

**California State Department of Social Services (CDSS)**  
**ICWA WORKGROUP**  
**September 10, 2013 • 1:00pm to 3:30pm**  
CDSS, 744 P Street, Conference Room 9-203 (OB 9)  
Sacramento, CA 95814

**Meeting Notes**

**SUMMARY OF ACTION ITEMS**

1. In response to a Workgroup request, CDSS will look into developing a written statement expressing that despite the Baby Veronica Supreme Court decision, California will continue to support the tribes, California ICWA law, and will continue to seek compliance with both federal and state law with respect to Indian children, tribes and families. **[In progress]**
2. Maureen Geary will send copies of Lake and Mendocino County protocols or MOUs to Kendra Elmendorf of CDSS, if she still needs them, so that CDSS can add these as examples of MOUs/Protocols on the CDSS ICWA web site. **[In progress]**
3. Ellie will send a preliminary recommendations document that goes into more detail on the accreditation and on the Group Home core services being recommended and the qualifications of those providers. She will route this document through Scott for dissemination to the workgroup. **[Done 10/8/13]**
4. The draft ACL on the SOC 815 form with instructions on how to complete the form with page-by-page explanations will be sent out to the workgroup and CWDA by 9/11/13. **[Done 9/11/13]**
5. The workgroup tribal co-chairs will discuss the option of CDSS incorporating the tribes' concerns in their TA request and get back to CDSS and Region 9 as to when they are available for an additional conference call. **[In progress]**
6. Ann Gilmour will email the UAGPPJA proposal to CDSS for distribution to the workgroup and has asked that tribal representatives attend the California Law Revision Commission meeting on October 10<sup>th</sup> in Davis. **[Done 9/25/13]**
7. Theresa Sam will start talking with the tribes in the central region about interest in hosting the 2014 ICWA Conference. **[Done; discussions with Colusa have begun]**

**Welcome/Introductions**

**Review Agenda and Minutes:** Co-Chair Liz DeRouen was present and led the workgroup meeting. Participants were introduced and the previous meeting's minutes and current meeting's agenda were reviewed.

**Tribal News/Additions to Agenda:** Tom Lidot requested that we discuss follow-up to the requests for technical assistance that were sent to the National Resource Centers (NRCs). This item will be added to today's agenda after completion of the CDSS updates and just before the CAPP update.

Posters for the Auburn Big Time Pow Wow happening on October 19, 2013 were distributed during the meeting by Antoinette Fabela.

Stephanie Weldon has left her position with Yurok Tribal Social Services. She was one of the four tribal co-chairs for this workgroup, and represented the northern region. Her interim replacement with Yurok has been asked if she wants to take on this role of co-chair for the workgroup, but nothing has been decided. The tribal caucus will discuss further at the next meeting.

**Follow-up on May Action Items:** CDSS' Child Safety Unit Manager, Scott Stevens, provided this update. There was discussion at the March and May meetings regarding whether or not over-noticing of tribes was due to an issue with CWS/CMS. CDSS reviewed a sample of CWS/CMS cases and found that the over-noticing is a user issue, not a system issue. There are several tribal affiliations associated with different tribes. For example, one of the Navajo tribes is also connected to several other tribal affiliations. Therefore, when only the tribal affiliation is known and not the specific tribe, all of the affiliated tribes would be noticed. This is also in line with how the Bureau of Indian Affairs (BIA) lists the tribes in their Federal Register. There were two options presented to the workgroup: 1) CDSS could remove the affiliations from CWS/CMS, or 2) CDSS could remove their list of tribes from their website. These may be drastic and not necessarily resolve the over-noticing issue. The workgroup suggested this issue be tabled for the next meeting and that perhaps more training is needed for CWS/CMS users.

## **CDSS Updates**

**Division 31 Regulations:** Kendra Elmendorf (Child Safety Unit), provided this update. On May 23<sup>rd</sup>, CDSS sent out another draft of the regulations to the workgroup and received feedback by the requested deadline of June 28<sup>th</sup>. Comments were received and edits were made as appropriate. CDSS will prepare the draft regulations for submission to the department's Office of Regulations Development (ORD) by November. Once approved by ORD, the 45-day public comment period begins. A notice is sent to all stakeholders for comments and all comments are taken into consideration. If any necessary changes are made to the regulations after the public comment period, they must again be approved by ORD. After ORD approval, the regulations package is then sent to the Office of Administrative Law (OAL). Once OAL approves the regulations, they are sent to the Secretary of State's office who records them. After recorded by the Secretary of State, the revised regulations are included in CDSS' Manual of Policies and Procedures and ready for implementation. Due to the many review periods for all stakeholders, the entire process from the time the proposed regulations are submitted to ORD usually takes about a year for the regulations to be implemented.

