States' Consultation and Collaboration with Tribes and Reported Compliance with the Indian Child Welfare Act:

Information from States' and Tribes' 2015–2019 Child and Family Services Plans

This report was prepared by the Children's Bureau (ACYF, ACF) of the U.S. Department of Health and Human Services. Assistance was provided by ICF International (Contract Order # HHSP23320110015YC).

Table of Contents

Introduction 1
Purpose 1
Methodology 2
Summary and Key Themes 2
- Summary Data 3
- Consistency Between Tribe and State CFSPs 3
- Key Ways in Which States Consult with Tribes 3
- Key Ways in Which States Assess Compliance with ICWA 3
- Key Data Sources 4
- Key Efforts by States to Promote and Ensure Compliance with ICWA 4
- Key Barriers, Challenges, and Needs 5
- Strengths and Areas of Concern Derived from Tribes' CFSPs 5

State-by-State Summary of ICWA Compliance Information 6
Issue Outline for State and Tribal CFSPs: Elements Related to ICWA and State-Tribal Consultation and Collaboration 12
- State CFSPs 12
- Tribal CFSPs 13

Alabama 14
Alaska 18
Arizona 20
- Tohono O'odham 23
- Salt River Maricopa 24
- Pascua Yaqui 24
- Navajo Nation 25

Arkansas 26
California 29
- Yurok Tribe 40
- Smith River Rancheria 42
- Washoe Tribe 43

Colorado 45
Connecticut 49
Delaware 52
District of Columbia 53
Florida 54
Georgia 57

Hawaii 60
Idaho 63
Shoshone-Bannock Tribes 67
Illinois 70
Indiana 76
Iowa 80
Kansas 84
Kentucky 87
Louisiana 89
Maine 93
Penobscot Nation 98
Maryland 100
Massachusetts 104
Michigan 111
Keweenaw Bay Indian Community 114
Minnesota 117
Mississippi 121
Missouri 124
Montana 128
Confederated Salish and Kootenai Tribes 131
Chippewa Cree 132
Nebraska 134
Winnebago Tribe of Nebraska 137
Nevada 140
Washoe Tribe 143
New Hampshire 144
New Jersey 146
New Mexico 148
Navajo Nation 153
Santo Domingo Tribe 155
New York 156
North Carolina 164
Eastern Band of Cherokee Indians 166
North Dakota 168
Standing Rock Sioux 171
Ohio 173

Oklahoma 177
Sac and Fox Nation 180
Chickasaw Nation 181
Oregon 184
Confederated Tribe of Siletz Indians (CTSI) 187
Smith River Rancheria 189
Pennsylvania 191
Puerto Rico 194
Rhode Island 195
South Carolina 198
South Dakota 206
Standing Rock Sioux 210
Oglala Sioux Tribe 211
Rosebud Tribe 212
Tennessee 214
Texas 216
Utah 223
Navajo Nation 230
Ute Indian Tribe 232
Vermont 233
Virginia 234
Washington 235
Port Gamble S'Klallam 238
Muckleshoot Indian Tribe 239
Lummi Nation 240
Confederated Tribes of the Colville Reservation 240
West Virginia 241
Wisconsin 243
Wyoming 249

Introduction

In order to receive federal funding under title IV-B of the Social Security Act, a state or tribal agency requesting title IV-B funds must submit a five-year Child and Family Services Plan (CFSP). The CFSP is a strategic plan that sets forth a state's or tribe's vision and goals to strengthen its child welfare system. It outlines initiatives and activities that the state or tribe will carry out over the next five years to administer and integrate programs and services to promote the safety, permanency, and well-being of children and families.

Among the requirements of state CFSPs is that they "demonstrate substantial, ongoing, and meaningful collaboration with State [or Tribal] courts[1] in the development and implementation of the State plan." 42 U.S.C. § 622(b)(13). State CFSPs must also "contain a description, developed after consultation with tribal organizations[2] . . . in the State, of the specific measures taken by the State to comply with the Indian Child Welfare Act." 42 U.S.C. § 622(b)(9).[3]

Purpose

This report is a summary of the information states provided in their 2015–2019 CFSPs in accordance with the statutory requirements under title IV-B, regarding their compliance with the Indian Child Welfare Act (ICWA) and their consultation and collaboration with tribes. This report also includes information reported in a sample of tribes' CFSPs pertaining to ways in which states consulted and collaborated with tribes.

In addition, the Children's Bureau requested that this report identify examples of and key themes related to the following:

- How states consult with tribes
- How states assess compliance with ICWA, including data sources used to assess compliance
- Potential inconsistencies between how states report consulting and collaborating with tribes and how tribes report states' efforts in these areas

[1] Children's Bureau Program Instruction 14-04 (ACF-CB-PI-14-04, March 5, 2014) interprets this to include tribal courts.

[2] "Tribal organization" is defined in the Indian Self-Determination and Education Assistance Act, 25 U.S.C. § 450b(l), as follows:

> the recognized governing body of any Indian tribe; any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities: Provided, That in any case where a contract is let or grant made to an organization to perform services benefiting more than one Indian tribe, the approval of each such Indian tribe shall be a prerequisite to the letting or making of such contract or grant.

[3] A detailed list of elements required in the "consultation process" is set forth in 45 CFR 1357.15(l)(3).

- Promising approaches and practices for complying with ICWA or consulting and collaborating with tribes

In reviewing this report, readers must be aware of important context related to how CFSPs are developed. A state's CFSP addresses many requirements for several different federal grant programs supporting a range of child welfare programs and services for numerous populations. The report submitted is a product of joint planning between each individual state and Children's Bureau regional office staff and is also to reflect input from a wide variety of stakeholders. Depending on the status of state programming across the continuum of reporting requirements in the CFSP, some states may not include as much detail as others. Moreover, there is no specific format for the CFSP. As such, the breadth and depth of the content provided for any specific provision in a CFSP can vary from state to state and across reporting periods for various reasons. For these reasons, determinations of "compliance" based on this report would be inappropriate as the content does not necessarily reflect the full scope of state activity in any given area.

Methodology

For this report, we reviewed the 2015–2019 CFSPs from all 50 states,[4] plus Puerto Rico and the District of Columbia, as well as CFSPs from 30 tribes selected by the Children's Bureau.

We extracted content from each CFSP, coded to specific consultation, collaboration, and ICWA compliance items required for the CFSP as described in Program Instruction 14-03 for states (ACYF-CB-PI-14-03, March 5, 2014) and Program Instruction 14-04 for tribes (ACYF-CB-PI-14-04, March 5, 2014). We analyzed the relevant content from each CFSP to determine how each state and tribe responded to the required CFSP elements.

For the selected tribes' CFSPs provided by the Children's Bureau for this review, we compared the information from the tribe's CFSP with what the relevant state(s)[5] provided regarding ICWA compliance, and consultation and collaboration with tribes on state CFSPs. We also reviewed whether tribes reported any concerns about the state's ICWA compliance or the state's consultation and collaboration efforts.

Summary and Key Themes

This section provides summary information, common themes, and highlights from the CFSPs. More detailed excerpts from states' and tribes' CFSPs are included in the following section.

[4] The Children's Bureau also provided the 2010–2014 final report for some states. Although we reviewed the 2010–2014 information for these states, our review focused primarily on the 2015–2019 CFSPs.

[5] Some tribes have a presence in more than one state.

Summary Data

- 16 states, Puerto Rico, and the District of Columbia report having no federally recognized tribes; however, some of these states do report having state-recognized tribes[6]
- 23 states and the District of Columbia did not report any data on their assessment of ICWA compliance[7]
- 14 of the 30 tribes reviewed reported some degree of concern about how the state(s) comply with ICWA or how the state(s) consult and collaborate with the tribe

Consistency Between Tribe and State CFSPs

Information from the majority of tribes' CFSPs (26 of 30 tribes' CFSPs reviewed) was consistent with the information in the corresponding state's CFSP regarding consultation and collaboration and ICWA compliance, the understanding of responsibilities between the state and tribe, how credit reports are provided for tribal youth, and how tribes have been consulted about the Chafee Foster Care Independence Program (CFCIP) and Educational and Training Vouchers (ETV).

Key Ways in Which States Consult with Tribes

Some common methods that states report using to consult with tribes for the development of their CFSP include the following:

- Inviting tribes to participate in broader stakeholder meetings
- Meeting with tribes—individually, as a group of tribes specially convened for the CFSP, or as part of an existing meeting (e.g., statewide CJA Task Force Indian Child Welfare Committee)—via conference calls or in person
- Including tribal contacts on distribution lists for stakeholder surveys to inform CFSP development
- Requesting input from tribes via letters or emails, including soliciting feedback on draft CFSPs, data, and identified tribal needs.

Key Ways in Which States Assess Compliance with ICWA

Some common methods that states report using to assess their compliance with ICWA include the following:

- Case reviews, which include ICWA-specific reviews, special reviews (with additional questions) for cases involving Indian children that are part of a random sample of cases drawn for regular case reviews, and regular child welfare case reviews. These case reviews take place as part of Court Improvement Project (CIP) audits, Continuous Quality Improvement (CQI) reviews, Best Practice Case reviews, and state-level Child and Family Services Reviews (CFSRs). Some states report including tribal representatives in the teams of reviewers.

---

[6] Arkansas, Delaware, Georgia, Hawaii, Illinois, Kentucky, Maryland, Missouri, New Hampshire, New Jersey, Ohio, Pennsylvania, Tennessee, Vermont, Virginia, West Virginia.

[7] Alabama, Alaska, Connecticut, Delaware, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Rhode Island, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin. Alaska did, however, refer to compliance data in its 2014 Annual Progress and Services Report (APSR).

- Quantitative reports and analysis, which include monthly or quarterly reports providing data on Native American children in out-of-home care
- Feedback from tribes, which is gathered through ongoing dialogue, periodic surveys, and written comments

Key Data Sources

States' common data sources for assessing ICWA compliance include the following:

- The state's child welfare information system, which may include data elements on the child's Native American heritage, placement setting, and other ICWA-related data elements
- Case files
- Input from tribes
- Court documents

Key Efforts by States to Promote and Ensure Compliance with ICWA

Some common methods that states report using to promote and ensure compliance with ICWA include the following:

- Seeking external review of and consultation on policy, procedure guides, and curricula from tribes (both within and outside the state) and organizations with tribal expertise (e.g., the National Resource Center for Tribes)
- Revising policy and procedure guides to include ICWA requirements
- Forming and participating in Indian Child Welfare workgroups, providing a forum for discussions and relationship building among state and tribal staff
- Having an ICWA/tribal liaison staff position to provide a clear point of contact between the state and tribes
- Implementing broader system improvements to case reviews, to include involving tribal representatives, using CQI processes and ICWA-specific tools, and tailoring the reviews to the unique needs of Native American children
- Establishing Intergovernmental Agreements with tribes
- Reviewing frequent (monthly or quarterly) reports on Native American children in out-of-home care[8]
- Using information system prompts when entering data in the state child welfare system that indicates that a child is Native American
- Providing checklists to state child welfare workers or court officers on ICWA requirements and practices.
- For states that do not have federally recognized tribes, consulting with state-recognized tribes, tribes in neighboring states, or private organizations that serve Native Americans
- Partnering with tribes to recruit foster families and adoptive families to help create more placement options that align with tribes' placement preferences

[8] In some states these reports are reviewed by state staff; in other states these reports are provided to tribes.

Key Barriers, Challenges, and Needs

Some common challenges states report related to complying with ICWA, assessing their compliance with ICWA, and consulting and collaborating with tribes on state CFSPs include the following:

- Limited or insufficient resources (e.g., time, money, staff), including limited resources to support tribal representatives' participation in meetings and case reviews
- Insufficient time to gather and incorporate input from tribes during CFSP planning
- Challenges with maintaining frequent communication and building relationships and trust between states and tribes
- Large geographic distances between state and tribal staff for in-person meetings
- Difficulties in collecting and entering accurate data, including inconsistent reporting of data on Native American heritage
- Lack of sufficient Native American placement options (e.g., foster, adoptive, and kinship families) needed to comply with ICWA placement preferences
- Difficulties in getting accurate information from families when a child enters the child welfare system about whether the child is Native American
- Key Limitations in data systems, including challenges related to adding or revising data fields and limited options for running reports related to ICWA

Strengths and Areas of Concern Derived from Tribes' CFSPs

Strengths and Positive Practices

- Collocating tribal and state child welfare staff in the state's regional office
- Collaboration between state and tribal child welfare staff on case investigation and case management for tribal children
- Use of Memoranda of Agreement or Understanding between states and tribes to provide clarity on roles and procedures for working together

Areas of Concern or Problems

- States not allowing sufficient time for tribes to provide feedback and input on initiatives, or only notifying tribes after developing plans or projects
- Insufficient knowledge of ICWA requirements by state staff, or staff not consistently following ICWA-required practices
- ICWA notices not provided to tribes consistently or in a timely manner

State-by-State Summary of ICWA Compliance Information

State	Federally recognized tribes?	Information on ICWA compliance assessment	Other information on ICWA compliance assessment
Alabama	Yes	No compliance assessment data provided	The Department, in collaboration with the Tribe and the Regional ACF Office, reports it will review supplemental instruments to evaluate ICWA compliance, for use in the next CFSR that occurs in Alabama.
Alaska	Yes	No compliance assessment data provided in CFSP; Alaska refers to compliance data in its 2014 APSR	
Arizona	Yes	Provides some compliance assessment information on 3 of the 4 ICWA requirements mentioned in the PI Identifies areas for improvement, including increased consistency in identifying Native American children and improvements in notification of Indian parents and tribes	
Arkansas	No	Minimal compliance assessment data provided	Notes a lack of negative comments from tribes
California	Yes	Identifies ICWA as an area that continues to need improvement	Notes multiple areas for improvement for compliance and planned action steps
Colorado	Yes	In following ICWA protocol, the Administrative Review Division (ARD) asks specific ICWA questions about every child whose case is being reviewed. County departments document Native American children in OOH care, and ARD reviews the child's ICWA status. The review includes a series of ten questions relevant to the inquiries of Native American heritage, court findings, and tribal notification of the child's placement and court proceedings. ARD statewide data for SFY 2014, second quarter, indicates a compliance rate of 31.8%, representing a significant decrease in performance from 42.1% for SFY 2011. The data reflects that improvements are needed in the following areas: -Court orders determining that ICWA does NOT apply. -Improved documentation of inquiry about Native American heritage. -Notification of all identified tribes sent to Bureau of Indian Affairs.	The results of the Stakeholder Survey indicate that a majority of respondents believe there is ICWA compliance, with 41.1% of respondents in agreement, and 23.0% strongly agreeing with the statement that the child welfare system “applies the Indian Child Welfare Act when serving Native American children, youth, and families.”
Connecticut	Yes	No compliance assessment data provided; reports that there is no data available on ICWA compliance	Reports that there were no concerns raised by tribes
Delaware	No	No compliance assessment data provided	
District of Columbia	No	No compliance assessment data provided No tribal children in care for the past 10 years	

Florida	Yes	ICWA data from the last several years show that the number of American Indian/Alaskan Native children in out-of-home care has declined slightly, while the number of those children identified as ICWA eligible has remained fairly stable. The number of ICWA eligible children in ICWA compliant placements has risen from 0 in FFY 2008-2009 to 41 at the end of FFY 2011- 2012.	The Case Management Quality Assurance report for FY 2012-2013 indicated that in 91% (n=69) of the cases, upon removing the child from his/her home, the Child Protection Investigator made the appropriate inquiries to determine if the child was of American Indian or Native Alaskan descent so that the appropriate tribe could be contacted regarding the need for an alternative placement.
Georgia	No	Minimal compliance assessment data provided Reviews showed that the agency did not follow the guidelines of the ICWA for all children with Indian heritage.	The population served by DFCS that is self-identified as Native American is quite small. Georgia SHINES data identify 148 children as having Indian heritage by tribal registry. As recently as January 2014, 33 of those children currently in DFCS's custody identified that they were tribal registered. DFCS has experienced challenges in consistently identifying and documenting children with Indian heritage.
Hawaii	No	Minimal compliance assessment data provided Challenge identified: Native American tribal members were not consistently explored for connection with children of Native American ancestry	Although the Child Welfare Services Branch's (CWSB's) current procedures and practice for complying with ICWA are sound, improvement is needed in the area of tracking data and using data to monitor children with Native American heritage. This problem was brought to the attention of CWSB administration through the results of the CQI case reviews. The current Child Protective Services System already has fields that capture ethnicity of American Indian and Alaska Native children.
Idaho	Yes	Minimal compliance assessment data provided Identified area of concern that ICWA eligibility determinations were not timely completed	Conducts specific ICWA case record reviews every 2-3 years as part of assessing compliance
Illinois	No	No compliance assessment data provided	
Indiana	Yes	No compliance assessment data provided	
Iowa	Yes	Strengths noted for most of the four ICWA areas; some areas of improvement needed noted for qualified expert witnesses and documentation	
Kansas	Yes	No compliance assessment data provided	
Kentucky	No	No compliance assessment data provided	
Louisiana	Yes	No compliance assessment data provided	
Maine	Yes	Quality assurance reviews identified improvements in identifying Native children and notifying tribes; progress in engaging tribal staff but more progress is needed; problems with lack of documentation regarding tribal involvement in placement decisions	
Maryland	No	No compliance assessment data provided	
Massachusetts	Yes	Minimal compliance assessment data provided	
Michigan	Yes	All four specific ICWA areas mentioned in PI rated as needing improvement	

Minnesota	Yes	Minimal compliance assessment data provided Noted multiple ICWA areas in need of improvement	A specialized ICWA county continuous improvement review process is being developed by department staff and tribal representatives. This review will identify counties with high numbers of American Indian children in out-of-home placement and conduct an assessment to analyze county-specific performance with on-site visits, including implementation of an action plan.
Mississippi	Yes	Minimal compliance assessment data is provided.	The 2012 MBCI/MS MOU sets forth the respective duties for cases involving Choctaw children. The State plan includes a specific goal for implementing ICWA requirements to preserve American Indian families in a culturally sensitive manner. ICWA training is required for all staff.
Missouri	No	Best Practice Case Reviews found: ICWA checklist completed in 48% of cases; Indian Ancestry Questionnaire completed in 47% of cases. Other: 94% of cases review had sufficient inquiry regarding Native status.	Annual review of all cases noting Indian heritage; additional Best Practice Case Reviews and tools used to assess compliance
Montana	Yes	Minimal compliance assessment data provided Identified lack of data as a key problem	Case review of small sample/feedback from tribes (mostly satisfied with compliance).
Nebraska	Yes	Noted multiple areas needing improvement related to ICWA, or areas that would benefit from improvement	Tribal representatives identified the need for a data system to track ICWA compliance, and tribal representatives need to be involved in the development of this system.
Nevada	Yes	No compliance assessment data provided	The specific measures DCFS uses to comply with ICWA are through case compliance/quality assurance review and training.
New Hampshire	No	No compliance assessment data provided	Only one case in the past year involving a child who was at risk of entering care who was identified as possibly being a member of a federally recognized tribe.
New Jersey	No	Minimal compliance assessment data provided Court analysis found that judges and court staff could benefit from a reminder system for case planning that includes ICWA	

New Mexico	Yes	No compliance assessment data provided Ongoing Compliance with ICWA: ICWA compliance is documented in individual case records (in court reports, activities, narratives, etc.) and compliance data will be obtained through Quality Assurance (QA).	Specific Questions in Legal Review related to ICWA: At this time, the Quality Assurance (QA) unit is not specifically targeting ICWA eligible cases for review, however ICWA cases are reviewed as part of the Legal Review. Historically, results from the review were reported out on a monthly basis and included only the data for the county being reviewed. Beginning in July 2014, the QA unit has begun to gather data to create an annual compliance report in regard to ICWA.
New York	Yes	Placement of Native American children and youth in Native American homes and programs whenever possible remains a state policy. Some of the data reported in this target comes directly from the field including contacts with local districts in New York State. As demonstrated by the data, we have been successful in our efforts to increase the proper identification of Native American children. The data demonstrates a drop in placement resources that match the child's tribal heritage. Of the 93 Native American youth in placement, 43 were matched with placements to support their tribal heritage. An additional eight youth were placed in residential placements, which met their higher level of need. Factoring in the higher level of care required and the increased number of kinship placements, New York State is actually at 86 percent compliance rate in meeting ICWA requirements. Some Native American children are not placed in Native American homes because of the type of placement required. These placements are often for youth and children with special needs. Some placements in non-Native homes have been reviewed by either tribal staff or Native American services agencies, which have approved the placements. These placements, as well as “relative or kinship placements” are included in the data above. It was also found that direct Tribal ICWA placements were at 100 percent compliance (11/11) in 2013 in placing Native American children in Native American placements. The specific training activities and quarterly stakeholder meetings have also strengthened the ability to serve tribal families under ICWA.	
North Carolina	Yes	No compliance assessment data provided	
North Dakota	Yes	No compliance assessment data provided	The Court Improvement Project’s ICWA subcommittee commissioned an ICWA Qualitative Observations audit of court case files for ICWA compliance. This audit involves a case file review of all cases from removal through adoption from October 1, 2009 through September 30, 2010.

Ohio	No	Overall, the vast majority of Ohio's counties have demonstrated compliance with ICWA requirements. Through Child Protection Oversight and Evaluation (CPOE) Stage 8 (the last complete CPOE cycle) and CPOE Stage 9 (the current cycle), a total of five out of Ohio's eighty-eight counties have been required to complete Quality Improvement Plans (QIPs) due to non-compliance with ICWA requirements. The concerns identified through case reviews in these five counties, which resulted in the development of Quality Improvement Plans (QIPs), include: *Insufficient inquiry regarding children's Native American heritage, and *Failure to contact the U.S. Bureau of Indian Affairs in a timely manner regarding a child who may be eligible for tribal membership. (In this instance, the county contacted the Bureau of Indian Affairs outside of prescribed timelines.)	Compliance with ICWA is assessed through Ohio's Child Protection Oversight and Evaluation (CPOE) case review process. Overall, the vast majority of Ohio's counties have demonstrated compliance with ICWA requirements.
Oklahoma	Yes	The Workgroup will review ICWA compliance through the Snapshot ICWA Case review process and Child Welfare Services (CWS) Region/County Staff development. Preliminary data collection during the Snapshot pilot indicates a need for staff development in following policy and data entry when identifying a child as Indian. Preliminary data indicates early notification to the tribe as somewhat positive at 87.2%. Legal notification was found in 66% of the cases. Placement preferences with extended family indicated 45.6% were not placed with extended family, indicating a need for further review of placement processes in the counties with high prevalence.	
Oregon	Yes	Minimal compliance assessment data provided	
Pennsylvania	No	Reports no concerns or challenges regarding ICWA compliance based on their monitoring	
Puerto Rico	No	Minimal compliance assessment data provided	
Rhode Island	Yes	No compliance assessment data provided Identified challenges getting ICWA data reports from its data system	
South Carolina	Yes	No qualitative compliance assessment data provided; minimal qualitative assessment data provided	As part of the state's assessment that Preserving Connections is an area needing improvement, it noted: There was often no documentation that there was sufficient inquiry to determine whether or not a child was Native American or had tribal affiliations.
South Dakota	Yes	No compliance assessment data provided	
Tennessee	No	No compliance assessment data provided	
Texas	Yes	No compliance assessment data provided	

Utah	Yes	Minimal compliance assessment data provided	In 2012, the Utah Court Improvement Program commissioned the ICWA Compliance Assessment, which was designed to help the courts actively observe and improve the protections set forth in ICWA. A review team consisting of representatives from the National Center for State Courts, the National Council of Juvenile and Family Court Judges, and the Minneapolis American Indian Center found that in general the state court exercises jurisdiction properly and is attentive and sometimes even meticulous in providing proper notice of proceedings. The study also found that the courts pursue active efforts to prevent the breakup of Indian families, courts are consistent in terminating parental rights only after finding beyond a reasonable doubt that the continued custody of the child was likely to result in serious emotional or physical damage to the child, and that the courts have a statewide practice of placing children with extended family members.
Vermont	No	No compliance assessment data provided	
Virginia	No	No compliance assessment data provided	
Washington	Yes	Minimal compliance assessment data provided	Statewide ICW case reviews area conducted bi-annually. The focus of these reviews is to assess, in detail, compliance with the federal and state ICWA and Children's Administration ICW policy as well as the quality of the ICW practice in cases where it is believed the child is Native American.
West Virginia	No	No compliance assessment data provided	
Wisconsin	Yes	No compliance assessment data provided	Drawing on the protocols from the Department's overall Quality Service Review process, the Department developed a WICWA-specific tool to assess the quality of WICWA compliance through case reviews.
Wyoming	Yes	Minimal compliance assessment data provided	While DFS works well with the local Tribes, there have been children and youth who were not identified in a timely manner as being affiliated with a Tribe.

Issue Outline for State and Tribal CFSPs: Elements Related to ICWA and State-Tribal Consultation and Collaboration[9]

State CFSPs

1. 2010–2014 State Final Report Consultation and Coordination Between Tribes and States
   - 1.1. Specify whether state has tribes within their borders
   - 1.2. Description of process to consult with tribes since the last APSR and during last 5 years (45 CFR 1357.15(l))
   - 1.3. Assessment of ICWA compliance (and progress made to improve compliance) during past year
     - 1.3.1. Data and source of data used for assessment
     - 1.3.2. Notification of Indian parents and tribes of state proceedings involving Indian children and their right to intervene
     - 1.3.3. Placement preferences of Indian children in foster care, preadoptive, and adoptive homes
     - 1.3.4. Active efforts to prevent the breakup of the Indian family when parties seek to place a child in foster care or for adoption
     - 1.3.5. Tribal right to intervene in state proceedings, or transfer proceedings to the jurisdiction of the tribe
   - 1.4. Description of changes to laws, policies, or procedures, and/or trainings implemented to increase ICWA compliance (in last year or last 5 years)
   - 1.5. Description of how state will meet 45 CFR 1357.15(v) requirement to exchange copies of their CFSP and their APSRs with tribes
   - 1.6. Information about consultations with tribes (during last year or 5 years) about determining eligibility for benefits/services and ensuring fair treatment for Indian youth under the Chafee Foster Care Independence Program (CFCIP)
     - 1.6.1. Description of negotiations with tribes requesting agreements to receive a portion of the state's allotment to operate CFCIP and/or ETV (section 477(b)(3)(G))

2. 2015–2019 State CFSP Consultation and Coordination Between States and Tribes
   - 2.1. Specify whether state has tribes within their borders
   - 2.2 Describe the process used to gather input from tribes for the development of the 2015–2019 CFSP
     - 2.2.1 Steps taken by the state to reach out to all federally recognized tribes in the state
     - 2.2.2 Provide specific information on the name of tribes and tribal representatives with whom the state has consulted
     - 2.2.3 Information on the outcomes or results of these consultations
   - 2.3 State's plan for ongoing coordination and collaboration with tribes on assessment/implementation of CFSP and monitoring/improvement of ICWA
     - 2.3.1 Barriers to this coordination and the state's plans to address these barriers
   - 2.4 Description of the understanding, from discussions with tribes, as to who is responsible for providing child welfare services and protections for tribal children
     - 2.4.1 Discuss whether and how the state and tribe have addressed the requirement to

[9] These elements are extracted directly from ACYF-CB-PI-14-03 and ACYF-CB-PI-14-04.

obtain credit reports for tribal children ages 16 and older in foster care

2.5 Identify sources of data to assess the state's ongoing compliance with ICWA, including input obtained through tribal consultation, assess the state's level of compliance with the ICWA

2.5.1 Notification of Indian parents and tribes of state proceedings involving Indian children and their right to intervene;

2.5.2 Placement preferences of Indian children in foster care, preadoptive, and adoptive homes;

2.5.3 Active efforts to prevent the breakup of the Indian family when parties seek to place a child in foster care or for adoption;

2.5.4 Tribal right to intervene in state proceedings, or transfer proceedings to the jurisdiction of the tribe

2.6 Specific steps the state will take during the next 5 years to improve or maintain compliance with ICWA based on the discussion with tribes

2.7 Information regarding discussions with Indian tribes in the state specifically as it relates to the CFCIP

2.8 Describe how the state will meet the requirement to exchange CFSPs and APSRs between the state and tribes for the 2015-2019 CFSP and the plan for exchanging future APSRs

2.9 States remain responsible for serving resident Indian children who are not otherwise being served by an Indian tribe under an agreement with the state or under a direct title IV-E, CFCIP, and/or ETV plan

Tribal CFSPs

1. 2015–2019 Tribal CFSP Consultation between States and Tribes

1.1 Describe how the state(s) in which the tribe is located or any other states have consulted with the tribe regarding state compliance with ICWA and any planned changes in policies, procedures, or communications to strengthen compliance.

1.2 Describe any concerns with respect to the states' consultation process or compliance with ICWA.

1.3 Provide a description of the understanding, gathered from discussions between the state and tribe, as to who is responsible for providing the child welfare services and protections for tribal children delineated at Section 422(b)(8) of the Act, whether they are under state or tribal jurisdiction.

1.3.1 Discuss whether and how the state and tribe have addressed the requirement to obtain credit reports for tribal children ages 16 and older.

1.4 Describe how the tribe has been consulted about state programs under the CFCIP and results of the consultation specifically as it relates to determining eligibility for benefits and services and ensuring fair and equitable treatment for Indian youth under the CFCIP.

Alabama

1) How consultation was conducted with tribes

As of June 2014, the one federally recognized Tribe in Alabama is the Poarch Band of Creek Indians, whose office is in Atmore, Alabama.

The state reports that the Alabama Family Services Division and the Poarch Band of Creek Indians (PBCI) have exchanged their respective 2013 Annual Progress and Services Reports. Upon approval of the 2014 Final Report and the 2015-2019 Child and Family Services Plan, the same exchange will occur.

Title IV-E Agreements and Determinations
The Department and the Tribe will explore the possibility of a Title IV-E Agreement with the Tribe, or whether the Tribe will apply directly to the Secretary for IV-E funds. Related to this goal is the determination of whether an IV-E agreement or direct IV-E funding to the Tribe is necessary to access CFCIP and ETV funds for Indian youth.

- Update (2014): Discussion around IV-E determinations was held, but clarity around these funds is still needed. Family Services staff agreed to get back with PBCI for more details around what questions or concerns remain and some further discussions have occurred on this issue.
- In September 2013, counties were notified that certain information relative to an Indian child's IV-E eligibility is required to be provided to a Tribe Title IV-E agency or a Tribe with an IV-E agreement with the state Title IV-E agency in which the Tribe is located. Federal Law 45 CFR 1356.67 provided procedures for the transfer of such information.

Medicaid reimbursement for Tribe-provided services
The Department will explore, in conjunction with the Tribe, a method for the Medicaid reimbursement for services provided by the Tribe to Indian children who are eligible for Medicaid. Only foster care children can receive this, and at this writing, the Tribe does not have a sufficient foster care population to pursue this.

- Update (2014): This was not discussed at the April 2014 meeting.
- A plan was made to discuss this with the Deputy Director and Targeted Case Management Program Manager and to schedule a teleconference with Ms. Gookin by July 2014. The planned deadline date for an initial discussion will be extended to November 28, 2014.

Access to CAPTA funding
The Department, in collaboration with the Tribe, the Department of Child Abuse Prevention and the regional Administration for Children and Families office, will explore access to Child Abuse Prevention and Treatment Act (CAPTA) funding from the Department of Child Abuse Prevention (Children's Trust Fund).

- Update (2014): This was not discussed at the April 2014 meeting.
- There is a plan to discuss this with a CPS Program Manager and to schedule a teleconference with the Director of Family Services by July 2014. The planned deadline date for an initial discussion will be extended to November 28, 2014.

2015-2019 Child and Family Services Plan: Collaboration/Coordination between the State and the Tribe

The process for gathering input for the 2015-2019 CFSP included the following:

- The Director of Family Service for the Tribe is a member of the CWCI Team, which also provides ongoing opportunities for exchange of information, collaboration, etc. with both the Department and other agencies represented on the team.
- The Director of Family Services for the Tribe participated in the 2014 Joint Planning Conference, conducted with staff from the Children's Bureau Regional Office in April 2014. This prompted follow-up communication on exploring the possibility of having an older youth panel provide a presentation for Tribal staff and/or youth.
- A meeting with the Poarch Band of Creek Indians (PBCI) was held on April 25, 2014 at the PBCI Office. Due to unavoidable conflicts, several staff who traditionally attend from DHR were unable to attend. Those attending from DHR were Deputy Director Freida Baker and Program Supervisor Jeanette Davis from the Family Services IV-E unit. PBCI staff were scheduled to attend, but only the Director of Family Services with PBCI and the Child and Family Welfare Coordinator were available.
- As of April 2014, PBCI has a multi-systems complex where families can have medical, dental, mental health, financial, and other typical needs met in one convenient location.

2) Reported assessment of compliance with ICWA

Alabama does not report data on its assessment of compliance with ICWA. The state provides information on policies and required procedures related to ICWA, affirming throughout the CFSP that the goal of mutual collaboration with the Tribe will continue over the next five years.

Alabama reports that the Department is developing a query that will identify all parents and children in FACTS with a race of American Indian/Alaskan Native. The query results will include: demographic information, legal status, foster care information, tribal affiliation, and dates of ICWA-required notifications. This information will provide the basis for SDHR staff to conduct a special case study to determine the level of compliance with ICWA requirements. Collaboration with the Tribe will occur, and any subsequent activities conducted will be reported on in the State's 2015 APSR.

3) Efforts to promote compliance

The Department, in collaboration with the Tribe and the Regional ACF Office, will review supplemental instruments to evaluate ICWA compliance for use in the next CFSR that occurs in Alabama. The Children’s Bureau has begun to share information/expectations around the next round of the CFSR process.

The ethnicity of children is captured on FACTS, Alabama's SACWIS system. FACTS captures thirteen ICWA requirements reported in AFCARS. Ethnicity is a required element in FACTS and if the ethnicity of American Indian/Alaskan Native is selected for a child, then other required elements must also be addressed. FACTS is operating statewide. The goal of mutual collaboration will continue in effect over the next five years.

As of 2014, attorneys for both PBCI and SDHR have communicated on the completion of a new Interagency Agreement.

Indian Child Welfare Policy and Procedures
Alabama's Indian Child Welfare Policy and Procedures have been in effect since September 2007. While counties continue to contact the Office of Child Welfare Policy and the Office of Child Welfare Consultation, they have policy that directs their work with Indian children and families. The goal of mutual collaboration will continue in effect over the next 5 years.

At the initial involvement with a child and family, the issue of whether the child has any Native American ancestry is addressed. To facilitate this, a “notification of involvement” should be sent to the Poarch Band of Creek Indians in Alabama during a child abuse/neglect investigation or prevention assessment. The “notification of involvement” process is used to consult with the PBCI Tribe, allows relevant information to be obtained from the Tribe, and provides an opportunity for the Tribe to be involved in the case planning process early in the investigation.

It is considered best practice to notify the PBCI Tribe of Departmental involvement with an Indian child and family, and to seek Tribal involvement in case planning. The Director of the Family Services Department of PBCI is notified. The “notification of involvement” is not the formal notification to a child's Tribe required by the Act itself. When county departments are working with a child and family who fall under the ICWA requirements, Indian parents, Indian custodians, and Tribes must be notified.

In 2008, a revision was made to the Department's Out-of-Home Policies and Procedures to require child welfare workers to address, in removal situations, relative resources and identify whether children and families are members or eligible to become members of certain Indian tribes, as well as identifying such tribes. Native American ancestry should have been established and formal notice given to the child's tribe before removal of an Indian child from their home. The only exception to this occurs when an Indian child is removed to prevent physical damage or harm to an Indian child. Child welfare staff shall provide protection and meet the immediate safety needs of Indian/Alaskan native children when emergency situations occur.

In April 2010, work was completed that allowed FACTS to generate the required notices to Indian parents, Indian custodians and Indian Tribes. When the system captures that a child is a member or eligible for membership in an identified federally recognized tribe, child welfare workers are prompted that notification procedures are necessary. The Department must formally, and in writing, notify the Indian child's parents or custodian and the child's tribe of pending legal proceedings involving foster care or termination of parental rights. Notification is by registered mail with return receipt requested.

DHR policy provides that tribes have an absolute right to intervene in those child custody proceedings defined in ICWA. Tribes may decline jurisdictional transfer, but retain the right to request updates and participate in planning activities for development of the Tribal/Department plan for the child.

There are two placement categories for Indian children:

- Foster Care/Pre-Adoptive Placements: These include members of the child's extended family; foster homes which are licensed, approved or specified by the child's tribe; Indian foster homes licensed or approved by an authorized non-Indian licensing authority; institutions for children which are approved by an Indian tribe or operated by an Indian organization which has a suitable program
- Adoptive Placements: These include a member of the child's extended family; other members of the Indian child's tribe; other Indian families.

Prior to initiating court proceedings to remove Indian children from their homes, active efforts are made to maintain the Indian family unit. Active efforts are defined as "making active attempts to assist in alleviating the problem that causes the need for removal." Active efforts are more intense than reasonable efforts and require remedial services and rehabilitation programs for family members to prevent placement. Active efforts are made before out-of-home placement is considered.

The Tribal Court for the Poarch Band of Creek Indians (PBCI) has exclusive jurisdiction over child custody proceedings defined in ICWA for children who reside on the Reservation or are domiciled on the Reservation. PBCI Tribal court or any other tribal court of an Indian child not living or domiciled on the tribal reservation has a right to intervene at any point in the state court proceedings for both foster care placements and termination of parental rights proceedings. State courts are responsible for transferring jurisdiction to the Tribal Court, absent good cause or absent the objection of either parent.

The Department considers all children to be "Alabama's Children" without regard to race or culture. The Alabama Medicaid Agency has approved PCI to contract individually with residential facilities when a youth needs residential treatment services. The Department will continue to strengthen services to Indian youth who reside on reservations and need access to benefits and services under the Chafee Foster Care Independence Program (CFCIP). Efforts will continue to be made to ensure that Indian youth have equal access to CFCIP and Education Training Vouchers. See Section on CFCFP/ETV in APSR.

4) Barriers/challenges to compliance

The state did not report on any barriers or challenges to complying with ICWA.

5) Relevant information from selected tribal CFSPs

No relevant tribal CFSPs were reviewed.

Alaska

1) How consultation was conducted with tribes

The Office of Children's Services is highly invested in collaboration and coordination with our Tribal partners and stakeholders. In preparation for the development of the 2015-2019 CFSP, throughout April and May of 2014, OCS conducted 10 Community Café focus groups in 8 different communities and four statewide teleconferences. These focus groups were comprised of a cross section of tribal partners, service providers, resource parents, Guardians ad Litem, parents, youth and OCS staff. Additionally, Community Cafés were facilitated with existing stakeholder groups with whom OCS has on- going, collaborative working relationships, and meets regularly throughout the year to partner on practice enhancements. These stakeholder groups included the Tribal-State Collaboration Group & Tribal Caucus.

The TSCG meets three times a year to collaborate on issues pertaining to American Indian/Alaska Native families and youth. The group's focus is to decrease the disproportionality of Alaska Native children in Alaska's child welfare system, increase compliance with the Indian Child Welfare Act (ICWA), promote healthy racial and ethnic identity within Alaska Native families, and develop authentic partnerships. A standing agenda item every May is the exchange of the state's and tribes' APSRs.

2) Reported assessment of compliance with ICWA

Alaska did not provide a report of its compliance with ICWA in the CFSP.

3) Efforts to promote compliance

The TSCG meets three times a year to collaborate on issues pertaining to American Indian/Alaska Native families and youth. The group's focus is to decrease the disproportionality of Alaska Native children in Alaska's child welfare system, increase compliance with the Indian Child Welfare Act (ICWA), promote healthy racial and ethnic identity within Alaska Native families, and develop authentic partnerships. A standing agenda item every May is the exchange of the state's and tribes' APSRs.

With support from Casey Family Programs, TSCG members participated in Undoing Racism and Knowing Who You Are cultural trainings. Discussions during these training sessions focused on critical thinking, a child welfare power analysis, definitions, stereotypes, discrimination, internalized racial oppression, and different forms of racism (cultural, institutional, individual). These trainings helped TSCG members to begin speaking a common language and recognizing the importance of each individual's cultural and ethnic identity. Knowing Who You Are cultural trainings continue to be provided to new OCS and Tribal staff throughout Alaska, on an ongoing basis.

Creation of basic ICWA training for all state caseworkers and Tribal workers. The two-day specialized training outlines historical trauma, racism, and the federal ICWA laws. It details the

life span of a typical child welfare case from beginning to end, when a child is involved in state custody.
With the full integration and implementation of our safety model, it is now very much ingrained as a part of the agency culture to explore every possible avenue through the use of creative safety plans and the involvement of natural family supports to maintain children in their homes for as long as possible. Offering home-based services and working with families to prevent removal is also critical for ICWA compliance purposes. Over the last five years, Alaska has implemented new policies related to the invitation, inclusion and sharing of information with tribes during the initial assessment process. By including tribes earlier in the CPS process, tribes are becoming more engaged with tribal families earlier in a case. This is important because tribes may be able to offer family support services and can be integral in engaging Alaskan Native Families in working toward addressing safety concerns.

4) Barriers/challenges to compliance

Of the 229 federally recognized Tribes in Alaska, only two Tribes exercise exclusive jurisdiction over child welfare. The state dual jurisdiction on child welfare cases; however, many Tribes struggle due to lack of resources to offer a full range of child welfare services. Therefore, the majority of child welfare services are administered by the state.

5) Relevant information from selected tribal CFSPs

No relevant tribal CFSPs were reviewed.

Arizona

1) How consultation was conducted with tribes

Arizona provides extensive information about the various ways that it consults with tribes. The state reports that consultation and gathering input from tribes occurs in several ways, including through meetings facilitated by the Inter-Tribal Council of Arizona (ITCA) and the Navajo Nation with tribal social service representatives, through the Tribal-State ICWA work group, in the state's regions, in the state Department of Economic Security (DES) Tribal Liaison meetings, and a tribal title IV-B joint planning meetings, arranged by the Children's Bureau Region IX staff arranged, between the Department's ICWA Specialist and title IV-E Specialist and the Tohono O'odham Nation and the Pascua Yaqui Tribe.

The state reports on several events and activities that took place with American Indian tribal nations and councils in state fiscal year (SFY) 2014 to obtain input into the Department's restructuring and ICWA related strategies and activities, build relationships between state and tribal social service staff, and resolve barriers to ICWA compliance. These efforts included meeting with ITCA members and talking with the Navajo Nation (not a member of the ITCA), providing an update on the Department's issues regarding the over 6,500 previously not investigated reports as related to American Indian children, meeting regularly with a statewide forum (The Arizona State, Tribal, and Federal Court Forum) that includes the ITCA and the Navajo Nation, creating new Identification and Placement reports specific to individual tribes, and making current data available to all tribes in the state on placements of children that are members of the particular tribe.

Independent Living Services for Tribal Youth
Arizona reports that services under the independent living program (Young Adult Program) and education and training voucher program are available to Indian youth in the state on the same basis as to other youth. The state reports on multiple strategies to disseminate information about the services to tribal youth and to monitor effectiveness of the service provision to tribal youth.

Title IV-E Agreements with Tribes
The Navajo Nation is the only tribe currently participating in an approved Title IV-E plan or a Title IV-E tribal/state agreement. To date, there has been no request to receive directly an allotment of CFCIP funds. Any tribe that obtains such a plan or agreement shall be consulted on the option to receive directly from ACF a portion of the state's CFCIP and/or ETV allotments to provide services to tribal foster youth (Section 477(j) of the Act).

2) Reported assessment of compliance with ICWA

Arizona provides extensive information on elements related to ICWA compliance, as well as noting that the Department's ICWA compliance standards were updated during the previous five years. The state reports that compliance continues to be reviewed on a regular basis.

The state reports that Department compliance with ICWA is continually evaluated through a tribal dialogue process that began in 1996. Each year, the Department and Arizona Indian tribes

hold face-to-face meetings, jointly develop action steps to improve compliance with the ICWA, and collaborate to complete the activities.

Identify and document whether or not the child may be an "Indian child" and provide notice to tribe to confirm tribal affiliation.

