

**California State Department of Social Services  
ICWA WORKGROUP**

***CDSS Headquarters  
744 P Street, Room 1032  
Sacramento, CA 95814***

**January 11, 2011**

**Minutes**

- **Welcome/Introductions/Beginnings.** Prior to introductions, Ms. Joni Drake led the blessing.
- **Office of Foster Care Ombudsman (FCO).** The Foster Care Ombudsman Karen Grace-Kaho and Consultant Denise Cooper presented the report by first introducing Ms. Donnel Jenkins and Bonnie Rivero who are consultants in the office. The Foster Care Ombudsman's Office provides foster children and youth or concerned adults with a forum for voicing concerns regarding the Foster Care system's services including ICWA, treatment, and placement. The office provides a central statewide clearinghouse and technical assistance for county child welfare Ombudsman offices, and coordinates with them to address concerns related to foster youth in their county and provides direct outreach to foster youth who may be experiencing problems with their care providers or county workers. The CDSS ICWA Unit staff refers parents, grandparents and other family members who have a child in CPS and believe that their rights have been violated by a county staff member who may not have followed the correct process that could include lack of noticing, inquiry, family placement, active efforts, and/or family engagement. The office has 11 staff members, of which two are lawyers.

A question arose regarding the Ombudsman's ability to correct a situation that is found to be improperly handled. The Ombudsman can present the case and findings to the counties' management, or can schedule a meeting between the director of CDSS and the director of the county program.

The Ombudsman's Office was asked by the Workgroup to respond to the following questions and/or comments:

- An ACIN No. 1-79-08, entitled California State Ombudsman for Foster Care was provided. A question regarding whether or not a written plan to the tribe, as well as to the state or county agency, is submitted, to which the Ombudsman responded that the tribe can be sent the plan.
- It was suggested that the FCO include asking whether a family is American Indian to the intake documentation and data collection.

- A couple of months ago, two young men who were in the foster care system did a presentation to the ICWA Workgroup. The Ombudsman's Office is requested to contact these young men and obtain a listing of their complaints and/or concerns about the CWS of which they have first knowledge. (The workgroup can refer the youth to the FCO.)
- Work on data that shows which issues are most often reported and provide data to the ICWA Workgroup. The FCO offered to come back, if invited, to provide a discussion on data reports. In addition, the FCO stated that they would revise the intake questions to include a question to ask about ICWA eligibility/American Indian ancestry.
- **California Partnership to Reduce Long-Term Foster Care Federal Grant.** The agenda was revised to have the presentation of this report by Nicolle Larkins (in-person) and Kate Welty (via conference call). This grant aims to reduce the disproportionality of African American and American Indian children in long-term foster care because there are significant barriers to finding permanent homes and this population is disproportionately represented in long-term foster care. The grant includes eight planning teams with five (5) CORE teams: 1) Capacity Building Planning Team; 2) Cross-Site Planning Team; 3) Finance & Reinvestment Planning; 4) Practice Model Refinement Planning Team; and 5) Systemic Issues Analysis Team. Other than the Cross-Site Planning Team, which meets twice a month, the other teams meet once a month.

There are four (4) implementation counties: 1) Fresno; 2) Humboldt; 3) Los Angeles; and 4) Santa Clara. There will be ten (10) additional replication counties that will participate in early planning and development activities and implementation during the fourth and fifth years of the project.

Nicolle recently learned that out of the four initial counties, Humboldt is the county where American Indians have a disproportionality problem. However, within the other ten replication counties, disproportionality of American Indian youth is a problem.

Nicolle expressed that there is a need for tribes to be included in the teams for this project because these teams will help shape the statewide practices that will derive from this grant.