Maureen Geary stated her concern that it has taken CDSS seven years to develop these regulations after SB 678 was passed. She would like clarification from CDSS that this is not common practice and that we can have a more expedited process for regulations in the future.

CDSS Attorney Liz Sandoval explained that much work has been put into the modification of these regulations and that it is a major project to get regulations passed and out of the department, especially as new laws are being passed, and those legislative changes are being reviewed for the possible need for inclusion into this regulations package. The provisions from SB 678 are not the only things going into these regulations. Even now, the regulations are being impacted by the new federal regulations applicable to Title IV-E tribes and the transfer of

children from counties to these tribes. This was no minor endeavor as nearly every section of the Division 31 regulations has been amended.

Liz also mentioned that the provisions of SB 678 have been reflected in All County Letters (ACLs)—primarily the ACL 08-02 released in 2008 giving direction to the counties. This is the department’s primary means of communication to convey legislative changes that would impact child welfare workers and their responsibilities, since regulations take much longer to finalize and implement.

**AB 12/“After 18 Program” – ACL Status:** Nighat Iqbal (Child Safety Unit), provided this update. The ACL draft was emailed to all counties and the ICWA Workgroup in May 2013. The deadline for requested feedback was May 31<sup>st</sup>. Feedback was received from counties and the workgroup and edits were incorporated into the final draft. The ACL covers the following topic areas:

- Continued Application of ICWA in the After 18 Program
- Indian Youth’s Right to Withdraw from Continued ICWA Application
- Participation Plan Requirements
- Placement Options for Indian Youth
- Funding and Eligibility Criteria for Indian Youth
- Indian Youth Under a Tribal Title IV-E Program

The final draft is currently being circulated internally within CDSS for final approval, which is expected to be near the end of September. The ACL should be ready for release by the first week of October.

**Baby Veronica Case:** Liz Sandoval and Maureen Geary provided this update. Liz Sandoval started the update by giving thanks to the workgroup for making CDSS aware of the CWDA filing in support of the adoptive parents in the Baby Veronica case. CDSS took a closer look at the case and, at the request of the workgroup, was able to get approval from the state’s Health and Human Services Agency and the Governor’s Office to join the other 18 states in the Amicus Brief supporting Baby Veronica and her biological father. CDSS was concerned about the constitutionality of ICWA being challenged. CDSS has not seen any reason to modify what California does with regard to the ICWA, as California gives more due process rights to unwed fathers than other states. When CDSS sought approvals and evaluated what California has done legislatively, it was very clear that California applies ICWA standards regardless of who has custody of the child, as evidenced in Welfare and Institutions Code (WIC) section 224.

Maureen Geary added that it would be nice for people to see in writing from CDSS that, although the Supreme Court has ruled in favor of the adoptive parents in this case, California will continue to support the tribes, California law, and continue to seek compliance with both federal and state law with respect to Indian children, tribes and families, and that the state of affairs in California with respect to ICWA has not been affected by the Supreme Court’s decision.

Dorothy Barton expressed that there is a growing concern that, if it is not clear where California stands on this issue, there could be attorneys and courts that will try to apply something from the Baby Veronica case to future adoption cases.

Maureen Geary stated that media coverage has been horrific in the Baby Veronica case and the facts of the case have been extremely skewed. Kimberly Cluff recommended that CDSS should use the media coverage to its advantage by making a strong statement soon if they want to be proactive. Scott Stevens agreed to share the workgroup's concerns from this discussion with upper management. Maureen also added that the state will be seeing a white paper submitted by tribes in hopes that CDSS will make a public written statement.

Liz Sandoval stated that it would be helpful to obtain from workgroup participants anecdotal information about what is happening in their counties that may be affected by the Baby Veronica case ruling.

Nancy Currie voiced a concern about the Interstate Compact on the Placement of Children (ICPC) process that can be further discussed at the next meeting. There is concern that there is very little understanding of the ICPC process and, consequently, very little enforcement of it. She would like the workgroup to talk more at the next meeting about how California views that, both in and out of the dependency system, so that Indian children do not end up being moved from one state to the next without the tribe knowing and, therefore, they just keep disappearing.