- Of 14,314 children in out-of-home care on March 31, 2013, 1,025 children were identified as American Indian children; therefore, 7.16% of the out-of-home population was identified as American Indian.
- A review of CHILDS (the state's child welfare data system) and Office of the Attorney General files found that record keeping between the Department and the Office of the AG was inconsistent and/or incomplete: The child was identified as an American Indian child in both systems in 46% of cases, the child was identified in the Office of the AG system but not in CHILDS in 44% of cases, and the child was identified in CHILDS but not the Office of the AG system in 7% of cases. This is a barrier to compliance with ICWA requirements and other ICWA-related program improvements.
- The Department has implemented quality control and other strategies to improve the collection and consistency of identifying information for American Indian Children. The Department and the Office of the AG now cross reference data monthly to ensure quality control with identification of ICWA cases.

Notification of Indian parents and tribes of state proceedings involving Indian children and their right to intervene

A review of CHILDS and Office of the Attorney General files for 993 children found no initial evidence of widespread failures to notify tribes, however, improvements were needed. The Department's Court Liaison is now meeting monthly with the Office of the Attorney General to improve tracking and quality control for Tribal notification. Department policy on transferring cases to tribal jurisdiction has been updated, particularly when a child is title IV-E eligible so that all eligibility information transfers with the case record.

Make "active efforts" to prevent breakup of the Indian family and prior to removal, seek a dependency or termination of parental rights.

During FFY 2013, 1,785 children identified as American Indian were served in out-of-home care by the agency. Of these, 679 children exited during the year. Over half (53%) of the exits were to reunification or live with a relative. The following shows the percentage of all exits, by exit type: 53% (362) reunified with a parent or primary caretaker, 16% (109) exited care due to an adoption, 12% (83) exited care due to a guardianship, 9% (64) transferred to another agency, 7% (51) reached the age of 18, <1% (5) exited to live with a relative, <1% (2) exited for the reason of runaway, <1% (3) exited care due to death.

Comply with placement preferences for foster care and adoptive placements

During FFY 2013, 1,785 children identified as American Indian were served in out-of-home care by the agency. Eighty-one percent of the children were most recently in a family-like placement (trial home visit, relative foster home, pre-adoptive home or non-relative foster home). The following shows the percentage of all most recent placement, by placement type: 42% (755) non-relative foster home, 36% (652) relative foster home, 15% (271) congregate care, institution and

runaway, 1% (25) pre-adoptive home, <1% (6) trial home visit.

Use a Qualified Expert Witness (QEW) to support conclusion that the parent's continued custody is likely to result in serious emotional or physical damage to the child.
Arizona reports that it developed a process to arrange QEW testimony and has hired a QEW Specialist to manage consistent use of the process. In addition, the courts make sure that QEW testimony is provided when required. A QEW testimony request from the Office of the Attorney General is sent to the Department's QEW Specialist, who contacts the tribe to request the tribe provide the QEW testimony. If the Tribe is unavailable to provide the testimony, one of the Department's three QEWs provides the testimony. The Department is confident that QEW testimony is occurring and is working to design a quality assurance process to improve the objectivity of the testimony.

Child and Family Services Review Item 9: Preserving Connections

- Of all American Indian children who exited care during the year, the percentage who exit to permanency before age 18 (do not exit to age of majority or runaway) will be 95% or more
    - *Arizona Performance:* FFY 2013: 92%
- Of all American Indian children served during the year, the percentage whose most recent placement is/was with a relative foster family or on a trial home visit with a parent will be 50% or more
    - *Arizona Performance:* FFY 2013: 37%
- The Department monitors data on maintenance of family connections for American Indian children. The Department has maintained its performance on exits of American Indian children to permanency before age 18, and the percentage of American Indian youth living with a relative or parent. Improvement is needed in order to reach the Department's target performance level.

3) Efforts to promote compliance

Arizona provides detailed information about efforts to promote ICWA compliance, such as its partnerships and contracts to support training on ICWA and related topics; efforts to recruit American Indian foster families, including through collaboration and subcontracts with community-based agencies; regularly occurring meetings with the ITCA; making changes to relevant forms; and maintaining contact lists for tribes.

Notification of Indian parents and tribes of state proceedings involving Indian children and their right to intervene
Arizona describes its practice and procedures for notification to Indian parents and tribes and allowing for tribes to intervene “at any point in the proceeding.” The Department continues to make diligent efforts to provide Indian tribes an opportunity to exercise their right to either intervene or assume legal jurisdiction of an Indian child who is the subject of the ICWA. The state reports that the Department staff and the Indian Child Welfare Specialist continuously collaborate and assist tribal child welfare staff to accept and transfer custody.

Promoting culturally competent and appropriate services

Arizona reports that it has policy, procedures, and cross-cultural trainings to encourage culturally appropriate practices with American Indian families, including Family Group Decision Making, talking circles, American Indian ceremonial and religious practices, and tribally operated programs that reflect American Indian values and beliefs.

Comply with placement preferences for foster care and adoptive placements
Arizona reports that when an identified Indian child is removed from a parent, every effort is made to follow the placement preference per state policy. Arizona also reports that the state's courts have said that the "good cause" factors listed in the BIA Guidelines to ICWA for deviating from ICWA placement preferences are not the only factors that a court can or should consider. The state reports that the Department, in collaboration with Indian tribes, continues to improve its efforts to locate maternal and paternal relatives before the initial dependency hearing to prevent children from being placed with and becoming attached to unrelated caregivers.

Memoranda of Understanding
The state reports entering into a good faith process for many years with eight tribes to draft intergovernmental agreements (IGAs) for the application and protocols of ICWA. The state is in ongoing conversations with two additional tribes to develop Memoranda of Understanding.

Goals and Objective to Improve Compliance with ICWA and Services to American Indian Families
The state reports that it has planned statewide efforts for the next five years to improve data collection concerning the consistency of the Department's practice, ICWA compliance, and outcomes for American Indian children. Arizona describes multiple goals for improving ICWA compliance.

4) Barriers/challenges to compliance

Arizona has identified the Notice of Duty to Inform and the Temporary Custody Notice forms as a barrier to gathering the necessary information for tribal identification. The state has also identified a challenge in identification of tribal affiliation for all American Indian children, as reflected in inconsistencies between data under the Department and the Office of the Attorney General regarding whether a child is identified as an American Indian.

5) Relevant information from selected tribal CFSPs

Tohono O'odham

Key points:

- The tribe reports very limited consultation directly between the state and the tribe and that the state and the tribe do not have a strong consultation process.
- The tribe reports that it has received very limited Tribal consultation as it relates to the Chafee Program and Independent Living Programs. The State has recently extended information or an avenue for which tribes may access assistance through Chafee funds, via web application. A goal under the tribe's CFSP is to develop State to Tribe partnerships to identify and coordinate the tribe's access to resources such as Chafee to Native American children as compared to the limited resources available throughout the State for all of the State's children.

- The Intertribal Council of Arizona (ITCA) has been the liaison between the State and Tribes holding meetings and forums on issues that affect tribal members residing off tribal land. This has been supportive in ensuring that the State receives and responds to reports of maltreatment involving Native American children residing off their tribal lands and provides assessment and intervention services in the same manner as provided to non-Indian families. The Tohono O'odham Nation has participated in tribal consultations held by the State; however one of the tribe's goals is to increase communication beyond the formal tribal consultation meeting, building a partnership to benefit our children and families. The Department of Economic Security Tribal Liaison also facilitates some Tribal consultation between the State and Tribes.

Salt River Maricopa

Key Points:

- The tribe reports that, as the result of earnest collaboration, consultation and agreement, the Salt River Social Service ICWA staff and the Arizona State Child Welfare Office work in conjunction to insure the protection of our children. The tribe reports "no concerns at this time with respect to the ICWA consultation and compliance."
- Collaboration has resulted in an improved working relationship and continuity in services. In previous instances, state courts were resistant in the NICWA requirements regarding the transfer of cases to our Tribe. The sole reason for this was the lack of information regarding the services available for clients at Salt River. Once the state courts were aware of the broad spectrum of services available to these children, due to collaboration, case transfers occur much more speedily to the sole benefit of children involved.
- The tribe reports that the Salt River Social Services ICWA Manager stated that, "… all communication is open, timely and upfront framed within a positive working relationship." The tribe reports that it is very fair to say that a spirit of "good faith" is quite evident.
- A recent demonstration of the positive consultation efforts of the state towards compliance with ICWA is the Tribal Social Services Working Group conducted at the Inter Tribal Council on April 25th of 2013. The State was represented by the Governor's Office, Arizona Department of Economic Security, Casey Family Programs and the Arizona Courts Forum ICWA Committee comprised of Tribal and State judges.

Pascua Yaqui

Key Points:

- The tribe reports that it has not had contact initiated by Arizona to consult with the tribe about how the programs under the Chafee Foster Care Independence Program (CFCIP) will be carried out. The tribe will work with Arizona to ensure that the benefits and services being provided under CFCIP are fair and equitable for the tribe's youth.
- Representatives from the tribe's Office of the Attorney General and the Children's Services Program have met with their local State of Arizona counterparts collectively on a monthly basis to discuss ICWA concerns, as well as, to coordinate joint presentations that have been presented to the State's Child Protective Service investigation and case management workers. The tribe met with the State DES office to provide a copy of the tribes Child and Family Service Plan (CFSP) or a copy of their Annual Progress and

Service Report (APSR). The Tribe will initiate contact with the State of Arizona's identified liaison to coordinate the exchange of these documents.

- The tribe will seek technical assistance from the Children's Bureau to help in the process of obtaining more communication and with intergovernmental agreements with Arizona and in the continued development of a child and family research, evaluation, and information management system that will assist in quality assurance and the accurate presentation of the tribe's child welfare statistics.

Navajo Nation

Key Points:

- The tribe reports that Navajo Children and Family Services oversees an Intergovernmental Agreement (IGA) with the three states surrounding the Navajo Nation (Arizona, New Mexico and Utah) to provide child protective services and ICWA requirements in working with Navajo Nation. They also work on addressing the issue of Navajo families going between homes located on the reservation or state. There are quarterly "IGA" Meetings held with all three surrounding states to discuss issues, barriers and to develop action plans to address them.
- The tribe's ICWA Unit has experienced on-going issues with states regarding ICWA case coordination and collaboration as mandated by the ICWA law, including 1) Relative searches were not being conducted by state workers; 2) States do not provide ICWA notices to the tribe in a timely manner; 3) States do not provide adequate and timely court and case documents to the tribe; 4) States do not provide active efforts to parent(s) for reunification purposes; 5) States do not follow ICWA's Placement Preference, state workers have advocated for non-relative, non-Native American foster parents to adopt Navajo children and state courts have granted them accordingly; 6) States provide limited ICWA and IGA trainings to their state workers; 7) State workers have limited knowledge and skills in terms of developing and implementing culturally relevant case plans; and 8) State attorneys lacked knowledge of the ICWA and IGA, thus creating extra barriers to working with the tribe. The tribe did not specify the extent to which these issues were present with Arizona specifically. The tribe reports that Arizona has promised to address many of the issues listed above and that the tribe expects progress to be slow, but evident.
- The tribe reports that it has not been consulted for Chafee Foster Care Independence Program services by Arizona, New Mexico, or Utah.
- The tribe's ICWA Unit has continuously coordinated with state child welfare agencies by attending child and family team meetings that some states conduct within the first 72 hours of a child being taken out of home care.

Arkansas

1) How consultation was conducted with tribes

The state reports that it is focusing on developing a stronger collaboration or partnership with Tribal agencies. Although Arkansas does not have any recognized tribes, we will develop strategies to improve our collaboration with tribes. Arkansas has several border counties that do have a need at times to work with tribes and by learning and understanding more about their culture and needs, the state reports that it will improve our assessment and decisions when working with families who are Native American.

In August of 2013, the Division Director made contact with the leaders of all tribes that Arkansas has the potential to have affiliations with regarding placements of children. The Director spoke personally to the majority of them. However, there were a few to whom messages were left and an email was sent.

The state shared its policy with: Cherokee Nation of Oklahoma, Choctaw Nation of Oklahoma, Eastern Shawnee Tribe of Oklahoma, Modoc Tribe of Oklahoma, Peoria Tribe of Indians of Oklahoma, Quapaw Tribe of Oklahoma, Seneca-Cayuga Nation of Oklahoma, and Wyandotte Nation. There were no negative responses or suggestions to DCFS policy, which specified that DCFS complies with all mandates of the federal Indian Child Welfare Act and Titles VI and VII of the Civil Rights Act. The Director will make contact with tribal leaders on an annual basis to promote an avenue to express any issues/concerns/ideas. The DCFS Director will also share how to access Arkansas's current CFSP and APSRs that are reported annually to each tribal lead.

2) Reported assessment of compliance with ICWA

The state has children in foster care that are referred to the Tribal Nation for consideration of intervention, placement and case management. Arkansas reports that its SACWIS system has an element where the state can document this information, but documentation and tracking is inconsistent.

OCC attorneys regularly consult with the Tribal representative on all open ICWA cases. These same OCC attorneys provide notices as required by ICWA and have ongoing communications with the Tribal representative as cases progress.

Generally, when notified, the Tribal representative participated in hearings regarding and the staffing of these children, and identified placement. However, the placement option was not always utilized. None of them moved to transfer to the tribal court.

Arkansas reports that there were no negative responses or suggestions from tribes to DCFS policy, which specified that DCFS complies with all mandates of the federal Indian Child Welfare Act and Titles VI and VII of the Civil Rights Act.

3) Efforts to promote compliance

Currently, CHRIS reflects 79 children who are identified as American Indian and Alaskan Native (AIAN). Of this number, 41 children entered care between July 1, 2013-June 30, 2014. Some of the Tribes represented in the number of children entering care were from Cherokee Nation of Oklahoma, Cherokee (Eastern Band), and Choctaw Nation of Oklahoma.

Since OCC currently takes the lead on notifications, they try to have annual update training on ICWA. The state has the PowerPoint and training manual available for review on-site. Arkansas will assess and make necessary changes to better identify and track children to ensure timely notification of the Tribal Nation.

In order to identify children with Native American Heritage, staff question parents at the time of custody and/or during probable cause and adjudication hearings. Once information is provided by the parent or caregiver that the child is of Native American heritage, the state's legal department is notified. When the child is identified as a member of a tribe, the tribal nation liaison will either intervene in the case or attend court to observe.

In Northwest Arkansas, almost all foster children involved with ICWA cases are identified as part of the Cherokee Nation, so generally staff would work with one particular liaison that represents that tribe. Examples of case management activities include:

- Providing updates and/or notifications on placement moves
- Providing incident reports involving the child
- Notifications to court hearings of case plan staff meetings
- Mediations
- Providing a schedule of parent/child visits
- Coordinating contact between the tribal nation liaison and the child

The liaison case activities may include:

- Attending court hearings
- Ensuring that legal language is in court orders
- Recommending services/placements specifically for Native American children
- Observing court
- Transporting parents to court
- Providing parents with various contact information
- Advocating for the child to be adopted by a tribal member

Northwest Arkansas has several ICPC cases that involve children with Native American Heritage. The ICPC FSW communicates one-to-one with the tribal nation liaison. It appears to be a good working relationship as any differences of opinions are generally resolved. In Area 4, they have been coordinating and communicating with the Ho Chunk Nation is regards to children placed in foster care. Over the last couple of years, they have been very involved and ensure their cultural values are not compromised in regards to the children's placement in foster care.

This has created some tension between the Tribe and DCFS as it relates to permanency planning. Currently the children are placed with relatives, but reunification is not going to be possible and the Tribe does not believe in termination of parental rights. The options are limited for one set of relatives as they have temporary custody of two siblings and the only financial assistance that

could be provided, including health benefits, is with an adoption subsidy. Arkansas does not have any other option for children not in foster care. The other sibling placed with a different relative may have subsidized guardianship as an option if the child meets all the criteria.

4) Barriers/challenges to compliance

The state reports that its SACWIS system has an element where it can document whether a child is referred to a tribal nation, but documentation and the tracking of this item are inconsistent.

5) Relevant information from selected tribal CFSPs

There are no federally recognized tribes in Arkansas.

California

1) How consultation was conducted with tribes

California reports that there are 109 federally recognized Indian tribes and an estimated 79 tribes that are seeking federal recognition within the state.

The Statewide ICWA Workgroup, comprised of tribal, county, university and the California Department of Social Services (CDSS) technical experts on ICWA, continues to meet six times yearly to discuss ICWA compliance issues in California and nationwide. This workgroup has provided ongoing input and guidance on CDSS policy initiatives that are tied to the state's CFSP and represents the second major avenue for consultation and collaboration with California Tribes. In the last year, the ICWA workgroup has provided input into the state's Continuum of Care Reform efforts (CCR) efforts specific to the application to tribally approved homes and provision of culturally relevant services. Staff have and will continue to attend CDSS' Indian Child Welfare Association (ICWA) workgroup meeting to ensure the Tribal children and youth who have intensive mental health needs have access to the Intensive Care Coordination (ICC) and Intensive Home Based Services (IHBS) within the framework of the Core Practice Model. Both CDSS and the Department of Health Care Services (DHCS) will further explore other avenues to further include tribal partnerships, which may include the work being done at CDSS on the Tribal Consultation Policy (TCP). The ICWA workgroup has provided CDSS an opportunity to engage with tribes to identify and address problems that affect the wellbeing of Indian children and youth through the establishment of the ICWA Workgroup in 2002. The guidance received through collaboration with the ICWA Workgroup is distinct and different from formal "government-to-government" consultation and highlights the need to develop a TCP to formalize partnerships between CDSS and tribes on issues related to child welfare.

The CDSS distributed the 2014 APSR to all California tribes on May 19th, 2014 and followed up with a more in-depth discussion with the Statewide ICWA workgroup explaining that this is the last year of the five-year plan. The CDSS discussed that the new five-year plan is under development and began the process to collaborate and consult with tribes on the development on the new plan. The CDSS conducted a session at the 21st Statewide California ICWA Conference on June 18, 2014, to share with the tribal community the key components of the 2015-2019 CFSP. This was an opportunity for tribes to give direct input on the development of CFSP and began the process of future tribal engagement in the ongoing development and assessment of this plan. The CDSS sent a letter inviting tribal leaders of all federally recognized tribes in California to this session. Once the CFSP and APSRs have been finalized, CDSS will share the completed documents with all California tribal leaders and tribal social services directors on record.

Tribal Consultation Policy
The CDSS has also met directly with seven different tribal councils as well as attended local tribal/county collaboration meetings in Los Angeles (LA), Riverside and San Bernardino Counties. These interactions with tribal governments and tribal community members have informed the development of CDSS' CFSP as well as highlighted the need for a formal TCP. The tribal councils expressed need for a mutually developed process by which individual or groups of tribes can request targeted consultation with CDSS on specific tribal child welfare issues.

Attending local tribal/county collaboration meetings allowed CDSS insight on local ICWA compliance issues on which the CDSS should provide direction to counties and tribes. In particular, the CDSS was informed by the LA County ICWA Taskforce, consisting of LA County ICWA Unit staff, faculty of the University of California, LA and representatives from the United American Indian Involvement Inc., of specific challenges unique to Urban Indians in LA County. Although there are few to no California Tribes with land bases in LA, it is home to a significant population of American Indian youth and adults. This large urban Indian presence creates a challenge for county workers looking to find adequate tribal homes for Indian children as the county does not have tribes who can approve homes for placement to Tribally-Approved Home (TAH) standards. The CDSS will ensure that future outreach efforts for the TCPC will include stronger urban Indian representation with the goal of ensuring urban Indian needs are addressed in the state's CFSP. At the Riverside County Tribal Alliance meeting, CDSS learned of discrepancies on how differing counties work with tribes to establish TAHs. In general, CDSS now recognizes the importance of attending these local collaboration meetings and the role CDSS can play in these meetings to provide guidance and to stay informed of local ICWA compliance issues.

The ICWA Workgroup initiated the TCP development process in June 2013 at the 20th Annual Statewide ICWA Conference where it co-facilitated listening sessions to collaborate with tribes on the desired structure of the TCP. CDSS has continued this collaborative effort by visiting seven individual Tribal Councils since June 2013 to receive additional guidance on the structure and key components to include in the TCP.

With the further development, anticipated completion and implementation of the TCP in 2015, the Department hopes that this policy will serve as one means to collaborate with tribes on the exchange of CFSP and APSR information. In the interim, the Department will continue to facilitate the statewide ICWA Workgroup to engage tribal community representatives, with technical expertise in ICWA, on such programs as the RFA, CCR, among others. After implementation of the TCP, the Department will continue to collaborate with the workgroup technical ICWA experts on program and policy initiatives as well.

Other Consultation and Coordination
Resources permitting, CDSS will attend tribal leaders associations such as the Northern California Tribal Chairmen's Association, Southern California Tribal Chairmen's Association, and the Central California Tribal Chairmen's Association to collaborate on all program areas outlined in the CFSP and APSR.

In addition to the TCP, the Department will continue to meet with the ICWA Workgroup to further develop the CFSP. The CDSS is also seeking additional resources so it can provide additional feedback sessions at future Statewide ICWA Conferences, as well as conduct stakeholder engagement meetings periodically over the next five years.

The CDSS held its first quarterly meeting with the five IV-B California Tribes on April 25, 2014, to collaborate on APSR submissions as well as on development of respective new five year CFSPs. As this meeting took place only a few months prior to the submission of our plans, the level of collaboration was limited to discussing progress towards submission deadlines and on

areas the tribes specifically wanted more information on. The CFCIP, and the Education and Training (ETV) Vouchers Program were the two areas identified by the tribes for further discussion and collaboration. A follow-up meeting with these tribes took place on May 30, 2014, to further collaborate on understanding regarding APSR and CFSP submission guidelines from the AOC and families as well as a confirmation that CDSS and the tribes would be sharing our plans with each other upon completion. The next quarterly meeting will take place in August of 2014. The CDSS will share the revised CFSP via email with all federally recognized tribes in California after stakeholder feedback is obtained and all necessary revisions have been made.

In April 2014, CDSS invited tribal council chairs of all 109 federally recognized Tribes to participate in a TCP committee (TCPC) that will draft the TCP. A TCPC comprised of 28 tribal representatives including 12 tribal council members and 16 tribal council designees, was established and the first conference call was held in May 2014. The first face-to-face working session will be held in June 2014 at the 21st Annual Statewide ICWA Conference.

Access to the Statewide Child Welfare Services/Case Management System: Since April 2013, various branches of CDSS have been coordinating with OSI and IBM to identify the system and business process requirements to grant Title IV-E tribal access to CWS/CMS. It is anticipated that the Karuk Tribe will have access to the system by October of 2014 pending resolution of user agreement and data reconciliation concerns.

Training and Technical Support with CWS/CMS: The CDSS has worked with the Northern RTA to include both the Karuk and Yurok Tribes as members of this RTA. Membership will ensure the two tribes the initial and ongoing training and technical support with the CWS/CMS as well as the Social Worker CORE training. The CDSS has also budgeted for the increase in costs to support the tribes' membership in the RTA and the Karuk Tribe will be coordinating directly with the RTA to schedule this training. The Department, working with OSI, will assist the Karuk Tribe with modifying templates made in CWS/CMS to ensure ease of use and consistency within CWS/CMS. This will also assist with case review and oversight.

Coordinating with and Supporting Karuk Tribe

- Steps to draw down IV-E dollars: The CDSS will provide follow-up training to the Karuk Tribe on Title IV-E eligibility determination and claiming processes. Training on eligibility determination was previously provided in May 2007 and October 2012. As the tribe will be receiving an advance to purchase a LiveScan machine in 2014, CDSS will provide an updated training on the claiming process once the machine has been purchased.
- Review and updating of Karuk Tribe CWS Plan: The CDSS, as requested by both tribes, will be reviewing each tribes' CWS plan to ensure up to date codes reflective of new statutes that have passed since the original signing and approval of the tribe's Tribal Title IV-E agreement.
- Safety and Risk Assessment: The CDSS is coordinating Karuk Tribe access to the Structure Decision Making (SDM) by facilitating informational webinars between the tribe and the SDM contractor. Should the Karuk determine SDM is appropriate for safety and risk assessment needed for the operation of their CWS, CDSS will provide technical assistance to ensure they have SDM.

- County Readiness for Tribal Title IV-E Implementation: In 2014 CDSS will have initial and ongoing discussions with the counties currently serving Karuk and Yurok Tribal children to identify and resolve individual and shared areas of concern. Through these discussions, the Department hopes the counties and tribes will develop MOUs to ensure the child welfare needs of Karuk and Yurok Tribal children are fully met after case transfers from county to tribe. The CDSS has met with the Karuk Tribe on a number of occasions during the reporting period to collaborate on implementation of the tribes Title IV-E Program.

Independent Living Services
The state reports that both Title IV-E tribes have received an overview of the ILP and ETV Programs. The CDSS provided this training and will assist the tribes in pursuing contracts with county ILP Programs or with establishing their own programs as requested.

2) Reported assessment of compliance with ICWA

Notification of Indian Parents and Tribes of State Proceedings
The state has given direction to county CWS agencies, through state ICWA regulations and through All County Letters, to assess for Native American ancestry or tribal affiliation of all children who encounter the CWS. The CWS agencies are further directed to immediately notify the identified tribe of the child's current status and of upcoming court proceedings so that the tribe has the opportunity to verify the child's tribal affiliation (or eligibility for enrollment in the tribe). This notification also allows the tribe to attend court proceedings and intervene on behalf of the Indian child.

Placement Preferences
Data from the CWS/CMS indicate that over the last five-year period (October 2009 to October 2013) Kinship Guardianship, the preferred placement for Indian children removed from their homes has steadily increased from 31.7 percent in 2009 to 44 percent in 2013. This increase in Kin placements has mirrored a decrease in the least preferred placement of FFA from 34.6 percent in 2009 to 24.3 percent in 2013. The Department will continue to monitor improvements in placement preferences among Indian children by reviewing data twice yearly. From this data, CDSS will consult with tribes on possible causes for increases or decreases in placement preferences.

Active Efforts to Prevent the Breakup of the Indian Family
Three strategies have been established to include active efforts to prevent the breakup of the Indian family when parties seek to place a child in foster care or for adoption: increased training; improved communication via tribal collaboration; and CDSS staff support with TA for tribes, counties and the public. Analysis regarding compliance with active efforts requirements in the ICWA is limited in that such information is documented in case files and court orders and not captured in CWS/CMS data.

The state also reports that it faces barriers to accurately assessing the number of ICWA cases in the state, due to the fact that for 45 percent of all children in open referrals/cases, Native American status was not asked or it was left as unknown. This data reporting situation becomes

more evident when the status of Native American is not reported for ethnicity when the youth is reported as ICWA-eligible or when tribal affiliation may be indicated.

3) Efforts to promote compliance

The CDSS, CFSD is developing a TCP in collaboration with California Indian tribes to guide CDSS interactions with tribes related to child welfare matters. This work is being initiated in support of existing laws, regulations and policies pursuant to federal and state executive directives that reinforce the need to establish a tribal consultation policy and a process for meaningful collaboration. The work is still in the early stages.

Through the development of the new statewide Case Management System (CMS), more accurate data on Indian children should be achievable. The Department has budgeted to hire an ICWA consultant to serve in a fulltime capacity to inform the development of the new CMS to insure enhancements that will allow the system to capture ICWA compliance data. In the interim, CDSS is exploring targeted ICWA data entry training options for county social workers as well as additional direction to counties via All County Letters or All County Information Notices. In addition, a number of tribal social services directors are joining California's Statewide Education and Training committee (STEC) to provide insight and direction to this committee on training needs necessary to address ICWA compliance issues at the county-level. The state reports that, resources permitting, the Department will convene discussions with counties to determine how the CDSS may receive ICWA compliance data from counties, such as active efforts to prevent of the breakup of the Indian family, as this type of data is not collected in the existing CMS.

In an effort to promote ICWA compliance with regard to placement preferences and the right of tribes to intervene on behalf of a tribal child, CDSS continues to provide TA to tribes and counties in the development of local MOUs. In some counties, the tribes and county have established such MOUs as well as local round table groups who meet to address tribal concerns regarding involvement in the decision making process for ICWA children. Although when under county jurisdiction, the county is responsible for the majority of services provided to an Indian child, when available and appropriate, tribes will provide those services directly through their own tribal resources.

In an effort to improve ICWA-related dependency appeals the CDSS will continue its contract with the AOC ICWA Initiative. The AOC provides training for judicial officers, attorneys, social workers, probation officers, and service providers who work with Indian children and families. A pre/post test will now be provided to attendees to complete prior to and after a training to measure an attendee's learning prior to receiving ICWA training, as well as desired changes in practice and increased learning after receiving training. The AOC will track this data for ICWA trainings and provide this information to CDSS annually. The AOC ICWA will continue to create educational resources, such as, brochures, information sheets and other kinds of self-help materials as requested by the Courts, the ICWA statewide workgroup, Tribal Court-State Court Forum, CDSS and other partner agencies or as new case law or legislation determines the need for such information. The AOC will provide intensive technical assistance to Los Angeles County Superior Court-ICWA courtroom staff and assigned judicial officer as needed to assist in creating a roundtable of ICWA stakeholders for that county.

The objectives outlined below are negotiable and contingent upon the outcome of the TCP development process:

- To formalize the requirement for timely consultation and participation by representatives of California tribal governments in CDSS policy development and program activities.
- To engage tribal representatives in CDSS decision-making processes about policies and programs having a direct impact on tribal children and families.
- To utilize the provisions established within the TCP as the primary source of tribal advice and recommendations.
- To ensure the principle focus for consultation and participation is with Tribal governments and Tribal organizations composed of multiple tribal governments and/or tribal government representatives.

Measure of Progress
The TCPC working sessions will continue to take place over the next few years until a TCP is drafted, vetted and approved. Feedback will be sought from the Governor's Tribal Advisor, the ICWA Workgroup and CDSS Executive Leadership. The CDSS is exploring funding to support tribal attendance for at least two face-to-face working sessions in 2014 and 2015 and additional working sessions will be held via webinar. Provisions outlined in the TCP will guide the structure and frequency of the consultations. Depending on what the TCP outlines, CDSS can provide detailed reports on consultation sessions that summarize the discussions, specific recommendations and responses.

The CDSS will continue its bi-monthly meetings with the Statewide ICWA Workgroup to use the insight gained from this convening of ICWA technical experts to drive Indian child welfare policy development.

The state reports that, resources permitting, the CDSS will work with the Tribal Consultation Policy committee (TCPC) during FFY 2015 to complete the development of the TCP. Once the TCP is implemented, it is anticipated that CDSS will begin consultation sessions regularly with tribal leaders to discuss Indian child and family welfare issues.

The Department is pursuing additional resources to meet the growing need to consult and collaborate with Title IV-B and IV-E Tribes. Plans include quarterly contact with the five Tribal Title IV-B tribes to coordinate on APSR development and submission, as well as the provision of technical assistance on areas identified by the tribes. Coordination will also occur with the Yurok and Karuk Tribes separately, as we assist these Tribal Title IV-E tribes with the implementation of their child welfare programs.

Resources permitting, department representatives will attend county-tribe roundtable and taskforce meetings to stay abreast of ICWA concerns arising at the local level for which the department may need to develop policy to resolve these issues.

The department will also continue to support the California Annual Statewide ICWA Conference by attending the conference and providing financial sponsorship as well as assistance with conference agenda development.

Plan for Ongoing Coordination and Collaboration
Through the workgroup and the various subcommittees, input has been provided to CDSS on the development of policy for the implementation of AB 1325 (Chapter 287, Statutes of 2010) regarding Tribal Customary Adoptions (TCA); the drafting of guidelines to counties regarding the use of expert witnesses, TAHs, the development of training for social workers, in implementing the After 18 Program regarding extending the age of eligibility for foster care, federal requirements for the transfer of Indian children to a Tribal IV-E agency or a Indian tribe with a Title IV-E agreement, and instructions for completion of the Relative Assessment/Approval SOC forms for a TAH. The workgroup has also provided input around AB 2418 (Chapter 468, Statutes of 2010) regarding broadening the definition of Indian child as it relates to the application of ICWA, and on the drafting of regulations and as well as ongoing curriculum improvements.

The CDSS continues to collaborate with self-identified representatives of the 109 currently federally recognized tribes in California, as well as the approximate 81 tribes that have petitioned the Bureau of Indian Affairs (BIA) for recognition. The state-level collaboration around the identification and resolution of ICWA-related issues is primarily accomplished through work of the ICWA Workgroup and its various subcommittees.

The CDSS continues to strive for improving and increasing tribal community consultation and collaboration by informing and encouraging counties to actively participate in ICWA Workgroup meetings to gain insight on ICWA-related tribal concerns. As part of this effort, CDSS plans to continue to broaden participation in the existing ICWA Workgroup and further structuring and defining the ICWA Workgroup.

The CDSS has begun the process to establish a formal government-to-government consultation policy with California tribes. This request, among other things, identified a need for CDSS to establish a TCP to consult with tribes on child welfare policies and programs that have an impact on Indian children in California. It further states that the ICWA Workgroup is not an adequate means for consulting and collaborating with tribal governments on such CDSS policies and programs. In June of 2013, CDSS hosted two listening sessions at the 20th Annual Statewide California ICWA Conference to engage tribes in the development of this TCP. Listening sessions are a common method used in state or federal government-to- tribal government exchanges of information and in the solicitation of input from a broader tribal representation. In addition to the listening sessions, CDSS visited the following tribes for the purpose of improving state/county relationships and to gather input on interest in a TCP: Soboba Tribal Council, Habematolel Pomo of Upper Lake Tribal Council, Karuk Tribe, Washoe Tribe of Nevada and California Tribal Council, Torres Martinez Desert Cahuilla Indians Tribal Council, Yurok Tribe, and Hoopa Valley Tribe. Overall, the tribes visited were in support of the development of the TCP and additionally, recommended that there be individual consultation available as well as regional and that the process provide funding to support participation.

Future plans regarding increasing ICWA compliance in placement preference, include revisions to the MPP Division 31 for ICWA and continuing the training, and TA for ICWA placement preferences.

In 2011, CDSS established a TA data tracking system to better analyze and evaluate ICWA compliance. The CDSS is committed to working with tribes, and aims to increase the percentage eligible of youth that ultimately receive placement in relative or TAHs for foster care, pre-adoptive and adoptive homes. The CDSS staff members respond to multiple TA inquiries regarding placement preference each month. The TA calls include but are not limited to custody, fiscal issues, child protective services concerns, benefits/KinGap, college student inquiries, placement, probate, child removal, services, noticing, permanency, exclusive jurisdiction and tribal membership. TA inquiries have generated from approximately 38 out of 58 counties in California and from individuals with membership in approximately 55 different Tribes. Additionally, CDSS holds bimonthly meetings with county representatives of the five CWDA regions to discuss issues regarding implementation of ICWA at the county level. Through discussions with counties and tribes regarding limitations with CWS/CMS data collection on ICWA cases, a need to further improve CWS/CMS functionality as well as develop targeted data entry instructions for county social workers, is evident. Over the course of the next five years, CDSS will internally and with counties to develop instructions and monitor progress in this area. The CDSS will continue work to improve ICWA compliance on active efforts through the provision of training and TA for both child welfare and court staff.

The CDSS will continue work to improve ICWA compliance on active efforts through the provision of training and TA for both child welfare and court staff. The issuance of policy directives, improving standardized curriculum, and the creation of desk aids are other strategies used to address active efforts compliance. Currently, CDSS, in collaboration with the ICWA workgroup and CWDA, are working to incorporate ICWA throughout the Division 31 regulations. This revision will include examples or citations of active efforts at each of the critical points in a child welfare case. The goal of this revision is to integrate current policy and ICWA such that the requirements of the ICWA are readily accessible to social workers as they are working with an Indian family. The CDSS will continue involvement in the Family Development Matrix work, with plans to support use for tribes and tribal service providers. Currently, there are nine tribal communities participating. In addition, CDSS plans to work closely with tribal communities on CAPP, which will relate to improving active efforts within a practice model for child welfare.

Division 31 Regulations Changes: The SB 678 (Statutes of 2006, Chapter 838), effective January 1, 2007, was a massive effort by the state and California tribes to codify the ICWA requirements and best practice requirements into state law. The goal of SB 678 was the uniform application of the federal ICWA (25 U.S.C. § 1901 et seq.) in California. The bill placed the federal requirements in the Family Code, Probate Code, and W&IC governing juvenile court proceedings, as well as some child custody matters in family law, probate guardianships, certain probate conservatorships and the relinquishment of a child by a parent. The underlying purpose of the ICWA is to protect the best interests of Indian children, including having tribal membership and connection to their tribal community, and to promote the stability and security of Indian tribes and their families. The CDSS has been working to draft regulations to implement the provisions of SB 678 into the MPP Division 31 for a number of years now. Initially, CDSS established a subcommittee to provide guidance as to the intent of the ICWA and SB 678 and how to communicate that in regulations. A number of subcommittee meetings were held to review the proposed regulations and input was received from tribal representatives. The CDSS reviewed the entire existing MPP Division 31 regulations to determine all possible areas where

social workers should consider the application of ICWA in their casework. The draft regulations package has continued to be refined and was reviewed by the ICWA Workgroup and the counties in May 2013. Currently, CDSS is preparing the final draft for submission to the CDSS' Office of Regulations Development (ORD). It is anticipated that the regulations will be submitted to the ORD by the end of April 2014. Once submitted, they will again go through a formal review process to include opportunity for public comment prior to submission to the California Office of Administrative Law (OAL) for review to ensure compliance with statute. Upon OAL approval, the draft regulations become officially implemented. Given this extensive official review process yet to take place, it is anticipated that the final revised regulations will become effective by the end of 2015.

C*ommunication and Training:* Through consultation with tribes and discussion and collaboration with counties, it is evident that inconsistent data entry practices occur with the statewide CWS/CMS. Although not unique to Indian children, when racial and ethnic information (tribal affiliation information) is not correctly input into CWS/CMS, it is not possible to accurately assess the number of ICWA cases in the state. California has one of the highest number of federally recognized tribes throughout the United States (second only to Alaska) and has the highest overall population of American Indians/Alaska Natives of any state. Based on current data, ICWA eligible children represent one to two percent of the overall cases in the state. Based on consultation with tribes, it is believed that the actual percentage of cases involving American Indian and Alaska Native children is double or triple that currently reflected in the CWS/CMS.

Through the development of the new statewide CMS, more accurate data on Indian children should be achievable with this new system. In the interim, CDSS is exploring targeted ICWA data entry training options for county social workers as well as possible All County Information Notices to give additional direction to counties on how to more accurately input ICWA data. In addition, a number of tribal social services directors are joining the CalSTEC to provide insight and direction to this committee on training needs necessary to address ICWA compliance issues at the county-level.

The Department is also actively developing processes to ensure the two tribes that have signed Tribal Title IV-E agreements with the state have the adequate training resources to implement and sustain their child welfare programs. Such training would include CWS/CMS new user training through contracted services with Regional Training Academies and the CalSWEC. In addition the CDSS is pursuing access to CORE social worker training for the two Tribal Title IV-E Tribes, which would ensure these tribes receive the same type of social worker training as is required for county social workers.

4) Barriers/challenges to compliance

The state reports that the Department recognizes the need to consult, collaborate and coordinate with all federally recognized tribes within their jurisdiction on all aspects of the development and oversight of the 2015-2019 CFSP. Federal law and regulations also separately identify several key child welfare issues about which the state must consult and coordinate with tribes and then report on the outcome of these discussions. These issues include state compliance with ICWA; the arrangements for providing services in relation to permanency planning for tribal children, whether in the care of the state or tribe; and the provision of independent living services under

the Chafee Foster Care Independence Program (CFCIP).

As CDSS has noted in previous APSRs, this area continues to be in need of improvement and currently the Department is only resourced with a .8 FTE to accomplish all tribal affairs functions outlined in this plan. Protecting American Indian/Alaska Native (AI/AN) children, strengthening their families, and meeting the goals of ICWA requires a complex system of child welfare services that involves many different entities, including law enforcement, the courts, social services agencies and tribal nations. To improve consultation efforts with California tribes, CDSS and tribes have begun work on a formal government-to-government TCP (see page 50). Once fully developed and implemented, the TCP will be one of several vehicles by which CDSS will consult and collaborate with tribes on the implementation and assessment of the CFSP in the future. California has the foundations of making a meaningful contribution to the success of ICWA, but additional resources are critical for continued success.

Sources of Data and Goals for ICWA Compliance in the Next Five Years: The CDSS is looking to augment its contract with UC Berkeley regarding child welfare administrative data to better identify tribal children. Obtaining accurate data for Indian children continues to be a challenge, as children who are identified in CWS/CMS as having multiple ethnicities may not necessarily be identified by the CWS/CMS system as being Native American. A recent point-in-time data query from the CWS/CMS for April 2014 identified six percent (3,289 of the 58,702) of children in foster care as Native American. This same data also indicated that for 45 percent of all children in open referrals/cases, Native American status was not asked or it was left as unknown. This data reporting situation becomes more evident when the status of Native American is not reported for ethnicity when the youth is reported as ICWA-eligible or when tribal affiliation may be indicated. Although not unique to Indian children, when racial and ethnic information (tribal affiliation information) is not correctly input into CWS/CMS, it is not possible to accurately assess the number of ICWA cases in the state. California has one of the highest number of federally recognized tribes in the United States (second only to Alaska) and has the highest overall population of American Indians/Alaska Natives of any state.

Expansive geographical and cultural differences exist among the 109 federally recognized tribes in California creating a barrier to facilitating consultations with multiple tribes in one location. As a result of these geographical barriers, the Department continues efforts to facilitate regional meetings with tribes on a rotational basis in Northern, Central, and Southern California. As evidenced by the local Tribal/County Alliance meetings attended by CDSS representatives, the Department is committed to meeting with tribes in local settings in order to ensure that tribes, when cost of travel is a barrier, are accommodated and included in meetings.

The state reports that another barrier is that tribes are limited in their resources to attend consultation sessions as travel costs can be restrictive and a barrier to participation. In an effort to address this barrier, CDSS is pursuing ways to fund tribal travel to consultation sessions. It is hoped that more tribes will be able to consult with the CDSS on an ongoing basis if they are provided compensation for travel expenses.

Technical Assistance to Title IV-E Tribes: As mentioned above, the state reports providing assistance to the Karuk Tribe on the tribe's implementation of a Title IV-E program. The state reports a barrier that, currently, CDSS is not adequately staffed to provide responsive TA to the

Title IV-E tribes. Until further resources are attained, the full implementation of these tribal Title IV-E Programs will continue to be delayed.

Through consultation and collaboration with tribes, the state has identified that the official list of federally-recognized tribes, maintained by the BIA, is only updated on an annual basis and therefore, is frequently out- of- date and does not contain correct addresses for tribes. In an effort to address this issue, CDSS developed a separate list of tribal addresses which it updates on a more frequent basis and is posted on the states' ICWA webpage for use by counties and tribes. Although the CDSS list is broadly used by most counties, due to limited resources, CDSS is only able to update this list twice a year. In addition, to ensure compliance with the federal ICWA, CDSS has made it clear that the Department's list is for convenience and that the addresses maintained by the BIA must be used to avoid the possibility of ICWA court cases being overturned due to incorrect noticing.

While data, and therefore progress, regarding noticing to parents and tribes involving ICWA-eligible children and the right to intervene has historically been difficult to capture in the current CWS/CMS system, the data collected on ICWA-related dependency appeals indicates a decrease for 2010. After reviewing appellate cases for the past several years, AOC staff determined that statewide ICWA-related dependency appeals accounted for 22.2 percent of all dependency appeals for 2008, 15.2 percent of dependency appeals for 2009, and 13.3 percent of dependency appeals for 2010, representing a 40 percent decline over three years. This progress has remained steady over the last several years. In 2011, ICWA appeals accounted for 12.4 percent of dependency appeals. In 2012, the figure was 12.9 percent and in 2013 this number rose to 13.8 percent. The Department plans to look at existing noticing data in the CMS to determine the number of cases where parents and tribes have been notified of child welfare case proceedings for children identified as having Native American ancestry. From this data CDSS anticipates the ability to identify problematic data entry processes that it may address through ACLs or ACINs. In circumstances where the data shows performance or data is lacking within a particular county, targeted technical assistance may be provided the county in question.