There was discussion as to the funding of participation. Many Indian programs do not have the funding to pay for participation of their social worker and go without the workers services at the tribe when the tribal social worker participates. The Workgroup participants requested that the grant make allowance for the travel expenses (transportation, mileage, common carrier, and parking), per diem and the salary of the individual in way of a stipend. Without a stipend, only tribes with money can afford to participate. Also, it was recommended that participants should arrive the night before a meeting to bring the members together to go over what is expected the next day, so that the end result can be a united voice. Workgroup members requested a stipend of \$600 per day, and Nicolle said that she would check to see if such an amount would be

permissible. Also, she mentioned that the four implementation counties that receive funds through this grant will be paying for travel expenses and/or stipends for folks to participate in efforts at the local level. Nicolle explained that the counties would be requesting tribal participation at the county/local levels. Discussion included the suggestion that tribes should be requested to participate and this should be accomplished by addressing the tribe in person along with members of the community. Workgroup participants suggested that Nicolle address the tribal councils with an explanation of the grant and a request to participate. Workgroup members stated that they still need more information regarding the need/purpose for their participation on the planning teams in order to request participation on behalf of the tribes/tribal councils. Nicolle and Kate stated they could email descriptions of the planning teams to the workgroup through the ICWA Unit when this meeting concludes. *[Emailed 1/12/11]*

For those who have any questions or are interested in joining a team, contact Nicolle Larkins at (916) 657-3751 or by emailing [nicolle.larkins@dss.ca.gov](mailto:nicolle.larkins@dss.ca.gov).

- **Administration of the Courts.** Ann Gilmour presented the report. She asked for tribes and counties that have an active Tribal Customary Adoption to please inform the AOC because they have not had any active requests. AOC will introduce the new Chief Justice Tani Cantil-Sakauye to tribal matters, juvenile dependency protocol issues and access to information.

AOC is working on standardizing training and is asking the ICWA Workgroup for their priorities in regards to training the courts, attorneys and probation. The Workgroup responded with the following suggestions:

- Lawyers should be trained in ICWA prior to being eligible for draft in court (draft is an appointment of a lawyer to a case, such as ICWA child). AOC should make a rule.
- The chief justice could hold state judges accountable to adhere to the ICWA law.
- Focus on minor and parent attorneys, probate and guardianship.
- When a child may have been abused and/or neglected, the investigation should be mandatory, it is not mandatory in all counties.
- Need Judicial Council forms.
- Self-Help Desk: Guardianship paperwork is turned away at the county level. The Indian adult seeking guardianship is referred to the help desk (which is funded through a state contract), and since the amount of work and complexity of the forms and documents required to complete the petition has a negative affect on the potential guardian, they often just turn away and there is no other help for them. It was noted that the Self-Help Desk staff are unable to assist with the complex process required for filing for guardianship in ICWA eligible cases. CILS used to be a resource for these individual Indian clients. However, CILS now assists the tribes and cannot represent individuals. Workgroup members suggested that AOC require the Self-Help Desk to assist these cases or provide another contract to agencies that are trained and capable of providing the necessary assistance in ICWA guardianship

cases. Discussion included suggestion that if this situation is not resolved, it could lead to a civil rights law suit.

- **18<sup>th</sup> Annual Statewide ICWA Conference.** The Tachi Yokut Tribe of the Santa Rosa Rancheria in Lemoore has expressed interest in hosting the statewide conference. Santa Rosa will contact the Pala Band of Mission Indians, who hosted the 17<sup>th</sup> annual conference to see what staffing and monetary commitment it took last year. Theresa Sam, who is currently on leave, will notify the CDSS ICWA Unit as to what Santa Rosa will choose to do about hosting the next conference.
- **Next ICWA Workgroup Meeting.** The Morongo Band of Mission Indians would like to host the next ICWA Workgroup meeting at their facility. The meeting is scheduled for March 8, 2011.
- **Other Items Not Discussed.** Due to time constraints, the ICWA Workgroup decided to postpone the items on the agenda not covered during this meeting to be moved to the March meeting.
- **Adjournment.** The meeting adjourned at 3:40 p.m.