Liz DeRouen is also concerned about if and where demographic information is being recorded with regard to unwed fathers. She mentioned that 90% of her caseload involves unwed couples. There is a concern among the tribes as to how traditional paternity ceremonies done in their traditional houses are being acknowledged. This can be discussed at a future meeting.

Liz Sandoval mentioned that ICWA talks about acknowledgement of paternity and providing full faith and credit for a tribal ceremony that acknowledges paternity. She believes that the Tennessee courts acknowledge traditional paternity ceremonies of tribes. Recording that information would be of value for the work of this group.

Kimberly Cluff shared information about an evolving issue regarding putative father registries (PFRs). There is growing concern among tribes that these could gain momentum after the Baby Veronica ruling. Therefore, tribes will be looking to the state to take a leadership position or partner with the tribes. PFRs are active in about eleven states. This sort of registry is a mechanism by which a man who has sexual relations with a woman can register with the state so that if a child is born of that relationship, and the mother tries to place the child up for adoption without his knowledge, not only will he receive notice of the adoption proceedings, but it is considered a substantial step toward acknowledging his paternity. One of the major issues that keeps coming up on the Baby Veronica case and some of the other fallout cases is that the fathers did not avail themselves for the benefit of the PFR, which therefore is a failure on their part, and then they cannot establish paternity. The concept is to create a way for these fathers to secure their paternity, but it often ends up turning into a way to deceive dads and deny them their paternity. Not many people know of these registries. Most men do not know to register with the PFR in order to secure their paternity. If a man had sexual relations with a woman and she later places the child for adoption, and he could have registered with the PFR but didn't, then he has abandoned the child in the eyes of the law. There has been a federal bill floated every once in a while to create a National Putative Father Registry, and the Baby Veronica case is getting the American Association of Adoption

Attorneys all excited that they are now going to float a federal PFR bill. This is being driven by the adoption business because the PFRs make the adoption process easier to get kids placed because the courts can disregard the biological father.

CDSS' Child and Youth Permanency Branch Chief, Karen Gunderson, stated that California traditionally has not recognized putative father terminations from other states. Until there is a law change in California, which is what it would take, this would not change. Kim Cluff explained that when a state, such as California, has a higher level of due process than the federal law, the state law would prevail because it would be more protective of the Indian family in the case of ICWA. However, if there is a federal PFR, then all states would be required to comply.

Karen also asked if there is a role for the Administrative Office of the Courts (AOC) in issuing some kind of clarifying language with regard to the impact the Baby Veronica case has had in California. Ann Gilmour responded that the AOC will do legal opinions for the courts, but in terms of interpreting the meaning of a Supreme Court case within the California law...that is something that the judges do. Ann will ask if there is anything the AOC can develop in terms of a fact sheet about ICWA, California law, and the impact of Baby Veronica.

Maureen Geary informed the workgroup that, at the same time of the Supreme Court's decision, the American Bar Association as well as the National Council of Juvenile and Family Court Judges passed a resolution in support of full implementation of the ICWA. The tribes would like to see a statement or resolution from California as well.

**ACTION 1:** In response to a workgroup request, CDSS will look into developing a written statement expressing that despite the Baby Veronica Supreme Court decision, California will continue to support the tribes, California ICWA law, and will continue to seek compliance with both federal and state law with respect to Indian children, tribes and families.

***Tribal Consultation Policy Development:*** CDSS' Child Safety Unit Manager, Scott Stevens, reported that CDSS has begun developing a policy for formal consultation with tribes. CDSS hired professional court reporters to document accurate notes of the two listening sessions that took place at the 20<sup>th</sup> Annual Statewide ICWA Conference held in Temecula in June 2013. The purpose of hiring court reporters was so that the dialogue between CDSS and tribes would be preserved and it would be documented by a source other than CDSS. The transcripts for the listening sessions have been posted on CDSS' ICWA web page under the "CDSS Tribal Consultation Process" link.

For true tribal consultation to be successful, tribes have expressed to CDSS that they should meet with as many tribes as possible within the state as soon as possible. It is not constructive or desirable for CDSS to only send an email or letter inviting tribes to a consultation when the relationships still need to be developed. For that reason, Kevin Gaines (Child Protection and Family Support Branch Chief) and Scott Stevens visited the Soboba Band of Luiseño Indians and met with tribal council two weeks ago. The meeting was very informal and there were several tribal representatives present. The purpose of meeting with tribes is to establish and maintain collaborative relationships with California tribes, which will foster more effective consultation in the future.