Future plans include continued tracking of ICWA-related dependency appeals and continuing the availability of trainings through the contract with the AOC. Moving forward, the AOC plans to continue providing training for judicial officers, attorneys, social workers, probation officers, and service providers who work with Indian children and families. A pre/post-test will now be provided to attendees to complete prior to and after a training to measure an attendee's learning prior to receiving ICWA training, as well as desired changes in practice and increased learning after receiving training. The AOC will track this data for ICWA trainings and provide this information to CDSS annually. The AOC ICWA will continue to create educational resources, such as, brochures, information sheets and other kinds of self-help materials as requested by the courts, the ICWA statewide workgroup, Tribal/State Court Forum, CDSS, and other partner agencies or as new case law or legislation determines the need for such information. The AOC will provide intensive TA to LA County Superior Court-ICWA courtroom staff and assigned judicial officer's as needed, to assist in creating a roundtable of ICWA stakeholders for that county. The AOC will increase TA provided to tribal court clerks throughout the state as part of a project modeled after the tribal court/-state court cross-cultural site visits. The AOC staff will continue to provide requested TA and collaborate with local, statewide and national committees,

roundtables or work groups, such as, the Urban Indian Child Welfare Work Group, Bay Area Collaborative of American Indian Resources (BACAIR), and CalSWEC as part of the American Indian Enhancement Team on the Casey Disproportionality Project. An upcoming outcome from such collaboration AOC staff has participated in since 2013, will include the roll out of the "Model ICWA Judicial Curriculum" which was a curriculum developed by the National ICWA Judicial Curriculum Advisory committee. The collaborative committee is comprised of ICWA and judicial experts, that including AOC staff, from across the nation to create a model ICWA judicial curriculum, specifically for judicial officers. Thereafter, the committee will advise on subsequent changes to the curriculum. This outcome was based on a request to the National Resource Center on Legal and Judicial Issues and the National Resource Center for Tribes. A roll-out plan is under development to implement the judicial curriculum nationwide.

5) Relevant information from selected tribal CFSPs

Yurok Tribe

Key Points:

- In order to implement the various goals and objectives of the Child and Family Services plan, the Yurok Tribe has engaged in constructive dialogue and interaction with the State at various levels. One of the primary areas of consultation/collaboration has been concerning the Indian Child Welfare Act.
- The Tribe works directly with and meets regularly with, the Humboldt and Del Norte County Health and Human Services on issues related to the ICWA. In Humboldt County, the Tribe continues to participate in the Humboldt County California Partners for Permanency (CAPP) Advisory Committee meetings monthly. Humboldt County is one of three Counties in the State to be awarded a disproportionality grant which spawned the Humboldt County Children and Family Services CAPP Advisory Committee. The CAPP project is a Presidential initiative to reduce the number of children in long term foster care. The federal government is providing a $100 million investment and CAPP is one of only six projects in the Country to receive this five year grant. In Humboldt County, the project is focused on American Indian children and families. The goal is to improve child and family practice so that children are able to grow up safely with their own families or placed with other family, tribal or community members. As a member of the Advisory Committee, the Yurok Tribe helps plan and guide the Institutional Analysis as well as inform and guide the action plan to address the system barriers identified in the analysis.
- In Del Norte County the Tribe meets weekly as a part of a multi-disciplinary team to discuss specific cases as well as general overall policy and collaboration issues. The Tribe's success rate in preventing child removal, reunifying or finding a culturally appropriate permanent placement for children when removed is due in large part to collaborative efforts allowing for co-investigation and case management of all Yurok children that have been reported to the County's . This continued collaboration will be critical to the achievement of the goals as outlined in this plan.
- Additionally, specific to foster home recruitment and retention, the Tribe currently collaborates in both Counties with:
    - the identification of appropriate relative or other tribal placements when Yurok children are removed,
    - the home assessment process for home approval, and

    - foster/relative care provider orientation and preparation.
- Recently, the Tribe and Humboldt County Child Welfare Services began holding meetings to discuss collaborative recruitment activities which include developing recruitment materials and events such as fliers, websites, tabling, and community engagement events. During the course of the past year, the Tribe held one collaborative community event in which a number of families were provided information on becoming foster parents. At least 10 of these families were able to begin the background check process that very day thanks to a portable Livescan device. Additionally, a draft version of a collaborative flier has been created and is under review by the County legal department. It the hope the of the Tribe that Title IV-B funds will support the staff time to continue this joint planning endeavor as well as financial resources to support further recruitment materials and activities.
- The Tribe continually engages the State in discussions concerning the ICWA. As the largest tribe in California, Yurok has cases in several counties in the State. Some of those counties closer to home have worked closely with the Tribe to develop tribal specific protocol regarding these cases, there is ongoing dialogue concerning notice to the Tribe as well as issues of active efforts, placement and transfer to the Tribal Court. The Tribe intervenes at the State Court level in all Tribal ICWA cases and proceeds with the transfer of those cases as appropriate under the ICWA and Yurok Tribal Law. Because the Tribe intervenes on behalf of Yurok children in all State dependency cases, the Tribe continues to be an ongoing partner in providing services to reunify those children (both under and over 5 years of age) as well as engaging in early concurrent planning that also meets ICWA placement preferences. The Tribe is very committed to identifying and securing concurrent placements while reunification is ongoing in the hope that no child will have to endure multiple placement changes and that all children will have a permanent home should reunification fail. These collaborative efforts include family finding; identification of appropriate caregivers that could engage in Tribal Customary Adoption should reunification fail; designation and assessment of Tribally Specified Homes; provision of additional case management services (other than County based services) for parents engaged in reunification, advocacy for culturally appropriate services for both the parents and the child; and, alternative resources and services through other Tribal departments and programs.
- In addition to pursuit of permanent homes for children under the age of five, Yurok Social Services also collaborates with County based Social Workers in the development of appropriate case plans and services for all Yurok children in foster care. This collaboration includes advocacy for culturally appropriate mental health services; referral for engagement in Yurok based education centers including head start and early head start; sharing of cultural event information with County Social Workers and foster parents; advocacy for developmental assessments when necessary; and, referrals for infant support services through public health and Indian Health Service based initiatives. The issue of proper placement, in compliance with the ICWA, has led to ongoing negotiations with the State over the development of a Tribal/State Title IV-E Agreement. The reasoning for this was to enable the Tribe to transfer cases into the Tribal Court and be able to fund those placements. Through our consultations/negotiations with the State the Tribe has learned that the State is reluctant to fund placements ordered by the Tribal

Court. Negotiations began in August of 2007. The Agreement was signed in 2009, but at this time the agreement although in effect has not been effectively implemented.

- Additionally, the Tribe continues to work with the federal government to develop policies and procedures for a direct Title IV-E funding agreement. It is expected that these negotiations will result in an approved Title IV-E plan by the end of July2014. As mentioned above the delay in the completion of both of these agreements is largely due to recent staff turnover.
- In addition to the IV-E negotiations mentioned above, the Tribe has also entered into negotiations with Humboldt and Del Norte counties on the sharing of jurisdiction over child welfare cases, prevention, and diversified response. These agreements will enhance both the Tribe's and the State's ability to respond to Tribal Children in need of aid. The agreements clearly define jurisdiction and appropriate response by each entity as well as specified County/State and Tribal contact information. Additionally, the Tribe is working with the counties and appropriate agencies in finding placements for children in need of aid.
- The Tribe has continued to work with both Humboldt and Del Norte Counties to develop concurrent jurisdiction in child welfare eases. Because these children are indeed citizens of two sovereigns it is in the best interests of the children to benefit from both and to have true collaboration between the States and Tribe to ensure a better future.
- The Tribe also participates in quarterly, and sometimes more often, conference calls coordinated by the State of California's Department of Health and Human Services to collaborate between the State and the tribes within California for the drafting and implementation of the State's and the tribes' Title IV-B plans.

Smith River Rancheria

Key Points:

- The process for developing its CFSP included consultation with CDSS, Del Norte DHHS and Oregon DHS. Consultation with CDSS occurred by conference calls with all CA IV-B Tribes to assist in the development of the State and Tribes CFSPs and APSRs. The tribe approves of some consultation occurring through the conference calls, but want to note that we feel that CDSS is still required to engage in meaningful consultation with all Tribes. The tribe’s CFS director is currently on the CDSS committee that is developing a Tribal Consultation Policy with CDSS. The tribe is hopeful that a plan will be developed that meets the needs of the Tribes and CDSS.
- The tribe reports that, historically, California has not done a great job of consultation with the Tribes in CA. There was no process in place for true consultation and CDSS often referred to the state ICWA workgroup as their means of consultation. If official meetings were planned there was little notice and no planning input was taken from Tribes. CDSS would send out their APSR the last week of June, so even if a Tribe was able to comment, there was not time to incorporate comments into the APSR. After some significant outreach by Tribes and the state ICWA workgroup, CDSS has improved in the consultation process over the last year. They have initiated a series of conference calls with the IV-B tribes of CA and have a committee in place to develop a Tribal Consultation Policy. Although there is still a long way to go before there is true, meaningful consultation, the Tribe sees the recent developments as a good sign for future

positive collaboration. The tribe is hopeful that the recent changes, once complete will result in true consultation.

- At this point, it is the Tribe's understanding that until it is operating a Title IV-E foster care program, the state of CA insists on being the party responsible to provide child protection services to our children in CA. The only exception may be if the child is currently under Tribal Court jurisdiction. If that is the case, the County agency still must respond for CPS purposes, but will defer to the Tribe as to placement. The Tribe is in the middle of the Title IV-E planning process and understands that the Fostering Connections Act created as many questions as it provided answers. The tribe will continue to work out issues of jurisdiction and service delivery with CA and Del Norte County.
- CA is in the process of fully developing a consultation program. Currently the tribe is kept apprised of CDSS programs at the ICWA workgroup and through the ICWA email list served and all County letter notifications. While this is not true consultation, it is definitely a move in the right direction. The tribe looks forward to being part of the Consultation Development Committee and is optimistic that things are moving in the right direction.
- The Tribe currently works closely with the State or County agency to identify appropriate ICWA compliant placements early on to encourage permanency in the home of a relative or other appropriate placement. The Tribe believes strongly in reunification and works in conjunction with the foster care agency to offer a full array of services that help quick and permanent reunification.
- As part of its goal “Children will reside in homes that are supportive of their safety, culture and healthy emotional development. Fewer children will reside in non-tribal, non-relative care.” the tribe reports the following objectives:
    - The tribe will develop a joint foster family recruitment plan with DHHS in CA and DHS in Oregon to increase the number of ICWA compliant homes available in our service area. The recruitment plan will include outreach and recruitment materials that will be available for distribution at local agencies and during community events.
    - Our children often remain in non-ICWA homes in part because of the ICPC process. SRR is in a unique position where the OR-CA state line may present a barrier to relative placements. We will work to develop a plan in both states to decrease the time it takes to complete the ICPC process. The Tribe and DHS/DHHS will develop an MOU/MOA to facilitate both the joint recruitment plan and the proposed expedited ICPC process.
    - Measure of Progress: An MOU/MOA or protocol will be in place to facilitate joint recruitment of foster family homes and to outline an expedited ICPC for families that reside in our service area. Outreach materials will be available for community agencies and events to facilitate our recruitment plan.

Washoe Tribe

Key Points:

- Both the states of Nevada and California are working to improve their consultation process and develop a policy to guide their consultations. Towards this end, California has had two listening session and has developed a workgroup. In addition, California's

worked directly with the IV-B tribes via email and teleconference to discuss the respective APSRs and the CFSPs.

- At the time of writing this Plan, there has been no consultation with California Medicaid or the Chafee Program. Washoe is unaware of any consultations that have taken place in the state of California related to the Chafee Foster Care Independence Program
- California is a PL 280 state, but the Washoe Tribe resumed exclusive court jurisdiction over cases involving children enrolled or eligible for enrollment with Washoe that reside in Alpine County. Therefore, the Tribe has exclusive court jurisdiction over some cases and the Tribe and the County share concurrent court jurisdiction over other cases in the Alpine County community of Woodfords. The Tribe and the County, however, both have a responsibility to provide services to children and families living on tribal lands in Alpine County. Because it is so complicated and there is no written protocol, WDSS and the County collaborate on a case by case basis. The partners have recognized a need for protocols and are working on their development.

Colorado

1) How consultation was conducted with tribes

Colorado has two federally recognized tribes, the Ute Mountain Ute Tribe and the Southern Ute Tribe. The Colorado Department of Human Services (CDHS) sought input to the 2015-19 Stakeholder Survey from both tribes. There continues to be communication via Colorado Commission of Indian Affairs and any input either tribe would like to submit is welcomed. CDHS and the Division of Child Welfare (DCW) are currently increasing communication in an effort to build a stronger relationship and dialogue with both tribes.

Acknowledging ongoing concerns about collaboration with tribes, CDHS Executive Leadership Team has increased outreach and tribal support as needed. The Tribal Consultation Agreement, signed by the CDHS Executive Director in 2012, and the work of the counties where tribes are located will improve Colorado's collaboration and consultation with the tribes. In addition, a CDHS liaison serves as a continuous point of contact for tribes as well as a member of the Colorado Commission of Indian Affairs (CCIA). In addition to regular CCIA health and wellness meetings, in Spring 2014 meetings were held in both tribes with SafeCare organizers, county departments, and Office of Children, Youth and Families (OCYF) leadership regarding how to successfully implement the evidence-based in-home service model, SafeCare.

CDHS consults with the two tribes and organizations representing Native Americans living in Colorado through providing the APSR and CFSP to both tribes. They will continue to do so in the future. In 2013, the APSR was provided to the Southern Ute Tribe Department of Tribal Services and the Ute Mountain Ute Tribe Department of Human Services.

CDHS signed a Tribal Consultation Agreement in 2012, joining the original agreement signed by the Departments of Public Health and Environment (DPHE) and Health Care Policy and Financing (HCPF) in 2011. The purpose of this agreement was to formalize the consultation policy through which the departments seek and maintain regular, consistent communication and partnerships with Colorado's two federally recognized American Indian tribes, the Urban Indian Health Organization of Colorado, and Denver Indian Health and Family Services. The CDHS Executive Director and the Executive Management Team attended a formal Tribal-State Collaborative meeting in February 2012, with the next meeting in August, 2014.

To facilitate ongoing collaboration, the CDHS county liaison attends the Colorado Commission on Indian Affairs quarterly meetings. DCW staff and county representatives attend the Denver Indian Family Resource Center (DIFRC) Steering Committee meetings, where discussion items have included minority over-representation, ICWA training, and child welfare services. A member of DIFRC serves on the committee to establish a statewide child abuse and neglect reporting hotline. Tribal members have attended Permanency Roundtable training.

Independent Living Services
In 2012, a letter was sent to tribal directors inviting a plan for annual Chafee funding and for inter-agency agreements. The Southern Ute Tribe and the Ute Mountain Ute Tribe have entered

into an agreement with La Plata County for provision of Chafee services (Appendix F). La Plata County includes both tribes in its Chafee Services Plan.

2) Reported assessment of compliance with ICWA

Methods to Addressing ICWA Compliance
The CIP Indian Child Welfare Subcommittee is now addressing ICWA compliance by using CQI methods to review data, determine root causes, and develop and measure strategies for improvement. This work will continue moving forward. This group is also focused on increasing judicial training on the importance of ICWA and improving the policy and accountability structures related to ICWA.

In following ICWA protocol, the state's Administrative Review Division (ARD) asks specific ICWA questions about every child whose case is being reviewed. County departments document Native American children in OOH care, and ARD reviews the child's ICWA status. The review includes a series of ten questions relevant to the inquiries of Native American heritage, court findings, and tribal notification of the child's placement and court proceedings.

Findings from Assessment of Compliance
ARD statewide data for SFY 2014, second quarter, indicates a compliance rate of 31.8%, representing a significant decrease in performance from 42.1% for SFY 2011.

The data reflects that improvements are needed in the following areas:

- Court orders determining that ICWA does NOT apply.
- Improved documentation of inquiry about Native American heritage.
- Notification of all identified tribes sent to Bureau of Indian Affairs.

The results of the Stakeholder Survey indicate that a majority of respondents believe there is ICWA compliance, with 41.1% of respondents in agreement, and 23.0% strongly agreeing with the statement that the child welfare system "applies the Indian Child Welfare Act when serving Native American children, youth, and families."

3) Efforts to promote compliance

Colorado has not negotiated special placement preference for Native American children. Colorado seeks to comply with all provisions of ICWA, including order of preference. In its statewide recruitment campaign, CDHS encourages individuals of all cultures to consider becoming foster parents. The Denver Indian Family Resource Center (DIFRC) has developed the Structured Analysis for Foster Home Evaluation Tool training in conjunction with CDHS. This nationally recognized assessment tool is used for certification of Colorado's foster homes.

Compliance with ICWA is reinforced through caseworker and county attorney training on ICWA requirements and the right of Tribal Courts to intervene and/or transfer court proceedings to their courts.

CDHS sets aside $25,000 in Core Services Program funds for each Colorado tribe for family preservation and reunification services. The Southern Ute Tribe submits a Core Services Plan

(family preservation and reunification services) each year, as required. The Southern Ute Tribe has an IGA with La Plata County to administer the funds and to enter required information into Trails on their behalf. The Ute Mountain Ute Tribe may access the funds when they are ready. A Ute Mountain Ute Tribe representative is included in all Core Services coordinator emails.

CDHS has asked local county departments to direct county resources to culturally competent organizations, including those who work with Native American families. County departments in the Denver metropolitan area have contracted with DIFRC to extend the delivery of these services. These services are funded through Core Services and PSSF funds.

CDHS will continue to work with the tribes as per the State Tribal Agreement and Addendum, which calls for regular communications every 60 days and through formal State-Tribal consultations sessions. In addition, CDHS representation on the Colorado Commission of Indian Affairs (CCIA) allows for interaction on a quarterly basis with tribal council leaders of the Ute Mountain Ute Tribe and the Southern Ute Tribe and the opportunity for fostering coordination and collaboration. Through the CCIA, special topic roundtable sessions can be coordinated with tribal leaders, and organized and conducted with the Executive Director of the CCIA on behalf of CDHS to discuss human services issues that are pertinent to the two tribes.

Tribal Jurisdiction
The tribes and counties work together to provide child welfare services and to clarify jurisdictional issues. The Southern Ute Department of Social Services (SUDSS) has jurisdiction of Native American children living within the boundaries of the reservation. The children must be enrolled or eligible for enrollment in a federally recognized tribe. The La Plata-Southern Ute IGA also states that SUDSS has jurisdiction of children who are one-quarter or more blood quantum descendants of members of federally recognized tribes. When blood quantum is not clear, the agencies consult with each other to determine jurisdiction. Response also depends on where the child is located. For example, the local hospital is located outside the boundaries of the reservation. If a tribal child is at the hospital, the SUDSS staff cannot officially respond, because their attorney has advised them that they do not have jurisdiction outside of the reservation. In those situations, La Plata County staff will take the initial lead in the response, ideally teaming with a SUDSS staff member. The goal is to facilitate the child's return to the reservation so SUDSS can provide services to the child and family.

DCW has worked with the state judicial branch to promote and support an ICWA assessment form. The form is used to promptly identify a Native American child who is a member of, or eligible for membership in, a federally recognized tribe. ICWA training is provided in the Child Welfare Training Academy curriculum for new caseworker staff and in ongoing training for child welfare staff.

A work plan to improve the state's compliance with ICWA is being coordinated through the Court Improvement Project (CIP) with representatives of CDHS and urban Indian populations, including DIFRC. DIFRC serves as the lead ICWA trainer, with a contract from DCW, to provide trainings to state and county child welfare departments. The overall objective of the ICWA trainings is to serve as one strategy for improving Colorado's ICWA compliance through training and educating:

- County departments and community members/agencies on the cultural and statutory foundations of ICWA;
- Nurturing parent techniques that are culturally relevant;
- Appropriate foster recruitment and retention techniques by targeting prospective American Indian and Alaskan Native (AI/AN) foster parents through Culture 101 training; and
- Effective tribal advocacy techniques and services in directly assisting county staff in efficient and timely communication with tribal nations as required by ICWA, expediting diligent search and permanency for children and youth placed in foster and congregate care.

Training participants will gain understanding of the historical trauma experienced by AI/AN populations, including the borderline genocidal activities of the federal government in the late 19th century and efforts to "kill the Indian, save the man" through the introduction of boarding schools. Participants will understand the cultural differences in child-rearing, parenting, safety, and permanency, and how to engage AI/AN family members in service planning and implementation.

Counties also contract directly with DIFRC for various services and case management assistance.

Colorado has joined with DIFRC to promote ICWA best practices across the state, particularly along the Front Range, where approximately 90% of the Indian population resides. The Ute Mountain Ute and Southern Ute Tribes are also engaged in this process to promote best practices. DIFRC, in conjunction with Casey Family Programs, has provided several ICWA training programs to state, local, judicial, and community agencies regarding the best practices, letter, and spirit of ICWA. It is anticipated that the partnership with DIFRC and Casey Family Programs will expand into continued ICWA technical assistance to the counties regarding best practices in working with Native Americans.

Notification to Tribes
Each of Colorado's 64 counties is expected to notify Native American tribes about Native American children. Most counties rely on their county attorneys to provide notification of proceedings.

4) Barriers/challenges to compliance

The state did not report any barriers or challenges to ICWA compliance.

5) Relevant information from selected tribal CFSPs

No relevant tribal CFSPs were reviewed.

Connecticut

1) How consultation was conducted with tribes

Connecticut currently has two federally recognized tribes: the Mashantucket-Pequot Tribal Nation (MPTN) and the Mohegan Tribe (MT). Connecticut reports that neither tribe has a developed system of resources (foster/host homes/group care) that allows for a divergent path from State care, should removal from home become necessary. There is a longstanding Memorandum of Understanding between Connecticut and the MT. The state reports that efforts to effect a similar agreement with the MPTN have not come to fruition. While no formal arrangement is in place for regular meetings with the MPTN, there is a well-noted single point of contact, the tribe's Director of Child Protection. The State continues to have a positive working relationship with the Director.

Monthly meetings were often held between the MT and the State. As of late, these meetings have been more sporadic due to less volume. The content of the meetings is oriented to the Memorandum of Understanding. This includes case specific discussion of State interventions with MT members. The State notifies the MT of all accepted reports regarding their members. Discussion is held in a confidential meeting at tribal offices. The meetings are also used as an opportunity to advise the Tribe of new State initiatives; recent past and present discussions have included Structured Decision making, Differential Response System for child maltreatment reports, and Child and Family Team Meetings for Considered Removals.

Connecticut reports it will provide a copy of the state's most recent Annual Report to the tribes post submission.

Coordination and Consultation with Tribes on Independent Living Services
The state reports that over the past five years there have not been any negotiations with the two tribes in Connecticut specifically as it relates to determining eligibility, benefits and services and ensuring fair and equitable treatment for Indian youth under the Chafee Foster Care Independence Program (CFCIP). However, tribal youth are eligible for all of the same Chafee and Independent Living services as any other youth in Connecticut. Also, in accordance with the requirements of the Chafee program, all youth in DCF care who are at least sixteen years old, including Indian youth, are provided with a copy of their credit report at least annually.

2) Reported assessment of compliance with ICWA

The state reports that, although there is ICWA activity, no data is available to demonstrate compliance. Information on compliance is available in narrative form in individual client records. There have been no ICWA compliance issues identified with the MPTN or MTN over the last five years.

3) Efforts to promote compliance

Connecticut reports on multiple aspects of its practice to promote ICWA compliance.

The State screens for ICWA compliance with demographic inventories/interviews at the point of all DRS activity. There are additional checkpoints that also capture/create safeguards for identification/notifications. These include genograms completed with families (at investigation or FAR) and revised by ongoing State social workers in the formulation and revision of case plans; internal multidisciplinary assessments for permanency (MAPS) in which State legal and Social work staff discuss cases in which legal intervention has transpired; as well as canvassing of all parties once court involved.

The state reports that, consistent with ICWA, all tribes are notified of State legal activity in writing, by USPS certified mail. For the States' two local tribes, as a courtesy, telephone notice precedes written notification.

Jurisdiction with the proceedings occurs with exclusivity to the State court system. The MT does not seek to transfer cases to its own court network and prefers to partner with the State in the Superior Court for Juvenile Matters. Conversely, the MPTN often exercises the option of jurisdiction moving to its court network

For tribal families, there is explicit instruction offered by the State that the family is welcome to invite tribal resources to the forum. To date there have been no meetings that resulted in the State needing to remove tribal children.

The CARELINE screens for MPTN involvement according to case addresses that exist on their reservation. Because the reservation is relatively small, the roads are few and easily indexed. If the case address is noted as a reservation MPTN address, the report is non-accepted and the CARELINE takes the lead in notifying the tribe of the report. The tribe then chooses to investigate according to its own policies and procedures, with its own established CPS resources. The State is not involved in these circumstances. There are other circumstances in which the tribal member has an address off-reservation; in these cases the State does intervene and provides immediate notice to the Tribe of the report.

Common practice for State proceedings finds representatives of the two local tribes present, at least for initial proceedings.

The last large-scale training statewide related to ICWA was a day-long event sponsored on site by the MPTN. Some DCF area offices have undertaken recent training efforts on ICWA. Newly hired Social Workers are trained on ICWA during pre-service training. There are present considerations to have statewide refresher training for the next fiscal year.

Connecticut and the tribes will not be engaging in a formal planning process over the next five years to improve or maintain compliance with ICWA, as no issues have been noted by either the tribes or the state.

4) Barriers/challenges to compliance

The state did not report on any barriers or challenges to compliance with ICWA.

5) Relevant information from selected tribal CFSPs

No relevant tribal CFSPs were reviewed.

Delaware

1) How consultation was conducted with tribes

There are no federally recognized tribes in Delaware. The state reports that letters sent to the Nanticoke Tribal Chief requesting time to discuss a partnering with this agency have not been answered. Letters sent for the past five years inviting tribal leadership to discuss partnership building have gone unanswered. The Division of Family Services (DFS) continues to correspond with the Nanticoke Chief of the Nanticoke Indian Association. The Association has 36 members according to Association's website membership page. DFS will continue with opportunities to discuss ways to partner regarding child welfare services for American Indians and share CFSP and APSR documents.

Coordination and Consultation with Tribes on and Independent Living Services
The state reports that youth who leave care after age 16 for adoption or kinship/permanent guardianship, including American Indian children, are eligible for independent living program services.

2) Reported assessment of compliance with ICWA

The state does not provide any data on its assessment of compliance with ICWA.

3) Efforts to promote compliance

Delaware reports that DFS will attempt to engage the Nanticoke via foster care recruitment exhibit at the Nanticoke Powwow and by re-establishing points of contact. There are no other viable tribes in Delaware.

FACTS, the state's child welfare data system, provides for case managers' identification of Indian children. Indian parents are notified of court proceedings as other non-Indian parents are notified. In the event that an Indian child is taken into custody, the tribal leadership is contacted for notification and placement assistance. The agency has a list of contacts supplied by the Nanticoke Tribe leadership. Indian children and families have access to any and all services available in their community and in the state.

4) Barriers/challenges to compliance

The state did not report any barriers or challenges to ICWA compliance.

5) Relevant information from selected tribal CFSPs

There are no federally recognized tribes in Delaware.

District of Columbia

1) How consultation was conducted with tribes

The District of Columbia reports that it does not have a federally recognized tribe within its geographical boundary. When necessary to engage in tribal consultation, the Child and Family Services Agency (CFSA) consults with the National Resource Center for Tribes (NRC4Tribes).

Recently, for the purpose of meeting the Tribal consultation requirements for the establishment of new federal mandated tribal transfer protocols, the NRC4Tribes linked CFSA with the Navajo Nation to review draft policies and provide input.

2) Reported assessment of compliance with ICWA

The District of Columbia did not report any information on its assessed compliance with ICWA.

3) Efforts to promote compliance

CFSA anticipates maintaining this working partnership with the Navajo Nation to provide ongoing consultation as necessary for policy development purposes.

In 2011, the NRC4Tribes provided CFSA with technical assistance as the agency developed an administrative policy issuance, Compliance with the Indian Child Welfare Act (ICWA). In 2012, when the Administration for Children and Families promulgated new rules regarding procedures for the transfer of placement and responsibility of a child from a state to a Tribal title IV-E agency or to an Indian Tribe with a title IV-E agreement (§1356.67), CFSA updated its ICWA issuance with a new section addressing tribal transfers. The new section, Transfer of a Child to a Tribal Agency, largely mirrors the federal language in the referenced rule. The Agency is currently engaged in another round of technical assistance with the NRC4 Tribes to review this updated section to ensure its compliance with the intent of the federal tribal transfer rules.

When necessary to engage in tribal consultation, CFSA consults with the National Resource Center for Tribes (NRC4Tribes). DC reports that, although CFSA currently does not have (nor has it had at any time in the past decade) a member of a registered tribe in foster care, CFSA maintains its relationship with the NRC4Tribes in the event there is a future need to address matters related to the District's Native American foster care population. The agency will also consult with the NRC or other organizations to which they refer as needed to ensure the Agency is compliant with any related regulations (e.g., the Indian Child Welfare Act).

4) Barriers/challenges to compliance

DC did not report any barriers or challenges to ICWA compliance.

5) Relevant information from selected tribal CFSPs

There are no federally recognized tribes in the District of Columbia.

Florida

1) How consultation was conducted with tribes

Florida reports that it has worked in collaboration with the state's two federally recognized tribes, the Seminole Tribe of Florida and the Miccosukee Tribe of Indians of Florida, by maintaining and encouraging ongoing contact, support, staff interaction and opportunities for the tribes to participate in statewide initiatives and training. A third tribe, the Poarch Band of Creek Indians (a federally recognized tribe from Alabama with a reservation located close to the Florida - Alabama border), also is included in the Department's outreach efforts. While the Miccosukee Tribe and the Poarch Band of Creek Indians currently do not participate in Florida events and activities, the Department intends to continue outreach efforts that are respectful of the tribes' cultures and preferences.

The Seminole, Poarch, and Miccosukee tribe have access to all internet sites. However, the Seminole tribe is more actively involved with the Department and participates in routine conference calls and at least one meeting annually at the Child Welfare Summit.

The state also reports that input was sought from the Seminole tribe through a telephone conversation with the tribe's family preservation administrator on the development of the 2015 – 2019 Child and Family Services Staff Development and Training Plan. Trainers meet face-to-face at least semi-annually for their own professional development, to address issues, and to plan for the future. The Seminole Tribe of Florida is a member of the network, participates in the semi-annual meetings, and uses (and contributes to) the Training Resource Clearinghouse.

All three tribes are included in the annual statewide Dependency Summit and participate in a statewide court dependency work group. All three tribes have been included in the development of Department policy and guidance documents that support Indian Child Welfare Act compliance.

Independent Living Services
Chafee and ETV funds are designated for current and former foster care youth as required by ICWA. The Department is making every effort to ensure that children are placed within their tribal families and not in licensed foster care. If tribal children do enter licensed foster care, they are entitled to any and all benefits and funding that any child, tribal or not, would be eligible to receive. In the Department's work with the Seminole and Miccosukee tribes, access to various forms of federal funding have been discussed and neither tribe has expressed an interest in receiving federal funds at this time as they have their own resources to provide services.

2) Reported assessment of compliance with ICWA

The state reports that discussion with tribal representatives at the National Indian Child Welfare Association conference in April 2014 indicated that the level of awareness about ICWA requirements among child welfare and child investigation field staff could be improved.

Requirements for compliance with the mandates of the Indian Child Welfare Act are contained in Florida Statutes and in Florida Administrative Code. Child Protective Investigators are required to determine potential eligibility for the protections of the Indian Child Welfare Act at the onset of each child protective investigation. Florida Administrative Code requirements and supporting guidance have been developed to ensure that children eligible for the protections of the Act are identified at the earliest possible point in the initiation of services.

The Case Management Quality Assurance report for FY 2012-2013 indicated that in 91% (n=69) of the cases, upon removing the child from his/her home, the CPI made the appropriate inquiries to determine if the child was of American Indian or Native Alaskan descent so that the appropriate tribe could be contacted regarding the need for an alternative placement.

ICWA data from the last several years shows that the number of American Indian/Alaskan Native children in out-of-home care has declined slightly, while the number of those children identified as ICWA eligible has remained fairly stable. The number of ICWA eligible children in ICWA compliant placements has risen from 0 in FFY 2008 - 2009 to 41 at the end of FFY 2011 - 2012.

3) Efforts to promote compliance

The Department has reached out to the National Indian Child Welfare Association and Bureau of Indian Affairs for additional collaborative approaches. The Office of Child Welfare (OCW) has plans to increase staff members who attend the national conference in 2015 and beyond. Staff also have taken part in follow-up training conference calls sponsored by NICWA and BIA.

The Department is responsible for child protective investigations for the tribes. Each area of the state has staff serving as ICWA liaisons. The Department's operating procedure, CFOP 175-36, Reports and Services Involving American Indian Children, describes processes to be used by child protective investigators and case managers.

As Florida moves ahead, future plans include providing training on Florida's new child welfare practice model to the Seminole Tribe of Florida, and providing co-trainings in collaboration with the STOF to child welfare professionals, the courts, and communities across the state. Such trainings have already been coordinated through the court systems during federal fiscal year 2013. The trainings also will be offered to the Miccosukee Tribe of Florida.

The state identifies a goal of determining ways to formalize the peer network into a web-based, active provider of technical assistance information and real-time sharing of information, including adding the Seminole Tribe of Florida to the network.

The development of the Department's Training Plan included consultation with representatives from the Seminole Tribe of Florida, and the tribe will be routinely involved in training development and other discussions. ICWA in-service training has been developed by the Office of Child Welfare for delivery to the field. Also, guidelines for compliance with the mandates of the Indian Child Welfare Act are a part of the Department's pre-service curriculum. Requests to review Florida's in-service ICWA curriculum for developing and implementing a similar state

curriculum have been received from Tennessee and Alabama. The Department will continue to involve the tribes in training activities.

The Memorandum of Agreement (MOA) to establish protocol for the investigation of allegations of abuse, neglect or abandonment of Native American children who reside on the Seminole Tribe of Florida (STOF) reservation or outside the boundaries of the STOF reservation, but within the state of Florida, was under final review and awaiting signature during April 2014. The MOA also establishes protocol for provision of case management services for families residing both on and outside the boundaries of the STOF reservation.

Pending the signing of the agreement, the Department continues to work in collaboration with the STOF in providing, at their request, child abuse and neglect investigations and certain case management functions on their reservations. The STOF is currently developing a tribal court system. In the interim, dependency court cases resulting from investigations conducted by the Department or its contracted agencies on Seminole reservations are currently heard in Florida's circuit courts.

4) Barriers/challenges to compliance

The state did not report specific barriers or challenges to ICWA compliance.

5) Relevant information from selected tribal CFSPs

No relevant tribal CFSP reviewed.

Georgia

1) How consultation was conducted with tribes

Georgia does not have any federally recognized tribes. However, the state recognizes as legitimate American Indian tribes of Georgia the following tribes, bands, groups, or communities: the Georgia Tribe of Eastern Cherokee; the Lower Muscogee Creek Tribe; and the Cherokee of Georgia Tribal Council. For this CFSP, the Division of Family and Children Services (DFCS) state office staff began re-engaging Georgia's tribal leaders to facilitate collaboration.

Coordination and Consultation with Tribes on Independent Living Services
Georgia reports that its independent living program will continue to work with DFCS Field Operations staff to ensure that Chafee Foster Care Independent Program and Educational and Training Voucher benefits and services are available to all youth, including those who do belong to Indian Tribes, to support positive outcomes for this identified population.

2) Reported assessment of compliance with ICWA

The state reports that reviews showed that the agency did not follow the guidelines of the Indian Child Welfare Act for all children with Indian heritage.

The population served by DFCS that is self-identified as Native American is quite small. Georgia SHINES data identify 148 children as having Indian heritage by tribal registry. As recently as January 2014, 33 of those children currently in DFCS's custody identified that they were tribal registered. DFCS has experienced challenges in consistently identifying and documenting children with Indian heritage.

3) Efforts to promote compliance

DFCS ensures that any child who is a member or claims eligibility for membership of a federally recognized Indian tribe and is subject to removal, placement and/or any other legal action, is afforded all rights under ICWA. DFCS complies with all rules, regulations and laws governing ICWA, which includes preventing the unnecessary and arbitrary removal of Indian children from their families and tribes; placing an Indian child removed for safety reasons in an available and safe home that reflects the unique values of American Indian culture; and adhering to the placement requirements of ICWA.

The ICWA Liaison within the DFCS Programs and Policy Unit continues to enhance DFCS's knowledge around ICWA and develop a process of engaging Georgia's Indian tribes. As such, over the next five years DFCS will take proactive steps to preserve Indian families and communities within the state

During the last quarter of federal fiscal year (FFY) 2014, DFCS surveyed the counties in which Georgia tribes are located to determine the nature and extent of local involvement with the Indian tribes. Additionally, DFCS has been conducting research of other states in an effort to

identify best practices and other learning tools for ICWA and Indian engagement. State office legal and policy staff received advanced training in ICWA and adoption law practice from nationally recognized experts. Sponsored by the Georgia Bar Association, this series of trainings is assisting Georgia's legal community to better understand ICWA and its accompanying challenges in the state of Georgia. At the end of 2013, DFCS updated its ICWA policy, which is expected to be released in 2014 once federal approval has been granted. The updated policy will help improve the identification of tribe members as well as the notification mandates of ICWA. Similarly, as part of restructuring the DFCS policy manual in 2013, DFCS integrated its ICWA policy provisions ranging from child protective services to permanency in a comprehensive manner. As a result, ICWA identification and notice requirements are pervasive throughout the policy.

For this CFSP, DFCS state office staff began re-engaging Georgia's Tribal leaders to facilitate collaboration. Based on the results from the preliminary steps taken to establish coordinated and collaborative efforts with Georgia tribes, DFCS will take the following steps over the next five years to improve compliance with ICWA:

- Establish coordination and collaboration with the tribes in implementing and assessing the new CFSP 2015-2019 and monitoring as well as improving compliance with ICWA. Due to an oversight the tribes were not included in the development of the CFSP. However, a copy of the Final Report along with the three goals established in the upcoming CFSP was shared in the August collaborative meeting. In addition, a meeting has been scheduled for September 15, 2014 to review the CFSP goals and objectives and discuss with the tribes how to establish and improve the collaboration efforts. The identification of an individual within the Policy Unit as the liaison to the tribes will prevent such oversights from occurring in the future.
- Maintain a record of outcomes of the consultations with the Georgia tribes.
- Research and identify training opportunities for staff to assist in policy-making, education and training and overall decisions regarding Indian tribes.
- Through coordinated efforts and collaboration with the Georgia recognized tribes, DFCS will develop a protocol to address, without limitation, the following:
    - The proper identification of tribe members;
    - Notification of Indian parents and tribes;
    - Placement preferences for Indian children;
    - Active efforts to prevent removal of children and the break-up of Indian families;
    - Tribal right to intervene/transfer of cases to tribal jurisdiction;
    - Description of the arrangements to provide child welfare services and protections to children under both state and tribal jurisdiction, to include the party responsible for providing the child welfare services and protections for tribal children;
    - Accessing Chafee Foster Care Independence Program (CFCIP) funds, to include eligibility, benefits and service information as well as program oversight as it relates to the tribal population of youth; and
    - Reviewing and assessing data as it relates to the tribal population of youth, to include feedback on strengths and areas needing improvement.
- Beginning with the counties where the state-recognized tribes are located and with collaborative efforts with Georgia tribes, DFCS will develop a strategic outreach plan with input from the state's tribes to include, without limitation, the following:

    - Joint activities to develop social and cultural understanding and sensitivities;
    - Communication strategies between the state and tribes;
    - Ongoing monitoring of the statewide protocol;
    - Participation of a member(s) of the Indian community on the local DFCS Advisory Board;
    - Resource development and recruitment strategies specific to the Indian community; and
    - Facilitation of access to local services at the county level.
- Ensure each tribe receives a copy of the 2015-2019 CFSP and is involved in the development of the future APSRs.

Georgia reports that DFCS will continue to engage its stakeholders through regular and ad-hoc meetings (live and virtual), participation in joint child welfare projects and other appropriate means identified by the agency. Regional and county DFCS directors will continue to meet with their local stakeholders and address issues relevant to the safety, well-being, and permanency needs of children and their families in their communities.

As mentioned above, DFCS plans to continue the CFSP Advisory Committee throughout the life of the CFSP to solicit their feedback regarding progress made towards completing the goals outlined in the plan. DFCS also plans to invite tribal representatives to participate on this committee to promote and ensure collaboration between the state and tribes. Specific collaborative efforts DFCS will undertake in implementing the goals and objectives of the CFSP are detailed, where applicable, in Section 3, Plan for Improvement and Section 10, Targeted CFSP Plans.

By the end of FFY 2015, DFCS will initiate strategic field training that covers policy and practice items, including ICWA. The training will be provided to all Field Program Specialists throughout the state, who will in turn share the information with their respective regions. To complement these efforts, DFCS is developing a statewide webinar to educate staff and increase compliance with ICWA and ICWA-related policy updates. The statewide webinar is scheduled for summer/fall of 2014, and a copy of the webinar will also be placed on DFCS's education and training portal page to be used as an ongoing resource for staff.

4) Barriers/challenges to compliance

The state reports that DFCS has experienced challenges in consistently identifying and documenting children with Indian heritage.

5) Relevant information from selected tribal CFSPs

There are no federally recognized tribes in Georgia.

Hawaii

1) How consultation was conducted with tribes

The state did not report information on how it consulted with tribes on the development of the CFSP. There are no federally recognized tribes in the state.

2) Reported assessment of compliance with ICWA

The state reports the following information on its performance on CFSR Item 9: Preserving connections: DHS will preserve important connections for children in foster care, such as connections to neighborhoods, community, faith, family, tribe, school, and friends. Hawaii reports that it will need to continue its efforts to preserve child's connections to extended family, neighborhood, tribes, friends and community.

Strengths

- Case reviews indicated that Hawaii made efforts to maintain children in their community and connected to culture, school, family (including older siblings, grandparents, and cousins), sports, and friendships.
- Efforts were also made to maintain the child's therapist until a higher level of care was needed
- Educational Stability Initiative
- Ohana Time
- Workers investigated the child's Hawaiian heritage for admission to programs with Queen Liliuokalani Children's center (QLCC), Office of Hawaiian Affairs (OHA), and Kamehameha Schools

Challenges

- Native American tribal members were not consistently explored for connection with children of Native American ancestry.
- Legal and logistical complication in establishing paternity
- Difficulties partnering with the DOE for educational stability
- Locating family members to help provide the cultural connection

The state reports that, although the Child Welfare Services Branch's (CWSB) current procedures and practice for complying with ICWA are sound, improvement is needed in the area of tracking data and using data to monitor children with Native American heritage. This problem was brought to the attention of CWSB administration through the results of the CQI case reviews. The current CPSS system already has fields that capture ethnicity of American Indian and Alaska Native children. As part of CWSB's CFSP, DHS plans to extract these data on a quarterly basis for the purpose of monitoring compliance with ICWA regulations. CWSB also plans to partner more closely with Family Court on this matter to clarify roles and responsibilities with ICWA case filings, as well as to clear up any confusion about the requirements of ICWA. Additionally, CWSB plans to tap the tribal representatives and staff at the Bureau for Indian Affairs for information on how Hawaii can improve in serving Native American children and families.

3) Efforts to promote compliance

Current CWSB procedures that comply with the Indian Child Welfare Act (ICWA) include: identification, removal, and adoption guidelines for American Indian children, as well as notification procedures, placement preferences, rights of the tribe, and guidance on the legal findings needed.

