alaska Native/Canadian Indian/Metis status, were inquiry letters sent to all Tribes or the Bureau of Indian Affairs (BIA) to determine the child's Indian status?			
	State Results		Region 2 Results	
	2007	2009	2007	2009
Fully Achieved	51%	69%	59%	60%
Partially Achieved*	21%	19%	21%	29%
Total Applicable Cases	173 cases	216 cases	29 cases	35 cases

\* Cases were rated partially achieved when inquiry letters were sent to some, but not all of the Tribes.

The percentages below break out the Region 2 results by the child's Tribal affiliation:

- 0 67% fully achieved (10 out of 15 cases) for Indian children from Washington State Tribes.
- 0 42% fully achieved (5 out of 12 cases) for Indian children from out-of-state Tribes.
- 0 75% fully achieved (6 out of 8 cases) for Indian children from both Washington and out-of state Tribes.

Question #4	If the child's Tribe(s) was known, was the Tribe(s) contacted no later than one working day following discovery of the Tribe's identity?			
	State Results		Region 2 Results	
	2007	2009	2007	2009
Fully Achieved	37%	40%	33%	15%
Total Applicable Cases	141 cases	181 cases	27 cases	27 cases

The percentages below break out the Region 2 results by the child's Tribal affiliation:

- 0 13% fully achieved (2 out of 15 cases) for Indian children from Washington State Tribes.
- 0 17% fully achieved (1 out of 6 cases) for Indian children from out-of-state Tribes.
- 0 17% fully achieved (1 out of 6 cases) for Indian children from both Washington and out-of state Tribes.

Question #5	If the Tribe(s) or BIA did not provide verification of Indian status within 30 days, was a second written request or telephone contact made with the Tribe(s) or BIA?			
	State Results		Region 2 Results	
	2007	2009	2007	2009
Fully Achieved	33%	49%	17%	29%
Partially Achieved*	21%	13%	0%	14%
Total Applicable Cases	39 cases	63 cases	6 cases	7 cases

\* Cases were rated partially achieved when a second contact to verify Indian status was made with some, but not all Tribes.

The percentages below break out the Region 2 results by the child's Tribal affiliation:

- 0 50% fully achieved (1 out of 2 cases) for Indian children from Washington State Tribes.
- 0 33% fully achieved (1 out of 3 cases) for Indian children from out-of-state Tribes.
- 0 0% fully achieved (2 cases) for Indian children from both Washington and out-of state Tribes.

Question #6	Was the case staffed at LICWAC, for determination of non-Indian status, if there was no response from the Tribe(s) or the child's Tribe was unknown?			
	State Results		Region 2 Results	
	2007	2009	2007	2009
Fully Achieved	38%	46%	33%	100%
Total Applicable Cases	29 cases	28 cases	3 cases	3 cases

The percentages below break out the Region 2 results by the child's Tribal affiliation:

- 0 No cases applied for Indian children from Washington State Tribes.
- 0 100% fully achieved (2 cases) for Indian children from out-of-state Tribes.
- 0 100% fully achieved (1 case) for Indian children from both Washington and out-of state Tribes.

## Section 2: Engagement of Family and Tribe(s)

Question #7	If the child was a member of a Washington State Tribe(s), was the Tribe(s) contacted to discuss exclusive or concurrent jurisdiction within one working day?			
	State Results		Region 2 Results	
	2007	2009	2007	2009
Fully Achieved	41%	32%	55%	5%
Partially Achieved*	11%	5%	15%	11%
Total Applicable Cases	66 cases	98 cases	20 cases	19 cases

\*Cases were rated partially achieved when the Washington State Tribe was contacted to discuss jurisdiction after one working day, but within ten days.

Question #8	Were ongoing “active efforts” made to involve the identified father(s)/Indian custodian and/or the paternal relatives in major decisions and in the development of the case plan?			
	State Results		Region 2 Results	
	2007	2009	2007	2009
Fully Achieved	46%	48%	35%	52%
Partially Achieved	24%	18%	19%	13%
Total Applicable Cases	117 cases	149 cases	26 cases	23 cases

The percentages below break out the Region 2 results by the child’s Tribal affiliation:

- Ø 50% fully achieved (5 out of 10 cases) for Indian children from Washington State Tribes.
- Ø 71% fully achieved (5 out of 7 cases) for Indian children from out-of-state Tribes.
- Ø 33% fully achieved (2 out of 6 cases) for Indian children from both Washington and out-of state Tribes.