Nancy Currie organized a lunch for after the meeting where representatives from several tribes were in attendance. There was open discussion on the impact of realignment on ICWA compliance. Questions were asked regarding how much oversight the state may have given up as a result of realignment, and how much control the state still has. The main take-away from that discussion was that the law really has not changed much. Next steps: CDSS will continue to meet with tribes. Near the end of September, Scott Stevens and Nighat Iqbal will travel to Habematolel Pomo of Upper Lake to meet with tribes in the area. Thanks to Angie Arroyo for setting this up.

Kevin Gaines, Elizabeth Sandoval and Scott Stevens met with the Governor's Tribal Advisor in July. She gave insight on appropriate ways to approach tribal consultation, appropriate venues to receive feedback from tribal leaders (e.g., the tribal chairmen's association meetings), and gave feedback on what CDSS has done so far. CDSS was surprised to learn that, as an agency, CDSS is already doing much of what she suggested. Scott credited the workgroup for providing input to CDSS to help ensure the process is done properly. Nancy commented that it was nice to see CDSS down in the southern region to begin that relationship development as a precursor to consultation.

Scott also expressed to the workgroup that when CDSS makes contact with the tribe, the agenda is open and a discussion of what the tribe wants is discussed. It is an opportunity to meet and get feedback from the tribes and build the relationships.

Scott asked the workgroup if there are tribes in their areas that would like CDSS to come and meet with them, they should contact Scott directly. Kimberly Cluff mentioned that she knows of two tribes that CDSS may wish to visit. CDSS is working on holding additional listening sessions at future regional tribal chair meetings.

**Update to CDSS' ICWA Website:** Scott Stevens provided this report. Soon to come on CDSS' website, under "Helpful Links," will be a webpage to display Memorandums of Understanding (MOUs), Memorandums of Agreement (MOAs), and protocols. CDSS is attempting to expand the technical assistance the Child Safety/ICWA Unit can provide between tribes and counties, and is aware that there are some great relationships that have been fostered and great MOUs established between some tribes and counties. CDSS has reached out to several counties and tribes for permission to post their MOUs, etc. to CDSS' website. CDSS currently has about four or five examples to share on their website that illustrate positive models. CDSS received confirmation from the Soboba tribe and Riverside County to post their MOU.

Liz DeRouen gave permission for CDSS to post the Lake, Mendocino and Sonoma County protocols. She stated that within the protocols there is permission given by the counties to reproduce. Kendra Elmendorf indicated that she has only received the protocol for Sonoma County. Maureen Geary said she will send copies of Lake and Mendocino County protocols to Kendra Elmendorf if she still needs those.

Liz DeRouen also would like to know, since CDSS is able to list some of the protocols with regard to tribes engaging in collaborative relationships with the counties, how is that addressed with criminal cases and multijurisdictional cases with regard to child sexual abuse cases? Part of that is split between county social services, the criminal side, and tribal law enforcement. Is there a mechanism for creating some type of a multidisciplinary process for addressing how

those entities should coordinate when looking at these types of cases? There seems to be no wraparound support or coordination between child welfare services and the criminal side. It would be extremely helpful if CDSS could assist with the development of a multidisciplinary protocol so that social workers, law enforcement, etc. can know who they need to contact in any given situation and know how to locate available resources and web links.

Scott responded that although that is not in the scope of what CDSS is trying to do here at this time, it is a good idea and this can be discussed further at future meetings. Scott also mentioned that if CDSS can get one county or other CDSS offices to develop an MOU with tribes, then there is a strong likelihood that other counties will follow and additional protocols and MOUs will be developed.

With regard to Liz's concern above, Kim Cluff called it "siloing". The dependency piece is siloed and they see so many child sexual abuse cases, and yet the criminal justice piece is not connected or included. However, the tribes have to live in both worlds. Help is needed in having the conversation regarding tribal children to include the conversation around criminal justice. Child welfare cases and criminal cases are often related, yet handled separately to the point that communication is lacking, common goals are not being served, and resources and services are not immediately available.