CWSB procedures require that caseworkers ask parents and relatives if the child may be or is of American Indian heritage. Workers also view the birth certificate, if possible. When there is reason to believe that the child may be Native American, the caseworker informs the Deputy Attorney General (DAG) assigned to the case. The DAG sends a registered letter to the tribe (if known) or to the Bureau of Indian Affairs. Most of the responses from the Bureau of Indian Affairs are that the child is not registered as an American Indian Child. In these situations, if it is appropriate, the caseworker encourages the family to register the child. When CWSB does receive a positive confirmation of registration, tribal rights are adhered to. Should the tribe wish to take custody of the child, CWSB relinquishes the child to the tribe and terminates jurisdiction in Hawaii. All necessary documents and information on the child including Title IV-E eligibility are handed over to the American Indian representative. CWSB staff works directly with the American Indian representative to aid in a smooth transition for the child. CWSB also exchanges with the tribe the most current CFSP and APSR.

Pursuant to Chapter 587A, Hawaii Revised Statutes (HRS), when a child enters foster care in Hawaii, DHS is required to identify the child's relatives and provide these relatives with information about: the child’s status, court proceedings, and becoming a foster parent for the child. These procedures are followed for all Native American children. The search for, identification of, and notifications to relatives are completed through CWSB's Family Finding Initiative and `Ohana Conferences, which are offered by DHS-contracted provider EPIC 'Ohana, Inc.

Following ICWA provisions, if the family or the tribe requests to intervene in State proceedings and transfer jurisdiction of an American Indian child from the State of Hawaii to the jurisdiction of the tribe, the court must transfer jurisdiction to the tribe, unless there is sufficient good cause to not comply with the request. Since Hawaii has no federally recognized or State-recognized tribes within its borders, the State child welfare agency is responsible for providing the protections under 422(b)(8) when American Indian children come to the State's child welfare agency's attention due to abuse/neglect, until jurisdiction is transferred to a tribe (if that transfer does occur).

The state reports that, aside from facilitating transfer of jurisdiction to the tribe, another crucial piece of ICWA compliance is honoring the placement preferences of the tribe and the family for Native American children. Hawaii CWSB ensures this with consultation with tribal representatives whenever a child is identified as of American Indian heritage. During SFYs 2012 and 2013, CWSB staff consulted with tribal representatives from seven different North American tribes. Because these children were already placed with relatives the majority of the time, the tribes supported the placements.

Program Development is responsible for CWSB's established policies and procedures providing protections for tribal children in State custody. Staff Development is responsible for inclusion of ICWA training on protections for tribal children in Core and ongoing trainings. Sections and Units are responsible for application and implementation of CWS policies and procedures on protections for tribal children.

Hawaii's efforts with ICWA have increased over the past three years. In SFY 2012, more data was collected on Hawaii's ICWA population, through census reports. CWSB staff attended an ICWA training in July 2013 and more ICWA information has been added to new hire training to strengthen ICWA compliance and understanding. ICWA training is a regular part of Core Training for new CWSB workers.

4) Barriers/challenges to compliance

As reported among the state’s challenges related to CFSP Item 9 (Preserving connections), the state faces challenges consistently exploring Native American tribal members for connection with children of Native American ancestry.

5) Relevant information from selected tribal CFSPs

There are no federally recognized tribes in Hawaii.

Idaho

1) How consultation was conducted with tribes

Child and Family Services (CFS) and tribal program staff have become increasingly active and successful in on-going collaborative efforts to access, coordinate, and enhance services for Indian people and reservation service areas in Idaho. Much of this work is accomplished at a local “worker to worker” and "office to office" level rather than at a more formal “government to government” level. This type of communication, coordination, and collaboration is most often related to day-to-day case management issues where jurisdiction is shared or where the state has custody and the tribe has intervened.

CFS recently conducted a listening session with a broad range of statewide stakeholders including workers, supervisors, chiefs, tribal social services representatives, parents, resource parents, university partners, Casey Family Programs, private providers, GAL representatives, court representatives, and law enforcement. One of the purposes of meeting with this representative group was to receive feedback on what is going well and what is not going so well from their viewpoint and experience. It also provided an opportunity for CFS to share information, answer questions and provide data related to both general and specific aspects of the child welfare program. The feedback the state got from our stakeholders both at this meeting and through ongoing contacts with many more stakeholders combined with the results of the state’s own internal assessments and its data outcomes have informed this five-year plan for 2015-2019.

This group of stakeholders, including tribes and courts, will convene periodically throughout this five-year CFSP to be involved in implementation of the goals and objectives, and in the monitoring and reporting of progress. How this will be executed is not fully articulated, and the group itself will determine how much involvement they wish to have. However, it is the state’s commitment to keep them involved in the planning and re-planning over the next 5 years.

The state reports that is has always encountered timing challenges as it has tried to implement stakeholder review/approval with any of the annual reporting and plans related to the CFSP. These timing issues can result in stakeholders seeing a plan after the fact without opportunity to give feedback into what is submitted. Together with its collaborators, one of the state’s goals for this five-year plan is to develop a sustainable, ongoing and meaningful planning, feedback and adjustment loop which will extend past the rigid frame of year-to-year reporting and planning.

Early in 2014, each tribal chairman was written a letter inviting them and/or one of their social service staff to attend the stakeholder meeting for the CFSP and IV-E Waiver planning. Four tribes responded by sending the representatives. The group's feedback was positive. They had an opportunity to talk about barriers tribes face, but also had the opportunity to learn about non-Indian children in Idaho foster care and give feedback on increasing the cultural responsiveness of services.

Two of these tribes, the Nez Perce and the Coeur d'Alene receive Title IV-B funds, and are familiar with the goals and requirements of the plan. These two tribes also stated that they plan to bring their CFSP's to the next ICWAC meeting. As the foundation to an ongoing process,

representatives acknowledged feeling welcomed and heard.

Government to Government Agreements
At the "government to government" level, formal consultation agreements were signed in 2013 between the Nez Perce Tribe and the Department and between the Coeur d'Alene Tribe and the Department. Other formal consultation agreements are being sought with the remaining tribes. These agreements are specific regarding the objectives of consultation as well as tribal notification regarding policy, rule or formal process development. The agreements also recognize the need for communication at the operational level, between tribal and department leadership and staff, and the upper management level between Department Executive Leadership and the Tribal Council.

The quarterly meeting of the Indian Child Welfare Advisory Committee is a forum for ongoing tribal technical support and review. The role of Department executive leadership and tribal leadership in either attending meetings or reviewing minutes is described.

Indian Child Welfare Advisory Committee
The Indian Child Welfare Advisory Committee (ICWAC) continues to be the most long-lasting collaborative effort between Department and tribal representatives. The group has been meeting since the early 1990s, and the Idaho Indian Child Welfare Advisory Council was established on June 22, 1994.

The ICWAC has traditionally consisted of representatives from:

- The Idaho Department of Health and Welfare
- The Coeur d'Alene Tribe
- The Kootenai Tribe of Idaho
- The Nez Perce Tribe, Northwestern Band of the Shoshone Nation
- The Shoshone-Bannock Tribes
- The Shoshone-Paiute Tribes

The ICWAC has two co-chairs: one tribal co-chair and one state co-chair. The purpose of the council, per its by-laws, includes actions directed toward improving permanency, safety, and well-being outcomes for Indian children in Idaho through:

- Promoting and improving Indian child welfare;
- Protecting the best interest of Indian children by ensuring the establishment, preservation and continuation of cultural ties and Indian heritage;
- Implementation of and advocacy for both the letter and the spirit of the Indian Child Welfare Act (ICWA); Education and awareness of the ICWA; and
- Building positive State-Tribal relations through collaboration and cooperation between the Tribes and the Idaho Department of Health and Welfare (IDHW).

The current meeting schedule is two days each quarter. The location of the meeting rotates throughout the state. Day One is a meeting of tribal representatives. At the invitation of the group, the Department's Program Specialist for ICWA may be included. On the second day, the same group meets with representatives from IDHW, CFS hub managers and staff, the

Department's Tribal Relations Manager, Department of Juvenile Corrections, and the Idaho Supreme Court.

This group aids in the development of coordinated procedures, services, and contracts that pass Social Services Block Grant and Title IV-B, Part 2 funding and Independent Living funds from CFS to tribal social services programs. Recruitment of Indian foster families is a standing agenda item. Tribal representatives who attend the ICWAC fluctuate, but are most often the state and tribe agency supervisors of social services.

Tribal Jurisdiction
To date, there have been no formal discussions between the state and tribes regarding who is responsible for providing the child welfare services and protections for tribal children, whether or not under tribal jurisdiction. The state's responsibility for "422" protections has been discussed when tribal members have participated in the Child Welfare Academy and when there have been discussions of what is required for title IV-E reimbursement at ICWAC.

The Shoshone-Bannock Tribes are in the late stages of implementing a Title IV-E foster care program to directly access Title IV-E funds from the federal Department of Health and Human Services.

The Nez Perce Tribe has approached the Department regarding the negotiation of a Title IV-E agreement with the state. The Nez Perce Tribe has worked diligently over the last decade to develop a Tribal Children's Code, a foster care system and court process aligned with the requirements of Title IV-E. They have also had years of ongoing participation on the Court Improvement Program and are aware of the issues at the interface of Idaho's Child Welfare system, State Courts and Indian Tribes.

Credit Reports
It is routine practice for CFS to obtain credit reports for all youth in foster care age 16 and older including tribal youth in state custody. When tribal members attend IL training offered by the state, part of the curriculum is information about the reasoning behind the need for credit reports. This is a routine item for discussion with tribal social services when discussing IL, but it is up to the tribe to approach the state with for assistance in this area.

Independent Living Services
CFS continues to partner with each Indian tribe residing in Idaho to make available a full array of independent living services to tribal youth. Regional staff will provide support and training to tribal social services staff about Indian children’s access to the Independent Living Program. Idaho tribes receive information regarding Idaho's Independent Living Program through the State Independent Living Coordinator, the CFS Indian Child Welfare Program Specialist, the IDHW/FACS Tribal Relations Program Manager, and at Indian Child Welfare Advisory Committee meetings. Benefits and services under the program will be available to Indian children in Idaho on the same basis as to other children in the state.

In keeping with the requirements of CFCIP section 477(b)(3)(G), Idaho will negotiate in good faith with any Tribe that does not receive a CFCIP or ETV allotment directly from the Secretary for a fiscal year, and requests to develop an agreement to administer or supervise the CFCIP or

an ETV program with respect to eligible Indian children and receive an appropriate portion of the State's allotment for such administration or supervision.

Any youth for whom the state is legally responsible regarding placement and care, and who satisfies the State of Idaho's criteria for IL eligibility, may be served through the program. In keeping with the CFCIP, Indian youth for whom a tribe is responsible for placement and care and who satisfy the eligibility criteria may be served.

CFS continues to partner with each Indian tribe residing in Idaho to make available a full array of independent living services to tribal youth. Regional staff are available to provide support and training to tribal social services staff about the Independent Living Program and Indian youth access to these services.

Idaho tribes receive information regarding Idaho's Independent Living Program through:

- The State Independent Living Coordinator
- The CFS Indian Child Welfare Program Specialist
- The IDHW/FACS Tribal Relations Program Manager
- Regular Indian Child Welfare Advisory Committee meetings

Benefits and services under the program will be equally available to Indian children and other children in Idaho. In keeping with the requirements of CFCIP section 477(b)(3)(G), Idaho will negotiate in good faith with any Tribe that does not receive a CFCIP or ETV allotment directly from the Secretary for a fiscal year, and requests to develop an agreement to administer or supervise the CFCIP or an ETV program with respect to eligible Indian children, and receive an appropriate portion of the State's allotment for such administration or supervision.

The state reports the following goal: By 2016, ensure that tribal youth have equal access to IL services. Measure: Annual reports from tribes that their youth are receiving IL services. The state reports the following interventions to achieve this goal:

- Intervention 1: In 2015, make sure that each tribe has information on the process for tribal youth to apply for IL services.
- Intervention 2: In 2015, meet with tribal staff and youth to determine how best to serve tribal youth through the IL program.

2) Reported assessment of compliance with ICWA

Idaho has been successful at completing ICWA-specific case record reviews approximately once every 2-3 years. ICWA issues are also addressed when ICWA cases are selected for the ongoing general case record review.

An important component of tribal consultation is addressing: notification of proceedings, placement preferences, active efforts to prevent removal, and tribal rights to intervene in state proceedings. CFS practice requirements are clear regarding each of these areas of ICWA implementation, but CFS needs to look for opportunities with tribes to review data related to these items, and receive tribal feedback on the state's implementation of these ICWA provisions.

3) Efforts to promote compliance

The state's goals for 2015-2019 for improving ICWA compliance include:

- Enhance training on ICWA and related topics.
  - Work with the tribes and regional ICWA liaisons to update ICWA training.
  - Continue to train and meet with the seven region-based ICWA liaisons to enhance their role in ICWA compliance and training of regional staff.
  - Continue to hold an annual ICWA conference.
  - Continue to provide stakeholder trainings on ICWA and Knowing Who You Are.
- Involve tribal staff in case record reviews.
  - Utilize the new NCJFCJ Instrument for formal case reviews of Indian cases which will include tribal members on the review team.
- Develop local protocols
  - Work with NCR4 Tribes and/or Casey Family Programs to develop formal protocols and processes for joint case planning for identified ICWA children brought into care from tribes located within the boundaries of Idaho.
  - Work with NCR4 Tribes and/or Casey Family Programs to develop processes and procedures for coordination for crisis response, child protection safety assessments, and foster home placement and court appearances.
- Recruitment of tribal foster homes
  - Work with NCR4 Tribes and/or Casey Family Programs to develop a formal recruitment plan for increased tribal foster homes.
- Planning
  - Hold quarterly conference calls with the tribes and ICWA liaisons to identify areas in need of improvement.
  - Work with NCR4 Tribes and/or Casey Family Programs to hold a planning meeting with the tribes to develop action plans and collaborative goals for improved tribal/state relations and ICWA compliance for the coming five years.

4) Barriers/challenges to compliance

The state did not report specific barriers or challenges to ICWA compliance.

5) Relevant information from selected tribal CFSPs

Shoshone-Bannock Tribes

Key Points:

- The Shoshone-Bannock Tribes Tribal Health and Human Services Department Social Services Program has jurisdiction and legal responsibility for the care of children in foster care who are domiciled on the Fort Hall Reservation or have been made wards of the tribal court.
- The Shoshone-Bannock Tribal Social Services Program has the general authority to carry out child and family service programs on behalf of the Shoshone-Bannock Tribes and maintains its strong commitment to culturally relevant community-based services and activities.

- The Shoshone-Bannock Tribes Social Services Program has the jurisdiction to investigate the instances of abuse or neglect in conjunction with law enforcement for those children who are members of a federal recognized tribe and are domiciled within the boundaries of the Fort Hall reservation. Those cases referred by the state will be handled according to the Indian Child Welfare Act, Public Law 95-608, and 25 CFR part 23.
- The Social Services Program has monthly staffing with the State of Idaho Region VI on their cases where ICWA applies to the Shoshone-Bannock Tribes as this is where most Idaho state cases are presented. The state will honor Tribal licensed homes for ICWA and the Social Services Program will honor state licensed homes. The state has called in the past to request Tribal licensed homes for placement of their ICWA children in care and will honor Tribal licensed homes for ICWA children in state custody. However requests to re-assign case workers who have not been ICWA friendly/observant have gone unchanged, without response from both the local state agency and the state central office level. Quarterly state/tribal meetings have not been effective in service delivery for services to Indian children in Tribal custody. The Shoshone-Bannock Tribes have elected not to attend these meetings until a change in committee practices occurs.
- State of Idaho had conducted informal presentations with the Idaho Tribes regarding services available under the CFCIP, but no services or funding for children under state custody has ever occurred.
- The Social Services Program staff attends the Region VI DHW Foster Care Community meetings on foster care recruitment plans and activities. During the past year, the Social Services Program joined efforts with the State of Idaho Health and Welfare Foster Care Recruitment team to recruit more Native foster parents and guardians.
- The Social Services Program will exchange the CFS's and APSRs with the State of Idaho. Both the location of incident and the domicile of the child and family will determine if the case will open with the State child welfare agency or the Tribal child welfare agency.
- The state child welfare agency has the responsibility, jurisdiction and legal responsibility to investigate the instances of abuse or neglect for those children who are off the boundaries of the Fort Hall reservation and of those children in foster care who are under state care and custody.
- The Shoshone-Bannock Tribes Social Services Program feels the State of Idaho has not been successful with the Shoshone-Bannock Tribes regarding State requirements under the Chaffee Foster Care Independent Living Program (CFCIP). The law requires the state to provide the following: “Information regarding consultations with Indian Tribes in the State specifically as it relates to determining eligibility for benefits and services and ensuring fair and equitable treatment for Indian youth under the Chafee Foster Care Independence Act (Section 477(b)(3)(G) of the Act).” The tribe reports that the state has never actually performed the required consultation activities with the Shoshone-Bannock Tribes. As of this date, no formal or individual consultation has been conducted with the Shoshone-Bannock Tribes. The Chaffee Foster Care Independent Living Program was presented once to the Idaho Tribes during an Idaho Tribal Indian Child Welfare (ICW) Committee meeting. At this one meeting, the group was informed of services available. No formal or individual consultation has ever been conducted with the Shoshone-Bannock Tribes. Not one youth who has aged out of the Shoshone-Bannock Tribal courts and Tribal child welfare system has ever received Foster Care Independent Living

Program services or funds from the State of Idaho despite having past plans presented to the local state agency.

- The State seems to "consult" with the Shoshone-Bannock Tribes after the fact. For example, the state will seek advice from the Tribe after a grant or project has been finalized and it is too late to make changes or additions. As a result, the Tribe's recommendations are not taken into consideration and consequently the Tribe is deprived of potential funding/benefits/services. CFCIP Tribal consultation has been one informal presentation to the ICW Committee. This is not true collaboration. The Shoshone-Bannock Tribes Social Services Program has never been able to secure any CFCIP direct services for eligible youth under the care of the Shoshone-Bannock Tribes Social Services Program. The Shoshone-Bannock Tribes Social Services Program has at least one youth age out each year. Consultation efforts have been minimal with the Tribes.
- A generic MOU was presented to the Shoshone-Bannock Tribal leadership by State of Idaho Representatives Rob Luce and Joyce Broadsword, which did not out line for services or address concerns brought up with the ICWA committee, yet the proposed MOU listed the consultation process as follows (language straight from the proposed MOU):
    - The 1996 requirement under title IV-B and 1978 ICWA law (amended in 2003) establish Tribe/Department collaborative and communication obligations regarding Indian Child Welfare activities. The Indian Child Welfare Advisory Council (ICWAC) was established to assure operational compliance and a forum for communication around these issues. Quarterly meetings have historically taken place. This language failed to mention the Shoshone-Bannock Tribes are not attending the quarterly meetings due failure to address needed services for the Indian children who also citizens of the state of Idaho but reside within the reservation boundaries.

Illinois

1) How consultation was conducted with tribes

Illinois reports that it currently does not have any federally recognized tribes within its borders. All of the state's ICWA Program's communications and collaborations with tribal nations involve those outside of the state of Illinois.

The ICWA Program continues to communicate with tribal entities throughout the country to clarify a child's membership and/or eligibility for membership with an identified tribe and ensure that tribal representatives are involved in case planning/permanency for those children who are members/eligible for membership of a specific tribe. The Department also participates in a national ICWA work group sponsored by the Child Welfare League of America as part of its efforts to coordinate services for Native American Indian children and families consistent with ICWA mandates.

The Department seeks guidance from Native American stakeholders and to engage the Native American community in numerous ways. It:

- Provides clinical consultation and case support to child welfare professionals and tribal representatives on ICWA cases.
- Participates in bi-monthly teleconferences sponsored by the Child Welfare League of America and National Association of State Indian Child Welfare Managers to promote optimal child welfare practice for Native American Indian children and families.
- Convened a group of Native American Indian community leaders throughout the state to enlist their participation on aDCFS Native American Advisory Council to obtain guidance on matters involving or affecting the provision of child welfare services to Native American and Alaskan Native children and their families and support efforts to recruit Native American Indian foster homes.
- Created an internal workgroup to provide input on amending rules and procedures to facilitate ICWA compliance throughout the life of a case.
- Collaborates with Native American Indian programs within the State, including Chicago Public School's Native American Title VII Program, the American Indian Center, American Indian Heath Services, American Indian Association of Illinois, Positive Pathways Program for Native American youth, Kateri Center of Chicago American Indian Ministry of the Archdiocese of Chicago, and California Indian Manpower Consortium.
- Includes the ICWA Program on the Office of Affirmative Action's website to enhance communication and access to resources for Native American Indian community members. The ICWA Program section includes extensive links to other resources within the Native American Indian community throughout the State, including contact information for prospective Native American Indian foster parents. The Program's foster care recruitment brochure has also been made available to Native American Indian community organizations and agencies throughout the Chicago area for distribution and is continuously distributed at community outreach activities throughout the year.

The ICWA Program Specialists have continued to engage the Native American Community through weekly outreach and advocacy activities. These activities include volunteer work at the American Indian Center, the American Indian Association of Illinois, the Kateri Center of Chicago (formerly Anawim Spiritual Center), and American Indian Health Center, as well as participation in major Native American events such as the annual largest Midwest Pow-Wow hosted by the American Indian Center. Other outreach within the Native American community include collaboration with the Native American Title VII Program through Chicago Public Schools and Positive Paths, a Native American Youth Group sponsored through the American Indian Center in Chicago. These collaborations have afforded opportunities to create trusting relationships between the Department and Native American Indian community and facilitated relationships between the ICWA Specialists and Indian families who have recently come to the attention of the child welfare system. The result has been more opportunities for the delivery of prompt, culturally relevant services to Native American Indian families at risk of disruption. The ICWA Program has also continued to consult with community leaders and members who are active in the Native American Indian community and experts in the area of Native American Indian culture to help provide input and collaboration between the Native American Indian community and the Department, as well as to enlist Native American Indian leaders throughout the state to participate in developing a state-wide DCFS Native American Indian Advisory Council. This outreach to interested Native American Indian leaders and members throughout the state is on-going and will continue to be a Program goal. In addition, a bi-monthly meeting of agencies/programs working with Native American Indian families within the Chicago metropolitan area was convened beginning in early spring 2012 and included the ICWA Program Specialists.

2) Reported assessment of compliance with ICWA

The state did not report specific information on its assessment of ICWA compliance. It did report the following information on the performance of its ICWA program:

- Increased awareness and compliance with the Indian Child Welfare Act through on-going child welfare staff education and training has resulted in the increased timeliness of referrals to the ICWA Program.
- There were approximately 81 new referrals to the ICWA Program concerning a child's reported Native American/Alaskan Native Indian heritage and to obtain information necessary to comply with ICWA July 2012-April 2014.

3) Efforts to promote compliance

The state reports that Congress' expressed intent in enacting the Indian Child Welfare Act of 1978, 25 U.S.C.A. 1902, ("ICWA") is to "protect the best interests of Indian children and to promote the stability and security of Indian tribes and families." The state also reports that the Department is likewise committed to Native American/Alaskan Native Indian children in substitute care and those whose families are receiving remedial and rehabilitative services to prevent out-of-home placement. The Department continues to engage in active efforts to prevent the break-up of Native American families through the provision of intact family services, as well as within case planning services when Native American children are placed into substitute care. The Department updated its Rule and Procedure 307 (Indian Child Welfare Services) to promote timely identification and consultation with tribes in April 2014.

The ICWA Program Specialists further implement the Department's efforts to "protect the best interests of Indian children and to promote the stability and security of Indian tribes and families" both internally and externally. They:

- Participate in the resolution of reported Native American Indian lineage issues by supporting child welfare staff in the exchange of necessary information to determine membership enrollment and/or eligibility options with the identified tribes.
- Initiate, maintain, and cultivate connections with the identified tribes of the child[ren] and families involved.
- Attend child and family meetings, Administrative Case Reviews (ACRs), and any case related meetings, including court hearings.
- Identify community support organizations, programs and activities for Native American Indian children and families.
- Provide training to DCFS licensed foster parents and community members about ICWA, its history, and relevance to the child welfare and Native American Indian community.
- Give two-hour presentations involving ICWA's historical foundation and relevance to the child welfare system, including information regarding the Department's ICWA Program. The ICWA Program Specialists have given trainings to DCFS staff and other child welfare stake holders in both the public and private sectors Statewide.
- Participate on the Chicago American Indian Community Planning Initiative with Native American community leaders and members with the identified goal of building unity and collaboration within the Native American Indian Community.
- Participate weekly in community outreach and advocacy activities within the Native American Indian community, including volunteer work at the American Indian Center and American Indian Association of Illinois.
- Engage child welfare staff, agencies, and the court system to ensure ICWA compliance throughout the life of child welfare cases.

Training to Promote ICWA Compliance

The ICWA Program Specialists continue to provide training to educate child welfare professionals, mental health professionals, legal staff, and members of the Native American Indian community about the Indian Child Welfare Act. These trainings include the historical foundation of the Act, its relevance to the child welfare community, and an overview of DCFS ICWA rules and procedures. Training materials covered include the importance of inquiring about the possibility of Native American Indian heritage throughout the life of a case, implications for case and service planning, placement preferences, and permanency planning factors to be considered for Native American Indian children under the Indian Child Welfare Act. The ICWA Program also achieved one of its goals of providing training to court personnel throughout the state. A presentation was given to 250 participants in DuPage County, including juvenile court judges and attorneys at the 18th Judicial Circuit Child Welfare Issues Committee Symposium, in April 2012 and to juvenile court judges in 2011. An ICWA webinar training was also developed to provide easily accessible presentations to a broader audience, particularly Downstate, which includes child welfare professionals, community members, court personnel and families.

Increased awareness and compliance with the Indian Child Welfare Act through on-going child welfare staff education and training has resulted in the increased timeliness of referrals to the ICWA Program.

Goals and Ongoing Activities

The ICWA Program will continue to facilitate the Department's ICWA compliance and coordinate the provision of culturally sensitive remedial and rehabilitative services to prevent out-of-home placement and case planning services when Native American children are placed into substitute care. The ICWA Program's continuing goals and activities include the following:

- Increased collaboration between the Native American Indian community and the Department. In addition to ongoing outreach activities and participation on advisory committees within the Native American community, the Program has initiated extensive outreach to Native American Indian leaders and community members to develop a statewide advisory council; informational meetings for interested Native American Indian community leaders and community members have been convened. The development of the advisory group continues with the goal of having a broad-based membership comprised of educators, Native American parents, religious and or spiritual leaders, and downstate Native American Indian community leaders as well as Chicago area Native American Indian participants.
- The ICWA Program will continue to collaborate with other Native American Indian programs within the State serving Native American/Alaskan Indian children, including the Chicago Public School Title VII program, American Indian Center, American Indian Health, American Indian Association of Illinois, and Kateri Center of Chicago. The ICWA Program is also participating in a community planning initiative composed of agency leaders from Chicago area programs which serve Native Americans. A community conference was held in June 2012 for 300 community participants to discuss the needs of the Native American Indian community and included the ICWA Program Specialists. The conference resulted in a group of 16 Native American Indian agencies and programs (Chicago American Indian Community Collaborative) creating a 39 page Community Action Plan to be implemented by 16 collaborative/community members. The ICWA Program continues to serve as a core member in the decision-making process by committing to serve Native American Indian children in care and maintain communication with tribal counterparts.
- An ICWA webinar presentation has been developed and provided to child welfare professionals, attorneys, judges and community members statewide.
- The ICWA Program is included on the DCFS Office of Affirmative Action website with links to resources within the Native American Indian community throughout the state, including contact information for prospective Native American Indian foster parents, community programs, and resources.
- A foster care brochure which specifically targets recruitment of Native American Indian foster homes has been developed. ICWA Program Specialists also follow-up with prospective Native American foster parents during the licensing process to provide support.
- The ICWA Program created a short video which uses cultural, traditional tribal practice of storytelling via digital media to assist in the targeted recruitment of potential Native American Indian foster parents.

- Because resources for Native American Indian children and families are primarily centered in the Chicago metropolitan area, which has the largest concentration of Native Americans, the ICWA Program is continuing its efforts to expand the availability of resources Downstate. Outreach to Native American Indian faculty on staff at universities downstate and community programs continue, as well as outreach to the United Methodist Native American Indian community about working together to support Native American Indian children outside of Chicago.
- The ICWA Program Specialists will continue to strengthen their case and clinical support to direct service teams in ICWA cases. Potential resources for grants to fund an additional ICWA Specialist position will continue to be explored, as well as opportunities to support overall service delivery to Native American Indian children and their families within the State.

The ICWA Program Specialists are developing a strategic Native-American foster parent recruitment plan to target the recruitment and retention of Native American foster homes. The goal of the plan is to concentrate the ICWA Program Specialists Native American foster parent recruitment efforts in the areas where there is the greatest need as reflected by Native American intake and placement. Information about ICWA foster parent recruitment is also contained in the 2015-2019 State of Illinois Foster and Adoptive Parent Diligent Recruitment Plan

Indian Child Welfare Advocacy Program

The Department's Indian Child Welfare Advocacy (ICWA) Program is part of the Office of Affirmative Action and was developed to serve Native American/Alaskan Native Indian children and their immediate family members to ensure compliance with the Indian Child Welfare Act in child welfare proceedings.

The Mission of the DCFS ICWA Program is to:

- Enhance services and facilitate communication between the Illinois child welfare system and communities involved with Native American Indian/Alaskan Native children and families.
- To identify and advocate for Native American Indian/Alaskan Native children and families.
- To ensure 100% ICWA compliance.

The Department has two ICWA Program Specialists, who are enrolled members of a Native American Indian Tribe, and who are active in the Native American community through various outreach and advocacy efforts. They participate in activities within the Native American Indian community weekly. This nurturing and supportive approach has cultivated a trusting relationship and led to collaborations between Native American community members and the Department, including joint planning for youth and families through community planning meetings and outreach. The Native American Indian community has also continued to refer families in need of child welfare support and/or seeking some other form of assistance to the ICWA Program. This partnership facilitates coordination of prompt, culturally sensitive services and responses to families at risk of disruption with the goal of preventing out-of-home placements.

DCFS ICWA Program Specialists also serve as liaisons between the court system, child's case work team, and tribal representatives. The Program Specialists consult with tribal representatives

nationwide to determine a child's enrolled membership and/or eligibility for membership with a federally recognized Tribe under the ICWA, as well as to ensure the provision of child welfare services in a manner consistent with ICWA requirements. The ICWA Program Specialists maintain on-going communication with the child's tribe and report any recommendations and culturally appropriate resources identified by the tribe to the court and child's case management team. They also collaborate with the child's family team, including identified tribal representatives, to review services and participate in case planning services for the child and family to ensure that active efforts are made consistent with the ICWA to prevent disruption of the family and/or facilitate reunification of the child with his or her family, as well as ensure that diligent search efforts are made to identify and locate extended family members as possible caregivers for the child.

If a determination is made that a child is eligible for services under the ICWA, the Program Specialists work closely with the child's tribal representatives, the court, the child's family and case management team to ensure coordination of services consistent with the Indian Child Welfare Act, including active efforts in service delivery to the family, diligent search efforts recommended for extended members of the child's family as potential resources, and education/advocacy regarding the child's Native heritage. In situations in which a child is placed in a non-Native Indian foster or adoptive home, the ICWA Program Specialist provide the non-Native foster or adoptive parents with referrals and resources to address the unique needs of the Native American Indian child and his/her family. Resources have included, but are not limited to, culturally sensitive information about scheduled activities, cultural events, traditional ceremonies, drumming, Powwows, and Native American Indian language and storytelling.

4) Barriers/challenges to compliance

The state did not report any specific barriers or challenges to ICWA compliance.

5) Relevant information from selected tribal CFSPs

There are no federally recognized tribes in Illinois.

Indiana

1) How consultation was conducted with tribes

The state reports that the Pokagon Band of Potawatomi Indians (Pokagon Tribe) officially moved its tribal organization and its tribal court to Dowagiac, Michigan. However, members of this Pokagon Tribe have lived in the lower Great Lakes area for hundreds of years and the Pokagon Tribe's homeland covers six northern Indiana counties including LaPorte, St. Joseph, Elkhart, Starke, Marshall, and Kosciusko. The tribe also extends through four southwest Michigan counties. Despite the Pokagon Tribe's move to Dowagiac, Michigan, Indiana DCS has maintained an interagency relationship with the Pokagon Tribe and their Director of Social Services. Indiana continues to meet with the Pokagon Band of Potawatomi Indians staff, specifically the Social Services Director, to discuss the tribe's strengths for family and youth services, as well as any challenges. Director Pompey was instrumental in the state's implementation of an improved method for identification of Indian children in 2013.

Although in the past, various state staff have met with Director Pompey, moving forward Indiana DCS is proposing to increase this contact by having partnership meetings with representatives from the Pokagon tribe twice a year. The state proposes that one meeting take place at a location chosen by the tribe, and the other meeting at a location determined by DCS. This will allow DCS staff to become more knowledgeable about the Tribal organization and operations, and provide an opportunity for information-sharing and collaboration. These meetings will allow DCS to gather input from the tribe and identify further opportunities to collaborate in order to preserve the Indian family and tribe, and keep children safe and well. These meetings will also allow exchange of the CFSP and continued ICWA compliance. An invitation was sent June 10, 2014 to Director Pompey to arrange for a partnership/collaboration meeting with DCS staff. DCS is currently awaiting a response. American Indian Center of Indiana, Inc. Over the past year the DCS ICWA Coordinator had the opportunity to have some minimal contact with staff at the American Indian Center of Indiana, Inc. located in Indianapolis, IN. DCS would like to continue to develop a collaborative relationship with the Center staff and actively engage the staff's input regarding the urban Indian population being served through the Center, including any gaps or barriers in service needs or service delivery.

Improved collaboration efforts will focus on preserving the children's connections to their families and tribes, and also preserving the Indian culture so it continues to thrive. Improved collaboration efforts will also help enhance the DCS's understanding of, and respect for, the Indian culture. The state will utilize an already existing DCS International and Cultural Affairs (ICA) Multi-Cultural Practice Advisory Committee and Permanency Roundtables (PRTs) for reviewing ICWA cases as they develop, and act as a means of checks and balances for identification, compliance and services. Target date for full implementation is July 2015 for the Advisory Committee; however the PRTs should already be in place and being utilized.

DCS has also worked with other tribes as Native American children have come into the DCS system to ensure that the tribal heritage of children with tribal connections is maintained. DCS remains committed to continually working to expand the knowledge of staff regarding tribes and

their native culture and ensuring collaboration and coordination with tribes, tribal courts, and families of children with tribal connection.

Approved copies of the CFSP and APSRs will be provided to officials of the tribe at DCS' annual meeting with the tribe.

The state reports that the Pokagon Band cares for their youth and they are not interested in CFCIP. DCS will discuss the CFCIP with the Pokagon Band further as collaboration meetings take place throughout the year.

2) Reported assessment of compliance with ICWA

Over the last five years, DCS has made considerable progress working with tribes to ensure continued compliance with ICWA and to broaden our relationships with tribes across the United States. The state continues to notify Indian parents, tribes, and Indian custodians of state proceedings and their right to intervene. During this past year the notification responsibility was given to each local office attorney in order to expedite and provide for a more timely notification process. The state also continues to offer placement preferences and respect the tribe's decisions.

3) Efforts to promote compliance

The state reports that the Pokagon Band, their attorney, their tribal judges and their social services personnel are all aware of their right to request transfer of proceedings, as are the local juvenile court judges in the northern regions of Indiana as this has been their practice. Indiana's Notification for ICWA that is sent by the DCS Local Office Attorneys includes language informing the tribe of their right to intervene, and/or have the proceedings transferred to the Tribal Court. Also, a tool was added to state child welfare policy for DCS staff's guidance, and language is included within policy regarding the transfer of proceedings to the jurisdiction of a tribe. Continued ICWA Compliance Indiana will remain compliant with all ICWA requirements in 25 USC 1900 et seq., 25 CFR 23 et seq, and 45 CFR 1355 - 1357. DCS will continue to work with the Pokagon Band of Potawatomi Indians and will continue to maintain the relationships that we have with tribal officers and members. DCS will also continue to assist them with services and information that may be of assistance.

DCS will continue its integration of ICWA into the responsibility of local office attorneys and will continue to refine and improve interactions with tribes across the United States. Identifying the Indian child and family's needs is important, as is making sure there is clear communication between DCS and the tribe to ensure services are available and implemented for the child and family and that no one is missed. Through continued training and workshops being provided, DCS staff has had the opportunity to learn more about Pokagon's children's services. Pokagon has around 5,000 members and one person to handle all ICWA affairs. Pokagon's ICWA intent is "to preserve who we are." Through communication with the Pokagon Band, DCS has been informed that their social services division will continue to send event information, newsletters, etc., to children in foster care as long as they have the child's address. This is done to help the child maintain cultural contact. It is DCS's intent to work with Pokagon to ensure this information is received and their child maintains their cultural contact.

Over the next five years DCS plans to provide additional training in order to increase each worker's knowledge base of ICWA compliance, cultural adherence and sensitivity, and identification awareness. Training will include large group, computer assisted, written, and face-to-face. This will be ongoing. DCS plans to increase ICWA training opportunities not only for DCS staff, but for county juvenile courts, foster parents (stressing the importance of cultural heritage and need for the child to participate in Indian events; to be knowledgeable of Indian rituals, celebrations, beliefs, etc. and provide their Indian foster children availability to practice these traditions), and other appropriate community agencies.

Completion of the ICWA referral through KidTraks is tentatively targeted for 9-1-14. This referral process will provide the state with a more accurate method of tracking measurable outcomes for our identified Indian children and ICWA cases, as well as, identification of potential ICWA eligible children that enter the DCS system.

The state added an additional position to the ICA program. That staff person is responsible for ICWA matters and offers support to the field staff regarding ICWA questions, situations, and cases. This staff person, the ICWA Coordinator, will be completing face-to-face time with local office staff and provide a brief overview of various ICWA topics. This will be ongoing and began in June 2014.

The state has opened an International and Cultural Affairs (ICA) page on the DCS Internet site, which is available to the public. Updates and resource information will be posted for public use. In addition, the ICA page provides the same information for DCS staff. Contact information for state staff will be posted on the site for questions and requests for entering into IV-E agreements. It is DCS' understanding that the Tribe does not wish to enter into any IV-E agreement at this time.

DCS will follow established procedures for the transfer of responsibility for placement and care of a child to a Tribal Title IV-E agency or Indian Tribe with a Title IV-E agreement. DCS provides additional instruction for DCS staff to follow in the event that the Tribe wishes to enter into an agreement. DCS is also prepared to enter into negotiations with any tribe to share IV-E benefits. Pokagon Band has indicated they are not currently interested in entering into an agreement for IV-E benefits.

DCS attorneys and family case managers have worked with various tribes throughout the United States. When a child of tribal heritage becomes involved with the Indiana child welfare system, DCS notifies the tribe per ICWA requirements. The attorney and family case manager collaborate with tribal representatives to determine how to proceed, to include them in all aspects of the case, and to transfer jurisdiction to the tribe or place the child with tribal members, if requested. The ICWA Coordinator remains involved in ICWA cases and assists the public and DCS staff on ICWA matters. DCS also has an attorney designated as the ICWA legal liaison that assists local office attorneys and the ICWA Coordinator on legal issues. DCS local office attorneys were already involved in ICWA cases, but transferring responsibility for notifications has helped to ensure that the local office attorneys become involved at the earliest possible opportunity. This allows them to begin working directly with tribal attorneys or representatives as soon as a child with tribal membership or eligibility for membership becomes involved with

DCS. Notification of State Proceedings The state continues to notify Indian parents, tribes, and Indian custodians of state proceedings and their right to intervene. During this past year the notification responsibility was given to each local office attorney in order to expedite and provide a more timely notification process. The state also continues to offer placement preferences and respect the tribe's decisions. Over the past year the state made ICWA policy changes and replaced 'reasonable efforts' with 'active efforts', along with definition. This provides staff with a direct resource as guidance when assessing an ICWA case. The Pokagon Band is notified immediately when a report is received regarding any known member of their tribe. The DCS local office attorney and the family case manager work with the attorney for the tribe and tribal staff in their social services department to determine the best solution for the child with preference for placement to tribal members. The Pokagon Band has their own preventative services, but they are aware of the prevention services also offered through DCS. They are also aware that their members may access DCS services.

On January 14, 2014 a letter was sent to all staff attorneys, which included a reminder of all of the resources available to them on their Legal Sharepoint, including a draft of the ICWA Notification pleading; instructions on service of the ICWA Notification on the tribe, Bureau of International Affairs (BIA), and the U.S. Secretary of Interior; a link to the Federal Register - Designation Agents for Service of Process; address and contact information for the BIA Midwest Regional Office, Midwest Area Director and Social Worker; Pokagon Tribe contact information; and the Tribal Leader's Directory. Information regarding ICWA has also been provided to local office attorneys at their annual CLE training sessions.

4) Barriers/challenges to compliance

The state does not report any barriers or challenges to ICWA compliance.

5) Relevant information from selected tribal CFSPs

No relevant tribal CFSP were reviewed.

Iowa

1) How consultation was conducted with tribes

The Sac and Fox Tribe of the Mississippi (Meskwaki) is the only federally recognized tribe domiciled in Iowa.

In preparation for the CFSP, Iowa convened a stakeholder group to provide input and recommendations for the plan. The Sac and Fox Tribe of the Mississippi in Iowa (Meskwaki) had a representative participate. The primary contact for the ICWA Training and Technical Assistance contract participated in the stakeholder group. DHS made diligent attempts to engage members of tribes who have a presence in northwest Iowa but these attempts were not successful.

Utilizing a contractor to facilitate meetings and provide a report, the DHS convened an external stakeholder workgroup. The stakeholder workgroup met in person six times from October 2013 through January 2014. Members of the workgroup included representatives of individuals who had been in foster care, families who had been involved with the child welfare system, foster parents, state agencies, prevention services, Iowa Courts, Tribes, Juvenile Court Services, service providers, DHS representatives, and advocacy organizations. The workgroup reviewed data similar to the internal workgroup but for the period of 2005 through 2013. The workgroup also reviewed additional data as requested by workgroup members. Analyzing the data, similar to the internal workgroup, the group identified: strengths, weaknesses, opportunities and threats; underlying issues affecting performance; gaps in the current service array; and recommended goals, objectives, and benchmarks for Service Business Team to consider for inclusion in the CFSP. Several workgroup members mentioned activities that they or their organizations could implement as part of working toward shared goals and outcomes to improve Iowa's child welfare system. The workgroup also recommended an annual review process, which was adopted, that will provide an avenue for continued stakeholder, tribe, and court review of data, assessment of performance and progress, and recommendation for changes, if applicable.

The state reports that DHS will provide the 2015-2019 CFSP and all subsequent APSRs directly to the director of Meskwaki Family Services and to the director of Four Directions in Sioux City.

Agreement with Sac and Fox Tribe
The Sac and Fox Tribe established tribal court in 2005. A State/Tribal Agreement was finalized in 2006 between the state and the Sac and Fox Tribe outlining tribal and Department of Human Services' (DHS) responsibilities for service provision, payment for services, federal reporting and assessing child abuse. A local protocol between Meskwaki Family Services and the Cedar Rapids Service Area was finalized in June 2011. The protocol further defines the roles and responsibilities of DHS staff and Meskwaki Family Services staff.

The agreement also states that children under tribal court jurisdiction but whose services are paid by DHS may be subject to federal review for IV-E compliance or through a Child and Family Service Case Review. Meskwaki Family Services provides all required IV-E documentation including court orders and family household composition, income and resources, to DHS in

order to determine eligibility for IV-E claiming. Meskwaki also provides on-going documentation to DHS to determine continued eligibility.

The state reports that Meskwaki Family Services is responsible for the management of cases under tribal court jurisdiction, and meeting the law of their nation regarding case requirements and a case review system. Tribal law lays out case planning requirements including required federal language in case plans. Tribal law also has periodic review and reporting requirements by Meskwaki Family Services. Tribal law addresses case requirements to prevent children from being removed from the home, reunification, and achieving permanency.

