

# Indian Child Welfare Case Review

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



### Region 6

### 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.

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?							
Year	Statewide Results	Regional Results					
		1	2	3	4	5	6
2007	67% (777)	73% (130)	72% (116)	74% (144)	49% (124)	58% (91)	71% (142)
2008	71% (668)	76% (198)	65% (57)	74% (83)	68% (117)	53% (40)	73% (173)
2009	73% (535)	90% (80)	80% (103)	73% (101)	61% (101)	49% (84)	86% (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 the 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 outlines 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 6**

There are 12 federally recognized Tribes in Region 6 which are the Chehalis Confederated Tribe, the Cowlitz Indian Tribe, the Hoh Tribe, the Jamestown S'Klallam Tribe, the Lower Elwha Klallam Tribe, the Makah Tribe, the Nisqually Tribe, the Quileute Tribe, the Quinault Nation, the Shoalwater Bay Tribe, the Skokomish Tribe, and the Squaxin Island Tribe.

The Chehalis Confederated Tribes have a Tribal Court and a social services agency. The Tribe takes jurisdiction of cases when the family is domiciled on the reservation. The Tribe makes the determination if they will take jurisdiction when the family resides off the reservation. The Tribe provides health, substance abuse, mental health, Early Head Start, child care, educational tutoring and after school programs, sexual perpetrator treatment and sexual assault treatment, domestic violence services, elders programs, and cultural programs.

The Cowlitz Indian Tribe has a social service agency but does not have a Tribal Court. CA investigates Intakes of child abuse and neglect for Cowlitz Tribal children both on and off the reservation. The Tribe provides health, substance abuse, domestic violence services, and education scholarships for higher education.

The Hoh Tribe has a social service agency and a Tribal Court. CA investigates Intakes of child abuse and neglect for Hoh Tribal children on and off the reservation. The Tribe provides health and substance abuse services, day care, youth programs, and food distribution services.

The Jamestown S'Klallam Tribe has a social service agency but does not have a Tribal Family Court. CA investigates Intakes of child abuse and neglect and the Tribe co-investigates some cases. The Tribe provides health, chemical dependency, family support services, school and summer programs, and education and employment services.

The Lower Elwha Klallam Tribe has a social service agency but does not have a Tribal Court. CA investigates Intakes of child abuse and neglect and the Tribe co-investigates some cases. Services provided by the Tribe include substance abuse, anger management, domestic violence, physical health, Head Start, and daycare.

The Makah Tribe has a Tribal Court and a social services agency. CA investigates Intakes of child abuse and neglect for Makah Tribal children. Dependency actions may be filed in or transferred to Tribal Court. The Makah Tribe provides child placing services. The Tribe provides health, substance abuse, mental health, and daycare services.

The Nisqually Tribe has a social services agency and a Tribal Court. CA investigates Intakes of child abuse and neglect for Nisqually Tribal children. The Tribe provides Head Start, daycare, TANF, housing assistance, health, mental health, domestic violence, substance abuse, early childhood development programs, and youth programs including Independent Living Skills.

The Quileute Nation has a social services agency and Tribal Court. CA investigates Intakes of child abuse and neglect for Quileute Tribal children. The Tribe provides foster and relative home recruitment and retention, child abuse and neglect preventive services, physical health, substance abuse services, TANF, and Head Start. The Tribe also operates a tribal school (K-12).

The Quinault Nation investigates Intakes of child abuse and neglect for Quinault Tribal children who live on the reservation, and the Tribe and CA coordinate who will conduct the investigation for children residing off the reservation. The Tribe has a Tribal Court that takes jurisdiction of dependency actions for Quinault children who reside on the reservation, and makes the determination if they will take jurisdiction when the family resides off the reservation. The Tribe provides family preservation and substance abuse services. The Tribe also provides foster and relative home recruitment and retention, child abuse and neglect preventative services, TANF, and Head Start.

The Shoalwater Bay Tribe has a social services agency and a Tribal Court. The Tribe investigates Intakes of allegations for Shoalwater Bay Tribal children who reside on the reservation, and the Tribe and CA coordinate who will conduct the investigation for children residing off the reservation. Dependency actions are filed in or transferred to Tribal Court for children who reside on the reservation. The Tribe makes the determination if they will take jurisdiction when the family resides off the reservation. The Tribe provides health, substance abuse, mental health services and parenting education.