CDSS' Children's Services Operations and Evaluation Branch Chief, Ellie Jones, added that CDSS has a representative seat on the Children's Justice Act (CJA) Taskforce, which is run by the California Emergency Management Agency. Former Assistant Bureau Chief of the Office of Child Abuse Prevention (OCAP), Lee Ann Kelly, used to hold that seat, so it is likely that our current OCAP Bureau Chief may be sitting in that role now. However, Ellie said that she would be happy to facilitate some discussions with that group.

<p><b>ACTION 2:</b> Maureen Geary will send copies of Lake and Mendocino County protocols or MOUs to Kendra Elmendorf of CDSS.</p>
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**Continuum of Care Reform:** Ellie Jones provided this update. Ellie has responsibility over areas such as the Interstate Compact on the Placement of Children (ICPC), oversight of counties with relative approvals, and state Adoption District Offices. They are working with a trailer bill that was passed last year that requires the department to revisit the foster care providers, group homes, foster family agencies (FFAs), rate setting, outcomes, and services in order to promote better outcomes for families and have it be more service driven rather than specific rate structures.

For the purposes of this discussion, the foster care providers referred to will be limited to FFAs and group homes (GHs), and the issue of national accreditation of these agencies. There is a recommendation being put forward to a steering committee that we support national accreditation for not-for-profit FFAs and GH providers. Her question to the group was: What application if any would there be to tribally approved FFAs or GHs and what are the potential cultural considerations that should be taken into account? Liz DeRouen requested that some literature or a summary be sent to the workgroup so they can solicit feedback from their tribes. Ellie will send a preliminary recommendations document that goes into more detail on the accreditation and on the GH core services being recommended and the qualifications of those providers. She will route this document through Scott for dissemination to the workgroup.

Karen Gunderson reminded the workgroup that she and one of her staff, Megan Stout, presented a workshop at the State ICWA Conference in June about this project in general. They passed out a draft of the recommendations at that time. They are continuing to develop the recommendations as issues are raised and feedback is shared.

Ellie also clarified that this is actually an accreditation standard that would allow FFAs and GHs to become licensed by CDSS. As a result of the work they are doing, CDSS is elevating some of the requirements for these providers by enhancing some of the qualifications and expectations regarding services. Therefore, the accreditation agencies would look at CDSS' requirements and accredit those agencies based on the providers' ability to meet fundamental standards.

Kimberly Cluff expressed concern that traditional, sacred ceremonies done in traditional homes on tribal land would not be acknowledged or considered, or that tribal facilities would not be accredited because they do not have the same things that other foster agencies have. There was also concern about how urban programs might be affected by this.

Ellie offered to bring Community Care Licensing partners to the table to talk about this issue with the tribes and give further insight.

Liz DeRouen requested a summary of timelines and goals as well as the recommendations document be sent to the workgroup so they have an idea of what they need to come up with in a specified period of time.

Karen mentioned that even apart from the accreditation question, looking at the requirements for tribal FFAs and GHs, it may be possible to identify that the licensing framework allow for religious or traditional ceremonies or sacred activities that are not currently accounted for in that framework. There is an opportunity to talk about the services that need to be provided and CDSS has identified culturally appropriate activities as one of those domains, so now it's time to look at highlighting that in a whole way with regard to licensing.

Ellie also stated that there will probably be changes to Title 22 regulations for licensing that will reflect this work, and there will likely be changes to Division 31 regulations that reflect the changes we want in our child welfare practices.

**ACTION 3:** Ellie will send a preliminary recommendations document that goes into more detail on the accreditation and on the GH core services being recommended and the qualifications of those providers. She will route this document through Scott for dissemination to the workgroup.

**ACL on SOC 815: Relative Approvals & TAHs:** Kendra Elmendorf gave this report. CDSS is currently developing an ACL on the SOC 815 form with instructions on how to complete the form with a page-by-page explanation. The draft ACL should be sent out to the workgroup and CWDA tomorrow (9/11/13). There will be a 30-day review period and comments should be sent to Kendra for review.

**ACTION 4:** The draft ACL on the SOC 815 form with instructions on how to complete the form with page-by-page explanations will be sent out to the workgroup and CWDA by 9/11/13.

***Transfer of Case Records from Counties to Tribes:*** Scott Stevens and Liz Sandoval gave this report. Scott began by informing the workgroup that CDSS has drafted an ACL which gives direction to counties regarding policies and procedures for the transfer of a Title IV-E eligible child from the county child welfare system and court jurisdiction to the tribe of which the child has been deemed a member, the tribe has intervened, and the tribe has sought the transfer of the child to their tribal jurisdiction and court. It also provides guidance to county social workers on the minimum transfer requirements of the child to a Title IV-E tribe or agency. Federal regulations specify what case records items need to be transferred to a Title IV-E program. These standards only apply for child transfers to a Title IV-E tribal program. A draft of this ACL should be ready for review very soon.