2) Reported assessment of compliance with ICWA

The state reports that DHS does not have an automated mechanism to collect data about ICWA compliance. Compliance has been determined through periodic case readings, case consultation with tribal representatives, and annual training. The ability to track ICWA cases and compliance with ICWA requirements is an enhancement that will be included in any planning for a new SACWIS. Due to very limited resources for technical enhancements to the current SACWIS, significant enhancements will not be completed until other priorities, such as those related to the Affordable Care Act, are completed.

The SFY 2013 Training and Technical Assistance contract with Meskwaki Family Services included a case review component to establish a baseline on ICWA compliance. The review of a 10% random sample of out of home placement cases statewide where the child has been identified to be Native American was completed in SFY 2014. Delinquent children and children under the jurisdiction of tribal court were excluded. A total of 10 cases were reviewed. Of these 10, three of the children identified as Native American were not ICWA eligible. One child should have been found to be ICWA eligible but the state court ruled the child was not. The remaining six cases were reviewed for ICWA compliance.

The findings showed the following areas of strength: DHS staff consistently asked families about Native American heritage. In all cases DHS staff made prompt contact with the tribes and received responses regarding tribal membership. The majority of cases documented the workers' “active efforts” throughout the history of the case. In all cases workers made inquiries about extended family members and tribal resources that could help support the family. In all cases DHS made every attempt to follow tribal placement preferences. Procedures were followed in voluntary placement cases.

The findings also identified areas needing improvement:

- Consistently asking families if the child is under tribal court jurisdiction.
- Better documentation of requests for expert witnesses in court proceedings.
- Having DHS staff testify as an expert witness when not designated as such by the child's tribe.
- Consistently documenting the request for tribal involvement in case planning.

3) Efforts to promote compliance

DHS entered into a new contract for ICWA Training and Technical Assistance with Meskwaki Family services beginning July 1, 2014. The contract was modified to remove the requirement for the contractor to provide an annual ICWA conference. Resources instead are to be used to conduct case readings for ICWA compliance. This change was made in order to place greater emphasis on compliance with ICWA rather than on an annual training that was redundant with other trainings. Training on ICWA will continue to be provided annually but the content and format will be determined by the results of the case reading findings. Notification, placement preferences, active efforts and tribal intervention will be addressed in training.

The state reports that it plans to take the following steps over the next five years to improve or maintain ICWA compliance:

- FFY 2015 (10/1/14 to 9/30/15): Negotiate and execute a contract between Iowa and Meskwaki that delineates case reading responsibilities to include:
    - An agreed upon case reading tool.
    - Finalize an agreed upon methodology to determine sample size.
    - Finalize an agreed upon schedule and allocation of staff resources to complete the review, disseminate the results and develop training.
- FFY 2016 (10/1/15 to 9/30/16): Draw a sample of cases. Complete case reviews. Compile results. Provide results to DHS staff. Develop a training plan based on the findings
- FFY 2017 through FFY 2019 (10/1/16 to 9/30/19): Continue case review process. Develop training plan based on findings from each previous year Collaboratively review and modify as needed negotiated contract requirements

DHS participation in monthly Community Initiative for Native Children and Families (CINCF) meetings will continue in order to partner with tribal representatives in northwest Iowa to gain input on DHS initiatives and to monitor ICWA compliance. The DHS Native Unit and tribal liaison work closely with ICWA specialists from the tribes who have a presence in northwest Iowa to monitor ICWA compliance. DHS participation in CINCF allows for discussion of tribal needs and concerns regarding specific cases as well as systemic problems that affect native children and families. Information about DHS programming and initiatives is shared and input from tribal representatives is gathered during these meetings. The ability to share information, partner on local initiatives and develop local services to help native families has helped to improve the relationships between DHS and tribes who have a presence in northwest Iowa.

4) Barriers/challenges to compliance

The state reports that possible barriers to active involvement by tribal representatives would be travel restrictions and costs, the limited number of people tribal agencies can provide to participate, and limited resources to perform a large case reading sample. DHS will assist with travel expenses whenever possible. DHS will accommodate other constraints whenever possible by encouraging participation by phone, scheduling meetings in areas other than Des Moines, or scheduling meetings in conjunction with other meetings to reduce travel. DHS will work with the ICWA Training and Technical Assistance contractor to have a reasonable case reading schedule, a reasonable number of cases to read, and reasonable timelines to complete a findings report.

5) Relevant information from selected tribal CFSPs

No relevant tribal CFSPs were reviewed.

Kansas

1) How consultation was conducted with tribes[10]

The state reports that it invited the four federally recognized tribes in Kansas to a stakeholder meeting on June 6, 2014, to provide input for the development of the 2015-2019 CFSP. Invitations for the inclusion of tribal representation for participation and input were sent to the Iowa Tribe of Kansas and Nebraska, the Kickapoo Tribe in Kansas, the Prairie Band Potawatomi Nation (PBPN), and Sac and Fox Nation of Missouri. No comments were received from tribal representatives.

Meetings with Tribes
DCF has implemented statewide meetings with all the tribes and it was agreed to meet at least three times a year. The statewide meeting includes representatives from tribes, foster care providers, the Office of Judicial Administration, the Kansas Department of Health and Environment, the Administration of Children and Families, the Governor's office tribal liaison, and the Kansas Department for Children and Families Prevention and Protection Services (PPS).

In addition to the statewide meeting, individual site visits and case-by-case consultation provides on-going collaboration and coordination at all levels. The tribes, foster care providers, and the state work together to improve ICWA compliance and address barriers.

The site visits provide the opportunity to share information with each other regarding any changes and updates in the system. Tribal social services concerns will be addressed and follow-up provided. The tribes may ask program questions any time during the year. PPS will remain in regular contact with the tribes through emails, telephones calls, requested meetings by the tribes in addition to the statewide meetings and annual site visit to each tribe. The annual site visit with the Tribal Social Services Department also provides an opportunity for discussion of the state plan. DCF provides the links for the DCF CFSP and APSR plans. During the site visit, PPS and the tribes exchange copies of each other's plans, or agree to provide it later. The tribes always have access to the DCF State plan since it is located on the DCF website.

Regular contact with tribal staff is conducted through scheduled meetings made directly by PPS staff for coordination of child welfare services. Each tribe submits a quarterly program report reflecting the number of tribal families and children served. Each program report is reviewed by the PPS CO program manager. The regional tribal liaison is available for consultation regarding case specific child protective services and foster care cases. The regional tribal liaison participates in site visits as requested.

MOUs with Tribes
Kansas reports that the Memorandum of Understanding (MOU) is reviewed annually with each tribe.

[10] Note that this information was obtained from the CFSP. Kansas submitted additional information on its work with tribes in the Annual Program and Services Report (APSR) and Plan of Improvement.

PBPN provided written feedback for the MOU and tribal consultation. They would like it amended to include a statement recognizing the sovereignty of the PBPN, and that the PBPN has civil jurisdiction over its members and children in Indian Country. Tribal consultation should include timely notice to the governing body of the Tribe and opportunity for meaningful consultation. PBPN recommends that there should be a reference to the government-to-government relationship between the Nation and the State. DCF will have further discussion with PBPN and the other three tribes about the MOU in FY 15.

Independent Living Services
The comprehensive Social Service Grants with all four tribes for Independent Living services are funded through Chafee. These serve as agreements for each tribe to administer their CFCIP and ETV services.

Regular contact with tribal staff is conducted through scheduled meetings made directly by PPS staff for coordination of child welfare services. PPS staff and each tribe share information about on-going and scheduled CFCIP activities. Tribal youth are included in conferences, learning opportunities and the youth advisory council. One of the tribes has included the DCF and provider youth in their tribal activities, including Pow-Wows. Each tribe submits a quarterly program report reflecting the number of tribal families and children served. Each program report is reviewed by the PPS CO program manager. The regional tribal liaison is available for consultation regarding case specific independent living services.

Consulting with Tribes on Credit Reports
The state provided each tribe information concerning the Fostering Connection requirement to obtain credit reports for tribal youth ages 16 and older in foster care. DCF plans to consult with the tribes during SFY 2015 to provide information about the importance of obtaining credit reports for youth; the potential consequences for identify theft and fraud; and the resources for addressing credit problems for children under age 18. DCF will provide tribes with technical assistance about obtaining credit reports. Any credit reports for tribal youth in foster care will be forwarded to the tribes for further attention.

2) Reported assessment of compliance with ICWA

The state did not report information on its assessment of compliance with ICWA.

3) Efforts to promote compliance

Memorandums of Understanding (MOU)
The MOU with each tribe describes the measures taken by the state to comply with the Indian Child Welfare Act. The MOUs are reviewed annually with each tribe. Sac and Fox's signed MOU has not been received. DCF will set up individual meetings with each tribe to review and individualize each tribal MOU.

The MOU affirms the state's commitment to prevent unnecessary removal of Indian children from their caretakers, and to secure an emergency placement with an Indian relative or an Indian foster home whenever possible, if placement becomes necessary. The MOUs outline with each

tribe the policy of DCF to involve Indian tribes and organizations at the earliest possible point in social service intervention with Indian families, whether the Indian children are from the tribes based in Kansas or from tribes based outside Kansas. The purpose of such involvement is to:

- Facilitate communication with the Indian family
- Prevent unnecessary removal of Indian children from their caretakers
- Secure emergency placement with an Indian relative, or an Indian foster home whenever possible
- Assist with the notification requirements of the Indian Child Welfare Act
- Assist in securing reliable identification of Indian children
- Assist in the placement of Indian children in appropriate homes.

Services Provided to Indian Children
Tribes provide services to assist youth in need of out-of-home placement. A family support worker may also be used in this program. Each tribe is responsible for the staff hired to provide the services, which may include a tribal support worker.

Each tribe has a Social Service Department that addresses the full range of child welfare issues occurring on the reservation and with tribal members living near the reservation. If a child living on or near the reservation comes into tribal custody the Tribal Court Judge presides over all child welfare matters related to the case.

If the tribe decides not to take jurisdiction, Indian children in the custody of the Secretary of DCF receive the same benefits as other children, which promote safety, permanency and wellbeing. Services are designed to help children, where safe and appropriate, return to families from which they have been removed or be placed in a permanent placement.

ICWA Training
In SFY 2014, the agency collaborated with the Office of Judicial Administration to develop and provide training related to ICWA

4) Barriers/challenges to compliance

The state did not report any barriers or challenges to ICWA compliance.

5) Relevant information from selected tribal CFSPs

No relevant tribal CFSPs were reviewed.

Kentucky

1) How consultation was conducted with tribes

Kentucky does not have any federally recognized tribes. It does have two state-recognized tribes, the Southern Cherokee nation of Kentucky and the Ridgetop Shawnee. The state reports that only the Southern Cherokee Nation has filed a petition seeking federal status. As neither state tribe has attained federal status, the department did not make specific efforts to share its CFSP or APSR, or have specific consultations with tribes; however, the state has described its ongoing efforts to work with tribes on the rare occasion that a Native American child does enter into out of home care in its final report for 2010-2014. Those efforts will be ongoing.

On a quarterly basis, the department meets with its stakeholders including the Administrative Office of the Courts, representatives from mental health, tribal representatives, advocates, and a variety of others to discuss initiatives under the CFSP. At these meetings, the child welfare agency presents data, child welfare issues, and collaborates to problem-solve barriers whenever possible. For the development of this final report, community program contacts and court liaisons were contacted to provide program information, successes, perceived barriers, and strategies for improvement. Ongoing collaboration efforts on a variety of initiatives are incorporated into the narrative.

Chafee Foster Care Independence Program Consultation
Benefits and services under Chafee and the ETV program are made available to Native American children on the same basis as to other children in the state. The few youth of Native American or Alaskan descent in out-of-home-care are specifically tracked and targeted for appropriate services. Chafee program personnel maintain contact with youths' families, as well as representatives of community partner organizations involved with Native American or Alaskan families.

2) Reported assessment of compliance with ICWA

The state reports that, as of the time of submitting the Child and Family Services Plan, eight children in Kentucky’s out of home care population have Native American heritage requiring ICWA notification. Of those eight, only in two cases have tribes asserted jurisdiction. The state is cooperating with tribal efforts in both cases.

The state did not report any additional information about its assessment of compliance with ICWA.

3) Efforts to promote compliance

The state reports that department will continue to identify ways to involve youth and families; though the state has no federally recognized tribes, the department will continue to work with tribes in case specific situations where Native American heritage applies.

4) Barriers/challenges to compliance

The state did not report any barriers or challenges to ICWA compliance.

5) Relevant information from selected tribal CFSPs

There are no federally recognized tribes in Kentucky.

Louisiana

1) How consultation was conducted with tribes

There are four federally recognized Native American Tribes in Louisiana: the Chitimacha Tribe of Louisiana, the Coushatta Tribe of Louisiana, Tunica-Biloxi Tribe of Louisiana, and Jena Band of Choctaw Indians of Louisiana.

Consultation with Tribes on the CFSP
The Louisiana Department of Child and Family Services (DCFS) provided tribes with an outline for the new Child and Family Services Plan (CFSP), as well as goals and action steps to obtain feedback for planning for the next five years at the 2014 annual tribal meeting in Charenton, LA.

As with previous years, the Department provided a copy of the finalized plans to all of Louisiana's federally recognized tribes, along with a request for each tribe to provide their plans to DCFS. Only the Chitimacha Tribe acknowledged the receipt of the DCFS' 2014 Final Report and new five year plan and provided their 2014 Final Report. Ongoing discussion regarding plans, reports, and the state's compliance with ICWA will be held in quarterly conference calls initiated by DCFS, and DCFS will resume site visits with tribes. The DCFS will continue to conduct the calls and encourage tribal participation through meeting reminders and requests for agenda items which are important to tribes, as well as coordinate site visits.

Collaboration with Tribes
DCFS works closely with the federally recognized tribes in Louisiana to identify and make available training that meets their needs. A calendar containing all applicable DCFS training opportunities is routinely sent to each tribal representative so that they may participate

DCFS continues to be available to all tribes in the state, the Director of the Bureau of Indian Affairs, and the Director of the Louisiana Intertribal Council to negotiate in good faith with any tribe or tribal organization that requests the development of a Title IV-E agreement to administer all or part of the Title IV-E program, including the Chafee Foster Care Independence Program, on behalf of Native American children, and to provide access to Title IV-E administration, training, and data collection resources.

All of the Louisiana Tribes have finalized Title IV-B agreements.

The Department continues to nurture its relationship with Louisiana's four federally recognized Native American Tribes. The Administration for Children and Families schedules and coordinates annual meetings between the Department, and Chafee Independent providers in regions where tribes are recognized. In the regions where tribes are recognized, departmental staff makes an effort to assure that updates are provided and communication is active and ongoing through the use of quarterly conference calls and in the coming year DCFS will resume making site visits to each tribe.

Annual meetings between federal, state and tribal partners will be held to discuss collaboration, planning and service delivery. The meetings are coordinated by ACF and prove beneficial in

improving service delivery to tribal families and children. Chafee Independent Living providers in regions where the tribes are located make ongoing outreach efforts to the tribes. Formal and informal working agreements with American Indian tribes are in place.

DCFS continues to build relationships with tribes via the Performance and Quality Improvement (PQI)/ Continuous Quality Improvement (CQI) processes. The goal is to improve communication with tribes on important matters such as notification of case planning meetings, safety/risk assessments, staffings, and court hearings. Tribes are located in jurisdiction of three regional PQI/CQI committees: Lafayette Region (Chitimacha Tribe), Lake Charles Region (Coushatta Tribe) and Alexandria Region (Tunica-Biloxi and Jena Band of Choctaw Tribes). The Chitimacha Tribe Social Services Director participates in the statewide PQI Stakeholder Committee on a quarterly basis.

Louisiana reports that, under the 2015–2019 CFSP, the state level Foster Care and Transitioning Youth Unit will do the following related to tribal collaboration:

- Continuously review and update policy for improved guidance to departmental staff in serving Native American children and families.
- Conduct verbal communication on a quarterly basis and conduct onsite meetings annually with each Louisiana tribal social service director and their local child welfare tribal liaisons to collaboratively identify challenges and facilitate improved working relationships.
- Encourage tribal PQI involvement at the state level.
- Encourage tribal youth involvement in the Louisiana Youth Leadership Advisory Council (LYLAC), if previously in state custody.
- Notify tribes of monthly Keeping in Touch (KIT) conferences and other DCFS child welfare trainings provided to child welfare staff in relation to policy/legislative issues, and encourage participation.
- Collaborate with the Supreme Court's Court Improvement Program in planning for improved ICWA compliance in serving Native American families.
- Work with contracted Chafee Independent Living Services providers to reach out to tribes on a regular basis to offer support and services to tribal youth in custody who are transitioning to adulthood.
- Assist tribes with the development of a Title IV-E plan and/or agreement.
- Work to improve the Adoption and Foster Care Analysis Reporting System (AFCARS) data collection and reporting, and consider opportunities to develop field staff knowledge regarding the identification and reporting of children's Native American status.
- Participate in monthly, national Indian Child Welfare Managers teleconference calls.

Independent Living Services
Foster Care/Transitional Living Program staff, OJJ staff, and tribal liaisons work together to assure that youth receive the life skills training needed to function independently as adults.

2) Reported assessment of compliance with ICWA

The state does not currently capture data on the notification to tribes of when a Native American child becomes involved in the child welfare system, but DCFS is able to provide data on removals among this population.

3) Efforts to promote compliance

DCFS provides initial and ongoing training to front-line staff to assure that ICWA policy is understood and implemented. Additionally, tribal representatives are invited to participate in trainings offered by DCFS. Frontline staff training on the Indian Child Welfare Act (ICWA) is provided by the Department on a continual basis.

In consultation with tribes, Louisiana has developed policies and procedures to comply with the Indian Child Welfare Act. The Department updates policy changes to Title IV-E, ICWA, Foster Care, Family Services, and Adoption as needed to reflect any new developments associated with its tribal partners.

As PQI/CQI processes are developed and fine-tuned, the Department plans to expand its communication with tribes to include notification to case planning meetings, safety/risk assessments, staffing, and court hearings.

DCFS policy requires that staff identify children who are American Indian. The Child Protection Investigation (CPI) data system, A Comprehensive Enterprise Social Services System (ACESS), captures information regarding Native American Indian status and inquiries continue throughout the life of the case, with Tracking, Information and Payment System (TIPS) data and/or ACESS being updated accordingly. Upon identification of a child affiliated with a federally recognized Native American tribe involved with DCFS, the tribe is notified. DCFS encourages identification of Native American children early in the child welfare process and stresses open communication with the family and the tribe throughout the family's involvement with the Department.

In July 2007, the Department added special provisions to policy that applies to a child eligible for membership in a federally recognized Native American Tribe and involved in child custody proceedings relative to foster care placement, termination of parental rights, pre-adoptive placement, and adoptive placement. These special provisions include a family background investigation, pre-removal services, and a hearing notification to the parent(s) and the tribe. DCFS requires Chafee Independent Living Service providers, by contract, to serve tribal youth in foster care with the tribe as well as state custody.

Placement Preferences
DCFS policy recognizes the special placement preferences for Native American children within the tribe if placement within the family is not possible.

- Policy addresses placement preferences for Native American children in foster care, pre-adoptive and adoptive homes
- Policy requires children be placed with family and within a placement resource that can meet the specific ethnic and cultural needs of the child

Family Preservation

The Department seeks to provide services to prevent the breakup of Native American families. The DCFS is working towards building a continuum of services that focuses on prevention and the preservation of the family unit for all families served by the Department, including tribal families.

Tribal Jurisdiction
The DCFS recognizes the rights of tribal courts and their jurisdiction.

- Policy has been updated to reflect the process of transferring jurisdiction to a tribal agency, if requested.
- Tribal courts usually allow the local courts to proceed, but would prefer complete details in an informed decision making process.
- It is hoped that, through ongoing participation of tribal representatives on regional PQI/CQI teams and on the statewide stakeholder committee, these types of issues can be discussed and resolved in a satisfactory manner for all parties and in the best interests of the children and families served.

4) Barriers/challenges to compliance

The state reports facing challenges related to family preservation efforts, noting that limitations exist in the availability of services in rural areas of the state, which negatively impacts the ability to provide services to tribal families and all other families who reside in rural areas.

5) Relevant information from selected tribal CFSPs

No relevant tribal CFPS were reviewed.

Maine

1) How consultation was conducted with tribes

Maine has four federally recognized tribes: the Penobscot Nation, the Aroostook Band of Micmacs, the Houlton Band of Maliseets, and the Passamaquoddy Tribe. There have been regular meetings between state child welfare staff and tribal child welfare staff since 1999.

In February 2010, the Governor of Maine signed an Executive Order directing all state agencies to work collaboratively with Native American Tribes. Tribal child welfare representatives were already meeting quarterly or sooner as needed or requested. This group was referred to as the ICWA Workgroup, once the workgroup began to develop the Truth and Reconciliation process it was expanded to include other tribal community members. This became the Convening Group for the TRC. Since the Commission was seated this group is now called REACH (Reconciliation, Engagement Advocacy, Change & Healing) Workgroup whose purpose is to supporting community healing and support the TRC process. The ICWA Workgroup is still able to convene as needed but much of this work happens one on one with consultation between tribal child welfare and the OCFS liaison. This forum is one of the ways OCFS seeks to assure ICWA compliance. In July 2012, a comprehensive Indian Child Welfare Policy was developed by the ICWA workgroup as a stand-alone policy, rather than having pieces of ICWA interspersed throughout various OCFS policies. This policy provides clear direction to OCFS staff that the tribal child welfare staff is co-managers of the case in every aspect through the life of the case. OCFS has continued its practice of sharing draft policy with the tribal child welfare personnel for comment.

The core group is referred to as the ICWA workgroup. This group has developed policy and training regarding ICWA and how social workers are supposed to co-manage ICWA cases in Maine with tribal child welfare. The tribes are also represented in the Child Welfare Steering Committee by the Passamaquoddy Tribal Child Welfare Director, and have had access to and the ability to provide feedback on all of the reports that are disseminated through that Committee. These reports include the APSR, PIP Updates, and CFSP working drafts.

The state reports on the following examples of ways it has consulted with tribal representatives within the last year are:

- Passamaquoddy Tribe at Indian Township: An example of one consultation was in regard to the placement of a youth whose father was a member of the tribe but did not want his son in a tribal placement. In this case the child was placed in a home recommended by the tribe.
- Passamaquoddy Tribe at Pleasant Point: One example of consultation was in a situation where the tribe did not believe the district was involving them as they should in Family Team Meetings. There was a conversation with state staff and this was resolved.
- Penobscot Tribe: One example of a consultation in the past year has been to locate a foster home placement for a tribal youth in tribal custody where the tribe did not have a resource. In this situation the child was in a residential placement facility and needed a foster home. The state contacted all its offices to help locate a placement.

- Aroostook Band of Micmac's: One example was where the Band did not feel they were being contacted with all relevant case information. This was handled by calling the District 8 Program Administrator to get involved and resolve the situation.
- Houlton Band of Maliseets: During the last year the issues between the Band and the local office have been handled directly by local staff.

The Department has an agreement with the Penobscot Indian Nation, which was signed in 1987, to work cooperatively toward the goal of protection of children who are suspected to be or are victims of abuse or neglect. The Department also has an agreement with the Houlton Band of Maliseet Indians, which was signed in 2002, to assure that they have maximum participation in determining the disposition of cases involving the Band's children. This maximum participation has since been extended to all federally recognized tribes in Maine.

OCFS will continue to work collaboratively with the tribes on many issues/initiatives. It is recognized that OCFS needs to update its agreements with each of the tribes; however, due to staff commitments and some changes in tribal staffing, this has not yet occurred. OCFS does share drafts and final reports related to the APSR and CFSP to the tribal community through the Child Welfare Steering Committee, which includes a representative from the Wabanaki Coalition. The final APSR and CFSP documents are also available on line and available to the public on http://www.maine.gov/dhhs/ocfs/provdatareport.shtml

The state reports that the 2010-2014 CFSP included steps related to focusing on the work with the tribal communities in Maine. That included working with tribal child welfare staff to develop Indian Child Welfare (ICW) Policy to provide clear direction to OCFS staff that tribal child welfare staff are co-managers in any case involving a native family in every aspect, starting with the first call to Intake. At the time of the CFSP development, the vision was to have district ICWA Resource Specialists, a staff person identified as being the “expert” on ICWA law, policy and cases. However, due to ongoing challenges with staff vacancies, this has not been viable. Training for new social workers includes a presentation delivered by a representative from Tribal Child Welfare and the OCFS ICWA Liaison. The training is comprised of:

- A video of former Native foster children who were in the custody of the State of Maine prior to the passage of ICWA speaking of their experience and feelings of not belonging
- The Truth & Reconciliation Commission process, which also explains the history of what happened to Native Americans in this country and why ICWA was necessary
- The case process and flow chart for ICWA cases
- The Indian Child Welfare Policy

Independent Living Services
Tribes and Bands have consistently accessed available Chafee funds.

2) Reported assessment of compliance with ICWA

The state reports that its QA unit conducted two separate reviews of native children in state foster care.

The 2010 study was in collaboration with tribal child welfare staff. At the onset of this study,

anecdotally it was believed that OCFS social workers assert control over the cases involving Native American children versus engaging in a process of co-management with tribal child welfare staff. The outcome of the review confirmed that belief.

There was also a belief that, while historically child welfare social workers haven't included tribal staff, the state agency has improved in its collaboration with tribal staff on the 'newer' cases. The review dispelled that belief as 62.5% of the cases reviewed were those that entered the state child welfare system in 2008 & 2009.

There were a number of recommendations at the conclusion of this review which included the finalization, and dissemination if the Indian Child Welfare Policy, clarification in the FTM policy related to case involving native children and families and staffing allocation suggestions to name a few.

The second study occurred in 2012 and was completed by just the QA staff as resources were more limited for tribal child welfare to fully engage in the study. In contrasting the outcome data from the 2010 review to the 2012 review, it was evident that there has been progress made in terms of how state child welfare staffs were working with tribal child welfare staff, although more progress needs to be made for it to be a true collaborative. It was also concerning that the outcomes were not stronger given that 67% of the children reviewed entered state custody in 2010 & 2011 following the first review and it would have been anticipated that the work done up to that point would have been evident in the case practice.

Based on the data, it was apparent that the work done in the assessment phase had improved in terms of intake exploring for Native American heritage, notifying tribal staff and trying to coordinate with tribal staff at the onset of an assessment. The data supported that state social workers were doing slightly better with inviting tribal child welfare staff to the Family Team Meetings in the assessment phase however the data continued to demonstrate that state child welfare staffs were not planning with their tribal partners when scheduling the FTMs.

Based on the data it was apparent that there was also some progress made when considering the foster care portion of the review. There was a significant drop in terms of how placements were chosen as there was lack of documentation that this was a joint activity between state and tribal child welfare staff. There was an increase in the percentage of cases where tribal child welfare staff were invited to every Family Team Meeting, as well as significant increase in the number of cases where it was evident that tribal child welfare were involved in case planning as well as permanency planning.

It did appear that contact between state and tribal child welfare staff seemed to be more problematic than found in the first review. The documentation suggested that the majority of contact between the state and tribal child welfare are less frequently then every other month. However, based on the other numbers, it would appear that these contacts do occur at key times that facilitate joint case and permanency planning.

The results of both studies were provided to the Tribal-State Workgroup, Tribal Child Welfare Directors, OCFS Senior Management Team and social worker supervisors. A third study will be

conducted during 2014 to assess progress made in this area. The Truth and Reconciliation process will continue through at least 2016 and results of that work will be shared statewide.

3) Efforts to promote compliance

In regard to the federally recognized tribes in Maine, Maine involves tribal child welfare from the onset of an assessment or the soonest point in the case where potential ICWA involvement is disclosed. If a child is entering custody, the tribe has already been involved with the family and is aware the petition is being filed. The tribe is still notified in accordance with ICWA. For tribes not located in Maine, the tribe is notified if a child enters care as outlined in ICWA.

OCFS social workers receive ICWA training during their first six months of employment. This training is conducted by a Native member of the REACH workgroup and the OCFS ICWA liaison. The training is comprised of:

- A video of former Native foster children who were in the custody of the State of Maine prior to the passage of ICWA speaking of their experience and feelings of not belonging
- The TRC process which also explains the history of what happened to Native Americans in this country and why ICWA was necessary
- The case process and flow chart for ICWA cases
- The Indian Child Welfare Policy

Social Workers, as part of the Child Protection Intake process and the initial CPS assessment, ask the family if they have any Native American heritage. The district court judges also ask questions regarding Native American heritage at court proceedings.

- When Native American heritage is known before the first contact with the family, the tribe is notified and invited to participate in the assessment.
- If Native American heritage is not known until after the first visit or at any other point in the assessment or case process, the tribe is invited to participate from that point forward.
- If the tribe is unable to accompany the OCFS social worker, the social worker is still expected to contact their tribal child welfare counterpart to make joint decisions regarding the case.

Maine follows the placement preferences outlined in ICWA for children entering foster care or needing a placement change while in foster care. The state accepts home studies and tribal approval of tribal foster homes so as to not duplicate the work. Maine works in conjunction with the tribe, as the state usually conducts the background checks since the state has more financial resources than the tribe.

The state recognized that not all tribes believe in the termination of parental rights and adoption. This was one of the reasons the state began using subsidized permanency guardianship in 2010. The state's permanency guardianship policy workgroup had tribal representation.

The state works with all families to try to preserve the family and alleviate potential jeopardy before a child enters care. The added work done with Native families is that tribal child welfare staff brings their resources to the family as well.

In cases where ICWA applies but the tribe involved is not a tribe located in Maine, our staff follows ICWA and formally notifies the tribe when a child is removed. OCFS recognizes homes that have been licensed or approved by the tribe as a fully-licensed foster home. If the family is a relative or unlicensed placement with a relationship with the child or family, that family is considered for possible placement option, as is the case with all children entering DHHS custody.

DHHS works with the tribe and the family to help them become either a tribally approved resource or a State licensed resource. OCFS will accept a home study conducted by the tribe, and will coordinate with them as the family moves through the State licensing or Tribal approval process.

OCFS works with Native families, as we work with all families, to prevent the removal of a child from the home. This includes an assessment of the situation and providing services to lower the potential risk of child abuse and/or neglect.

In Indian Child Welfare cases, the social workers also involve the tribe in planning for the family. In the policy, the tribe is considered a co-manager of the case with OCFS, and joint decision making is supposed to occur.

It is also recognized the tribe may offer a distinct set of services and supports for families. The services/supports the tribes may be able to offer families does not negate the fact that Native children in state custody are eligible for the array of services offered to all children and families which include, but are not limited to:

- Counseling
- Substance abuse services
- In-home supports
- Parenting classes

In addition, contract language with services such as the Alternative Response Program and transportation includes tribes. Therefore, children in tribal custody may also access to state-funded contracts.

Jurisdiction

The state recognizes the tribes' right to intervene or transfer jurisdiction to tribal court. The state does not object to either of these things in a child welfare court proceeding.

The Penobscot Nation and the Passamaquoddy Tribe have a tribal court system and are therefore able to take custody of tribal children residing on reservation or tribal territory without the need to have the child enter the custody of the State of Maine.

Due to lack of resources, the tribes do not always request a transfer to tribal court when a native child, not living on the reservation, may enter care.

The Aroostook Band of Micmacs and the Houlton Band of Maliseets do not have a tribal court system. Therefore, children from these tribes must enter state custody through the State of Maine District Court system.

Truth and Reconciliation Commission (TRC)
The Wabanaki-Maine Child Welfare Truth and Reconciliation Commission aims to create a common understanding of the truth of Maine's Tribal families and their interactions with state child welfare, as well as present recommendations for achieving healing for historical wrongs experienced by Wabanaki Tribes and moving forward in a positive manner.

Training
In conjunction with the development of the Indian Child Welfare Policy, an online training was developed for staff to ensure their understanding of the policy. This online training has taken longer to roll out than anticipated, as OCFS now conducts its training internally rather than through the former cooperative agreement with the Muskie School. To roll out the online training, OCFS has had to purchase the correct software and needs to complete the needed testing process before the training is available to staff. A decision is pending as to how/if this training will be implemented in OCFS.

Many of the above-cited activities are ongoing and will continue through 2015. This includes regular meetings with the DHHS, OCFS-ICWA liaison to ensure compliance with ICWA policy, allow any strengths and challenges to be discussed, and facilitate training for both new staff and experienced staff.

All tribes work with the OCFS district office handling the specific ICWA case, and the OCFS-ICWA liaison consults or gets involved with specific cases as needed.

4) Barriers/challenges to compliance

The state reports that it is recognized that OCFS needs to update its agreements with each of the tribes. However, due to staff commitments and some changes in tribal staffing, this has not yet occurred.

5) Relevant information from selected tribal CFSPs

Penobscot Nation

Key Points

- The tribe has encountered some issues this year in which case workers and supervisors within the State of Maine Department of Health and Human Services were unfamiliar with tribal jurisdiction and ICWA. These issues were immediately addressed by the Human Services Assistant Director in a meeting with the State of Maine Child and Family Service Director, our ICWA liaison, and Case Manager Supervisors. The result was an identified need for additional ICWA training and review of our Tribal-State Child Welfare Agreement.
- The tribe has an ICWA liaison through the State of Maine Department of Health and Human Services and the tribe's department has regular contact with the liaison. She is available to the tribe whenever needed.

- Information sharing is done via meetings, phone and email contact. Any concerns the tribe has are addressed directly with the liaison. From there the appropriate action and corrective measures are taken.
- The tribe includes a copy of the child welfare agreement between the Penobscot Indian Nation and the Maine Department of Human Services.
- The tribe has staff participation and membership in the Maine Wabanaki Indian Child Welfare Coalition, which is comprised of child welfare staff from the five tribal communities in Maine and staff from the American Friends Service Committee's Wabanaki Program.
- The ICWA workgroup serves as an opportunity for the Penobscot Department child welfare staff to collaborate with the other Tribal communities in Maine to discuss current State of Maine compliance issues around the Indian Child Welfare Act.

Maryland

1) How consultation was conducted with tribes

There are no federally recognized tribes in Maryland. The only 2 Maryland recognized tribes, the Piscataway Indian Nation and the Piscataway Conoy, are an integral part of the Commission on Indian Affairs.

Recent discussion focused on possible changes to the policy on Native American children in care to clarify services and policies around children from Federally recognized tribes and the children that are not from Federally recognized tribes, continuation of cultural sensitivity training for local department staff, and recruiting resource homes for children of Native American Heritage.

2) Reported assessment of compliance with ICWA

According to MD CHESSIE, the state's data system, less than 0.2% of children in out-of-home care identify as Native American. The state did not report other information on its assessment of compliance with ICWA.

3) Efforts to promote compliance

Maryland reports that a child's safety is paramount; therefore, nothing in the ICWA regulations shall be construed to prevent the emergency removal of an Indian child in order to prevent imminent danger or harm to the child. Diligent efforts are made to place a child in a home of first preference. The local department shall ensure that the emergency removal or placement terminates immediately when it is no longer necessary to prevent imminent damage or harm to the child.

The state reports that local departments are directed to use the prevailing standard of the Tribe to guide the services and decisions on a case. Maryland requires the active efforts to be concrete efforts, which show an active attempt to resolve the conditions. Active efforts include but are not limited to:

- Inviting a Tribal representative to participate in case planning and actively seeking their advice.
- Giving a Tribe full access to social service records
- Consulting an expert with substantial knowledge of prevailing social and cultural standards and child-rearing practices within the tribal community.
- Developing a case plan with the parent/custodian that uses tribal and American Indian resources.
- Referring to American Indian agencies for services.
- Contacting extended family members as a resource for the child.
- Tribal right to intervene in State proceedings, or transfer proceedings to the jurisdiction of the Tribe

If a child is presumed to have Indian heritage and the tribe cannot be determined, notice shall be given to the Secretary of the Interior by certified mail with a return receipt. The Secretary will have 15 days after the receipt to provide notice to the parent of the Indian custodian and the tribe. No court proceedings may be held until at least 10 days after receipt of notice by the parent or Indian custodian and tribe or Secretary. Upon receipt the parent, Indian custodian or the tribe may be granted up to 20 days to prepare for the proceedings. The Indian custodian or tribe will be consulted on the appropriate plan or resources for the identified child.

Outcomes of the meetings between SSA Staff and the Administrator from the Maryland Commission on Indian Affairs include changes to the policy on Native American children in care, cultural sensitivity training for local department staff, and recruiting resource homes for children of Native American heritage. The policy addressing children in out-of-home placement from both Federally-recognized and State-recognized tribes was finalized and distributed to the local departments on July 15, 2015. Cultural sensitivity-training was held in two jurisdictions in 2014; two additional jurisdictions received training in July 2015. Training evaluations demonstrated greater staff knowledge of Native American culture; additional training is dependent upon the availability of the trainer. As a result of the discussions with the Commission, local departments are required to identify needs for resource homes for children of Native American heritage in their recruitment and retention plans and address the needs as applicable.

The state reports information about its required processes and procedures for ICWA compliance, as described below.

Maryland's process regarding identification of America Indian Heritage / Notification of Indian parents and tribes follows.

- Identification of American Indian Heritage/ Notification Indian parents and tribes
- Children and parents must be asked if they are of American Indian heritage. Relatives shall also be asked about Indian ancestry if one or both parents are unavailable to provide the needed information. There are other circumstances when American Indian heritage may be identified:
- Any party to the case, Indian tribe, Indian organization or public or private agency informs the local department that the child is of American Indian heritage.
- Any public or state-licensed agency involved in child protective services or family support had discovered information, which suggests that the child is an Indian child.
- The child who is the subject of the proceeding gives the court reason to believe he or she is an Indian child.
- The residence or domicile of the child, his or her biological parents, or the Indian custodian is known by the local department to be or shown to be a predominantly Indian community, or presents reasonable indicia of a connection to the Indian community.
- An officer of the court involved in the proceedings has knowledge that the child may be an Indian child.

Several actions must be completed by the child welfare worker if it is determined that a child has Indian heritage:

- Parent and child will be provided with information on the Indian Child Welfare Act, a tribal ICWA contact person, American Indian advocates available in the community, services and resources available.
- Notification of Services to an Indian Child must be sent to the identified Indian tribe.
- The local department must inform the court of any indication that the child may be of American Indian heritage.
- If a specific tribe is identified, the child's tribe must be contacted within 24 hours. Written notice must be sent to the tribe by certified mail with return receipt within 7 days.
- When no specific tribe can be ascertained but ICWA eligibility is possible, the Bureau of Indian Affairs as agent for the federal Department of the Interior should be notified by certified mail with return receipt.
- Placement Preferences of Indian children in foster care, pre-adoptive, and adoptive homes.
- Maryland requires the strict enforcement of the placement preferences as defined by ICWA. Any Indian child accepted for foster care placement must be placed in the least restrictive setting which most approximates a family in which their special needs, if any may be met.

Preferences shall be given, in the absence of a good cause to the contrary, to a foster placement with:

- a member of the Indian child's extended family
- a foster home licensed, approved, or specified by the Indian child's tribe
- an Indian foster home licensed or approved by an authorized non-Indian licensing authority
- an institution for children approved by an Indian tribe or operated by an Indian organization which has a program suitable to meet the Indian child's needs
- With regards to adoption of an Indian child, a preference shall be given, in the absence of good cause to the contrary, to a placement with:
- a member of the child's family
- other members of the Indian child's tribe
- other Indian families

Once the Tribe determines that a child is enrolled or is eligible for enrollment, it has the following rights:

- Be informed of all progress and proceedings regarding the child
- Determine placement (tribal home)
- Allow the placement of the child by the local department
- Intervene in CINA, TPR, and adoption proceedings
- In return, Maryland asks that the Tribe notify the local department of:
- The intent to take custody and commitment of a child under ICWA
- The intent to allow placement of the child in an American Indian heritage foster home within the state
- The intent to allow the state to place the child with non-American Indians
- The intent to consent to state proceeding to terminate parental rights and place for adoption.

Maryland reports that it will continue to meet with the Commission on Indian Affairs bi-annually to discuss issues, updates, upcoming trainings and changes in policy related to Native American children in Out-of- Home Placement.

4) Barriers/challenges to compliance

The state did not report any barriers or challenges to ICWA compliance.

5) Relevant information from selected tribal CFSPs

There are no federally recognized tribes in Maryland.

Massachusetts

1) How consultation was conducted with tribes

The state reports that the Department continues to consult with the two federally recognized tribes in Massachusetts: the Wampanoag Tribe of Gay Head (Aquinnah) and the Mashpee Wampanoag Tribe.

The Department employs a broad array of strategies to ensure that stakeholders are engaged in consultation with the state to implement the provisions of the CFSP. Stakeholders include representatives from the State's federally recognized tribes, former consumers, foster and adoptive parents, service providers and state agency partners.

The agency ICWA coordinator meets regularly with representatives of the Wampanoag Tribe of Gay Head (Aquinnah) and Mashpee Wampanoag Tribe (MWT). Each DCF region now has an ICWA Liaison. The Liaison role has established itself as a vital function when questions arise from either the Tribe or DCF staff. Case-specific ICWA-related issues are receiving an improved collaborative response. As required, DCF and the tribes exchange their CFSPs and APSRs.

Wampanoag Tribe of Gay Head (Aquinnah) (WTGH(A))
The Tribal contact is the tribe’s Human Services Director. The most recent face-to-face meeting with her occurred on March 27, 2014 at the training provided for the Barnstable County and Town of Plymouth Bench, Bar and Court personnel on ICWA. Numerous planning meetings for Judicial ICWA trainings took place in Mashpee, MA during the year. Additional trainings (for Court Improvement Project) are scheduled for May and June 2014 (for the courts in Worcester and Boston). Quarterly meetings with the DCF Liaisons took place in May, August, November 2013 and scheduled for May 2014. The tribe’s Human Services Director hosted their annual meeting on the Vineyard in August.

DCF and the Human Services Director discussed future collaboration around the Tribe's adopted 5-year plan. This plan seeks to develop a "Family Circle" process that addresses challenges experienced by the family system. This Circle can include DCF staff when involved in order to collaboratively devise service planning. This process is similar to the DCF Family Group Conference. The inherent values associated with each process hold the family as front and center. The family voice is the foundation from which the planning will proceed. There is a great opportunity for the Tribe and the Department to educate each other, share lessons learned and collaborate around this initiative. DCF will gain a greater understanding of the Tribe's goals over the next few months, along with planning ways in which we can best collaborate. Additional training of DCF staff with the Tribe will also be undertaken following a needs assessment before the end of 2014.

DCF received its copy of a letter from the WTGH(A) to the MA Governor in August, 2012 stating that the Tribe intended to terminate its Intergovernmental Agreement (IA) with Massachusetts, effective 2/5/13). Following communication from the Tribe that they had not received any letter confirming receipt of this notification, DCF received permission to follow up with the Tribe directly. DCF sent two letters to the Tribe from Commissioner Roche; one as a

way of introduction and one requesting a meeting for preliminary discussion about moving forward with a new IA. DCF received a response from the Tribe that they were in the midst of a TA project designed to strengthen and restructure their Child Welfare Program. The Tribe indicated that the IA was a last step in this project. DCF has communicated to the Tribe its continued desire to begin the IA process and await a response from the Tribe.

Mashpee Wampanoag Tribe (MWT)
MA DCF learned on 4/3/14 that a proposed MWT Intergovernmental Agreement (IA) has been approved by the Tribal Council. DCF is hopeful that discussions will begin soon.

The most recent face-to-face contact occurred on April 4, 2014 at a meeting in Mashpee with members of the MW Tribal Council facilitated by the Administration of Children and Families. DCF gained an understanding of the Tribe's vision for the next five years. The Tribe is working hard to address many social service needs of their membership. DCF has communicated with the Tribe that its assistance regarding any of their projects related to child and family welfare is a phone call away. The MWT is looking to increase their foster parent recruitment efforts, wraparound services for children/youth, prevention of domestic violence, provide designated slots for parents who foster ICWA children in their parenting classes, offer increased support and training to Grandparents raising Grandchildren and discussions relative to a substance abuse treatment center are underway. Clearly the Tribe is very busy and the vision and commitment towards their membership, particularly ICWA eligible children, is impressive. DCF looks forward to hearing about their progress and partnering with the Tribe whenever possible.