The Skokomish Tribe has a social services agency and a Tribal Court. CA investigates Intakes of child abuse and neglect. The Tribe provides housing assistance, health, substance abuse, mental health, domestic violence, youth substance abuse prevention, a children's skill building program including Head Start, early childhood education, and counseling services.

The Squaxin Island Tribe has a social services agency and a Tribal Court. CA investigates Intakes of child abuse and neglect. The Tribe provides health and mental health services, youth activities including summer recreation, tutoring/mentoring, school counseling, higher education awards and child care. Emphasis is placed on addressing truancy issues, educational barriers and prevention activities that benefit Tribal youth.

There is one Recognized American Indian Organization (RAIO) in Region 6 which is the South Puget Intertribal Planning Agency (SPIPA). SPIPA is a tribal consortium whose members include the Chehalis Confederated Tribes, the Nisqually Tribe, the Skokomish Tribe, the Squaxin Island Tribe and the Shoalwater Bay Tribe. SPIPA provides services for their tribal members, as well as for Indians residing in Lewis, Thurston and Mason Counties. These services include foster care recruitment, delinquency prevention, sexual assault treatment, domestic

violence, WIC, low income home energy assistance, Tribal TANF for the Skokomish, Nisqually, and Squaxin Island Tribes, and child care services.

There are 12 CA offices in Region 6. The region does not have centralized ICW units. LICWAC staffings occur monthly in the Aberdeen, Centralia, Kelso, Shelton, Tumwater, and Vancouver offices. The Vancouver LICWAC also staffs cases from the Stevenson office. LICWAC staffings for Forks, Port Angeles and Port Townsend offices meet monthly at the Jamestown S’Klallam Tribal office. The Long Beach and South Bend offices schedule LICWAC staffings on an “as needed” basis.

## VI. Characteristics of the ICW Cases Reviewed in Region 6

### A. Programs Reviewed

The Region 6 ICW Case Review was conducted October 12 through October 15, 2009.

A random sample of 38 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
16	5	15	2	38

### B. Offices Included in the Review

Office	Total # of Cases
Aberdeen	11
Centralia	2
Forks	2
Kelso	8
Long Beach	1
Olympia	1
Pt. Angeles	1
Shelton	1
South Bend	2
Vancouver	9
Total	38

### 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 18 out of 36 cases, multiple Tribes were identified.

Tribe	Total # of Children
Aleut Corporation	1
Apache (no specific Tribe identified)	2
Blackfeet Nation	1
Central Council of Tlingit and Haida Indian Tribes of Alaska	3
Chehalis Confederated Tribes	2
Cherokee (no specific Tribe identified)	7
Cherokee: Cherokee Nation of Oklahoma	3
Cherokee: Eastern Band of Cherokee Indians	1
Cherokee: United Keetoowah Band Of Cherokee	1
Cheyenne & Arapaho Tribes	1
Chippewa (no specific Tribe identified)	3
Chippewa: Turtle Mountain Chippewa	1
Chippewa: White Earth Chippewa	1
Coeur d' Alene Tribe	1
Confederated Tribes and Bands of the Yakama Nation	1
Confederated Tribes of Warm Springs	1
Cowlitz Indian Tribe	1

Hoh Tribe	1
Kluane First Nation (Canada)	1
Kawaiisu Indians (Also known as Tehachapi)	1
Lenni Lenape: Delaware Tribe Lenni Lenape	1
Lenni Lenape: Nanticoke Lenni Lenape Indian Tribe	1
Lummi Nation	1
Makah Tribe	2
Native Village of Kotzebue IRA	1
Navajo Nation	1
Northern Cheyenne Tribe	1
Ojibwe Indians (no specific Tribe identified)	1
Onieda Tribe of Indians of Wisconsin	1
Osage Nation	1
Quileute Nation	1
Quinault Nation	5
Shawnee Tribe	1
Sioux Indians (specific Tribe not identified)	1
Skokomish Tribal Nation	1
Upper Skagit Tribe	1
Yakutat Tlingit Tribe	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>	9
<b>Out-of-State Tribes</b>	23
<b>Both Washington State and Out-of-State Tribes</b>	6
<b>Total</b>	38

There were no cases in which the parent indicated Indian status but the Tribe was unknown.