The ACL explains the need for a hard copy file to be created that will go with the child during transfer, since it cannot be assumed that the Title IV-E program will have access to the essential documents and information contained within CWS/CMS. Essential documentation would include items such as: education passport, medical records, Title IV-E eligibility determinations, case plan documentations, and placement history. Other considerations include documentations that would protect a child from losing other federal benefits (e.g., Title 19 medical care).

Liz Sandoval mentioned that although there are transfer provisions in WIC section 305.5 regarding transfer of proceedings to a tribal court, it does not give much guidance on what information should be sent with transfers. It also is not specific to what should go with the child being transferred to a Title IV-E program, which is why this ACL is needed. Ann Gilmour asked what goes with the child when there is an inter-county child transfer or when a case moves from probation to dependency. Liz responded that more guidance is provided in that area.

A transfer can happen at any stage of the case. Tribes have the discretion to determine which children they wish to transfer, if any.

***Annual Progress and Services Report (APSR):*** Scott Stevens provided this update. CDSS submits a state plan every five years, and every year CDSS needs to report on the progress that has been made on that state plan. At the last workgroup meeting, CDSS informed the workgroup that the language that was incorporated into the ICWA chapter and shared the report with the workgroup for review and feedback. CDSS gave 60 days for the workgroup to provide their feedback. We received some comments from Kimberly Cluff. Scott shared the overall gist of the comments that Kimberly shared. CDSS was able to incorporate changes to the APSR for virtually all of her comments with the exception of only one or two.

One thing that was changed was with regard to CDSS repeating some of the same language from the previous year within the ICWA chapter of the APSR; that has been updated.

Another area that was not satisfactory was the data presented in the report. Therefore, Scott asked what type of data the workgroup would like to see during the next reporting period.

Scott reported that since the APSR repeated a lot of the language from last year, tribes should look into the language well before its due date so they have an opportunity to comment before the report is due to feds.

Nancy Currie asked what the consequences are for counties that do not submit their county self-assessments (CSAs) by the deadline, and for counties that have not met federal requirements for the report.

Ellie Jones responded by stating that counties who have yet to submit their CSAs have requested an extension, and CDSS has been monitoring when those products are due. One of the things that was asked for from Kevin Gaines is a list of tribes that are listed by county (which was provided this month) so that Ellie's staff can ask counties specific questions as to what efforts they are making to include each of the tribes in their area in these discussions in their assessment. Also, Ellie's branch is in the process of revising their guides. For example, in one of the earlier iterations of their oversight system, the tribes were a recommended partner, but they are looking at moving the tribes up into a "required" partnership. Also, her staff will be working more closely with the county and probation agencies to ensure that there is at least some outreach to the tribes within those jurisdictions.

Nancy recommended that counties not just look at the tribes within that county, but also at the tribes that the county serves. Tribes may have kids in more than just one county. Ellie pointed out that one of the changes to their documents has to do with a better evaluation of who the children are that they serve. Ellie asked that folks email her about counties that may not be working well with tribes, and she will reach out to the counties to try and close the loops. Scott will send her contact information to the workgroup.

### **Request for Technical Assistance from the National Resource Centers**

This agenda item was added at the beginning of this meeting. Tom Lidot requested that we discuss follow-up to the requests for technical assistance (TA) that were sent to the National Resource Centers (NRCs). Scott Stevens stated that two TA requests were submitted to Region 9, the NRC for Organizational Improvement, and the NRC for Tribes: one by the tribal caucus and the other by CDSS. It was discovered later that a tribe cannot request TA from the NRCs unless they are a Title IV-B entity.

It was asked if CDSS would be able to submit a TA request that would incorporate the tribal request to ensure that their concerns are also addressed by Region 9 and the NRCs. Nancy Currie clarified that no decision has been made yet as to whether that is the direction that the tribal caucus wishes to take. The workgroup tribal co-chairs will discuss and get back to CDSS and Region 9 as to when they are available for an additional conference call.