DCF and the two Wampanoag Tribes meet at the WTGH(A) site each August. All parties have agreed that the agenda will include a thorough discussion of the 5-year plan. Collaboration among all parties continues to deepen while addressing challenges. It is at this formal meeting that the APSR reports from each party can be exchanged. Future meetings in August can serve as formal times for the exchange of reports and discussions.

Independent Living Services
Representatives from the Adolescent Outreach Program, including the Director of the Adolescent Support Services Unit at DCF, met with the Director of Human Services of the Aquinnah Wampanoag Tribe on September 17, 2013. Outreach staff have been in contact with the Director of Human Services throughout the year, and she has been made aware of outreach services available to Tribal youth who are eligible for Chafee or ETV program services. She has also been informed of post-secondary educational funding available to Tribal youth through the Chafee Grant and the State of Massachusetts. In our discussion to identify Tribal youth eligible for Chafee services, the Director of Human Services stated that at this time the Aquinnah Tribe has no youth age 14-21 in placement. She did report, however, that the Tribal youth who worked with Outreach and graduated from Northeastern University is currently employed by the Tribe working with their youth at their facility in Aquinnah.

A representative of the Outreach Program participated in a Massachusetts Approach to Partnership Parenting (MAPP) training for new foster parents from the Mashpee Wampanoag Tribe on March 31, 2014.

- In attendance at the training was the ICWA Support Specialist and the ICWA Director for the Tribe.
- Utilization of the Youth Readiness Planning Tool was reviewed, and the importance of permanency for children and youth in foster care was discussed.

The Outreach Program will continue to work with Tribal officials to identify older Tribal youth in placement, and will assist any youth in accessing services as well as any State and Federal education funds available to them. At this time, the only Mashpee Tribal youth eligible for services is a 20 year-old female who attends the University of Massachusetts, Dartmouth. She works with an Outreach Worker and receives all services and educational funding available.

2) Reported assessment of compliance with ICWA

Notification of Indian Parents and Tribes
MA DCF received 125 ICWA inquiries representing 188 children during SFY '14 (between 7/1/13- 4/24/14, roughly 10 months). This represents a 12% increase over SFY '13.

100 ICWA notices were sent across the country for 35 families representing 54 children. Of these notices, 11 families representing 17 children were found eligible for membership with the Mashpee Wampanoag Tribe. The Tribe intervened in every family case.

ICWA consultation occurred or continues to occur for the remaining 90 families representing 134 children.

At the conclusion of the second quarter (12/31/13), MA Department of Children and Families (DCF) served 75,390 individual consumers.
- This is an increase over the last 18 months by 10%.
- Of this consumer population, 174 identified themselves as Native American, which is less than 1% of the total consumer population.

At the end of the fourth quarter of 2012, there were 130 consumers who identified themselves as Native American (of 68, 251 consumers).
- This is an increase of 25% over the last 18 months.

3) Efforts to promote compliance

To date, Massachusetts continues to have jurisdiction of tribal children in DCF custody.

Over the past year, DCF has encouraged staff to ask the family about their Native American/Alaskan Native heritage as soon as DCF becomes involved, rather than at the time of seeking custody. The various trainings provided to DCF encourage staff to ask the question about family ancestry throughout the life of the family case since; extended family members may embark on a history of the family tree after the initial question was asked or, the family may feel more comfortable talking about their heritage as their relationship with their social worker deepens.

Notices to federally recognized tribes across the United States are sent by the ICWA Coordinator. The notices are sent prior to or whenever DCF gains legal custody of a child whose family informs DCF of their Native American/Alaskan Native status. Copies of all responses from the tribes are forwarded to the DCF social worker, DCF attorney, and to the Regional ICWA Liaison for their records. If a tribe is not identified or tribal location is not known to the family, a notice is mailed to the Regional Office of the Bureau of Indian Affairs, Department of Interior of the region identified by the family as possible location of their tribe.

A DCF area office partnered with the Tribe with regard to Massachusetts Approach to Partnerships in Parenting (MAPP) training for 4 Tribal Foster Parents over the past few months. This is very exciting as the need for Tribal foster homes has been a focal point for DCF and the Tribe for years.

The MW Tribe's utilization of the DCF Southern Regional ICWA Liaison has proven to be most beneficial to the Tribes and to DCF in ensuring compliance with ICWA and a collaborative relationship with the Tribes.

Upcoming DCF policy related to Assessment and Action Planning, Case Closing and Intake are being/will be reviewed (with an ICWA lens) by management.

- Native American/Alaskan Native heritage questions and references throughout the policy will contribute to ICWA compliance and education
- New DCF (draft) policy on Children Missing from Care is consistent with language that speaks to ethnically matched/sensitive supports and resources for children and youth who struggle with a variety of risk factors associated with running and exploitation
- All future policy updates, along with Tips of the Week, Commissioner Directives, FAQ's and iFamilyNet builds are vetted for particular language and compliance associated with ICWA

DCF is in the process of further defining "kin"
DCF will review 'kin' to incorporate tribal understanding of 'kin'.' The DCF ICPC 100A form (for interstate placement purposes) will be included in the next iFamilyNet build. This form incorporated a section for ICWA eligibility

In March 2014 DCF revised its ICWA notice form to meet the requirements of the ICWA Act
The DCF FAQ on ICWA is in the midst of being updated. Once this is reviewed by the Tribes and DCF management, it will be posted on the DCF intranet and provided to the Tribes as reference material

Training regarding ICWA

- DCF and the Tribes will finalize an updated ICWA PowerPoint for future training purposes over the next few months.
    - This PowerPoint imbeds the digital story of Amira Madison by the National Resource Center for Permanency and Family Connections (a service of the Children's Bureau/ACF/DHHS).
    - Amira is a WTGH (A) tribal member and former MA DCF foster child.
    - This five minute story speaks to Amira's experiences surrounding the discovery of her membership to and relationships with her Tribe. Ms. Chalifoux is also featured in this story and speaks of the importance of ICWA.

- This digital story on Amira can be viewed at http://www.nrcpfc.org/digital_stories/syt/Amira.htm
- The digital story on Ms. Chalifoux can be viewed at: http://www.nrcpfc.org/digital_stories/syt/Bonnie.htm

Since 2011 the following trainings have occurred:

- 2 Statewide trainings were conducted for DCF staff entitled Fostering Engagement & Collaboration: A Closer Look at the Indian Child Welfare Act. Lorraine Brave from the National Indian Child Welfare Association was the keynote speaker. The participants were also treated to a film and tour of the Native Site at the Plimoth Plantation, a living history museum about the lives of the native people and the pilgrims in the seventeenth century
- 6 Area offices with the participation of the Tribes. Additional trainers from the Mashpee Wampanoag tribe and staff contributed greatly to these ICWA trainings for DCF. The shared stories and history increased cultural awareness in ways that cannot be accomplished through a PowerPoint. 90 y.o. Ms. Amelia G. Bingham provided for staff a glimpse into her life as a Mashpee Clan Mother. Her personal stories which also include her strong advocacy for Indian rights were inspiring and thought provoking. Pte San Waste Win (White Buffalo Woman) or Ms. Jennifer Weston, a Hunkpapa Lakota member from the Standing Rock Sioux Reservation provided additional insight for DCF staff from the perspective of language. Ms. Weston is working for the Mashpee tribe as Charter and Personnel Coordinator for the Wampanoag Language Immersion School Development Project. Her presentation about the power and history of the Wampanoag language was a perfect addition to our ICWA training curriculum. DCF is appreciative of the working relationship with Mashpee. The tribe has contributed greatly to the improvement (with each) ICWA training agenda for DCF staff.
- 2 separate trainings with the DCF Foster Care Review unit (covering the entire state of MA). Staff from the Mashpee Wampanoag tribe participated in this training. The Foster Care Reviewer will bring the question of tribal affiliation to each review meeting held on a child placed in substitute care. These reviews are held every six months. This will inevitably increase the Department's compliance with ICWA
- The DCF ICWA Liaisons participated in 12 DCF Area office management meetings (includes Supervisors and other managers) and reminded staff of the importance of ICWA and the necessary procedures to be followed.
- 3 groups of newly hired DCF Supervisors received training on ICWA law and its case practice implications
- 2 Courts and their personnel received ICWA training with DCF and Tribal attorneys
- 1 contracted provider of DCF services received ICWA training
- Lori Ann Bertram, DCF Central Office ICWA Coordinator participated in the Qualified Expert Webinar in April 2012

Since October of 2010, Lori Ann Bertram, LICSW joined Beryl Domingo at MA DCF Central office as an ICWA Coordinator. Ms. Bertram has increased her knowledge of ICWA and has developed close working relationships with Mashpee Wampanoag Tribe members and members of the Wampanoag Tribe of Gay Head (Aquinnah). She is responsible for sending out the ICWA notices, consulting with DCF staff on ICWA inquiries, coordinating

the Regional ICWA Liaisons and managing the ICWA presentations and trainings for the DCF Area Offices. Ms. Bertram takes primary responsibility for the Quarterly DCF ICWA Liaison and Tribal meetings by taking the lead with scheduling, setting the location of the meetings and coordinating the proposed agendas for the meetings. Since 2013, DCF and the Tribes have agreed to standing agenda items that include updates from DCF and the Tribes along with a topic about DCF policy or procedure. Rotating the facilitator and location of the meeting has resulted in shared responsibility, collaboration and team building. Ms. Bertram's position as Clinical Manager of Field Support in DCF offers a variety of other avenues where ICWA compliance can be monitored. Through her management of Critical Incident Reports, High Profile and Fatality reports, Ms. Bertram is able to ensure that ICWA compliance is met. Ms. Bertram's role as statewide manager for the issue of Human (Sex) Trafficking is another area where risk factors (including those of minority children/youth) can be identified for early intervention. The MW Tribe has expressed interest in learning more about this issue. Ms. Bertram's growing expertise in this area allows for future training with the Tribes.

When custody is awarded to DCF of a child with Native American/Alaskan Native heritage, the social worker is required to notify the MA ICWA Coordinator.

A representative of the Outreach Program participated in a Massachusetts Approach to Partnership Parenting (MAPP) training for new foster parents from the Mashpee Wampanoag Tribe on March 31, 2014. In attendance at the training were the ICWA Support Specialist and the ICWA Director for the Tribe. Utilization of the Youth Readiness Planning Tool was reviewed, and the importance of permanency for children and youth in foster care was discussed

Families usually self-identify their race and ethnicity during the initial or comprehensive assessment phase of a family's case with the Department. This is usually the stage in the case when the DCF social worker will be made aware that a family has Native American/Alaskan Native ancestry.

Placement Preferences
The Mashpee Wampanoag Tribe continues to recruit tribal members to become foster homes specifically to take tribal children if the need arises. As mentioned above, 4 new MWT members are in the process of being MAPP trained. DCF works hard to notify the Tribe upon placement of children who 'may' be eligible for membership so that ICWA placement preferences are met. Recently a DCF Hotline Supervisor called the MWT when the need arose to place a MWT member in foster care. This outreach during "non-business" hours speaks to the level of commitment by DCF to comply with ICWA placement preferences as well as the solid working relationship between the MWTribe and DCF staff. The MWT has made it clear that they will work hard to address the placement needs of a Native American child from another tribe. DCF is encouraged by the MWT's future plans to formalize their collaboration with other tribes. Again, the positive relationship between the Tribes and the Liaisons has contributed to improved communication and DCF understanding around placement choices for ICWA children. The Liaisons also participate in Continuous Quality Improvement work throughout their regions. This role puts them in a front row seat to monitor ICWA compliance. DCF has implemented ICWA language in the administrative forms connected to 6-week placement meetings (following court custody) and Permanency Planning meetings. While the goal at DCF is to document any Native

American/Alaskan Native heritage at the time of intake and placement, these meetings provide an opportunity for DCF to ensure compliance is met if the question has not been addressed.

Active Efforts to prevent break up of the Indian Family (past, present and future)
Over the past five years, DCF has made notable strides in its commitment towards Active Efforts. The below list describes the activities of the Department that underline compliance with ICWA and provide avenues for staff to implement Active Efforts in their work with families: In January 2013, MA DCF rolled out a new policy on Permanency Planning. This policy underlines many of the tenets of the ICWA law: importance of researching kin and other significant family relationships to a child, including family and supports when planning for permanency and when establishing new supports for children and parents. In February 2012 intake screens on iFamilynet (DCF's computerized record system) include a question about each consumer's Native American or Alaskan Native ancestry. This demographic screen brings the issue of tribal membership to the front door. Social workers are able to document the tribal affiliations of the family members and begin to apply active efforts with any family applicable under ICWA. The ICWA Coordinator and DCF staff are able to accurately record dates of notices, membership and eligibility status. This screen not only documents ICWA status, it captures family heritage. Regardless of eligibility for membership, this documented family heritage will be available to the consumer if requested. This piece of the child's family background could serve invaluable to the (young) adult. In October 2011 each of the four regions of the MA DCF appointed an ICWA Liaison to assist with compliance issues related to ICWA. The Liaison provides guidance and education to social work staff in their region. With a solid working relationship that has been fostered over the last few years, the Liaison role has established itself as a vital function when questions arise from either the Tribe or DCF staff. Case specific ICWA related issues are receiving an improved collaborative response. The feedback received from the Massachusetts Tribes has been very positive. The foundation of these relationships is taking hold, and will continue as our collaborative work progresses. The education/training approach with DCF staff has evolved over the years from one-time ICWA specific training to a robust approach that incorporates ICWA into existing training topics. All new DCF social workers receive extensive training before an assignment of a caseload. ICWA is addressed throughout their 'pre-service' training so that they gain an understanding of the ramifications of how noncompliance can affect the child/family. DCF Attorney's are also actively engaged in educating bench, bar and court personnel on ICWA as a matter of routine.

4) Barriers/challenges to compliance

The state did not report any specific information about barriers or challenges to ICWA compliance.

5) Relevant information from selected tribal CFSPs

No relevant tribal CFSPs were reviewed.

Michigan

1) How consultation was conducted with tribes

Consultation with Tribes on CFSP
The state reports that its Title IV-B Child and Family Services Plan 2015 - 2019 was created collaboratively with tribal members at the April 2014 Tribal-State Partnership meeting, and the exchange of tribal and state Title IV-B plans will occur at the July 2014 Tribal-State Partnership meeting. In addition, the Title IV-B plan will be sent to and requested of individual Michigan tribes to ensure information is shared.

DHS will engage in ongoing consultation with tribal representatives, consumers, services providers, foster care providers, the juvenile court and other public and private child and family service agencies to ensure collaboration addresses the major concerns in implementing the provisions of the CFSP and annual updates.

Other Consultation and Coordination with Tribes
Michigan has individual consultation agreements with eight federally recognized tribes or communities: Bay Mills Indian Community, Hannahville Indian Community, Lac Vieux Desert Band of Lake Superior Chippewa Indians, Little River Band of Ottawa Indians, Little Traverse Bay Band of Odawa Indians, Nottawaseppi Huron Band of Potawatomi Indians, Pokagon Band of Potawatomi Indians, and Sault Ste. Marie Tribe of Chippewa Indians. Michigan has an Indian Child Welfare Act agreement with the Saginaw Chippewa Indian Tribe and negotiated a Title IV-E agreement with Little Traverse Bay Band of Odawa Indians in 2012.

DHS collaborates with stakeholders including families, youth, Michigan's 12 recognized Native American tribes and departments providing federal programs serving the same population to achieve the Child and Family Services Plan goals.

One Michigan tribe, the Keweenaw Bay Indian Community, has requested a Title IV-E tribal/state agreement that will be effective when their federal plan is approved.

DHS delivers services to Michigan's 130,000 American Indians through the Office of Native American Affairs, the policy office that coordinates with Michigan's tribes for policy and program development, resource coordination, advocacy, training and technical assistance, and implementation of state and federal laws pertaining to American Indians and tribal consultation.

The Office of Native American Affairs coordinates statewide consultation for the department in the following meetings:

- Tribal-State Partnership meetings (quarterly): a collaborative body of Tribal Social Service directors, state and private agencies and DHS staff that focuses on Indian child welfare and the implementation of the Indian Child Welfare Act of 1978.
- Urban Indian State Partnership meetings (quarterly): a collaborative body of urban Indian organizations, state agencies and DHS staff focused on the challenges facing tribal at-large membership and point-of-entry for DHS services.

- Michigan Tribal Child Care Task Force meetings (semi-annually): a collaborative body of tribal child care and education directors and DHS staff working to ensure Zero to Three services, Great Start and Pathways to Success programming for children and adults.
- The Office of Workforce Development and Professional Training (monthly): provides Indian Child Welfare Act training for new child welfare and supervisory staff through new worker eLearning modules and facilitator-led supervisor training.
- United Tribes of Michigan meetings (semi-annually; upon request): a forum for Michigan tribes to join forces, advance, protect, preserve and enhance the mutual interests, treaty rights, sovereignty and cultural way of life of the sovereign tribes of Michigan throughout the next seven generations.
- Regional Indian Outreach Workers meetings (quarterly) for professional development.
- The State Court Administrative Office Court Improvement Program Statewide Task Force meetings (quarterly) to advocate on behalf of tribal families

Michigan engages in government-to-government relations with the state's federally recognized tribes prescribed by Presidential Memorandum 2009 (Tribal Consultation), Michigan Governor Rick Snyder's Executive Directive 2012-2, Title XX (1994) of the Social Security Act, and the Administration for Children and Families' guidance on tribal consultation. Through tribal consultation agreements and meetings, the Native American Affairs director interacts with tribal nations and organizations in Michigan to coordinate review of Indian Child Welfare Act implementation in DHS policies and service.

Independent Living Services
In 2012, DHS developed a Memorandum of Understanding with each of Michigan's 12 federally recognized tribes to ensure Youth in Transition funds were available to tribal youth in foster care, and those youth whose foster care case was supervised by their tribe.

2) Reported assessment of compliance with ICWA

The state reports that DHS achieved a rating of area needing improvement on the four Indian Child Welfare Act requirements:
- Notification of Indian parents and tribes of state proceedings involving Indian children and their right to intervene.
- Placement preferences of Indian children in foster care, pre-adoptive and adoptive homes.
- Active efforts to prevent the breakup of the Indian family when parties seek to place a child in foster care or for adoption.
- Tribal right to intervene in state proceedings or transfer proceedings to the jurisdiction of the tribe.

The state reports that compliance with the Indian Child Welfare Act was measured through:
- Tribal consultation on Michigan's Child and Family Services Plan and Annual Progress and Services Reports from 2008 to 2013.
- Michigan Court of Appeals 2013.
- The Services Worker Support System.
- MiSACWIS. Indian Child Welfare Act case review tools.

- Ongoing local case management meetings between tribes and county DHS office leadership (examples: DHS Chippewa/Luce/Mackinac Counties and Bay Mills Indian Community and Sault Ste. Marie Tribe of Chippewa Indians, respectively).
- While it was intended that case reviews of Indian child cases would be completed by 2013, the original Indian Child Welfare Act case review tools were not completed and the department initiated a quality service review that replaced the tool in 2013. A baseline for tribal notice, placement priorities, active efforts and tribal intervention was not available.
- Another factor that mitigated the strength rating was a number of reversals of lower court decisions on Indian child welfare cases between 2008 and 2013. In 2013, there were nine such appeals in which eight contested lack of notice and one contested active efforts. Of the nine cases, four lower-court decisions were upheld; one was reversed and four were conditionally reversed.
- Services Worker Support System data from 2010 on did not capture data measuring the four Indian Child Welfare Act requirements, presenting a barrier to DHS' ability to demonstrate compliance.
- MiSACWIS was released on April 30, 2014, and it collects Indian Child Welfare Act compliance data on individual cases and that will provide a baseline in 2014. Tribal representatives have stated their belief that Michigan's Services Worker Support System under-reported the number of Indian children and families served. MiSACWIS, the information system that replaced the Services Worker Support System, collects data on Native American ancestry for the children served by DHS. The Office of Native American Affairs and the Division of Continuous Quality Improvement will monitor the data for accuracy.

3) Efforts to promote compliance

One of the goals that the state identifies is: "DHS will ensure compliance with the Indian Child Welfare Act statewide." For this goal, the state describes the following objective: DHS will increase the number of cases where children are identified as American Indian/Alaska native at the onset of cases statewide. Children will be placed in the least restrictive culturally appropriate setting to meet their safety, permanency, and well-being needs. American Indian/Alaska native foster and/or adoptive homes will be prepared, supported and available for placement of children of similar ancestry.

Indian Child Welfare Act Compliance
DHS provides culturally appropriate services to tribal families through funding and support of: Quarterly Tribal State Partnership meetings with representatives from Michigan's 12 federally recognized tribes, tribal organizations and local DHS and central office staff. Participation in regional/national tribal consultation through the following events:

- National Indian Child Welfare Association conference.
- Midwest Child Welfare Implementation Center meeting.
- United Tribes of Michigan meetings.
- Child Welfare League of America monthly Indian child welfare state manager calls. Governor's Tribal Summit.
- Development of grant and contract opportunities for tribal communities.

- Contracting with the Michigan Indian Child Welfare Agency and the Sault Ste. Marie Tribe of Chippewa Indian's Binogii Placement Agency for foster care and adoption services for tribal children and the Grand Traverse Band of Ottawa and Chippewa Indians for juvenile justice boys' and girls' residential treatment programming.
- Strengthening the DHS Indian Outreach Worker program through case reviews to target best practices and service barriers. The Native American Affairs Business Plan outlines the plan to strengthen the program.
- Publishing culturally competent human service materials that reflect the unique status of tribal people and laws that protect their sovereignty.
- Contracting for Families First of Michigan family preservation programs that serve seven of 10 reservation communities. Tribal representatives participated in the bid ratings.
- Reviewing and revising Indian Child Welfare policy to strengthen and achieve compliance with federal rules and regulations.
- Strengthening the state courts' application of the Indian Child Welfare Act through collaboration with tribal courts, attorneys and social services, state court administration, DHS legal division, and Native American Affairs toward development and codification of the Michigan Indian Child Welfare Act.
- Negotiating tribal-state agreements including Title IV-E and IV-D agreements. Michigan assists the tribe(s) to access Title IV-E administrative funding, Chafee Foster Care Independence Program, training and data collection resources.
- Developing Indian Child Welfare case review tools in collaboration with Michigan tribes/urban Indian organizations.
- Developing Child and Family Services Review Program Improvement Plan goals regarding Indian child welfare.
- Conducting stakeholder surveys for quality assurance.
- Conducting public awareness events to sensitize consumers and vendors to issues of Native Americans in Michigan and improve cultural awareness and competence.
- Public Act 565, the Michigan Indian Family Preservation Act, which codifies the state’s compliance with the federal Indian Child Welfare Act.

4) Barriers/challenges to compliance

The state did not report specific barriers or challenges to compliance, but did identify some challenges related to its ability to monitor compliance, including the earlier data system not capturing data measuring the four Indian Child Welfare Act requirements and not having the Indian Child Welfare Act case review tools developed as soon as the state had planned.

5) Relevant information from selected tribal CFSPs

Keweenaw Bay Indian Community

Key Points:

- The departmental staff maintains positive relationships with local tribal and state programs/agencies collaborating to enhance continued coordinated supportive services for families. The Tribal Social Services (TSS) staff works very closely with the Michigan Department of Human Services (DHS) staff maintaining excellent communication with

the agency to ensure continued protective services coverage and coordination of available services for the community.

- One on-going issue is that it has been requested by several Tribal Social Services Directors to have the State's Annual Progress and Services Report available for Tribal input at an earlier date to give sufficient time. Efforts should be made to seek Tribal input at an earlier time.
- The Keweenaw Bay Indian Community, Tribal Social Services Director along with other Tribes' Social Service Directors in Michigan, continue to work together with the State of Michigan through the Tribal-State Partnership, a collaborative body of Michigan Department of Human Services, other Michigan State employees, and Tribal agency staff from the Michigan federally recognized tribes, to ensure that the requirements of the Indian Child Welfare Act are being complied with and agreed on, as well as collaboration on other issues.
- KBIC does not operate CFCIP or ETV programs directly; referrals are made to the Michigan Department of Human Services or the contracted agency administering the program for eligible clients. KBIC will utilize the Department's Youth in Transition Program funds and will be subject to all policy and procedures created by the department, unless KBIC applies directly to ACF/HHS for this funding. KBIC will have access to the Departments Education and Training Voucher funds and will be subject to all policies and procedures created by the department. Unless KBIC applies directly to administer the Education and Training Voucher Program with Federal funding, KBIC will apply for ETV funds by submitting an ETV application.
- Additionally, other concerns such as the lack of Tribal representation on many issues affecting our Native children within the State continue to be a problem although some effort to include a tribal representative on a few committees has been made. The Michigan DHS Director allowed only one Tribal representative could participate in the Centralized Intake Task Force; so only one representative from one of the 12 Michigan Tribes was able to have direct input.
- True consultation with the tribes on child welfare and related issues would mean that at least one tribal representative from each Michigan tribe would be involved in the decision making processes, especially on policies and procedures, laws, training development, etc. Currently, the norm is for DHS staff to meet without input from the tribes and just prior to finalizing or after finalizing policies and procedures, laws, training development, etc. the tribes are contacted with a short time to give a comment/suggestion which may or may not be included or cause modification within the policies and procedures, laws, training, etc.
- Consultation with each tribe should be to have the DHS Director and/or the decision-making staff meet with the appropriate staff and/or administrators from a particular tribe to work on issues and to follow-through with any activities to resolve such issues within a reasonable amount of time. This would also include any agreements, memorandums of understanding, etc.
- Since KBIC will be the first tribe in the state of Michigan to receive Title IV-E direct funding, it is essential that KBIC and DHS continue to work closely to resolve any possible issues that may arise once KBIC has an approved Title IV-E Pre-Print Plan. DHS staff has been very cooperative and supportive as we work on the tribal-state agreement/memorandum of understanding. Although it is difficult to find times for all of

our schedules to match up for conference calls have moved forward in efforts to identify and attempt to resolve issues that may arise once we are a Title IV-E direct funded program. Since KBIC is on a strict timeline in which we will have to have some sort of agreement or memorandum of understanding (MOU) in place, we are hopeful that the progress being made continues and we are able to have a finished agreement/MOU in the near future. KBIC is keeping a positive outlook because of the cooperation and support already received and continuing to receive from DHS staff. We look forward to continued consultation with the DHS for the agreement/MOU and resolution of any future issues/concerns that may arise in the future.

Minnesota

1) How consultation was conducted with tribes

Minnesota reports that Department of Human Services staff meet quarterly with the Indian Child Welfare Advisory Council to review issues affecting Indian children and families, and actively work together to address disparities. The council is represented by all 11 tribes in Minnesota, and includes urban representatives from the Duluth, St. Paul and Minneapolis areas. The tribes on the Advisory Council are: White Earth, Leech Lake, Red Lake, Fond du Lac, Grand Portage, Prairie Island, Upper Sioux, Lower Sioux, Bois Forte, Mille Lacs, and Shakopee.

The Tribal/State Agreement requires parties to meet annually to discuss how the department and the tribes can work together to improve outcomes and services for Indian children and families.

Minnesota reports that in implementing the provisions of the Child and Family Services Plan (CFSP) and developing related Annual Progress and Services Reports (APSRs), the state engages in ongoing consultation with Tribal representatives, consumers, service providers, foster care providers, the juvenile court, and other public and private child and family-serving agencies, and includes the major concerns of these representatives in the goals, objectives, and annual updates of the CFSP.

Chafee Foster Care Independence Program Consultation
All 11 of the federally recognized tribes in Minnesota were sent the department's bulletin regarding Chafee/SELF funding, and the ability to request funding. Follow-up correspondence was also sent to each tribe regarding interest in these services. Of the 11, four tribes entered into grant contracts for Chafee funds. The department has one community-based grantee specifically for Native American youth in the metro area. Another grantee in northern Minnesota works closely with a couple of tribes. No tribe has requested to develop an agreement to administer, supervise, or oversee the CFCIP or an ETV program with respect to eligible Indian children.

2) Reported assessment of compliance with ICWA

The state reports that sources of data used to assess ongoing compliance with ICWA include:

- Minnesota Children and Family Service Reviews
- Annual Child Welfare Report Data from Social Service Information System
- Consultation with ICWA Advisory Council
- Consultation with Minnesota Association of County Social Service Administrators
- Reports from ICWA court monitoring program in Hennepin and Ramsey Counties

The Department of Human Services staff is currently working to expand qualitative measurement of ICWA compliance and best practices through two expanded quality assurance processes:

- In 2012, a supplemental ICWA practice review protocol to the MnCFSR—the state's own Child and Family Services Review—was added and applies to those ICWA cases selected in county reviews. The state monitors statewide aggregate data and qualitative data gathered through review of ICWA cases as part of the state's quality assurance

system (MnCFSR). In 2013, ICWA addendum data demonstrated a need for increased consistency of engaging tribes and improving ICWA practices, and awareness of the need to connect children with tribal communities. Other areas needing improvement include inquiry with families as to native heritage, notification to tribes, and a need for more culturally relevant services.

- A specialized ICWA county continuous improvement review process is being developed by department staff and tribal representatives. This review will identify counties with high numbers of American Indian children in out-of-home placement and conduct an assessment to analyze county-specific performance with on-site visits, including implementation of an action plan.

The state reports that identifying the accuracy of the information—including status, demographic characteristics, location, and goals for the placement for every child in foster care—that is entered into Social Services Information System (SSIS) is currently not available. In collaboration with county and tribal partners, Minnesota will develop a plan for obtaining information regarding the accuracy of data entry. Considerations will minimally include:

- Staff conducting the analysis as a component of the MnCFSR process
- Department staff pulling a statewide random sample of children and requesting that county staff conduct the analysis.

3) Efforts to promote compliance

Minnesota reports on its efforts to promote compliance with specific ICWA requirements:

Notification of Indian parents and tribes of state proceedings involving Indian children and their right to intervene: The Minnesota Indian Family Preservation Act expands and strengthens the federal Indian Child Welfare Act by requiring notification of, and providing intervention by, tribal social services when an Indian child is at risk of placement, including those cases where Indian children are voluntarily in placement. Specific policies and procedures to comply with these requirements are outlined in the department's ICWA Social Service Manual issued to each county agency. Compliance is further supported by SSIS features that include a social worker checklist and built-in documentation feature that helps counties meet ICWA and Minnesota Indian Family Preservation Act (MIFPA) requirements. The Minnesota Child Welfare Training System provides basic, advanced and specialized training curricula on ICWA, MIFPA, the Tribal/State Agreement, the Social Service Manual and SSIS.

Placement preferences for Indian children: Requirements to follow special placement preferences for Indian children are clearly defined in numerous citations of Minnesota statutes and rules, and are included in the SSIS feature for ensuring compliance with ICWA and MIFPA. Efforts to maintain compliance with this requirement are carried out through referral to the ICWA staff at the department for mediation assistance, when appropriate, and procedures outlined in the American Indian Child Welfare Manual, SSIS, and the Minnesota Child Welfare Training System (MCWTS).

Active efforts to provide services to a family to prevent removal of an Indian child from their parent or Indian custodian, or to reunify an Indian child with their parent or Indian custodian

after removal: Requirements to provide active efforts to prevent breakup of the Indian family are clearly defined in numerous citations of Minnesota statutes, and are included in the SSIS feature for ensuring compliance with ICWA and MIFPA. Active efforts findings are required in any Child in Need of Protection or Services (CHIPS) court actions involving an Indian child/family. Qualified expert witnesses, persons designated by each Minnesota tribe, are used in Indian child custody/placement court proceedings. Additional efforts to maintain compliance with this requirement are carried out through referral to the ICWA Compliance Review Team, when appropriate, and procedures outlined in the American Indian Child Welfare Manual, SSIS and MCWTS.

Tribal right to intervene in state proceedings or transfer proceedings to jurisdiction of the tribe: This ICWA requirement is expressly defined in the Tribal/State Agreement. The agreement clearly describes transferring jurisdiction to tribal social services and tribal courts based on three levels of criteria: Mandatory transfers, conditional transfers and transfer procedures. The Social Service Manual provides procedural guidance to counties to carry out these requirements.

Training on the Indian Child Welfare Act is provided by the Minnesota Child Welfare Training System. Courses include: "ICWA training", "Concurrent Permanency Planning and ICWA", "Bridging Our Understanding: American Indian Family Preservation" and "ICWA Training of Trainers". Training topics span the history and requirements of the federal Indian Child Welfare Act of 1978, the Minnesota Indian Family Preservation Act of 1985, the Tribal/State Agreement of 2007, and the American Indian Child Welfare Manual. Training includes an overview of legal requirements and cultural competence best practices skill development.

The state report reports that it plans to take the following specific steps to improve compliance with ICWA in the next five years:

- Convene Tribal State Agreement work group with representation from the ICWA Advisory Council, tribal attorneys, county social service directors, county attorneys and department staff to discuss codification of specific provisions of the Tribal State Agreement.
- 2015 legislative proposal to codify provisions of the child welfare Tribal State Agreement. Some of the changes will address issues with ICWA compliance.
- Develop and implement strategic plan to reduce American Indian child welfare disparities.
- Build on efforts already developed for implementing ICWA continuous quality improvement for counties.

Minnesota reports that, in general, counties remain responsible for providing Title IV-E services and protections for American Indian children. Counties are financially responsible for the cost of foster care whether the case is under state or tribal court jurisdiction. The department issues a bulletin every two years to provide guidance to counties (Bulletin 13-68-09).

In Minnesota, county and tribes share responsibility for meeting Title IV-E services and protections for American Indian children. This can vary depending on:

- Participation in the American Indian Child Welfare Initiative
- Signed Title IV-E agreement with the state and

- Decision by tribe to voluntarily assume financial responsibility.

The Department of Human Services continues to carry out ongoing and systemic consultation and coordination with the 11 tribal organizations within the state. The Indian Child Welfare staff provide technical assistance to county social workers on implementation of the Indian Child Welfare Act (ICWA), Minnesota Indian Family Preservation Act (MIFPA), Tribal/State Agreement, and upon request and/or referral, provides policy and best practice advice on working together for Indian children and families. The Indian Child Welfare Advisory Council, Minn. Stat., 260.835, as designated by the commissioner of the Minnesota Department of Human Services, helps formulate policies and procedures relating to Indian child welfare services and makes recommendations regarding approval of grants. [Minn. Stat. 260.785, subds. 1-3] Indian Child Welfare grants, Minn. Stat. 260.785, allows the department to fund primary and special focus grants that support family preservation and reunification services to local social service agencies, Indian organizations, tribes and other entities.

4) Barriers/challenges to compliance

The state did not report any barriers or challenges specific to ICWA compliance.

5) Relevant information from selected tribal CFSPs

No relevant tribal CFSPs were reviewed.

Mississippi

1) How consultation was conducted with tribes

The state reports that in February 2013, a Child and Family Services Plan (5-Year Strategic Planning) Conference was held with approximately 125 participants including stakeholders such as service providers, Attorney General's Office representatives and the judiciary (including Mississippi Band of Choctaw Indian Chief Justice). Also, present were DFCS Senior Management, including Regional Directors or their representatives. Workgroups outlined the basis of the 5-Year Strategic Plan and goals were set.

The state reports that the Division of Family and Children's Services (DFCS) and the Mississippi Band of Choctaw Indians (MBCI) made great progress in achieving the cooperative goals during the reporting period. DFCS maintained a collaborative relationship with the MBCI. DFCS continues to offer assistance to the MBCI in such areas as joint training, Independent Living services, foster care and adoption services. MBCI Chief Justice Kevin Briscoe (formerly Senior Youth Court Judge) is actively involved with DFCS. DFCS had extensive Tribal participation to develop ICWA training in 2011, 2012, and 2013 on the MBCI Reservation.

A Memorandum of Understanding was negotiated between the MBCI and DFCS and signed on October 25, 2012. The MOU sets forth the respective duties for cases involving Choctaw children.

2) Reported assessment of compliance with ICWA

Mississippi is continuing to develop the Statewide Assessment. In collaboration with the Administrative Office of Courts (AOC), DFCS planned to hold four "Legal Stakeholders for Permanency" summits across the state in October 2014. Stakeholders invited include the judiciary, the Attorney General's Office, prosecutors, guardians *ad litem*, tribal partners and other stakeholders. Data will be presented to the attendees, and the discussion will be facilitated to obtain feedback on data.

3) Efforts to promote compliance

The tribes of affiliation, as well as Indian parents, are notified any time DFCS is involved with a child or family that meets tribal membership requirements. The MBCI is available to assist DFCS with tribal identification and notification as needed. DFCS and Choctaw Social Services made cooperative efforts to identify potential Native American resource parents.

MBCI is notified of any state proceedings involving tribal children and given the opportunity to assume jurisdiction or authority at any point in the proceedings.

In March 2014, ICWA posters were mailed to youth court judges, referees and chancellors requesting that the posters be placed on the door or near the entrance to the courtroom. The poster instructs persons with Native American heritage to let the court know so that their rights under ICWA can be protected.

Active case planning is pursued to maintain or reunite Native American families as soon as safely feasible when safety concerns are identified. Choctaw Social Service's staff attended trainings on DFCS Practice Model Implementation, Maltreatment Training, Conducting Family Team Meetings and Safety and Risks Assessment tools. DFCS staff participated in tribal training on the Adam Walsh Act.

ICWA training is included in the Child Welfare Professional Development curriculum and new curriculum being developed that is required for all new DFCS social workers and support staff. In addition, the State of Mississippi is in the process of trying improving collaboration with the MBCI Social Services in coordinating protective service cases related to children of Choctaw families who are not covered or eligible for services through the Mississippi Band of Choctaws or their Social Services. DFCS was invited to collaborate with MBCI for the Tribe's Child Abuse Awareness KICK Celebration on April 16, 2014.

DFCS and the MBCI have collaborated during 2011, 2012 and 2013 to promote cultural awareness, understanding and implementation of the Indian Child Welfare Act. Three Annual ICWA Conferences were jointly developed with DFCS, the Tribe, AOC, the two Model Courts (Forrest County and Choctaw), with the assistance of the National Resource Centers for the Tribe and for Legal and Judicial Issues, as well as the National Council of Juvenile and Family Court Judges and Casey Family Programs. As a result of the 2011 Annual ICWA Conference, a Memorandum of Understanding was executed on October 25, 2012.

For 2015–2019, the state reports that DFCS will:

- Include Choctaw Social Services in training opportunities available to DFCS staff as appropriate, and have regular meetings with tribal staff and administration on all levels at least twice a year.
- Provide cross-training between the Tribe and DFCS and establish regular communication on all levels at least twice a year.
- Annually, or more often as needed, update the state listing of all tribes, national contact persons and contact information.
- Collaborate with the Mississippi Band of Choctaw Indians, the Choctaw Model Youth Court, Administrative Office of Courts, National Council of Juvenile and Family Court Judges, The Mississippi Judicial College, National Resource Centers and the Attorney General's Office at Choctaw to produce Annual Indian Child Welfare Act Conferences
- Preserve Native American families in a culturally sensitive manner, including culturally based prevention and protection services, and ensuring any Indian children removed from their homes are placed with priority given to relatives, other Choctaw families, and other tribes. They will only be placed with families outside the Indian culture as a last resort. Placement with relatives on the reservation will require a home evaluation and foster care licensing of the relatives any time the tribe does not assume jurisdiction of the children to be placed. These homes must meet all DFCS licensing requirements.

Independent Living Services

The Mississippi Band of Choctaw Indian Tribe youth are eligible for Independent Living Services based on the same criteria for DFCS youth in care. All youth must have the opportunity

to participate in independent living preparations, without regard to the youth's permanent plan. Refusal by the youth to participate is not a valid reason for non-participation. Independent Living Services are mandatory and not optional for all youth in care who are at least 14 years old or less than 21 years old. All youth in care are eligible and appropriate to receive Independent Living Services, based on the child's best interest. Some services are provided through a contractual agreement to include life skills training, retreats, youth conferences, and other services deemed appropriate.

In 2015–2019 the state reports that DFCS will:

- Engage Tribal youth in DFCS Independent Living Activities by forming a collaborative relationship with Mississippi tribal organization administrators to include them in planning meetings, curriculum review sessions, policy review/update meetings; and keep tribal administrators aware of Independent Living services available to youth in custody.

4) Barriers/challenges to compliance

The state did not report any barriers or challenges specific to ICWA compliance.

5) Relevant information from selected tribal CFSPs

No relevant tribal CFSPs were reviewed.

Missouri

1) How consultation was conducted with tribes

The state reports that, although there aren't any federally recognized tribes in the state, two centers serve Native American children in the State and together, they participate with the Children's Division (CD) in training and consultation on policy development pertaining to Native children. One of the centers participates on the state's CFSR Advisory Committee. The CFSR Advisory Committee's centralized focus is to build an advisory resource infrastructure to result in positive outcomes for children, youth and families. A broader collaboration of this kind will benefit families in improved access and service availability, and a reduction of services and funding fragmentation. Standing members include Children's Division managers, representatives of the Department of Elementary and Secondary Education, Department of Mental Health, Office of State Courts Administrator, Children's Trust Fund, private child welfare agencies, a tribal representative, as well as an adoptive parent, foster parent, and foster youth.

As the Division developed the goals and objectives for the 2015 - 2019 Child and Family Services Plan (CFSP), several groups were consulted for assistance. The CFSR Advisory Committee regularly reviews data and practice standards, and provides input and feedback. Their guidance was valuable in the development of the five year plan. This group will continue to be a part of the implementation and monitoring of the CFSP.

Because there are no tribes in the state to exchange copies of the CFSP with, Missouri will make the CFSP and APSR available on the public website.

Coordination and consultation will continue to be maintained with the state or tribal court assuming or having jurisdiction over a Native American child when providing services.

Independent Living Services
Native American youth are eligible and receive the same benefits as other youth in care. A listing is received quarterly from Research and Data Analysis. If a youth is identified as Native American or having tribal affiliation and has not been referred to Chafee services, the ILC contacts the case manager or regional manager to ensure a referral is made. The Chafee and TL providers are made aware to include Native American youth in youth leadership activities and since March 2012, Native American youth have been represented by one or more youth on the State Youth Advisory Board. When the biannual conference is held, providers are made aware to make efforts to include Native American youth as participants. Older youth of Native American descent are primarily in the Southwest region of the state and providers in this region assist with identification and efforts.

2) Reported assessment of compliance with ICWA

Approach for Assessing Compliance and Assessment Data
A specialist in CD Central Office requests a report, once per year, from Research and Evaluation on all cases indicating Native American Heritage. The specialist reviews the case contacts and narratives to ensure Indian Child Welfare Act (ICWA) compliance. If compliance is not met, the

specialist contacts the case manager and works together to move the case towards ICWA compliance. During Best Practice Case Reviews (BPR), there are currently two questions in regards to ICWA compliance when reviewing alternative care cases; the Indian Child Welfare Act Checklist (CS-123) completed upon entry into alternative care and the Indian Ancestry Questionnaire (CD-116) completed with the family upon placement of the child. If the file does not show proof of either form, a comment is made on the review tool for the worker and supervisor to review. It is expected that the worker will complete both forms to be in compliance with policy and practice.

Missouri began using Best Practice Review (BPR) results recently, and found in CY13, 48% of cases reviewed had the checklist completed as required. In addition, the Indian Ancestry Questionnaire was used in 47% of the cases reviewed. The BPRs are on-going and practice improvements for these are addressed through on-going CQI processes at the local circuit level. Missouri also uses the Supervisory Case Review Tool (SCRT) results. There are two ICWA related questions in the tool supervisors are to answer. The results are used during case consultation between supervisors and their staff to make improvements where needed. Item 14.3: *Was there sufficient inquiry conducted with the parent, child, custodian, or other interested party to determine whether the child may be a member of, or eligible for membership in, an Indian tribe?* The results for the fourth quarter, which were very similar to the first, second and third quarter, were 94%. The second question, item 14.4; *if the child is a member of, or eligible for membership in, an Indian tribe, was the policy followed?* The results, while lower than preferred, increased each quarter

Reviewing cases to ensure compliance is now easier to demonstrate as improvements have been made to the date and text box fields on the existing Alternative Care (AC) Opening Summary and the AC Monthly Progress Summary views on the case narrative screen in FACES as of March 2014. Indian Child Welfare Act (CD-116 and CD-123) is now a narrative section in the Opening Summary and is mandatory. Staff are encouraged to continue efforts throughout the life of the case documenting information in regards to ICWA in the AC Monthly Progress Summary.