Question #9	Were ongoing “active efforts” made to involve the mother/Indian custodian and/or the maternal relatives in major decisions and in the development of the case plan?			
	State Results		Region 2 Results	
	2007	2009	2007	2009
Fully Achieved	70%	66%	54%	79%
Partially Achieved	17%	26%	25%	17%
Total Applicable Cases	131 cases	192 cases	24 cases	29 cases

The percentages below break out the Region 2 results by the child’s Tribal affiliation:

- Ø 79% fully achieved (11 out of 14 cases) for Indian children from Washington State Tribes.
- Ø 75% fully achieved (6 out of 8 cases) for Indian children from out-of-state Tribes.
- Ø 86% fully achieved (6 out of 7 cases) for Indian children from both Washington and out-of state Tribes.

Question #10	Were ongoing “active efforts” made to involve the child(ren) in major decisions and in the development of the case plan?			
	State Results		Region 2 Results	
	2007	2009	2007	2009
Fully Achieved	56%	48%	47%	47%
Partially Achieved	24%	30%	18%	37%
Total Applicable Cases	72 cases	91 cases	17 cases	19 cases

The percentages below break out the Region 2 results by the child’s Tribal affiliation:

- Ø 46% fully achieved (5 out of 11 cases) for Indian children from Washington State Tribes.
- Ø 57% fully achieved (4 out of 7 cases) for Indian children from out-of-state Tribes.
- Ø 0% fully achieved (1 case) for Indian children from both Washington and out-of state Tribes.

Question #11	Were there ongoing “active efforts” to include the child’s Tribe(s) in case planning?			
	State Results		Region 2 Results	
	2007	2009	2007	2009
Fully Achieved	47%	43%	46%	4%
Partially Achieved	21%	25%	19%	46%
Total Applicable Cases	131 cases	173 cases	26 cases	24 cases

The percentages below break out the Region 2 results by the child’s Tribal affiliation:

- 0 0% fully achieved (13 cases) for Indian children from Washington State Tribes.
- 0 25% fully achieved (1 out of 4 cases) for Indian children from out-of-state Tribes.
- 0 0% fully achieved (7 cases) for Indian children from both Washington and out-of state Tribes.

Question #12	Were there ongoing “active efforts” to provide social services to the family to maintain the child in the parental home or allow the child to safely return home?			
	State Results		Region 2 Results	
	2007	2009	2007	2009
Fully Achieved	64%	63%	61%	70%
Partially Achieved	25%	26%	30%	22%
Total Applicable Cases	118 cases	192 cases	23 cases	27 cases

The percentages below break out the Region 2 results by the child’s Tribal affiliation:

- 0 62% fully achieved (8 out of 13 cases) for Indian children from Washington State Tribes.
- 0 86% fully achieved (6 out of 7 cases) for Indian children from out-of-state Tribes.
- 0 71% fully achieved (5 out of 7 cases) for Indian children from both Washington and out-of state Tribes.

Question #13	If the Tribe(s) or LICWAC did not agree with the department's case plan for the child, was an impasse staffing held?			
	State Results		Region 2 Results	
	2007	2009	2007	2009
Fully Achieved	-	-	-	-
Partially Achieved	-	-	-	-
Total Applicable Cases	<i>No applicable cases</i>	<i>No applicable cases</i>	<i>No applicable cases</i>	<i>No applicable cases</i>

This question was intended to measure if the impasse procedures outlined in the Washington State ICW manual are being adhered to when the Tribe and/or LICWAC did not agree with the department's case plan.

For both the 2007 and the 2009 ICW case reviews, there were no cases that documented an impasse. For 2009, there were several cases in which it appeared that the Tribe did not agree with the department's case plan, however rather than utilizing the impasse procedure, the Tribe took jurisdiction of the case, the case transferred to Tribal court and the case plan changed direction.