## VII. Region 6 ICW Case Review Results

### A. Comparison of State and Region 6 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 6 Results	
		2007	2009	2007	2009
1	<b>Inquiry of Indian Status</b> <i>(Questions 1-6)</i>	57%	68%	57%	73%
2	<b>Engagement of Family and Tribes</b> <i>(Questions 7-13)</i>	55%	52%	59%	58%
3	<b>Maintaining Cultural Connections</b> <i>(Questions 14-17)</i>	55%	56%	54%	58%
4	<b>Voluntary Placement</b> <i>(Questions 18-21)</i>	54%	55%	-	50%
5	<b>Dependency</b> <i>(Questions 22-23)</i>	45%	31%	48%	40%
6	<b>Tribal Placement Preference</b> <i>(Questions 24-26)</i>	74%	69%	78%	65%
7	<b>Safety</b> <i>(Question 27)</i>	69%	77%	65%	82%
8	<b>Well-Being</b> <i>(Question 28)</i>	77%	73%	83%	68%
9	<b>Permanency</b> <i>(Question 29)</i>	81%	75%	89%	79%

## B. Region 6 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 6 Results	
	2007	2009	2007	2009
Fully Achieved	58%	72%	78%	77%
Total Applicable Cases	142 cases	172 cases	27 cases	30 cases

The percentages below break out the Region 6 results by the child's Tribal affiliation:

- 57% fully achieved (4 out of 7 cases) for Indian children from Washington State Tribes.
- 81% fully achieved (13 out of 16 cases) for Indian children from out-of-state Tribes.
- 86% fully achieved (6 out of 7 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 6 Results	
	2007	2009	2007	2009
Fully Achieved	87%	97%	86%	97%
Total Applicable Cases	172 cases	214 cases	37 cases	38 cases

The percentages below break out the Region 6 results by the child's Tribal affiliation:

- 100% fully achieved (9 cases) for Indian children from Washington State Tribes.
- 95% fully achieved (19 out of 20 cases) for Indian children from out-of-state Tribes.
- 100% fully achieved (9 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 6 Results	
	2007	2009	2007	2009
Fully Achieved	51%	69%	48%	79%
Partially Achieved*	21%	19%	25%	18%
Total Applicable Cases	173 cases	216 cases	36 cases	38 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 6 results by the child's Tribal affiliation:

- 89% fully achieved (8 out of 9 cases) for Indian children from Washington State Tribes.
- 70% fully achieved (14 out of 20 cases) for Indian children from out-of-state Tribes.
- 89% fully achieved (8 out of 9 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 6 Results	
	2007	2009	2007	2009
Fully Achieved	37%	40%	31%	50%
Total Applicable Cases	141 cases	181 cases	29 cases	26 cases

The percentages below break out the Region 6 results by the child's Tribal affiliation:

- 89% fully achieved (8 out of 9 cases) for Indian children from Washington State Tribes.
- 31% fully achieved (9 out of 13 cases) for Indian children from out-of-state Tribes.
- 25% fully achieved (1 out of 4 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 6 Results	
	2007	2009	2007	2009
Fully Achieved	33%	49%	27%	44%
Partially Achieved*	21%	13%	18%	19%
Total Applicable Cases	39 cases	63 cases	11 cases	16 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 6 results by the child's Tribal affiliation:

- 50% fully achieved (2 out of 4 cases) for Indian children from Washington State Tribes.
- 33% fully achieved (2 out of 6 cases) for Indian children from out-of-state Tribes.
- 50% fully achieved (3 out of 6 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 6 Results	
	2007	2009	2007	2009
Fully Achieved	38%	46%	20%	50%
Total Applicable Cases	29 cases	28 cases	10 cases	8 cases

The percentages below break out the Region 6 results by the child's Tribal affiliation:

- There were no cases applicable for Indian children from Washington State Tribes.
- 33% fully achieved (2 out of 6 cases) for Indian children from out-of-state Tribes.
- 100% fully achieved (2 cases) 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 6 Results	
	2007	2009	2007	2009
Fully Achieved	41%	32%	55%	46%
Partially Achieved*	11%	5%	9%	8%
Total Applicable Cases	66 cases	98 cases	11 cases	13 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 6 Results	
	2007	2009	2007	2009
Fully Achieved	46%	48%	60%	61%
Partially Achieved	24%	18%	20%	14%
Total Applicable Cases	117 cases	149 cases	25 cases	28 cases