In the FACES system, a Family Support Team screen requires the case manager to select a “yes” or “no” as to whether the child has Native American heritage. This information may come from self-disclosure by parents, family members or if applicable, the child. When the worker checks the “yes” box, a text box appears for the case manager to report how this information was obtained and through what source. The information is also obtained based on the race code provided by the caregiver or child when a Departmental Client Number (DCN) is assigned to a child. As of February 28, 2014, there were approximately 143 foster children in Missouri whom identify themselves as having Native American heritage according to the data pulled from Research and Evaluation. Nineteen of those children are registered tribe members.

3) Efforts to promote compliance

The state reports that Missouri courts assume secondary responsibility when the tribal court takes jurisdiction. In juvenile court proceedings, the Native American custodian or tribe for the child has the right to intervene at any point. All parties to the proceeding have the right to examine all the reports, testimony, witnesses and exhibits upon which the court’s decision may be based.

The Children's Division will continue to work on developing a consistent written notice specifically outlining Federal Regulations in any involuntary court proceeding where the identity and location of the child's Indian parents, custodians or tribe is known. Notice will be sent prior to pending proceedings and include their right to intervene with copies sent to the Eastern Regional Office, Bureau of Indian Affairs (BIA). In those cases where the parents cannot be located or the tribe is not known, notice of the proceedings will be sent to the Eastern Regional Director in Nashville, TN. A judicial notice, under development, which includes all Federal Regulations, will be sent to the BIA, Juvenile Office and Judge in cases where the child is eligible for tribal membership. Judicial notice will be taken in the first 90 days and will apply for the duration of the case.

As stated in policy, staff are able to contact the two Native American Indian Centers to consult on ICWA related cases. Staff are to contact the specific tribes related to their ICWA case to help in case management and planning.

In June 2013, policy, training material, and forms were sent to the Kansas City Indian Center for review of ICWA compliance. Dr. Prue who works with the KC Indian Center and is also a professor at the University of Missouri, Kansas City, School of Social Work, was the point person for the review. Dr. Prue shared the information provided by the Division to the Board of Directors of the Kansas City Indian Center meeting. The board reviewed and made recommendations and suggestions to improve policy and training. At this time the Division is taking all suggestions and recommendations under advisement. The Division will also continue to partner with Dr. Prue on developing new ICWA training for all CD staff as a refresher. Goals for the next five years include the following:

- Make revisions to the current ICWA forms, CD-116 and CD-123
- Complete the development of written notice specifically outlining Federal Regulations in any involuntary court proceeding where the identity and location of the child's Indian parents, custodians or tribe is known
- Revise policy to reflect any practice or form changes
- Continue to have discussions with the KC Indian Center in regards to training of all CD staff
- Complete a Systems Change Request in the SACWIS system to better capture the accurate number of children with Native American heritage and those who are eligible for tribal membership or who are already card carrying members
- Regularly share data from SACWIS with courts and Missouri's Native American Indian Centers

The development of training may take some time, however the Division is very excited to have collaboration in this project. It is the Children's Division's plan to reach out to the Springfield Indian Center in regards to the development of training as well.

In June 2013 a Practice Point was posted for all staff titled, *Indian Child Welfare Act (ICWA) Throughout the Life of the Case.* The purpose of this Practice Point was to remind staff of the statutory requirements to comply with ICWA. In the work of each of the programs of the Children's Division, staff should engage the family to collect a comprehensive assessment of the family's culture, including cultural heritage. Staff are directed to continue to ask and document findings and steps towards ICWA compliance throughout the life of the case.

In August 2013, the 72 Hour Plan, FST-2 form was developed to assist staff in completing a preliminary written plan which allows the family to begin working on tasks while the assessment process is completed. The FST-2 is required to be used during a Family Support Team meeting should be held within 72 hours of the child coming into alternative care. The FST-2 is required to be used during this meeting. Specifically the form has an ICWA check box and a question asking if the child has any Native American Heritage. This process is just one way to remind staff of the importance of asking if the child or family has Native American heritage. By asking these questions in the beginning of case planning, staff are able to proceed as needed with ICWA compliance.

4) Barriers/challenges to compliance

The state reports that possible barriers to accomplishing its five-year goals include: completing changes to the SACWIS system, as this can be a lengthy process, coordinating or collaborating with tribes, as Missouri does not have any federally recognized tribes and the tribes already working with specific cases are not always the same tribes and are not always in neighboring states. Most of the tribes Missouri works with are in Oklahoma, however, they are not the same tribes. Some tribes are difficult to communicate with and do not always participate in case planning possibly due to the lack of funding on their part**.**

5) Relevant information from selected tribal CFSPs

There are no federally recognized tribes in the state.

Montana

1) How consultation was conducted with tribes

The CFSP was sent to Montana's seven federally recognized Tribal governments for review and comment. In order to allow for sufficient time to review the entire document, Montana's comment period extends beyond June 30, 2014. Comments received from all stakeholders will be collected, and any CFSP changes resulting from the stakeholder comments will be reported in the 2015 APSR. Stakeholders will have an opportunity for ongoing review and input of the CFSP as the final version and subsequent APSR will be posted to the Child and Family Services Division (CFSD) website.

The state reports that, prior to submission to ACF, the 2015-2019 CFSP will be distributed to the Tribal Social Services Directors of the following tribes: Blackfeet Tribe, Chippewa Cree Tribe (CCT), Confederated Salish and Kootenai Tribes (CSKT), Assiniboine and Gros Ventre Tribes of Fort Belknap, Assiniboine and Sioux Tribes of Fort Peck, Crow Tribe, and Northern Cheyenne Tribe. CFSD will request tribal review and feedback of the CFSP. Once CFSD receives word from ACF that our CFSP has been approved, CFSD will send a copy of the approved plan to each Tribal Social Services agency. The plan will also be added to the CFSD website, and a link to that site will also be provided.

Title IV-E Waiver process
CFSD has also involved Tribes in the state's Title IV-E Waiver process by:

- Sending letters to tribal chairs and/or presidents
- Holding conference calls
- Presenting on the Title IV-E Waiver at the Tribal Social Services Association conference in May 2014
- Attending in-person meetings hosted by the Tribal Social Services Association

At the present, all Montana Tribes have been given an opportunity to take part in the Title IV-E Waiver, but they have all declined. Tribes have been made aware that they can "opt in" and subsequently "opt-out" at any time during the five years the waiver is in place, as set forth in the Terms and Conditions of the Demonstration Project signed by Montana and ACF. Tribes are reluctant to move from an uncapped entitlement to a capped allocation; therefore, it is not likely that Tribes will choose to participate. CFSD entering into the Title IV-E Waiver does not impact Tribes as the Title IV-E contracts negotiated with Tribes remain in place, and the Title IV-E allocations paid to Tribes under the contracts are not subject to CFSD's capped allocation of federal funding. Ongoing communication with Tribes about the Title IV-E Waiver will continue to occur in both large group settings, with multiple Tribes being represented, and meetings with individual Tribes as requested.

Consultation with Tribes on Independent Living Services
CFSD administers, supervises, and oversees the programs carried out under the CFCIP (Section 477(b)(2)). These programs are referred to as the Montana Foster Care Independence Program (MFCIP). CFSD provided oversight to eight contracted regional and Tribal programs which

directly provide MFCIP services and supports. Oversight is reflective of CFSD's MFCIP policy, State and Federal requirements, and the needs identified by the providers.

2) Reported assessment of compliance with ICWA

The state reports that CFSD has discussed ICWA compliance with all seven tribes and, in general, the tribes report they are mostly satisfied with the state's performance in complying with ICWA. The identified barrier when speaking with tribes on ICWA compliance is the ability to identify ICWA cases within the jurisdiction of State District Court and then being able to monitor ICWA compliance.

Currently, CAPS (Montana's SACWIS) does collect some information on ICWA, but the screen is not required to be completed by staff. The information captured on the CAPS ICWA screen allows for tribal status and enrollment number, the date of request for verification sent to tribe, notification of parents made, and tribal jurisdiction.

In an initial review of a small sample of cases (approximately 30) in which information was added to the ICWA screen, it appears about 25% of the information that can be placed onto the screen is being entered on about 25% of the cases. The other issue is the screen was designed to collect information on all Native American children, so if certain data elements are not entered it is impossible to distinguish "Indian children" as defined in ICWA from other Native American children.

CFSD will explore a variety of ways to improve data on ICWA compliance through a combination of training staff on completing the ICWA screen, potential changes to CAPS, and case reviews done in the new CQI process

CFSD inquires about ICWA compliance when meeting with Tribal Social Services. The ICWA Program Manager also maintains routine contact with TSS of the seven federally recognized Tribes in Montana, providing the opportunity for any questions or concerns to be addressed. The ICWA Program Manager also provides technical assistance for State CPS workers in regard to ICWA compliance. CFSD can increase ICWA compliance by early and consistent communication with TSS and by inviting TSS to participate in meetings and case planning decisions.

3) Efforts to promote compliance

The state reports that Indian Child Welfare Act (ICWA) compliance is of utmost importance to CFSD and it will continue to improve compliance with all aspects of ICWA.

The CFSD ICWA Program Manager will provide routine communication between the seven Tribal Social Services agencies and CFSD to ensure the implementation and assessment of the CFSP is an ongoing process. The ICWA Program Manager will promote the State's ICWA compliance by providing technical assistance to CFSD, Tribal Social Services (TSS), and any judicial personnel. ICWA training is provided to all incoming and current CFSD staff, policy

updates and training is provided in quarterly policy webinars, and yearly ICWA Qualified Expert Witness training occurs.

The Tribal Relations Manager is a liaison between Tribal Governments and the State Government. The Tribal Relations Manager provides another resource and contact person for the seven federally recognized Tribes in Montana and is the conduit for the Tribes to negotiate direct Title IV-E.

Jurisdiction
The state reports that Tribal Social Services have jurisdiction and are responsible for providing the child welfare services and protections for Tribal children residing on the reservations. CFSD has jurisdiction and is responsible for providing child welfare services and protections for tribal children residing off the reservations. CFSD is also responsible for providing child welfare services for non-Indians residing on the reservations.

Fort Peck is an anomaly in that CFSD staff provide case management services to Title IV-E eligible Native American youth residing on that reservation. This is accomplished through an agreement between the tribe, CFSD, and the BIA.

Tribal Social Services are responsible for the operation of a case review system for Indian children in their foster care system and jurisdiction. CFSD recognizes and respects tribal sovereignty and their right and abilities to create and monitor their foster care system. Also, the State's Title IV-E contracts are limited to Title IV-E requirements. As case reviews are not a Title IV-E requirement, CFSD cannot compel or require tribes to participate in its Title IV-B required case review activities. While some Tribes may utilize the differential response model, the overall practice is to maintain the children with their family while providing services to remedy the safety concerns.

If it is necessary to remove the child(ren) from the family, relatives are sought to provide a safe home environment. Reunification and other forms of permanency are a priority. CFSD recognizes and respects the customs and traditions of the tribal communities in regard to the issue of terminating parental rights. As long as customary adoptions, that suspend parental rights instead of terminating parental rights, are within the Tribal Code, these adoptions are recognized, supported, and are eligible for a Title IV-E subsidy.

CFSD has Title IV-E contracts with all seven federally recognized tribal governments in Montana. These contracts have been in place for almost twenty years. Under these contracts, the tribes can receive Title IV-E funds for eligible case management and training costs. Tribes also receive a capped allocation of state general fund to use as match to offset part of their administrative expenses. Care and maintenance payments are also reimbursed under the contract. Tribes receive the federal match percentage (FMAP) for their out of home placement costs for Title IV-E eligible children, and the State provides the remaining required match for these placements. Montana Tribes do not pay any of the care and maintenance costs for their Title IV-E eligible children placed in foster care. CFSD has issued Title IV-E Contract Modifications requiring Tribes to conduct annual credit checks for foster youth 16 years and older. CFSD has

also provided training and information on the credit checks to Tribal Social Services on an individual basis as well as at the Tribal Social Services Association meeting.

Five Year Plan
In the next five years, Child and Family Services Division will work on a systematic approach to gather ICWA compliance data and share that data with Tribal Social Services agencies.

- Improved data collection will assist CFSD in identifying ICWA non-compliance efficiently, so it can be addressed in a timely manner.
- CFSD will continue routine communication with the seven Tribal Social Services agencies to gather ICWA compliance information.
- Meetings will be utilized to inquire about any issues, concerns, strategies or improvements of ICWA compliance.
- ICWA Program Manager will continue to provide ICWA training to new and current CFSD staff; as well as, provide any ongoing training when requested.
- Recruitment and Retention of American Indian foster homes will need to be revitalized, so more Native American foster homes are available to allow ICWA placement preferences to be followed.
- CFSD will also continue to meet with and update Tribes on the status of the Title IV-E Waiver.
- Tribal input into the Title IV-E Waiver will continue to be requested, and CFSD will continue to inquire into Tribal interest in opting into the Title IV-E Waiver.

4) Barriers/challenges to compliance

The state did not report any barriers or challenges to ICWA compliance.

5) Relevant information from selected tribal CFSPs

Confederated Salish and Kootenai Tribes

Key Points:

- The Tribal Social Services Department (TSSD) ICWA Specialist has seen an improvement in regard to consultation between the tribe and the state of Montana.
- Missoula County is exceptional in regard to communication with our Tribes ICWA Specialist, making this a very productive working relationship in regard to ICWA concerns.
- Lake County has shown some improvement in this regard, sending ICWA notices with more information in regard to the client's connection to the tribes.
- Communication between other counties in Montana and other tribes have shown continued improvement, in regard to sending notices to CSKT regarding ICWA cases.
- Currently TSSD only has jurisdiction over tribal members and 1st Generation Descendants of any tribe that reside on the Flathead Indian Reservation.
- If there is a home where there is a mix of non-tribal and tribal members, TSSD strives to work closely with Lake County for intervention.
- The Title IV-E contract with the state also provides clarification regarding responsibility for providing the child welfare services and protections for tribal children whether they are under state or tribal jurisdiction.

Involvement with other states

- CSKT has experienced some frustration through its involvement with other States that appear to lack the knowledge or respect involving cases that qualify under the Indian Child Welfare Act. There are some states that fail to provide ongoing communication to the tribe in regard to ICWA cases. The TSSD Social Services ICWA Specialist has addressed these concerns to the Montana State ICWA representative, as late as June 2012.
- It should also be noted that there are other states who are very knowledgeable and who work well with the Tribal ICWA Specialist to ensure ICWA compliance.

Sending States

- According to ICWA law, the sending State is responsible for providing child welfare services and protections delineated at Section 422 (b) (2) of the Act to Tribal children. The State is responsible to identify/offer services and ongoing case management for the purpose of safely returning and maintaining the child at home or achieving another permanent plan for the child.
- The practice of the Confederated Salish and Kootenai Tribes is to maintain the jurisdiction in the sending state, while reserving such right to transfer jurisdiction if circumstances change. In the event that a child is placed on the reservation, the ICWA Specialist becomes the contact person for working with the child/family in collaboration with the sending County Child Welfare Services Department.

Consultation with Tribes

- In the past, the Montana State ICWA Representative has consulted with the tribes periodically to discuss the ICWA practice and the quality of relationship between the tribes and state. The TSSD Social Services ICWA Specialist and TSSD Department Head met in the past with the state ICWA representative to discuss Tribal ICWA issues.
- This year the position for the state's ICWA Specialist has been vacant, but the tribe has been advised the position is filled with a new hire.
- The tribes have seen improvements within services and case management coordination, although it was very concerned with the state Department of Public Health and Human Services' support of a bill that would approve a State ICWA Bill, which would seriously dilute down the Federal ICWA Law for Indian children/Tribes in the State of Montana.

Chippewa Cree

Key Points:

- Some of the issues that the tribe faces as a federally recognized tribe have been addressed through development of an ICWA Advisory Board.
- The Chippewa Cree Tribe Business Committee created the Tribal Indian Child Welfare Act Committee (TICWAC) to staff cases internally. The TICWAC is compromised of the tribal attorney, OAG, the Social Services Department (Social Services Director, IVE Case manager/Supervisor, and IVE Licensure), the Chippewa Cree Tribe Business Committee, and the ICWA Caseworker. TICWAC meets on a monthly basis to make decisions based on the best interest of the child the mandates of the Indian Child Welfare Act. Meetings are also scheduled, as needed, in emergency situations.

- The CCT Social Services Department has routine communication with the state CFSD ICWA program manager. The ICWA and IV-E personnel attend quarterly trainings and meetings with regard to ICWA. The quarterly meetings provide CCT ICWA opportunity to address any questions or concerns with any planned changes in policies, procedures or communications to strengthen compliance.

Provision of services

- Child welfare services and protections for tribal children are derived from multiple service providers, depending on whether the state or tribe has jurisdiction.
- The following provides a description of what positions in the social services and who provides those services to each identified child in the child welfare system.
    - If Tribal Social Services has jurisdiction, then CCT SSD are responsible for providing child welfare protections and services for children residing on the reservation and cases which jurisdiction has been transferred to tribal courts and social services.
    - For children residing off the reservation and CFSD has jurisdiction, then CSFD is responsible for providing child welfare services and protections.
    - CCT Social Services Department are responsible for the processes of case review system for Indian children in their foster care system and in their jurisdiction.
    - With regard to conducting credit reports for the tribal children ages 16 and older in foster care, the position that the child falls under for case management will have the responsibility.

Independent Living Services

- The Chippewa Cree Tribal Social Services Department administers, under agreement or contract with the state, the CFCIP and ETV programs under the five-year plan.
- The Social Services Department coordinates with all programs that impact the safety and environment of all eligible children, young adults who age out of the Foster Care Program, and families and/or individuals who may be eligible for the services.
- Youth identified between the ages of 16-21 and have aged out of the foster care system will be assisted with support and guidance to move toward self-sufficiency.
- Assistance with housing application, referrals to job service, and/or post-secondary education, military, job corps, and assistance with local resources will be the focus on aiding youth toward self-sufficiency.
- The tribe will consult with the state of Montana about programs under the CFCIP in which it relates to determining eligibility for benefits and services and ensuring fair and equitable treatment for Indian youth and progress will be reported in future year(s).

Nebraska

1) How consultation was conducted with tribes

Nebraska's borders: Omaha Tribe, Ponca Tribe of Nebraska (Northern Poncas), Santee Sioux Nation and Winnebago Tribe. The DCFS Program Specialist participates in the monthly Nebraska ICWA Coalition meetings at which all tribes and tribal representatives may attend and discuss issues and make recommendations for improvement. DCFS conducts monthly Tribal Operations and Continuous Quality Improvement (CQI) meetings, attended by representatives of each of the four tribes' directors of human and social services' programs. These meetings focus on discussing and reviewing daily operations issues and a review of data related to achieving positive outcomes for children and families. There have been meetings with a specific focus on planning, goals and the CFSP. Tribal representatives identified the following needs:

- More ICWA facilitation and compliance in Nebraska;
- Additional DCFS staff, and
- The creation of "Native Units" or a similar team in field areas in which there are large numbers of ICWA cases.

The state reports that hardcopies of the 2015-2019 CFSP and the APSRs will be distributed to tribal representatives through the Nebraska ICWA Coalition and to Tribal Councils for tribes whose governmental headquarters are within Nebraska's borders. In addition, electronic copies will be made available via email upon request, and the report will be posted on the DCFS website. The CFSP and APSR will also be shared and discussed regularly during future monthly Operations/CQI meeting with the Tribes.

Tribal Operations and Continuous Quality Improvement (CQI) Meetings
DCFS has worked in partnership with the Santee Sioux Nation, the Winnebago Tribe, the Omaha Tribe and the Ponca Tribe to facilitate monthly Tribal Operations and Continuous Quality Improvement (CQI) Meetings. These meetings began in July 2013 and have occurred monthly since that time. The location of the meetings are scheduled on a rotating basis between the tribal office locations of Norfolk, Santee, Macy, Winnebago and Omaha. During each Tribal Operations meeting topics are discussed to ensure communication with and input from each tribe. Topics have included: foster parent recruitment and licensing, IV-E funding, child welfare services and ICWA related concerns. During each CQI meeting, tribal data is analyzed and barriers to achieving goals are identified and action plans with specific strategies are developed. The following four priorities have been selected for continued monthly review, with the goal to improve performance:

- Monthly contact with tribal wards: The case manager will have monthly face-to-face contact with the Tribal Ward.
- Monthly contact with child in out-of-home placement: The case manager will have monthly face-to-face contact with children placed in out-of-home care.
- Family team meetings: The case manager will conduct a family team meeting at least once every 90 days according to State Policy.
- Placement change documentation within 72 hours: All contact information shall be up-to-date in N-FOCUS within seventy-two hours of any placement change.

Credit Reports
Nebraska and the tribes have addressed the requirement to obtain credit reports for tribal children ages 16 and older in foster care. DCFS has provided technical assistance to assist the tribal independent living workers. DCFS has offered and will continue to offer Independent Living Training to the tribes. DCFS will also continue to submit Native American Youths names to Equifax for credit reporting.

Independent Living Services
DCFS has initiated CFCIP contracts with Omaha, Winnebago and Ponca Tribes of Nebraska. Santee Tribe receive Chafee funds directly from the Federal Government. Each contract outlines the purposes of Chafee Funds. Each tribe has the opportunity to have ongoing consultation about CFCIP programming and allowable services through CFCIP. Consultation is done through a collaborative effort between tribes and DCFS to ensure that Native American youth are receiving services through Chafee. DCFS and the Tribes will continue to have monthly Operation meetings to discuss CFCIP programming. Ongoing education and reminders is provided to each of the tribes about Education and Training Voucher Program eligibility.

In addition, DCFS subgrants with three of Nebraska's federally recognized tribes to deliver Chafee services to native youth. Sub-recipients include the Ponca, Winnebago and Omaha tribes. DCFS provides oversight of the subgrants with the three tribes by meeting with the tribes monthly. The DCFS Program Specialist reviews monthly invoices, semiannual and annual reports, and provides technical assistance.

2) Reported assessment of compliance with ICWA

The state reports the following information related to ICWA compliance, based on input from tribal representatives.

Tribal consultation revealed that ICWA notices may lack information, especially when a single parent does not have complete information on the other parent's family or heritage. DCFS workers are instructed to provide updates to notices if more information becomes available as a case progresses.

Tribal representatives identified the ICWA System Team as an effort that is working well. This effort is beneficial for tribal staff and reveals a need for additional ICWA training for DHHS staff. The ICWA System Team is a place in which training can be provided, as can recommendations for policy as well as procedure updates and tools that will help DCFS staff in working with Native families and complying with ICWA.

Tribal representatives identified the need for a data system to track ICWA compliance, and tribal representatives need to be involved in the development of this system. At a minimum, the data system should track the numbers of Indian children, tribal affiliations, ICWA notices sent and responses received, active efforts, placements within preferences, interventions and requests for transfer.

3) Efforts to promote compliance

Ongoing coordination and collaboration with tribes, DCFS and NFC in the implementation and assessment of the CFSP and monitoring and improvement of DCFS' compliance with the ICWA will be done through ongoing meetings and new efforts in collaboration with tribal representatives. The monthly Tribal Operations/CQI meetings and monthly Nebraska ICWA Coalition meetings will continue to be utilized. Additional meetings, both tribal specific and with representatives of all tribes, will be scheduled to discuss ongoing issues for collaboration. The ICWA data system is one of the larger issues that will require a multi-year effort in the creation, review and analysis of data, and efforts to improve compliance.

Tribes have exclusive jurisdiction over their children, who are residents or domiciled on the reservation and who are wards of tribal courts. DCFS recognizes that the children over whom the four Nebraska tribes exercise exclusive jurisdiction are also children entitled to the child welfare services and protections afforded to all of Nebraska's children. Tribes have concurrent jurisdiction over children who are members or eligible for membership within the tribe, but are under state jurisdiction. Those children are also entitled to the child welfare services and protections as all of Nebraska's children.

The Tribes develop case plans with their children and families that address the child's placement needs in the most appropriate and least restrictive setting in compliance with ICWA and NICWA that most approximates a family. The case plans also address the needs identified that will assist the family in achieving safety, permanency and well-being. The Reunification Assessment is completed on all families where one or more child is in out-of-home care. The Reunification Assessment looks at the current risk level of the family, a parenting time evaluation, a reunification safety assessment and permanency plan recommendations. The combination of these components and the inclusion of the length of time the child has been in out-of-home care assist the worker in determining if reunification should be recommended and the recommendation for the permanency plan. The Risk Reassessment is completed on families where all the children are residing in the home. This assessment guides the workers decision whether the case should be closed or remain open for continued intervention. The tribe's utilization of these tools is sporadic. The Family Strengths and Needs Assessment is the most commonly completed SDM Assessment that the tribal staff utilize.

Each Tribe has court jurisdictions that operate differently. Santee Sioux reports a struggle in obtaining support from the Tribal prosecutor to move forward with new cases of abuse or neglect and follow-up with existing cases. The Director of the Child Welfare Unit for the Santee Sioux has and is taking action to attempt to improve the relationship with the prosecutor in order to obtain court action in cases where children cannot be maintained safely. The Omaha Tribe has an overburdened court system and struggles with obtaining periodic court hearings regarding the children in their care, including permanency hearings. The Winnebago Tribe reports a good relationship with their courts. Timely hearings are held. The Foster Care Review Office in Nebraska should provide an administrative review of cases involving Tribal youth. This topic has not been discussed with the tribes.

DCFS' reports that its data system, N-FOCUS, includes an ICWA notification form, and DCFS workers are trained to complete the form to notify parents, Indian custodians, and tribes. The ICWA notification form includes preprinted rights, including the right to intervene and the right

to request transfer.

DCFS workers are trained on the placement preferences of ICWA. Consultation with tribes reveals that more efforts earlier in the cases would be helpful. DCFS has provided training on identifying and locating family and contacting tribal representatives, and DCFS is working toward adding tools such as the family finding letters and tracking to assist workers in identifying and locating family members.

The Center for Children, Families, and the Law provides active efforts training to new workers. Consultation with tribal representatives reveals a need for additional active efforts guidance for workers and the courts. Additional guidance has been provided through resources for DCFS workers through the ICWA System Team, ICWA Quick Tips, training videos, and for judges, through the Court Improvement Project and new judge orientation.

DCFS provides training concerning the absolute right of a parent, Indian custodian, or tribe to intervene in a child custody proceeding, and the right to request transfer of a foster care placement or termination of parental rights proceeding to the child's tribe's court. In addition, a DCFS administrative memorandum instructs workers to contact the Indian Child Welfare Program Specialist and DHHS Legal Counsel when a request to transfer has been made, to ensure that DCFS staff are acting in compliance with ICWA

There are many efforts underway and planned within the next five years. DCFS' efforts in collaboration with tribal representatives to create a data system to establish baseline ICWA compliance and efforts needed to improve compliance will be key to moving forward. It is DCFS' understanding that the Nebraska ICWA Coalition will move forward with the proposed amendments to the Nebraska ICWA in next year's legislative session. A Nebraska ICWA Procedure Manual will be revised and completed in consultation with tribes. Communication strategies include continuing existing monthly meetings with tribal representatives and adding additional meetings as necessary to design and implement data systems and other efforts to improve ICWA compliance.

4) Barriers/challenges to compliance

The state reports that the greatest barrier to the accomplishment of goals is that of time. There are many issues to be addressed and a limited number of staff that are responsible for the issues. In addition to child welfare work, administrative work of contracts, grants and planning for the future is time consuming. DCFS will address the resource barrier by making meetings as effective and efficient as possible, rotating the location of meetings to ensure that travel is as fair as possible, utilizing technology such as the videoconference system made available to the Nebraska ICWA Coalition by the Ponca Tribe, and scheduling conference calls to save travel time when possible.

5) Relevant information from selected tribal CFSPs

Winnebago Tribe of Nebraska

Key Points:

- Neither the existing “Child Welfare and Juvenile Services” state contract nor the Tribe's “Independent Living” contract with the state specifically address the requirement to obtain credit reports for tribal children ages 16 and up in foster care, that requirement is included in the CFP policy and procedure manual and the IV-E pre-print which are currently drafted and which will be submitted in their final approved form as part of our IV-E Plan submission to ACF.
- Consultation between the state of Nebraska Department of Health & Human Services and the Tribe has been conducted (and is expected to be on-going) via a range of shared meetings and initiatives. The State contracts with the tribe for child welfare services, independent living services, and for access to Title IV-E funding for out-of-home care. In addition, the State coordinates and collaborates with the Tribe on child welfare issues with the federal Department of Health and Human Services Children's Bureau, through the Nebraska ICWA Coalition, the Nebraska Commission on Indian Affairs, the Community Initiative for Native Children and Families, and by providing shared state/tribal testimony to state legislators on issues pertaining to tribal child welfare. Further the State is a collaborator on the five-year Native Families 4 Native Children (NF4NC) Diligent Recruitment initiative for which the Tribe is the grantee.
- The State’s ICWA Specialist has worked with the tribe to identify needs of tribal systems to better serve children and families who come to the attention of CFS. A Tribal Operations and Continuous Quality Improvement (TQI) group formed in 2013 and continues to meet monthly. The Operations and TQI process brings the State and all four Nebraska tribes together to collaborate and address challenges. The location of the meeting rotates among the four tribes. Discussions focus on child welfare issues including independent living, IV-E, diligent recruitment, child welfare data management, monthly visits of tribal wards, family team meetings, and documentation of placement changes, among other things.
- The primary mechanism for state/tribal consultation regarding ICWA is the Nebraska ICWA Coalition. This task force - made up of tribal representatives, ICWA specialists, attorneys, and other advocates - has worked to better the lives of Native American children and families in Nebraska's foster care system. The ICWA Coalition has short and long-term goals, which include determining a need for changes to Nebraska's ICWA law using input from the Omaha, Winnebago, Santee Sioux, Ponca, and other tribal populations in the state. Preserving Native American culture, reducing disproportionality and improving awareness of and compliance with the Indian Child Welfare Act are the highest priorities of the ICWA Coalition.
- The ICWA Coalition has met on a nearly monthly basis since 2007 and has collaborated on several projects including developing a list of tribal social services resources, identifying and training tribal expert witnesses, conducting ICWA trainings to attorneys and others, raising awareness of ICWA issues, and generally working to develop relationships and increase communications between state and tribal advocates. For example, in 2009, the Coalition submitted an amicus curiae brief to the Nebraska Supreme Court in the case of In re Interest of Elias L., which insured that tribal representatives can intervene in juvenile cases involving Native American children to help children maintain connections with their tribes. The Coalition has been actively involved with interim studies to educate Nebraska legislators on how well the state is complying with the ICWA law.

- State and tribal responsibilities for providing child welfare services and protections for tribal children (and other residents of the Winnebago reservation) are formalized and delineated in the "Child Welfare and Juvenile Services" contract that is executed and implemented between the State of Nebraska and the Winnebago Tribe of Nebraska. Under this contract, the State provides compensation to the Tribe in exchange for the Tribe's delivery of child welfare services (in compliance with federal guidelines) to children and families located on or near the Winnebago reservation. The contract identifies (among other things):
    - The goals of the State regarding promoting stability and safety of Native American children;
    - The State's recognition that the best interests of Native American children are served when children remain culturally linked to the Tribe;
    - Both State and Tribal responsibilities for mutual cooperation in conducting joint assessments, shared training opportunities, sharing background data, and maintaining child welfare data;
    - The Tribe's obligations (as contractor) to provide the full range of child welfare services to abused and neglected tribal children and their families. This includes the Tribe's implementation of a case review system, preplacement preventative services, reunification services, and placement into appropriate out-of-home care; and
    - Goals and expectations related to meeting federal safety, timeliness, and permanency requirements.
- The full range of child and family services (child protective services, in-home services, foster care, guardianship, adoption, and independent living) are provided by the Winnebago Child & Family Services department so coordination of services occurs internally, through our management structure and team meetings.
- Since the tribe's services are partially funded by a combination of state and tribal dollars, its consultation process includes extensive discussions with the State of Nebraska Department of Health & Human Services (DHHS). The tribe has conducted a series of meetings with DHHS leadership focused on IV-E and Child & Family Services contract negotiations, and have also established a monthly "Tribal Operations" meeting between leaders from all Nebraska tribes and State DHHS administrators. The same partners also meet regularly via a Continuous Quality Improvement (CQI) work group process to address needs related to service enhancement, data sharing, training, and improved coordination.
- The tribe's Child and Family Service Department has also been engaged in Training and Technical Assistance from National Resource Centers over most of the past year to conduct an assessment of our tribal child welfare system, and to create a strategic plan for the next five years. Consultation with the T/TA providers as well as work groups, partner agencies, state representatives, and other stakeholders occurred within the structure of this extensive assessment and planning process. The tribe also obtained input from community members, service providers, and Tribal Council through a series of community forums facilitated by the T/TA providers and our Child & Family Services Administrative staff.

Nevada

1) How consultation was conducted with tribes

The state reports that it has 25 tribal entities that include federally recognized tribes, bands and colonies. The Bureau of Indian Affairs (BIA) has social workers that work in partnership with the State regarding issues with Nevada Tribes.

Consultation with Tribes on CFSP
The Division of Child and Family Services (DCFS) will make the FY 2015 - 2019 Child and Family Services Plan and the Annual Progress and Services available for public review and inspection through the State's website. Additionally, APSRs are on the website. DCFS will notify Nevada Tribes through email and the meetings of ICW Committee, Inter-Tribal Council of Nevada (ITCN) annual conference, ITCN Executive Board and the Department of Health and Human Services Tribal Liaison Committee. There are no Nevada Indian Tribes that have an approved CFSP. At present there is one tribe in Nevada, the Washoe Tribe of Nevada and California, in the process of applying for IV-B funding and are requesting consultation with DCFS. In the upcoming year DCFS will be implementing a consultation process.

In the FY 2015 - 2019 reporting period DCFS will be establishing and implementing tribal consultation specific to child welfare to create an open and meaningful consultation process between DCFS and Nevada Tribes. This will facilitate better communication and collaboration between the entities for the issues that impact Nevada's Native children to resolve the issues for the benefit of the children. DCFS will be in communication the leadership or their designee to work together to develop and establish the process.

At the Children’s Justice Act Indian Child Welfare (CJA ICW) meeting on January 23, 2014, March 27, 2014, and May 29, 2014, discussion occurred with the membership to address the needs of tribes and input regarding the CFSP. DCFS will use this forum in the FY 2015 - 2019 reporting period along with the ITCN Executive Board Meetings and the ITCN Annual Conferences, wherein Tribal leaders and social workers participate. This will allow opportunities to address issues such as instituting formal consultations with tribes and identifying areas of training needs of tribes.

Tribal Liaisons
As in the past reporting years, DCFS will continue to gather input, collaborate, and consult with the tribes through quarterly meetings with the Inter-Tribal Council of Nevada (ITCN) Executive Board meeting with Tribal Leaders and quarterly meetings with the Department of Health and Human Services Tribal Liaison Committee. DCFS has a Nevada Indian Child Welfare Liaison position that provides technical assistance to the practice level of the statewide child welfare system including, case consultation, and training on ICWA. The position also facilitates bi-monthly meetings with the Statewide CJA Task Force Indian Child Welfare Committee (CJA ICW Committee).

CJA ICW

CJA ICW is the forum for discussion and recommendation for improving the child welfare system involving Indian children/families with regard to policies, procedures, practice interface and relating to this special group. The CJA ICW membership is comprised of all child welfare agencies in Nevada, Nevada Tribes, BIA and statewide stakeholders. It will allow for the provision of constructive feedback between the agency and Tribes regarding programs, policies, procedures, and practice that may be incorporated into the State Plan.

Independent Living Service
Nevada distributes IL funds, both federal and state funds, to tribal youth through the Fallon Paiute-Shoshone Tribal Stepping Stones Shelter, enabling the tribes to develop programming specific to tribal youth's needs. Stepping Stones was designated to be the Chafee recipient by the Nevada tribal entities after lengthy consultation and deliberation. DCFS has consulted and educated the tribes about the IL program and what is available to Indian youth via presentation at the Indian Child Welfare Act meeting. Stepping Stones also coordinates outreach efforts with Nevada's 26 Tribes. Tribal youth are eligible for IL services if they meet all the same requirements as non-Tribal youth in the state.

2) Reported assessment of compliance with ICWA

The information that the state reports related to ICWA compliance is primarily focused on policies and required practices, rather than on how well the state is meeting those requirements in practice.

Although not reported as being specifically related to ICWA, the state reports that in 76 percent of the applicable cases, reviewers determined that the agency had made concerted efforts to maintain the child's connections with extended family, culture, religion, community and school and that the required percent is 90.

3) Efforts to promote compliance

DCFS Collaboration with Tribes
DCFS will be collaborating and consulting with the Tribal social services and Tribal leaders to expand partnerships, implement guidelines of communication, consultations, and sharing of available resources to allow for the provision of constructive feedback between the agency and Tribes.

Policy Revisions for ICWA Compliance
The Nevada Revised Statutes has embodied the provisions of the Federal Indian Child Welfare Act in several subsections of the State law. ICWA policy was developed and approved in December of 2013 by DCFS, CCDFS and WCDSS.

DCFS Permanency Roundtables
The specific measures DCFS uses to comply with the Indian Child Welfare Act are through case compliance/quality assurance review and training. In the rural regions of the state, DCFS will accomplish this through specific case reviews with the DCFS' Permanency Roundtable. The key outcome of the roundtable consultations is to provide permanency action plan for each child within the DCFS's legal custody.

DCFS Staff Training on ICWA Policy and Procedure
Training regarding Nevada's ICWA policy and procedure will be provided to the DCFS staff in each District Office. DCFS will also offer training to social service personnel of CCDFS and WCDSS. For new State and County Social Workers the mandates of ICWA are included in the mandatory Nevada CORE Training. The Nevada Children's Justice Act Task Force has published the "Indian Child Welfare Resource Guide for Nevada" that was jointly developed and finalized in 2003 by the members of the Indian Child Welfare Steering Committee. This publication was designed to assist State and county child welfare agencies on the law and contacts within Nevada Tribes. The publication is a resource guide and is available on DCFS' website. This Guide is in the processing of being updated.

Notification to Tribes
If a child in protective custody is determined to be of Indian descent, the child welfare agency must notify the tribe in writing at the beginning of the proceedings. If the Indian child is eligible for membership in more than one tribe, each tribe must be notified.

State policy 0504 Indian Child Welfare Act (ICWA) prioritizes the recognition of a child being an Indian child and assures that the child's tribe be contacted immediately when an Indian child is taken into custody. The Tribe then becomes an active participant in any further proceedings regarding the child.

Continuous Quality Improvement in State's Compliance with ICWA Policies
The SQIC is charged with statewide implementation and enhancement of a continuous quality improvement (CQI) system. One of the functional components of a CQI system includes feedback to Stakeholders and Decision-makers to help guide collaborative efforts that will result in overall improvement of outcomes for children and families. One of Nevada's goals for the 2015-2019 CFSP is to ensure the state will be able to identify the strengths and needs of the child protective service delivery system.

Additionally, a corresponding objective is to eliminate gaps in the overall five functional components of CQI which includes feedback to Stakeholders and Decision-makers. Therefore, over the next five years the SQIC will be utilizing such activities as workgroups, sub-committees and work plans to enhance meaningful collaboration to stakeholders and decision-makers. Meaningful collaboration will incorporate such activities as communicating results (trends, comparisons, and findings) in understandable formats for use by agency leadership/top management, courts, tribes, future entities that establish Title IV-E agreements, and other stakeholders to drive improvement in practice and services and promote the shared goals and outcomes of the CFSP.

Memoranda of Understanding with Tribes
The establishment of the Memorandum of Understanding will allow for greater collaboration between the state, tribe, and counties for better provision of services on and off the tribal communities in Nevada, and the reduction of trauma to American Indian children by placing them within their own communities. DCFS has executed a Memorandum of Understanding (MOU) and protocols for the social workers to implement the placement of children onto tribal land with the Yerington Paiute Tribe in 2012, which still remains in effect. A series of meetings

with Tribal leadership and DCFS have occurred to establish the Memorandum of Understanding with:

- Pyramid Lake Paiute Tribe
- Fallon Paiute Tribe
- Te-Moak Band of Western Shoshone and its Councils of Battle Mountain, Elko, Wells, and South Fork
- Confederated Tribes of the Goshute Reservation

The Te-Moak Band of Western Shoshone was provided with the MOU template and there has been no further contact. The Attorney General representing DCFS approved the MOU for the Fallon Paiute Shoshone Tribe which was forward to the Tribe in 2012 and is still with the Tribe. MOUs with Pyramid Lake Paiute Tribe and The Confederated Tribes of the Goshute Reservation are in the negotiation process with the Attorney General of Nevada. In the 2015 - 2019 CSFP the DCFS will be presenting the MOU agreement for collaboration with the remaining Tribes that do not have MOUs in place.

4) Barriers/challenges to compliance

The state did not report any specific barriers or challenges to ICWA compliance.

5) Relevant information from selected tribal CFSPs

Washoe Tribe

Key Points:

- Both the states of Nevada and California are working to improve their consultation process and develop a policy to guide their consultations. Nevada has reached out for advice on how to establish a consultation policy and attended a recent ACF consultation in Washington DC. The state of Nevada consulted via teleconference to address Washoe questions and concerns (Washoe is the only IV-B tribe in Nevada).
- Nevada held a teleconference to discuss the IV-B plans and requirements and described to the tribe how it was carrying out its responsibility under CFCIP.
- Nevada made staff available on Chafee and Medicaid programs, and there was valuable follow up. It wasn't true consultation, but progress has definitely been made.
- Nevada provides few services to children living on tribal lands. There have been situations where the State removed a child off tribal lands and placed them with relatives on tribal lands. Washoe and Nevada have been in discussions for some time about coming to an agreement about how services should be provided but as of yet, those talks have not been fruitful. Adding to the confusion is turn over both at the Tribe and at the State. Again, the partners have recognized the need for protocols and are working on their development.

New Hampshire

1) How consultation was conducted with tribes

There are no federally recognized tribes in New Hampshire. The state reports that, while the indigenous people of New Hampshire include Abenaki and Penacook tribes, over 4,000 American Indian/Alaskan Native residents of the state reported tribal affiliations with federally recognized tribes in other states.

The state's Division for Children, Youth and Families (DCYF) began discussions with members of the Abenaki Community in March 2006. The purpose of the discussions centered on how there should be some formalization of an American Indian group in New Hampshire, and how DCYF could partner with that group to better address the needs of Native American families and their children. Long-term benefits to DCYF were to include having a common spokesperson that could represent the collective American Indian community. Such an organization could potentially receive support through the Safe & Stable Families grant if it provides preventive services directly beneficial to children to avoid formal DCYF involvement, and avoid the removal of children from their homes. Building greater awareness about foster care recruitment/licensing among this community would increase the likelihood that if a child is temporarily removed from home, he or she can be placed with a similar American Indian family. Finally, it was hoped that this group could provide better direction for DCYF to engage in meaningful, formal relationships with recognized tribes in nearby states. Legislative action was proposed.

2) Reported assessment of compliance with ICWA

The state did not report any information on its assessment of compliance with ICWA.

3) Efforts to promote compliance

The DCYF ICWA Manager has participated in monthly conference calls with the State ICWA Managers from other states. Through this participation the Division has connected with other states about Indian Child Welfare Act issues such as programs for monitoring compliance, training models that other states have developed, accepted documentation, and specific case related issues.

Effective July 20, 2010, the New Hampshire legislature established The New Hampshire Commission on Native American Affairs. The purpose is to recognize the historical and cultural contributions of Native Americans to New Hampshire, to promote and strengthen their heritage, and to further address their needs through state policy and programs. The commission has established committees including a Social Services Committee that might be assigned work on child welfare issues. Administrative and field staff met with two representatives of the commission to begin to discuss collaboration between the Division for Children, Youth and Families and the commission. Two goals were considered. The first was to work toward better education and training about the Indian Child Welfare Act in the community (judges, CASA staff and mental health clinicians) and with DCYF staff. The second goal was for representatives

of the commission to consult with DCYF staff about ICWA issues and on specific cases.