### Section 3: Maintaining Cultural Connections

Question #14	Were “active efforts” made to identify and encourage the involvement of community services and resources specifically for Indian families?			
	State Results		Region 2 Results	
	2007	2009	2007	2009
Fully Achieved	49%	44%	58%	26%
Partially Achieved	12%	14%	12%	17%
Total Applicable Cases	138 cases	176 cases	26 cases	23 cases

The percentages below break out the Region 2 results by the child’s Tribal affiliation:

- Ø 55% fully achieved (6 out of 11 cases) for Indian children from Washington State Tribes.
- Ø 0% fully achieved (6 cases) for Indian children from out-of-state Tribes.
- Ø 0% fully achieved (6 cases) for Indian children from both Washington and out-of state Tribes.

Question #15	If the child was placed in out-of-home care, were there ongoing efforts to encourage and support the child’s contact with his/her parents and extended family members?			
	State Results		Region 2 Results	
	2007	2009	2007	2009
Fully Achieved	69%	78%	57%	78%
Partially Achieved	23%	17%	29%	22%
Total Applicable Cases	94 cases	102 cases	14 cases	9 cases

The percentages below break out the Region 2 results by the child’s Tribal affiliation:

- Ø 100% fully achieved (2 cases) for Indian children from Washington State Tribes.
- Ø 60% fully achieved (3 out of 5 cases) for Indian children from out-of-state Tribes.
- Ø 100% fully achieved (2 cases) for Indian children from both Washington and out-of state Tribes.



Question #16	If the child was placed in out-of-home care, were ongoing efforts made to encourage and support the child's participation in Tribal customs and activities?			
	State Results		Region 2 Results	
	2007	2009	2007	2009
Fully Achieved	51%	46%	60%	0%
Partially Achieved	6%	10%	7%	0%
Total Applicable Cases	95 cases	93 cases	15 cases	6 cases

The percentages below break out the Region 2 results by the child's Tribal affiliation:

- 0 0% fully achieved (1 case) for Indian children from Washington State Tribes.
- 0 0% fully achieved (5 cases) for Indian children from out-of-state Tribes.
- 0 No cases applied for Indian children from both Washington and out-of state Tribes.

Question #17	Was the case staffed with LICWAC for case planning if the child's Tribe(s) was not available, unknown or the Tribe(s) requested the case be staffed with the LICWAC?			
	State Results		Region 2 Results	
	2007	2009	2007	2009
Fully Achieved	55%	75%	94%	88%
Partially Achieved	8%	2%	0%	0%
Total Applicable Cases	62 cases	48 cases	16 cases	8 cases

The percentages below break out the Region 2 results by the child's Tribal affiliation:

- 0 100% fully achieved (2 cases) for Indian children from Washington State Tribes.
- 0 75% fully achieved (3 out of 4 cases) for Indian children from out-of-state Tribes.
- 0 100% fully achieved (2 cases) for Indian children from both Washington and out-of state Tribes.

## Section 4: Voluntary Placement

Question #18	If the child was placed under a Voluntary Placement Agreement (VPA), was a court Validation Hearing was held?			
	State Results		Region 2 Results	
	2007	2009	2007	2009
Fully Achieved	100%	17%	-	-
Total Applicable Cases	4 cases	6 cases	0 cases	0 cases

The percentages below break out the Region 2 results by the child's Tribal affiliation:

- Ø No cases applied for Indian children from Washington State Tribes.
- Ø No cases applied for Indian children from out-of-state Tribes.
- Ø No cases applied for Indian children from both Washington and out-of state Tribes.

Question #19	If there was a court Validation Hearing, was the Tribe(s) notified at least five (5) business days in advance of filing the Petition for Validation?			
	State Results		Region 2 Results	
	2007	2009	2007	2009
Fully Achieved	25%	100%	-	-
Partially Achieved*	25%	0%	-	-
Total Applicable Cases	4 cases	1 case	0 cases	0 cases

\*Cases were rated partially achieved when the Tribe was notified less than five business days prior to filing the Petition for Validation.

The percentages below break out the Region 2 results by the child's Tribal affiliation:

- Ø No cases applied for Indian children from Washington State Tribes.
- Ø No cases applied for Indian children from out-of-state Tribes.
- Ø No cases applied for Indian children from both Washington and out-of state Tribes.