<p><b>ACTION 5:</b> The workgroup tribal co-chairs will discuss the option of CDSS incorporating the tribes' concerns in their TA request and get back to CDSS and Region 9 as to when they are available for an additional conference call.</p>
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### **California Partnership for Permanency (CAPP)**

Aprille Flint provided the CAPP update. Both Humboldt and Fresno area CAPP partners have rolled out their ICWA and Cultural Competency trainings that are aligned with the CAPP practice model. The partnership has been most impressive in that the counties came together with their tribes to find out what social workers need to know on the front line and overlaid that with the practice model and the work. Humboldt and their partner tribes hosted CAPP at their last cross-site meeting, which was a huge success.

CAPP has an opportunity to develop a community and tribal engagement toolkit as a part of the project. Local sites will be working with their CAPP folks to figure out the best way to improve the toolkit from their local perspective. Aprille encouraged the workgroup to provide some input on that.

Tom Lidot asked: What is the plan to spread throughout CDSS what you have learned about engaging tribes? Karen Gunderson responded by mentioning that Scott's staff coordinated a Cultural Competency training that was conducted by the Inter-Tribal Council of California (ITCC) on two dates in September for a total of about 100 CDSS staff. This was a good starting place for future work in helping CDSS staff become more educated about its engagement and relationship with tribes and to understand the historical context for tribal people.

### **Administrative Office of the Courts Update**

Ann Gilmour provided this update. The Judicial Council is currently considering sponsoring legislation to amend WIC section 827 to provide for tribal access to confidential juvenile court files involving tribal children. The proposal has been circulated for comment and is on the Judicial Council's agenda at the end of October. If the Judicial Council approves sponsoring the legislation, it will move forward after that. Also, the California Law Revision Commission (CLRC) is considering adopting something called the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (UAGPPJA), which contained provisions that are modeled on the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) and treats tribes as states for the purposes of jurisdictional analysis.

The AOC submitted comments to the CLRC on issues concerning tribal courts. The AOC's comments are going to be considered by the CLRC at their next meeting on the UAGPPJA proposal on October 10<sup>th</sup> at their next meeting in Davis. It would be helpful to have tribal representatives to speak in support of this rather than just the AOC.

Ann will email the proposal to Scott Stevens for distribution to the workgroup.

<p><b>ACTION 6:</b> Ann Gilmour will email the UAGPPJA proposal to CDSS for distribution to the workgroup and has asked that tribal representatives attend the California Law Revision Commission meeting on October 10<sup>th</sup> in Davis.</p>
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### **20<sup>th</sup> Annual Statewide Indian Child Welfare Act (ICWA) Conference Recap**

Edward Roybal (Pechanga Tribe) provided this update. This year's conference was a rousing success! There were almost 400 participants, 68 speakers, and about 30 sessions. There were some helpful suggestions and comments provided at the conference and afterwards that should be very helpful for future conference planners.

### **Next ICWA Workgroup Meeting Discussion**

The next ICWA Workgroup meeting is scheduled for Tuesday, November 12, 2013, and is scheduled to be hosted by a tribe in a Central California location. It was asked if the November meeting could be held in Colusa. Kim Cluff will check and let CDSS know.

**Agenda Building:** Agenda items for the next meeting have been discussed throughout the course of this meeting.

**Solicit Tribal Host (Central Region):** It was asked if the November workgroup meeting can be held in Colusa (Colusa Indian Community). As stated above, Kimberly Cluff will check and let CDSS know.

### **Other Issues**

**Solicit Tribal Host for 2014 ICWA Conference (Central Region):** We need to find a host for the 2014 conference. Nancy Currie asked that Theresa Sam start talking with the tribes in the central region about interest in hosting the next conference. Kim Cluff said that Colusa Indian Community is also a possibility.

Tom Lidot mentioned that Angela Medrano claimed that the funding support provided by CDSS covered about one-fifth or one-third of the total budget for the conference. This is useful information for the next conference planners to know.

Nancy mentioned that Pechanga is putting together a binder of helpful information for future conference planning committees to use. This will help make future planning of conferences run more smoothly.

<p><b>ACTION 7:</b> Theresa Sam will start talking with the tribes in the central region about interest in hosting the next conference.</p>
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**Co-Chair Vacancies:** This item was discussed at the beginning of this meeting.

**Workgroup Logo:** Scott Stevens asked if the workgroup wanted a logo to represent this group to reflect the partnership and joint effort of the workgroup. The group would like to have time to think about this new idea, and talk about this at a future meeting.

Margaret Orrantia closed the meeting with a prayer.

Meeting adjourned at 3:37.