The percentages below break out the Region 6 results by the child’s Tribal affiliation:

- 57% fully achieved (4 out of 7 cases) for Indian children from Washington State Tribes.
- 67% fully achieved (10 out of 15 cases) for Indian children from out-of-state Tribes.
- 50% fully achieved (3 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 6 Results	
	2007	2009	2007	2009
Fully Achieved	70%	66%	79%	66%
Partially Achieved	17%	26%	14%	31%
Total Applicable Cases	131 cases	192 cases	28 cases	35 cases

The percentages below break out the Region 6 results by the child’s Tribal affiliation:

- 56% fully achieved (5 out of 9 cases) for Indian children from Washington State Tribes.
- 68% fully achieved (13 out of 19 cases) for Indian children from out-of-state Tribes.
- 71% fully achieved (5 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 6 Results	
	2007	2009	2007	2009
Fully Achieved	56%	48%	53%	60%
Partially Achieved	24%	30%	20%	20%
Total Applicable Cases	72 cases	91 cases	15 cases	15 cases

The percentages below break out the Region 6 results by the child’s Tribal affiliation:

- 67% fully achieved (2 out of 3 cases) for Indian children from Washington State Tribes.
- 56% fully achieved (5 out of 9 cases) for Indian children from out-of-state Tribes.
- 67% fully achieved (2 out of 3 cases) 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 6 Results	
	2007	2009	2007	2009
Fully Achieved	47%	43%	38%	44%
Partially Achieved	21%	25%	12%	30%
Total Applicable Cases	131 cases	173 cases	26 cases	27 cases

The percentages below break out the Region 6 results by the child’s Tribal affiliation:

- 33% fully achieved (3 out of 9 cases) for Indian children from Washington State Tribes.
- 43% fully achieved (6 out of 14 cases) for Indian children from out-of-state Tribes.
- 75% fully achieved (3 out of 4 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 6 Results	
	2007	2009	2007	2009
Fully Achieved	64%	63%	61%	63%
Partially Achieved	25%	26%	19%	29%
Total Applicable Cases	118 cases	192 cases	31 cases	35 cases

The percentages below break out the Region 6 results by the child’s Tribal affiliation:

- 78% fully achieved (7 out of 9 cases) for Indian children from Washington State Tribes.
- 63% fully achieved (12 out of 19 cases) for Indian children from out-of-state Tribes.
- 43% fully achieved (3 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 6 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 6 Results	
	2007	2009	2007	2009
Fully Achieved	49%	44%	41%	42%
Partially Achieved	12%	14%	7%	10%
Total Applicable Cases	138 cases	176 cases	27 cases	31 cases

The percentages below break out the Region 6 results by the child’s Tribal affiliation:

- 67% fully achieved (6 out of 9 cases) for Indian children from Washington State Tribes.
- 17% fully achieved (3 out of 18 cases) for Indian children from out-of-state Tribes.
- 100% fully achieved (4 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 6 Results	
	2007	2009	2007	2009
Fully Achieved	69%	78%	83%	78%
Partially Achieved	23%	17%	17%	22%
Total Applicable Cases	94 cases	102 cases	18 cases	23 cases

The percentages below break out the Region 6 results by the child’s Tribal affiliation:

- 86% fully achieved (6 out of 7 cases) for Indian children from Washington State Tribes.
- 75% fully achieved (9 out of 12 cases) for Indian children from out-of-state Tribes.
- 75% fully achieved (3 out of 4 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 6 Results	
	2007	2009	2007	2009
Fully Achieved	51%	46%	53%	40%
Partially Achieved	6%	10%	-	5%
Total Applicable Cases	95 cases	93 cases	17 cases	20 cases

The percentages below break out the Region 6 results by the child's Tribal affiliation:

- 43% fully achieved (3 out of 7 cases) for Indian children from Washington State Tribes.
- 30% fully achieved (3 out of 10 cases) for Indian children from out-of-state Tribes.
- 67% fully achieved (2 out of 3 cases) 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 6 Results	
	2007	2009	2007	2009
Fully Achieved	55%	75%	47%	86%
Partially Achieved	8%	2%	-	7%
Total Applicable Cases	62 cases	48 cases	17 cases	14 cases

The percentages below break out the Region 6 results by the child's Tribal affiliation:

- 100% fully achieved (4 cases) for Indian children from Washington State Tribes.
- 71% fully achieved (5 out of 7 cases) for Indian children from out-of-state Tribes.
- 100% fully achieved (3 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 6 Results	
	2007	2009	2007	2009
Fully Achieved	<i>100%</i>	<i>17%</i>	-	<i>0%</i>
Total Applicable Cases	<i>4 cases</i>	<i>6 cases</i>	<i>0 cases</i>	<i>2 cases</i>

The percentages below break out the Region 6 results by the child's Tribal affiliation:

- There were no cases applicable for Indian children from Washington State Tribes.
- 0% fully achieved (*2 cases*) for Indian children from out-of-state Tribes.
- There were no cases applicable 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 6 Results	
	2007	2009	2007	2009
Fully Achieved	<i>25%</i>	<i>100%</i>	-	-
Partially Achieved*	<i>25%</i>	<i>0%</i>	-	-
Total Applicable Cases	<i>4 cases</i>	<i>1 case</i>	<i>0 cases</i>	<i>0 cases</i>

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

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 6 Results	
	2007	2009	2007	2009
Fully Achieved	25 %	-	-	-
Total Applicable Cases	4 cases	0 cases	0 cases	0 cases

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 6 Results	
	2007	2009	2007	2009
Fully Achieved	100%	100%	-	100%
Total Applicable Cases	1 case	4 cases	0 cases	2 cases

The percentages below break out the Region 6 results by the child's Tribal affiliation:

- There were no cases applicable for Indian children from Washington State Tribes.
- 100% fully achieved (2 cases) for Indian children from out-of-state Tribes
- There were no cases applicable 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 6 Results	
	2007	2009	2007	2009
Fully Achieved	43%	22%	44%	25%
Partially Achieved*	20%	30%	22%	46%
Total Applicable Cases	89 cases	100 cases	18 cases	24 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 6 results by the child's Tribal affiliation:

- 0% fully achieved (0 out of 7 cases) for Indian children from Washington State Tribes.
- 39% fully achieved (5 out of 13 cases) for Indian children from out-of-state Tribes.
- 25% fully achieved (1 out of 4 cases) 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 6 Results	
	2007	2009	2007	2009
Fully Achieved	83%	93%	67%	100%
Total Applicable Cases	6 cases	15 cases	3 cases	6 cases

The percentages below break out the Region 6 results by the child's Tribal affiliation:

- 100% fully achieved (4 cases) for Indian children from Washington State Tribes.
- 100% fully achieved (1 case) for Indian children from out-of-state Tribes.
- 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 6 Results	
	2007	2009	2007	2009
Fully Achieved	59%	51%	69%	38%
Partially Achieved*	7%	6%	13%	5%
Total Applicable Cases	86 cases	94 cases	16 cases	21 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 6 results by the child's Tribal affiliation:

- 43% fully achieved (3 out of 7 cases) for Indian children from Washington State Tribes.
- 27% fully achieved (3 out of 11 cases) for Indian children from out-of-state Tribes.
- 67% fully achieved (2 out of 3 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 6 Results	
	2007	2009	2007	2009
Fully Achieved	91%	96%	78%	100%
Total Applicable Cases	44 cases	45 cases	9 cases	9 cases

The percentages below break out the Region 6 results by the child's Tribal affiliation:

- 100% fully achieved (3 cases) for Indian children from Washington State Tribes.
- 100% fully achieved (4 cases) for Indian children from out-of-state Tribes.
- 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 6 Results	
	2007	2009	2007	2009
Fully Achieved	89%	83%	100%	100%
Partially Achieved*	3%	8%	-	-
Total Applicable Cases	37 cases	36 cases	7 cases	7 cases

\* 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 6 results by the child's Tribal affiliation:

- 100% fully achieved (3 cases) for Indian children from Washington State Tribes.
- 100% fully achieved (3 cases) for Indian children from out-of-state Tribes.
- 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
- 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 6 Results	
	2007	2009	2007	2009
Fully Achieved	69%	77%	65%	82%
Total Applicable Cases	168 cases	217 cases	37 cases	38 cases

The percentages below break out the Region 6 results by the child's Tribal affiliation:

- 89% fully achieved (8 out of 9 cases) for Indian children from Washington State Tribes.
- 80% fully achieved (16 out of 20 cases) for Indian children from out-of-state Tribes.
- 78% fully achieved (7 out of 9 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 6 Results	
	2007	2009	2007	2009
Fully Achieved	77%	73%	83%	68%
Partially Achieved	11%	21%	11%	26%
Total Applicable Cases	159 cases	213 cases	36 cases	38 cases

The percentages below break out the Region 6 results by the child's Tribal affiliation:

- 78% fully achieved (7 out of 9 cases) for Indian children from Washington State Tribes.
- 65% fully achieved (13 out of 20 cases) for Indian children from out-of-state Tribes.
- 67% fully achieved (4 out of 9 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 6 Results	
	2007	2009	2007	2009
Fully Achieved	81 %	75%	89%	79%
Total Applicable Cases	99 cases	104 cases	19 cases	24 cases

The percentages below break out the Region 6 results by the child's Tribal affiliation:

- 86% fully achieved (6 out of 7 cases) for Indian children from Washington State Tribes.
- 75% fully achieved (9 out of 12 cases) for Indian children from out-of-state Tribes.
- 80% fully achieved (4 out of 5 cases) 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.

Type of Placement	Kinship and Foster Care	
	State Results	Region 6 Results
	2009	2009
Kinship Care	52% (54)	42% (10)
Foster Care	48% (50)	58% (14)
Total # of children	104	24

### 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 care giving 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 6 ICW Trends**

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

1. Efforts to discover the child's Indian status by asking the mother or maternal relatives increased from 86% to 97%. Asking the father or the paternal relatives remained the same at 77%. (*Questions #1 and #2*)
2. In 79% 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 18% 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. When the child's Tribe was known, contacting the Tribe no later than one working day increased from 31% to 50%. (*Question #4*)
4. When the Tribe did not respond to the inquiry letter within 30 days, making a second contact with the Tribe increased from 27% to 44%. (*Question #5*)
5. Active efforts to include the child's Tribe(s) in case planning increased from 38% to 44%. An additional 30% of the cases were rated partially achieved when efforts occurred, but they were not active efforts, or, active efforts occurred with one, but not all Tribes. (*Question #11*)
6. Active efforts to provide social services to the family to maintain the child in the parental home or allow the child to return home was fully achieved 63% of the time, and an additional 29% of the cases were 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 his/her parents and extended family members 78% of the time. An additional 22% of the cases were partially achieved because on-going efforts occurred with one parent but not both, or efforts occurred with the mother and the father, but there were no efforts to include extended family members (*Question #15*)
8. Staffing the case 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 LICWAC, increased from 47% to 86%. (*Question #17*)
9. When the child's parent(s) or the Tribe requested a transfer of jurisdiction to Tribal Court, the department's support of the request increased from 67% to 100%. (*Question #23*)

## **B. Areas Needing Improvement**

1. Active efforts to involve the mother and/or the maternal relatives in the major decisions and in the development of the case plan decreased from 79% to 66%. An additional 31% of the cases were rated partially achieved. Active efforts to involve the father or the paternal relatives remained the same at 61%. An additional 14% of the cases were rated partially achieved. *(Questions #8 and #9)*
2. There were active efforts to identify and encourage community services and resources specifically for Indian families 42% of the time. *(Question #14)*
3. When the child was placed in out-of-home care, ongoing efforts to encourage and support the child's participation in Tribal customs and activities decreased from 53% to 40%. *(Question #16)*
4. In two cases, the child was placed under a Voluntary Placement Agreement, and there was no court Validation Hearing. *(Question #18)*
5. Notice to the child's Federally Recognized Tribe(s), Band or Nation, within 15 working days prior to all court hearings, decreased from 44% to 25%. *(Question #22)*
6. Asking the Tribe(s) for their placement preference for the child decreased from 69% to 38%. *(Question #24)*