Question #20	Were copies of the Voluntary Placement Agreement (VPA) sent to the non-consenting parent/Indian custodian prior to filing the Petition of Validation with the court?			
	State Results		Region 2 Results	
	2007	2009	2007	2009
Fully Achieved	25 %	-	-	-
Total Applicable Cases	4 cases	0 cases	0 cases	0 cases

The percentages below break out the Region 2 results by the child's Tribal affiliation:

- 0 No cases applied for Indian children from Washington State Tribes.
- 0 No cases applied for Indian children from out-of-state Tribes.
- 0 No cases applied for Indian children from both Washington and out-of state Tribes.

Question #21	If the parent withdrew their consent to the Voluntary Placement Agreement (VPA), was the child returned to the parent's care or taken into custody?			
	State Results		Region 2 Results	
	2007	2009	2007	2009
Fully Achieved	100%	100%	-	-
Total Applicable Cases	1 case	4 cases	0 cases	0 cases

The percentages below break out the Region 2 results by the child's Tribal affiliation:

- 0 No cases applied for Indian children from Washington State Tribes.
- 0 No cases applied for Indian children from out-of-state Tribes.
- 0 No cases applied for Indian children from both Washington and out-of state Tribes.

## Section 5: Dependency

Question #22	Was the child's Federally Recognized Tribe(s), Band or Nation or the BIA, if the child's Tribe is unknown, notified 15 working days prior to all court hearings?			
	State Results		Region 2 Results	
	2007	2009	2007	2009
Fully Achieved	43%	22%	75%	33%
Partially Achieved*	20%	30%	19%	17%
Total Applicable Cases	89 cases	100 cases	16 cases	6 cases

\* Cases were rated partially achieved when the Tribe was notified 15 working days in half or more of the court hearings, or when a Tribal representative was present at the court hearing, but it could not be determined when the Tribe was notified.

The percentages below break out the Region 2 results by the child's Tribal affiliation:

- Ø 50% fully achieved (1 out of 2 cases) for Indian children from Washington State Tribes.
- Ø 25% fully achieved (1 out of 4 cases) for Indian children from out-of-state Tribes.
- Ø No cases applied for Indian children from both Washington and out-of state Tribes.

Question #23	If the child's parent(s)/ Indian custodian or Tribe requested a transfer of jurisdiction to Tribal court, did the department support the request?			
	State Results		Region 2 Results	
	2007	2009	2007	2009
Fully Achieved	83%	93%	-	100%
Total Applicable Cases	6 cases	15 cases	0 cases	2 cases

The percentages below break out the Region 2 results by the child's Tribal affiliation:

- Ø 100% fully achieved (1 case) for Indian children from Washington State Tribes.
- Ø No cases applied for Indian children from out-of-state Tribes.
- Ø 100% fully achieved (1 case) for Indian children from both Washington and out-of state Tribes.

## Section 6: Tribal Placement Preference

Question #24	Was the Tribe(s) asked for their placement preference regarding the child?			
	State Results		Region 2 Results	
	2007	2009	2007	2009
Fully Achieved	59%	51%	64%	50%
Partially Achieved*	7%	6%	0%	0%
Total Applicable Cases	86 cases	94 cases	14 cases	6 cases

\*Cases were rated partially achieved when some but not all of the Tribes were asked their placement preference for the child.

The percentages below break out the Region 2 results by the child's Tribal affiliation:

- Ø 0% fully achieved (1 case) for Indian children from Washington State Tribes.
- Ø 33% fully achieved (1 out of 3 cases) for Indian children from out-of-state Tribes.
- Ø 100% fully achieved (2 cases) for Indian children from both Washington and out-of state Tribes.

Question #25	Was the placement recommendation of the child's Tribe(s) followed?			
	State Results		Region 2 Results	
	2007	2009	2007	2009
Fully Achieved	91%	96%	100%	100%
Total Applicable Cases	44 cases	45 cases	8 cases	3 cases

The percentages below break out the Region 2 results by the child's Tribal affiliation:

- Ø No cases applied for Indian children from Washington State Tribes.
- Ø 100% fully achieved (1 case) for Indian children from out-of-state Tribes.
- Ø 100% fully achieved (2 cases) for Indian children from both Washington and out-of state Tribes.

Question #26	Were the relatives, identified by the Tribe(s), assessed as to their appropriateness as a placement resource?			
	State Results		Region 2 Results	
	2007	2009	2007	2009
Fully Achieved	89%	83%	86%	100%
Partially Achieved*	3%	8%	0%	0%
Total Applicable Cases	37 cases	36 cases	7 cases	1 case

\* Cases were rated partially achieved when some but not all of the relatives identified by the Tribe were assessed as to their appropriateness as a placement resource.

The percentages below break out the Region 2 results by the child's Tribal affiliation:

- 0 No cases applied for Indian children from Washington State Tribes.
- 0 No cases applied for Indian children from out-of-state Tribes.
- 0 100% fully achieved (1 case) for Indian children from both Washington and out-of state Tribes.

## Section 7: Safety

This section measures if there was an adequate response to risk of harm either in the child's home or in out-of-home care through the following activities when appropriate:

- Thorough investigative activities
- Responding to safety concerns identified by the child's Tribe
- Offering or providing services targeted at the identified risk in the family targeted at the risk
- Safety planning
- Adequate monitoring of the children
- Removing the child from the home when necessary
- Assessing and responding to safety concerns in the child's out of home placement
- Completion of background clearances as needed

Question #27	Were efforts made to adequately assess and address the risk and safety concerns for the child(ren)?			
	State Results		Region 2 Results	
	2007	2009	2007	2009
Fully Achieved	69%	77%	77%	78%
Total Applicable Cases	168 cases	217 cases	26 cases	36 cases

The percentages below break out the Region 2 results by the child's Tribal affiliation:

- 0 73% fully achieved (11 out of 15 cases) for Indian children from Washington State Tribes.
- 0 75% fully achieved (9 out of 12 cases) for Indian children from out-of-state Tribes.
- 0 88% fully achieved (7 out of 8 cases) for Indian children from both Washington and out-of state Tribes.

## Section 8: Well-Being

The Well-Being section measures if the child's needs were adequately assessed, and if needs were identified for the child, was there was adequate follow up to address the child's needs. This may be through additional assessments or by offering or providing services in the following domains when relevant to the case:

- Physical health
- Education
- Mental health
- Developmental delays
- Other identified needs.

Question #28	Were the needs of the child adequately assessed, and were appropriate services offered or provided to meet the child's needs?			
	State Results		Region 2 Results	
	2007	2009	2007	2009
Fully Achieved	77%	73%	73%	80%
Partially Achieved	11%	21%	15%	17%
Total Applicable Cases	159 cases	213 cases	26 cases	35 cases

The percentages below break out the Region 2 results by the child's Tribal affiliation:

- 0 79% fully achieved (11 out of 14 cases) for Indian children from Washington State Tribes.
- 0 83% fully achieved (10 out of 12 cases) for Indian children from out-of-state Tribes.
- 0 75% fully achieved (6 out of 8 cases) for Indian children from both Washington and out-of state Tribes.



## Section 9: Permanency

This section measures if in the last year, sufficient and timely steps were taken to complete the permanent plan of:

- Return home
- Guardianship
- Adoption/Customary Adoption
- Third party custody with relatives
- Long Term Foster Care Agreement
- Independent Living

Question #29	If the child was in care over 60 days, were there sufficient and timely steps taken to complete the permanent plan?			
	State Results		Region 2 Results	
	2007	2009	2007	2009
Fully Achieved	81 %	75%	71%	67%
Total Applicable Cases	99 cases	104 cases	14 cases	9 cases

The percentages below break out the Region 2 results by the child's Tribal affiliation:

- Ø 100% fully achieved (2 cases) for Indian children from Washington State Tribes.
- Ø 67% fully achieved (4 out of 6 cases) for Indian children from out-of-state Tribes.
- Ø 0% fully achieved (1 case) for Indian children from both Washington and out-of state Tribes.

### VIII. Kinship and Foster Care Placement

According to the Report on Racial Disproportionality in Washington State, Native American children are more likely to be removed from home, and remain in care for over two years.

In accordance with the Indian Child Welfare Act, CA ICW policy establishes the following order of placement preference for Indian children:

- A member of the child’s extended family (see definition of kinship care)
- A foster home licensed, approved, or specified by the child’s Tribe
- An Indian foster home licensed or certified by DSHS (one of the foster parents is a member of a federally recognized Indian Tribe, Alaska Native or Canadian First Nations)

A component was added to the 2009 Indian Child Welfare case review on type of placement. This element documents whether children in the case review sample were placed in kinship care versus placed in foster care.

Placement Type	Kinship and Foster Care	
	State Results	Region 2 Results
	2009	2009
Kinship Care	52% (54)	11% (1)
Foster Care	48% (50)	89% (8)
Total # of children	104	9

**Definitions:**

**Kinship care**

Placement of a child with:

- An adult who is the Indian child's grandparent, aunt, uncle, brother, sister, brother-in-law, sister-in-law, niece, nephew, first or second cousin, or step-parent, even following termination of the marriage;
- An individual, defined by the law or custom of the child's Tribe, as a relative of the child;
- An individual, not related by blood or marriage, who has taken an active part in the caregiving of the child and for whom the child has developed a sustained psychological bond.

**Foster care**

Placement of a child in a home or facility that is required to be licensed or state certified.

## **IX. Region 2 ICW Trends**

### **A. Strengths/Areas of Progress**

1. There were increased efforts to discover the child's Indian status by asking the mother or maternal relatives about Native American ancestry and a significant increase in asking the father or paternal relatives. Asking the mother increased from 75% to 94% and asking the father from 41% to 80%. (*Questions #1 and #2*)
2. In 60% of the cases, inquiry letters were sent to all identified Tribes or there was verification of the child's Indian status from all Tribes. An additional 29% of the cases were rated partially achieved because inquiry letters or verification from the Tribe occurred with some, but not all identified Tribes. (*Question #3*)
3. In three cases a LICWAC staffing was appropriate to assist in the inquiry process, and a LICWAC staffing occurred in 100% of the cases. In eight cases it was appropriate to staff the cases at LICWAC for case planning when the Tribe was not available, unknown, or the Tribe requested the case be staffed, and a LICWAC staffing occurred in 88% of the cases. (*Questions #6 and #17*)
4. Active efforts to involve the mother and/or maternal relatives in the development of the case plan occurred in 79% of the cases, and an additional 17% of the cases were rated partially achieved. Active efforts to involve the father and/or paternal relatives in the development of the case plan increased from 35% to 52%. (*Question #8 and #9*)
5. Active efforts to involve the child in the development of the case plan occurred in 47% of the cases, and an additional 37% of the cases were rated partially achieved. (*Question #10*)
6. Active efforts to provide social services to the family to maintain the child in the family home or allow the child to safely return home occurred in 70% of the cases and an additional 22% of the cases were rated partially achieved. (*Question #12*)
7. When the child was placed in out-of-home care, there were ongoing efforts to encourage and support the child's contact with parents and extended family members in 78% of the cases. An additional 22% of the cases were rated partially achieved. (*Question #15*)
8. When the child's parents or the Tribe requested a transfer of jurisdiction to Tribal court, the department supported the request in 100% of the cases. (*Question 23*)
9. When the Tribe was asked about placement preference for the child, the recommendation of the Tribe was followed in 100 % of the cases. (*Question #25*)

## **B. Areas Needing Improvement**

1. When the child's Tribe was known, the Tribe was contacted within one working day in 15% of the cases. (*Question #4*)
2. When the Tribe did not provide verification of Indian status within 30 days, a second contact was made with the Tribe in 29% of the cases. An additional 14% of the cases were rated partially achieved. Overall this was a slight increase from 17% fully achieved and 0% partially achieved in 2007. (*Question #5*)
3. Active efforts to involve the child's Tribe in case planning decreased from 46% to 4% of the cases. An additional 46% of the cases were rated partially achieved. (*Question #11*)
4. Active efforts to identify and encourage the involvement in community services and resources for Indian families decreased from 58% to 26% of the cases. An additional 17% of the cases were rated partially achieved. (*Question #14*)
5. In the six applicable cases, the child was placed in out-of-home care, and ongoing efforts to encourage and support the child's participation in Tribal customs and activities was documented in 0% of the cases. (*Question #16*)
6. Notifying the Tribe of all court hearings 15 working days prior to the court date decreased from 75% to 33%. An additional 17% of the cases were rated partially achieved. (*Question #22*)
7. Asking the Tribe for their placement preference regarding the child decreased from 64% to 50% of the time. (*Question #24*)