Over the years, DCYF has maintained a relationship with the director of Wijokadoak, Incorporated, a New Hampshire based non-profit, social service organization advocating for individuals who are of Abenaki and other tribal descent. The director has remained available to consult in the development of a training curriculum and specific materials and training goals regarding the Indian Child Welfare Act. As a result of this partnership, staff training on (ICWA) is incorporated into the DCYF's new employee Core training curriculum for cultural competency. In addition to Core training, presentations about the importance of ICWA have been made available the district offices.

In 2013, New Hampshire developed formal policy (Item 704) to reinforce the use of case-planning documents that are completed at the time of assessment to ensure the continued compliance with Indian Child Welfare Act related issues for children and families in contact with the Division. New Hampshire continues to be diligent in its efforts to identify and verify the ethnicity of all children receiving DCYF services and to follow the mandates of ICWA.

4) Barriers/challenges to compliance

The state did not report any barriers or challenges to ICWA compliance.

5) Relevant information from selected tribal CFSPs

There are no federally recognized tribes in New Hampshire.

New Jersey

1) How consultation was conducted with tribes

New Jersey does not have any federally recognized Indian Tribes, but does have state-recognized tribes. The state reports that, in an ongoing effort to build collaborative relationships with the community throughout New Jersey, the Department of Children and Families (DCF) has solicited feedback from the Commission on Indian Affairs, which is administered through the New Jersey Department of State.

2) Reported assessment of compliance with ICWA

As a part of the Children in Court (CIC) Business Analysis, Judiciary staff collected information from across the state with regard to issues in case processing. Through this analysis, it was found that judges and court staff could benefit from a reminder system that included items such as ICWA. In order to assist judges and court staff, this is being addressed as part of the new case management system to be developed using Court Improvement Program funds. Additionally, the new case management system will create the ability to track accurate data regarding ICWA cases.

In discussion with the Commission about ICWA, the following feedback was received:

- While ICWA addresses Federally-recognized tribes, it is important to abide the intent relative to State-recognized tribes so that Indian children are provided culturally appropriate services.
- The Commission has developed a web-site that provides information to all state departments and the general public about issues of concern to the tribes, background on tribal origins and important events.
- The Division's case practice reform efforts continue to expand throughout the state, offering opportunity to address two ongoing concerns about the identification of tribal members and the provision of culturally sensitive services to families with a tribal affiliation. Key components of this initiative are the engagement of families and their ability to share their own background and history. The model of practice focuses on services customized for the family's needs, the use of self-selected family supports and community resources, and the use of family meetings as a planning mechanism. All offer tribal members a means to keep children within their communities and enable them to receive supports that fit their needs. DCF has presented information regarding these reforms, and on the process of relatives and kin becoming caregivers to tribal leaders and the larger community.
- The Commission continues to be available to help the child welfare agency to resolve a child's status.
- Commission representatives have been involved in the CFSR process, participating in discussion groups as part of the Statewide Assessment process focusing on Systemic Factor F, Agency Response to the Community, and were invited to participate in the on-site stakeholder interviews. Their input will continue to be sought in child welfare processes.

3) Efforts to promote compliance

New Jersey reports that members of the three state-recognized tribes—the Ramapough Mountain, Nanticoke-Lenape, and Powhatan-Renape—as well as Inter-tribal peoples who lack a formal tribal affiliation, reside in the state. The Department of Children and Families may provide services to children who are members of one of the State-recognized tribes, as well as to children who currently reside in New Jersey but are members of, or eligible for membership in, tribes outside of New Jersey. New Jersey seeks to appropriately serve Indian children within the requirements and spirit of the Indian Child Welfare Act, regardless of their tribal affiliation.

The number of Indian children who come into services through the Division of Child Protection and Permanency (DCP&P) is small. DCP&P has developed policies and procedures to address the provisions of ICWA relative to identifying a child as of Indian heritage; addressing removal and placement; and selection of a resource home, including an adoptive home. Our work in this area has included outreach to the Commission, which continues to provide advice on a case specific basis, as well as consultative services in order to meet the requirements set forth.

All new adoption workers are trained on the rules and guidelines of ICWA. With this, an integrated practice guide is available to assist staff in appropriately identifying any tribal affiliations of youth within the first five days of placement. Concurrent planners also regularly discuss a child's possible tribal affiliation to ensure staff is continually following up on the issue and appropriately collaborating or transferring cases to tribes when necessary.

The Administrative Office of the Courts also has worked to strengthen its protocol to handle cases under ICWA. In ongoing practice, the courts and the Deputies Attorney General apply the provisions of the Indian Child Welfare Act successfully. They require that tribal affiliations be included in all final adoption papers. Matters which must be transferred to tribal jurisdiction are handled appropriately, focus on the law, and their interactions with staff are maintained as necessary.

4) Barriers/challenges to compliance

The state did not report any barriers or challenges to ICWA compliance.

5) Relevant information from selected tribal CFSPs

There are no federally recognized tribes in New Jersey.

New Mexico

1) How consultation was conducted with tribes

The state reports that its 2015-2019 plan was developed after a series of weekly meetings with stakeholders that occurred in April and May 2014. Representative from the following tribal entities that were able to attend some of the meetings: the Navajo Nation, the Pueblo of Zuni, and the Pueblo of Acoma.

Tribal input for the state's plan was obtained through the April and May 2014 stakeholder meetings and through the Title IV-B Tribal meeting that occurred in April 2014. After each stakeholder meeting notes were sent out through e-mail to be distributed for additional input and feedback. The state's Protective Services Division (PSD) utilized the Indian Affairs Department to assist in sending out invitations each of the tribes and pueblos for the PSD stakeholder meetings. The stakeholder meetings were also advertised in the Indian Affairs Department's newsletter in April and May of 2014. Information obtained from the April and May 2014 stakeholder meetings and Title IV-B tribal meeting was utilized to develop PSD's strengths, challenges and assisted in identifying goals for its Plan for Improvement.

Over the next five years, PSD plans to hold monthly stakeholder meetings to obtain ongoing feedback and assist in identifying strengths, challenges and progress towards goals. PSD will share the CFSP with tribal partners through the Native American Liaison and tribal contacts. The state will request a copy of each tribal CFSP directly through their governor or president and through the tribal liaison.

Coordination and Collaboration with Tribes
Opportunities for consultation also occurred throughout the year and involved formal public hearings and meetings, and presentations at both the foster parent and annual Children's Law Conferences as well as through ongoing collaborations. Below are some opportunities PSD utilizes for collaboration and coordination of services with New Mexico tribal partners.

- Tribal State Judicial Consortium—The purpose of the tribal consortium is to build closer relationships between the state and tribal courts and enhance communications. PSD attends quarterly meetings as an interested party. Subcommittees address state services for tribal children, full faith and credit, collaboration and compliance with ICWA.
- Indian Child Welfare Protection Conference—Coordinated in collaboration between the Children, Youth and Families Department (CYFD), the Bureau of Indian Affairs (BIA), community partners and tribes around the state. PSD presentation at the yearly Tribal Title IV-B, includes presentations on Title IV-E, Chaffee funds, ETV funds and obtaining feedback from tribal partners.
- Intergovernmental Agreements (IGAs)—Ongoing discussions with PSD and tribes around the state to address the option of entering into an IGA that addresses tribal licensing. One goal of the IGA is to increase ICWA preferential placements by partnering with tribes to increase licensing of tribal foster families. Currently for a foster family to be licensed by a tribal entity, CYFD is required to enter into Intergovernmental agreements (IGA) with the tribe. Quarterly IGA meetings with Navajo Nation to discuss the roles and responsibilities of the Nation and the state for ensuring ICWA placement preference for Indian children.
- Quarterly ICWA staffing with Navajo Nations, so children outcomes can be achieved more timely. PSD notification to tribes when children come into care and ongoing partnering with the tribe during the time the child is in custody.

Title IV-E
The Title IV-E unit provides ongoing collaboration, training and technical assistance with tribes, pueblos and the Nation in the area of IV-E. PSD partners with the Children's Court Improvement Commission (CCIC) cross-training grant to ensure tribal representatives are invited to all training events and topics are relevant to tribal partners. PSD participates in the BIA-Tribal Social Services quarterly meetings on ICWA coordination issues and concerns in order to jointly address children and family issues. PSD utilizes its CYFD Native American liaison to assist in facilitation and mediation of some staffing, provide information to out of state tribes and assist with tribal requests for home studies for off reservation homes.

PSD has identified a PSD Title IV-E staff person to be the designated primary contact for eligibility determinations, questions, consultations and technical assistance or training regarding children in tribal custody. Templates have also been developed for court orders in tribal court to incorporate the required language in the order to determine IV-E eligibility. Tribal youth are eligible for the same services under the Chafee Foster Care Independence Program and Education and Training Voucher Program as youth in the custody of the state.

ICWA Requirements in State Law, Regulations, and Policy
Compliance with the Indian Child Welfare Act (ICWA) is a high priority for PSD, CYFD, and the State of New Mexico. ICWA requirements are included in PSD policies in many places, including an extensive section in Legal Services and specific references and requirements in Investigation, Permanency Planning, and Adoption Act Regulations. The New Mexico Children's Code incorporates the provisions of ICWA into state law. Specifically:

- Notification of Indian parents and Tribes of State proceedings involving Indian children and their right to intervene: PSD Intake Policy (8.10.2.14 NMAC)
- PSD Investigation Policy (8.10.3.15 NMAC; 8.10.3.16 NMAC)
- PSD Legal Services Policy (8.10.7.27 NMAC)
- NM Children's Code Abuse & Neglect Act 32A-4-6 NMSA 1978 (Taking into custody), 32A-4-22 NMSA 1978 (Disposition of adjudicated abused or neglected child)
- Placement preferences of Indian children in foster care, pre-adoptive, and adoptive homes: PSD Legal Services Policy (8.10.7.27 NMAC)
- PSD Permanency Planning Policy (8.10.3.11 NMAC)
- PSD Adoption Act Regulations (8.26.3.44 NMAC)
- NM Children's Code Abuse & Neglect Act 32A-4-9 NMSA 1978 (Indian child placement preferences), 32A-4-21 NMSA 1978 (Neglect or abuse predisposition studies...), 32A-4-22 NMSA 1978 (Disposition of adjudicated abused or neglected child)
- Children's Code Adoptions Act 32A-5-4 NMSA 1978 (Application of federal Indian Child Welfare Act of 1978), 32A-5-5 NMSA 1978 (Indian child placement preferences)
- Active efforts to prevent the breakup of the Indian family when parties seek to place a child in foster care or for adoption: PSD Permanency Planning Policy (8.10.8.19 NMAC)
- NM Children's Code Abuse & Neglect Act 32A-4-24 NMSA 1978 (Periodic Review of dispositional judgments), 32A-4-28 NMSA 1978 (Termination of parental rights; adoption decree), 32A-4-20 NMSA 1978 (Termination procedure)
- NM Children's Code Adoptions Act 32A-5-4 NMSA 1978 (Application of federal Indian Child Welfare Act of 1978), 32A-5-5 NMSA 1978 (Indian child placement preferences)
- Tribal right to intervene in State proceedings or transfer proceedings to the jurisdiction of the tribe: PSD Legal Services Policy (8.10.7.27 NMAC)

- NM Children's Code Abuse & Neglect Act 32A-4-6 NMSA 1978 (Taking into custody), 32A-4-27 NMSA 1978 (Intervention; persons permitted to intervene)

State Collaboration with Tribes
PSD has been committed to working collaboratively with the 22 tribes located in New Mexico, as well as with those tribes whose members come into the care of the agency. PSD utilizes the CYFD Native American Liaison and different tribal and state meetings such as the Title IV-B Tribal meeting to further collaboration. PSD will share the CFSP with tribal partners through the Native American Liaison and tribal contacts - tribal governors or presidents. PSD will request a copy of each tribe or pueblos' CFSP through their governor or president and through PSD Native American liaison.

PSD actively works with tribal social services, in collaboration with the CYFD Native American liaison (NAL), to ensure tribes are familiar with and have access to PSD services, including Chafee/ETV services, Title IV-E foster care maintenance agreements and training.

Independent Living Services
All services provided to New Mexico youth under CFCIP are available to eligible youth who were under tribal social services custody. The referral for services can come from any source including community service providers, schools, or the tribes themselves. Prior to this past year, Youth Services received such requests for services for one or two youth each year. This past year, Youth Services has received referrals for 13 eligible tribal youth representing five of the 22 tribes and pueblos in New Mexico. Each year, the Youth Services Bureau staff participate in the New Mexico tribal IV-B meeting. During this meeting youth services staff discuss the services available to youth who emancipate from the tribal social services systems. This includes information on ETV funds, transition support services, and the new Foster Youth Tuition and Fee Waiver passed in the 2014 legislative session.

Youth Services staff ensure copies of referral forms, updates on changes to the program, and updated contact information are provided to tribal social services. This information is also provided upon the tribe or community service providers' request. All CFCIP services are offered on an equal basis to youth who emancipate from CYFD custody or tribal custody or to those who were adopted after the age of 16. (See Section VI - Chafee Foster Care Independence Program section B - Description of Program Design and Delivery for a more detailed description of the CFCIP program design and delivery.) All of these services are provided to eligible tribal youth.

At this time, no tribe has requested to develop an agreement to administer, supervise, or oversee the CFCIP or ETV program with respect to eligible Indian children or to receive an appropriate portion of the state's allotment for such administration or supervision.

Determining Eligibility for Benefits and Services
All youth who emancipate from PSD at age 18 are eligible for the services and benefits described in this plan. All youth who emancipate from one of the 22 New Mexico tribes and pueblos foster care system are also eligible for all the benefits and services described in this plan. Youth who emancipate from foster care in other states and move to New Mexico are eligible for all the benefits and services that are available to New Mexico youth with the exception of Medicaid through the foster youth provision of the Affordable Care Act. Those youth are likely to be eligible for Medicaid through the Medicaid expansion of the Affordable Care Act and staff are able to assist youth in applying for Medicaid through the Income Support Division of the Human Services Department. Youth who were adopted from foster care after the age of 16 in New Mexico or from the tribes and pueblos in New Mexico, and youth who were adopted from foster care in another state after the age of 16 are all eligible for the services described in this plan.

2) Reported assessment of compliance with ICWA

The state reports that ICWA compliance is documented in individual case records (in court reports, activities, narratives, etc.) and compliance data will be obtained through Quality Assurance (QA).

QA Legal Review
PSD conducts a QA legal review every month that supports PSD obtain data on timeliness of court hearings and permanency goal. The QA legal review ICWA questions will assist PSD in obtaining additional data around ICWA compliance.

There are also specific questions to gather data about Indian Child Welfare Act (ICWA) cases, termination of parental rights, and youth in foster care. The intent of the review is to determine the strengths and challenges from the legal perspective and to identify opportunities for improved collaboration between legal services and program services. The QA unit will be developing a process for reporting this data on an annual basis.

At this time, the QA unit is not specifically targeting ICWA eligible cases for review, however ICWA cases are reviewed as part of the Legal Review. Historically, results from the review were reported out on a monthly basis and included only the data for the county being reviewed.

ICWA Annual Compliance Report
Beginning in July 2014, the QA unit has begun to gather data to create an annual compliance report in regard to ICWA. During the Legal Review, when a randomly selected case is ICWA eligible, the QA team supplements the review with the following questions to gather data around ICWA compliance:

- Was a notice sent to the Tribe via certified or registered mail?
- Did the notice include the Tribes right to intervene?
- Did the notice include the right to move for transfer of proceedings to the jurisdiction of the Tribe?
- Was the notice sent within ten business days of filing?
- Was the notice received by the Tribe at least ten days prior to adjudication?
- At the (Custody Hearing, Adjudication, Initial Judicial Review, Initial Permanency Hearing, Ongoing Permanency Hearing), was the child placed in accordance with ICWA placement preferences?
- At the (Custody Hearing, Adjudication, Initial Judicial Review, Initial Permanency Hearing, Ongoing Permanency Hearing), if the child was not placed in accordance with ICWA placement preferences, did the Court find that there was good cause to deviate?
- At the Adjudicatory Hearing, did the Court find that active efforts were made to provide remedial services and rehabilitative programs designed to prevent the break-up of the Indian family and that these efforts were proved unsuccessful?
- At the Adjudicatory Hearing, was there clear and convincing evidence, including testimony of a qualified expert witness that the continued custody of the child by the parent of Indian custodian is likely to result in serious emotional or physical damage to the child?
- Did the motion to terminate parental rights include the Tribal affiliations of the child's parents?
- Did the motion to terminate parental rights to include the specific actions taken by the moving party to notify the parents' tribes and the results of the contacts, including the

names, addresses, titles, and telephone numbers of the persons contacted? Copies of any correspondence with the tribes shall be attached as exhibits to the petition.

- At TPR, did the Court find that active efforts were made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and that these efforts have proved unsuccessful?
- At the TPR, was there a finding of beyond a reasonable doubt, including testimony of qualified expert witnesses that the continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child?

3) Efforts to promote compliance

The state reports that PSD partners with various pueblos and Navajo Nation to collaborate with recruitment of Native American foster and adoptive homes. PSD can obtain minimal data on the number of homes recruited and retained. PSD continues to collaborate with CYFD Native American liaison, Bureau of Indian Affairs (BIA), Navajo Nation and pueblos to further improve and develop foster and adoptive parent recruitment and retention.

PSD will continue to collaborate with the Consortium for Children to discuss cultural barriers when completing the interview process with prospective families. PSD will continue to obtain technical assistance from the Consortium for Children for home study writers within PSD, child placement agencies and private contractors. PSD will continue to provide SAFE training through PSD staff, contractors and child placement agencies via PSD trainers and Consortium for Children. PSD will provide yearly relevant cultural trainings to staff. PSD will develop procedures or protocols for staff to engage effectively with diverse cultural, racial, and economic communities who are reflective of the children and youth in foster care.

The state reports that a tribal ICWA conference will be held in July 2014. The focus will be on how to enhance tribal and state relations.

Through the Native American liaison, PSD will continue to work with the New Mexico tribes and pueblos to improve the relationship between tribal and state governments.

PSD ensures compliance with ICWA through staff training, supervision, QA reviews and ongoing meetings with tribal representatives. PSD will continue to address ICWA compliance through training. ICWA is included in the legal module of foundations of practice. A 90-minute e-learning course, Introduction to ICWA, is also mandatory for all staff. PSD will utilize data from QA Reviews, information obtained from judicial partners, and information from meetings between PSD and tribal partners to improve or maintain the state's compliance with ICWA.

4) Barriers/challenges to compliance

The state reports on some specific challenges related to serving Native American children and families, described below.

- Insufficient Recruiting and Retention—PSD smaller counties have difficulty locating and maintaining foster parent liaisons. PSD continues to be challenged in recruitment and retention of Native American foster families. PSD has an insufficient number of recruitment specialists to serve the geographical size of the state.

- Staff Turnover—PSD struggles statewide with high vacancy rates, and PSD has high staff turnover in rural and tribal areas of the state. PSD staff in the rural or tribal areas are not always of the same cultural background or speak the language, thus creating a linguistic and cultural challenge for families.

5) Relevant information from selected tribal CFSPs

Navajo Nation

Key Points:

- Navajo Children and Family Services (NCFS) oversees an Intergovernmental Agreement (IGA) with the three states surrounding the Navajo Nation (Arizona, New Mexico and Utah) to provide child protective services and ICWA requirements in working with Navajo Nation. They also work on addressing the issue of Navajo families going between homes located on the reservation or state. There are quarterly IGA meetings held with all three surrounding states to discuss issues, barriers and to develop action plans to address them. Attendance at these meetings involve Navajo child welfare programs and state child welfare agency officials.
- The Department of Family Services works closely with the State of New Mexico Children, Youth and Families Department (CYFD) by making referrals to DFS on families that relocate back to the reservation in which they have an active dependency case with the state. Referrals are made to DFS to provide support services and other related case management services on adoption and legal guardianship cases to help families file in the tribal courts when it was in the state courts. In addition, a DFS Child Welfare Supervisor attend local meetings that involve district court judges, prosecutors, probation officers, police officers and other welfare programs involved in addressing community related issues including child welfare.
- The Navajo Children and Family Services Program within the Division of Social Services is the designated liaison between Navajo Nation and State courts when a child has been taken into custody through state Social Services. NCFS through their Indian Child Welfare Act (ICWA) Unit remains the key program contact for any child who is taken into custody and the guardian/custodian resides on the Navajo Reservation.
- The NCFS ICWA Unit has continuously coordinated with state child welfare agencies by attending child and family team meetings that some states conduct within the first 72 hours of a child being taken out of home care. Attending these team meetings have been beneficial, not only for the child, but for the parents and relatives involved in the ICWA case. By having the program's ICWA worker attend these sessions, the worker has been able to advocate on behalf of the child and reminding states of the ICWA mandates in terms of notices, placement preferences, having case documents sent to the program, etc. By attending these sessions, the ICWA worker has made recommendations to have the state agency follow the ICWA placement Preference by placing the child with a relative caretaker the child may already know, rather than placing the child in a foster home.
- Intergovernmental agreements are in place with the States of Arizona, New Mexico, and Utah.
- The major concern with surrounding states has been incidents when children who reside on the Navajo Nation receive medical services off the Navajo nation and subsequently the parent does not stay in the metropolitan area when the child is to be discharged.

- The IGA is in place identifying the ICWA Office as the lead contract for any child taken into custody off the Navajo Nation. Upon verification that the family resides on Navajo, the State Social Services office contacts the ICWA Office who in turn notifies the Department of Family Services' Child and Family Well-Being Program for protective services. The Navajo Nation will provide protective services to children who are abandoned shortly after birth until such time Navajo heritage cannot be determined. At that time, children not eligible for enrollment with the Navajo Nation will be referred to the appropriate state social services agency.
- In accordance with the current Intergovernmental Agreement (IGA) with the three surrounding states, Navajo children who have been placed in state custody and the guardian/custodians live within the Navajo Nation will be the responsibility of the Nation to provide services.
- Navajo children in state or tribal custody in which the guardian/custodian do not live on within the Nation will be the responsibility of the state in which the guardian/custodian lives. However, should the guardians/custodians constantly be moving to cause jurisdictional issues to evade tribal or state CPS, than the Nation will be responsible given that the guardians originally domiciled from the reservation.
- Through NCFS, the ICWA Unit is the designated liaison between the Navajo Nation and State courts when a child has been taken into custody through state Social Services. The ICWA Unit remains the key program contact for any child who is taken into custody but the guardian/custodian resides on the Navajo Reservation. Children not eligible for enrollment with the Navajo Nation will be referred to the appropriate state social services.
- The Navajo Nation, through the Department of Family Services, provides all services of child welfare involving enrolled Navajo children who may be at risk of abuse or neglect or have been taken into custody for their safety and welfare due to abuse and/or neglect.
- The Department of Family Services through their Child and Families Well-Being Program provide case management services to children that are in out of home placement including foster care, relative/kinship care and institutional/group placements. They also have in policy to obtain credit reports for all children over the age of 16 in out of home placement by contacting the three major credit reporting agencies.
- Thus far, DFS workers have not encountered problems in obtaining credit reports for foster care youths.
- At the moment the Tribe has not been consulted for CFCIP services under any of the three states.
- The program hosts quarterly meetings to address any issues, concerns and to discuss client services. Additional discussions include the need for coordination and to prevent duplication or overlap of the same service to the specific consumer.
- The NCFS’s ICWA Unit has experienced on-going issues with states regarding ICWA case coordination and collaboration as mandated by the ICWA law. Such issues include:
    - Relative searches were not being conducted by state workers
    - States do not provide ICWA notices to the tribe in a timely manner
    - States do not provide adequate and timely court and case documents to the tribe
    - States do not provide active efforts to parent(s) for reunification purposes

    - States do not follow ICWA's Placement Preference, state workers have advocated for non-relative, non-Native American foster parents to adopt Navajo children and state courts have granted them accordingly
    - States provide limited ICWA and IGA trainings to their state workers
    - State workers have limited knowledge and skills in terms of developing and implementing culturally relevant case plans
    - State attorneys lacked knowledge of the ICWA and IGA, thus creating extra barriers to working with the tribe.
- Efforts to continue to address these concerns with the states of New Mexico and Utah are on-going. Presently, the tribe has continued with quarterly meetings with all three surrounding states regarding child welfare issues involving Navajo children.

Santo Domingo Tribe

Key Points:

- Santo Domingo Social Services Program engagement of stakeholders has been by means of conducting meetings, teleconferences, and consultations with local, private, federal and state agencies.
- Child welfare services and protection of Santo Domingo enrolled children residing on state jurisdiction is the responsibility of State Children, Youth and Families Department. Children residing on Santo Domingo Tribal land are the responsibility of Santo Domingo Tribal Social Services and Tribal Governor's administration.
- Santo Domingo Tribal Social Services receives Child Protection Reports via fax, from CYFD; these reports are ICWA notices.
- Usually CPS Reports have been screened out by the Supervisor and referred back to the Tribe.
- Even though the incidences occur in state jurisdiction it is always screened out based on the fact that they are identified as Native Americans living on the reservation so the case is closed.
- ICWA notification from out of state is received by mail informing the Tribe of State Proceeding involving Indian children and the Tribes right to intervene.
- If the Tribe and Social Services Program know the family resides in the city and there is no extended family, then usually state shall continue jurisdiction of case to work with the nuclear family.
- If the child has extended family, the tribe will intervene.
- Santo Domingo Tribe's placement preference is:
    1) Extended family
    2) Child's own Tribe
    3) Neighboring Tribe's
    4) Any Native American family within the state

New York

1) How consultation was conducted with tribes

The state reports that throughout 2010-2014, the Office of Children and Family Services (OCFS) Native American Affairs Specialist met on a formal basis with various Tribal Representatives across New York. A formal protocol for regular and on-going dialogue and consultation with Tribal Leaders was established in 2002.

CFSP
Native American Services (NAS) also continued hosting quarterly meetings of the Native American Family Services Commission, which provides consultation with tribal stakeholders in both urban and reservation areas throughout New York State. These meetings helped to develop the training initiatives, provide input into the CFSP Title IV-B plan and to strengthen service delivery to Native American children and families. The quarterly meetings provide an excellent forum to introduce other OCFS supported initiatives such as Court Collaboration, Protective Services for Adults, and Chaffee Independent Living Services to Tribal and agency staff who need program support to serve their respective Tribal and Urban Indian communities. More recently, two formal Tribal Consultation meetings were held in May and October 2013, with the OCFS CWCS Assistant Commissioner presiding.

The state reports the following plans for 2015- 2019:

- OCFS' Native American Services Unit will continue to participate in quarterly meetings with Tribal and local district representatives in both urban and reservation settings to improve ICWA services to this population.
- OCFS will be available to support efforts of Tribes interested in establishing or expanding services under a State/Tribal Agreement.
- OCFS will continue to make the New York State CFSP available to Tribes, as it will continue to support and provide assistance to the St. Regis Mohawks Tribe in its CFSP-County Plan submission.

The Child and Family Services Plan (CFSP) and subsequent Annual Progress and Services Reports (APSR) are made available to: social services districts; other state agencies involved in major joint projects with OCFS; and the Indian Tribes.

Other Consultation and Coordination
Site visits are conducted to Indian Reservations in New York by the Native American Affairs Specialist. The primary purpose of the site visits is to assess the needs of the Indian Nations and to address concerns related to the delivery of child welfare services. From March 2013 - March 2014, OCFS participated in 18 site visits to seven of the nine Indian Nation territories. As a result of the site visits, child welfare protocols were strengthened, staff training needs were identified and family court personnel were introduced to tribal officials.

The Seneca Nation Peacemaker Courts Collaboration began in 2005 and includes judges and court personnel from the 8th Judicial District, the Seneca Nation of Indians and the Peacemaker Court judges. This collaboration provides a forum to discuss practices and procedures and provides a welcome point of contact for issues including the implementation of the Indian Child Welfare Act (ICWA), and the development of a tribal Court Appointed Special Advocates (CASA) program. Both the Seneca Nation of

Indians and OCFS took part in the Federal-State-Tribal Courts Forum meetings held October 10, 2013 and April 3, 2014.

The OCFS Assistant Commissioner of Child Welfare and the Native American Affairs Specialist participated in 2013-2014 Tribal Consultation Meetings with Tribal Leaders and delegates. These meetings provided an opportunity for OCFS to present updates on initiatives for ICWA compliance. The May 2013 Tribal Consultation meeting was held at the OCFS Home Office to encourage more participation from OCFS and state officials. The agenda for this meeting focused primarily on tribal relationships with state agencies. Tribal leaders were able to express their need directly to the state agencies present, which opened up discussion on how the state agencies would be able to meet them. There has been greater participation of state agencies at the Tribal Consultation meetings. The second Tribal Consultation meeting of 2013 was held at the Oneida Indian Nation on October 11. The on-site meeting allowed the Tribal Nation delegates and OCFS representatives to meet with a variety of tribal service providers from Health, Substance Abuse & Treatment Programs and Tribal Administrations. OCFS invited the New York State Division of Criminal Justice Services, Department of Health and OCFS Office of Prevention of Domestic Violence to join our dialogue to support access to services to at-risk families. With the support of the Center for Development and Human Services (SUCB), Native American Services was able to conduct four meetings with the Native American Family Services Commission in April, June, September and November 2013. The Commission includes tribal caseworkers and administrators from around the state, as well as local districts and voluntary agencies. The quarterly meetings provide an excellent forum to introduce other OCFS-supported initiatives such as Court Collaboration, and Protective Services for Adults, to Tribal and agency staff who need additional resources to serve their respective Tribal and Urban Indian communities. Throughout 2013-2014, the OCFS Native American Specialist worked with representatives from New York City's Administration for Children's Services and staff from the American Indian Community House to promote ICWA trainings plan for New York City child welfare workers. Also, in May and October 2013, the OCFS Native American Specialist attended the Federal/State Tribal Courts Meeting held at Syracuse Federal Court House. This full day meeting provided an opportunity for OCFS to hear about broader legal issues impacting New York State's tribal communities. Further, to support the development of tribal programs and staff development, NAS distributed 516 training opportunities and 37 funding announcements to the Tribal Nations in 2013.

The OCFS Native American Services (NAS) unit actively interacts with the Tribes to offer general forums for discussions of issues, as well as to address specific child/family circumstances and consult with the Tribal communities. Monthly meetings with Tribal representatives provide the opportunity for ongoing dialogue. The NAS unit is very active in supporting and sharing feedback from the Tribes and for facilitating meetings for direct feedback to Home Office.

Native American Services (NAS) also continued hosting quarterly meetings of the Native American Family Services Commission, which provides consultation with tribal stakeholders in both urban and reservation areas throughout New York State. These meetings helped to develop the training initiatives, provide input into the CFSP Title IV-B plan and to strengthen service delivery to Native American children and families. The quarterly meetings provide an excellent forum to introduce other OCFS supported initiatives such as Court Collaboration, Protective Services for Adults, and Chaffee Independent Living Services to Tribal and agency staff who need program support to serve their respective Tribal and Urban Indian communities. More recently, two formal Tribal Consultation meetings were held in May and October 2013, with the OCFS CWCS Assistant Commissioner presiding.

The state reports that site visits are also planned to continue to Indian Reservations in New York by the Native American Affairs Specialist. The primary purpose of the site visits is to assess the needs of the Indian Nations and to address concerns related to the delivery of child welfare services. The interactions

that take place through Native American Services (NAS) are complemented and strengthened by ongoing interactions between the social services districts, OCFS and those who provide services to Native Americans.

Throughout 2010-2014, the OCFS Native American Affairs Specialist met on a formal basis with various Tribal Representatives across New York. A formal protocol for regular and on-going dialogue and consultation with Tribal Leaders was established in 2002.

The state reports that, within New York State, all of Tribes/Nations receive Tribal notification letters.

The state reports detailed information about multiple tribes in New York, including descriptions of the child and family services offered by tribes and the governing structure. The state also reports that many of the Indian Nations or Indian organizations in New York (mentioned below) provide limited Indian Child Welfare services.

The Cayuga Nation operates a traditional form of government and provides limited ICWA services. When the Cayuga Nation receives official tribal notification, they attend court proceedings involving minor Cayuga children entering foster care or being freed for adoption. OCFS Native American Services unit also distributes tribal annuity payments three times a year.

The Onondaga Nation initiated a Family Protective Services program approximately three years ago. The tribal staff assigned to provide protective and support services to families residing on the Onondaga Nation territory, participate regularly on child welfare training offered by OCFS. The tribal staff also participates in quarterly workgroup meetings and OCFS Tribal Consultation Meetings.

The Seneca Nation Peacemaker Courts Collaboration began in 2005 and includes judges and court personnel from the 8th Judicial District, the Seneca Nation of Indians and the Peacemaker Court judges. This collaboration provides a forum to discuss practices and procedures and provides a welcome point of contact for issues including the implementation of the Indian Child Welfare Act (ICWA), and the development of a tribal Court Appointed Special Advocates (CASA) program. Both the Seneca Nation of Indians and OCFS took part in the Federal-State-Tribal Courts Forum meetings held October 10, 2013 and April 3, 2014.

OCFS Tribal Consultation The OCFS Assistant Commissioner of Child Welfare and the Native American Affairs Specialist participated in 2013-2014 Tribal Consultation Meetings with Tribal Leaders and delegates. These meetings provided an opportunity for OCFS to present updates on initiatives for ICWA compliance. The May 2013 Tribal Consultation meeting was held at the OCFS Home Office to encourage more participation from OCFS and state officials. The agenda for this meeting focused primarily on tribal relationships with state agencies. Tribal leaders were able to express their need directly to the state agencies present, which opened up discussion on how the state agencies would be able to meet them. There has been greater participation of state agencies at the Tribal Consultation meetings. The second Tribal Consultation meeting of 2013 was held at the Oneida Indian Nation on October 11. The on-site meeting allowed the Tribal Nation delegates and OCFS representatives to meet with a variety of tribal service providers from Health, Substance Abuse & Treatment Programs and Tribal Administrations. OCFS invited the New York State Division of Criminal Justice Services, Department of Health and OCFS Office of Prevention of Domestic Violence to join our dialogue to support access to services to at-risk families.

The St. Regis Mohawk entered into a State/Tribal Agreement with the predecessor of OCFS in August 1993 that was effective April 1, 1994. That agreement contained two specific components: legal terms and conditions; and a service plan for the provision of foster care, preventive services and adoption

services. The plan contained in the agreement outlines strategies to: reduce the need for foster care through intensive preventive services; increase recruitment and certification of foster homes on the Reservation; and promote the provision of foster care services in a way that maintains cultural and Tribal values and permit the earliest return of the child to natural family. Children freed for adoption will be placed in adoptive homes that will meet their personal and cultural needs. The delivery of child and adult protective services is addressed through an amendment to the State/Tribal Agreement and the tribe's updated services plan that became effective in April 2005. On-going meetings between the St. Regis Mohawk Tribe and OCFS to improve and expand services take place on a regular basis. The St. Regis Mohawk Tribe also submits its Child and Family Services Plan (County Plan) and Annual Plan Updates (APU) to OCFS for approval. OCFS will maintain the New York State 2010-2014 Final Report and 2015-2019 CFSP on OCFS website, as well as make it available upon request

The state reports that Onondaga Nation does not wish to enter into a formal agreement with the state at this time. The Onondaga County DSS has assigned a liaison to work directly with the tribe on ICWA cases. The Onondaga Nation Family Protective staff has participated in OCFS Core Training for caseworkers and other staff development trainings offered by OCFS. They also participate in OCFS quarterly trainings and Tribal Consultation meetings. Although the Oneida Indian Nation no longer accepts federal Indian Child Welfare funding, it staffs a Family Services Program and has continued to work with Native American Services on ICWA issues. OCFS continues to include Oneida Nation in our training initiatives. Neither Tuscarora Nation nor Tonawanda Seneca Nation accepts the available federal funding to operate ICWA programs on their reservations. In most instances, the Tribal Leadership, including clan mothers of these Nations, engage the services of OCFS Native American Specialist. The Specialist serves as a liaison to the local districts and courts, to support ICWA compliance. Of the two Long Island Tribes, the Unkechaug Nation is not eligible to receive federal funds to operate ICWA programs. However, since the Shinnecock Nation received federally recognized tribal status in late 2010, OCFS has initiated dialogue to support their development of child welfare services. Most of the OCFS training initiatives on Long Island support the cultural needs of children from both tribes. The interactions that take place through Native American Services (NAS) are complemented and strengthened by ongoing interactions between the social services districts, OCFS and those who provide services to Native Americans.

The state reports that the Seneca Nation of Indians and their various administrations have expressed an interest in improving their working relationship with local districts. OCFS Native American Services Unit has been involved in an ongoing dialogue regarding such a relationship. OCFS arranged for several training events to meet the needs identified by Seneca Nation. In 2002, the Seneca Nation developed and endorsed a tribal protocol for child protective services. Meetings between OCFS, local districts and Seneca Nation continue to refine this protocol and meet the child welfare staff development needs. OCFS also provided training to Seneca Nation of Indians to support the development of their tribally approved foster homes in 2014. The tribally approved foster homes are exclusively funded and regulated by the tribal nation, and service only those children under their jurisdiction. This was the result of collaborative efforts throughout 2013-2014. The Seneca Nation Child and Family Services Program provide a variety of child welfare services including preventive and foster care services. In 2013, the Seneca Nation Tribal Council established a process to certify tribal foster homes. To date, there are two Seneca families anticipating approval.

2) Reported assessment of compliance with ICWA

Based on a review of data collected on Native American children in out-of-home placement as of December 31, 2013, it was found that 108 children were found to be subject to the provisions of the Indian Child Welfare Act (ICWA). These children lived in various parts of New York State, both on and off reservation territories. The geographic breakdown of these placements is as follows:

- 42 percent of these placements were in the five Western New York counties adjacent to or near Indian Nation reservations (Tuscarora, Seneca, and Tonawanda Seneca Nations).
- An additional 20 percent of the placements were in three Central New York counties near the Onondaga and Oneida Indian Nation territories.
- The northern portion of New York State accounted for 43 percent of Native American out-of-home placements, with a majority of those placements on the St. Regis Mohawk Reservation.
- With the knowledge that the state's largest Native American population resides in the five boroughs of New York City and Long Island, the state found 25 percent of the Native American placements in this area of the state.
- The total number of Native American placements represents .002 percent of the total foster care population of New York State.

During 2014, OCFS reviewed 108 of the 284 Native American cases. Fifteen of the Native American children achieved permanency by returning to their parents or through adoption. Of the 93 Native American children remaining in out-of-home placement, eight children required a higher level of care, including therapeutic foster homes or group home institutional settings. The remainder of the foster care placements is as follows; there are 43 in kinship placements and 42 in certified foster homes that were consistent with ICWA placement preferences.

3) Efforts to promote compliance

Plans for 2015- 2019:

- OCFS will continue to promote interaction with directors of services from social services districts to reiterate and strengthen awareness regarding the need to identify Native American children and to make the appropriate notifications with assistance from the NAS staff.
- New York State will continue to utilize existing structures to promote that appropriate federal Indian Child Welfare Act (ICWA) continued goals can be identified in consultation with the Tribal Leadership. There continues to be a need to support social services districts to inform Tribal Nations of Native American children and families in preventive and child protective caseloads.
- OCFS will continue to support regional and statewide training to social services districts, other public and private agencies, tribal staff and community members to develop strategies to keep Native families intact and to identify resources to support at-risk families.
- OCFS will continue efforts to improve child welfare services in Native American families. Regional training events are being planned to address cultural competency and ICWA related issues.

The state reports that one of its goals (Goal #5) is: Native American families, including nuclear, extended and adoptive families will be strengthened and supported in raising and nurturing their children; in maintaining their children's connections to their tribal heritage; and in planning for their children's future

OCFS is supporting this goal by involving tribal representatives in collaborative meetings with our administration, court personnel, and regional initiatives for Family Assessment Response (FAR) and Disproportionality Minority Representation (RECC) trainings and education. New York's Tribal staff has

been invited to participate in CORE caseworker and other training opportunities to strengthen their skills in the child welfare field and to develop better partnerships with local districts involved in their communities. OCFS also continues to build strong networking activities among tribal staff through quarterly stakeholder meetings sponsored by the Native American Services Unit.

Performance Targets

- Indian Child Welfare: Increase to 50 percent (the number of Native American children who are placed in foster care families of the same ethnicity over a five year period).
- Baseline: The number of Native American children who are placed in foster boarding homes or adoptive homes of Native American ethnicity in 2008.
    - 2008: 29 Native American children of the 60 in placement (48.3 percent)
- Data Analysis:
    - 2009: 36 Native American children of the 73 in placement (49.3%)
    - 2010: 35 Native American children of the 79 in placement (44.2%)
    - 2011: 28 Native American children of the 45 in placement (58.8%)
    - 2012: 40 Native American children of the 92 in placement (43.4%)
    - 2013: 42 Native American children of the 93 in placement (45.1%)

Projected Targets:

- 2014: not below 50 percent
- It is anticipated that the identification of Native American children will continue to increase based on ICWA trainings in 2013
- It is not known if the number of licensed Native American foster homes will meet such increase of identified Native American children.
- Improved preventive efforts and kinship placements may factor into the performance targets.

Placement of Native American children and youth in Native American homes and programs whenever possible remains a state policy. Some of the data reported in this target comes directly from the field, including contacts with local districts in New York State. As demonstrated by the data, we have been successful in our efforts to increase the proper identification of Native American children. The data demonstrates a drop in placement resources that match the child's tribal heritage. Of the 93 Native American youth in placement, 43 were matched with placements to support their tribal heritage. An additional eight youth were placed in residential placements, which met their higher level of need. Factoring in the higher level of care required and the increased number of kinship placements, New York State is actually at 86 percent compliance rate in meeting ICWA requirements.

Some Native American children are not placed in Native American homes because of the type of placement required. These placements are often for youth and children with special needs. Some placements in non-Native homes have been reviewed by either tribal staff or Native American services agencies, which have approved the placements. These placements, as well as "relative or kinship placements" are included in the data above. It was also found that direct Tribal ICWA placements (11/11) were at 100 percent compliance in 2013 in placing Native American children in Native American placements. The specific training activities and quarterly stakeholder meetings have also strengthened the ability to serve tribal families under ICWA. The data source to measure progress for the performance target above is the Data Warehouse and OCFS Native American Services Unit.

Training Efforts

- To support compliance with the Indian Child Welfare Act, an ICWA desk aid was developed by OCFS for use by local districts and voluntary agencies. Copies were distributed to the Indian Nations and OCFS Regional Offices. An update to include information on use of a Qualified Expert Witness was added to the desk aid along with an updated list of tribal contacts. In 2012 and 2013, the ICWA desk aid was updated to include the federally recognized status of the Shinnecock Nation and correct tribal contact information. The OCFS website also contains the ICWA desk aid.
- A training DVD titled "ICWA: What Caseworkers Need to Know" was developed by OCFS and has been used extensively as a training tool. Three of the Tribal Nations participated in the filming and production of this DVD. The DVD has been shown as a part of 24 ICWA training events in New York State from 2013-14. In 2013, 126 caseworkers also viewed the DVD as part of the state's on-line training.
- To continue efforts to improve child welfare services to Native American families, additional training events to focus on the Qualified Expert Witness provisions of ICWA were held in July and October 2013.

In early 2013, OCFS developed "A Family's Guide to ICWA" brochure for dissemination to families who may be in various Family Court proceedings. The first concentrated distribution of the brochure was in New York City courts and will support from the court's LIFT (Legal Information for Families) advocates.

Another OCFS training initiative was accomplished in 2013. Three training events were held to highlight the ICWA requirement to utilize "Qualified Expert Witness" to provide testimony in removal and terminating of parental rights proceedings.

NAS has also been diligently involved in supporting OCFS Racial Equality and Cultural Competency and addressing Disproportionality Minority Representation in the foster care system.

ICWA signage was placed throughout New York City Courts in 2013. NAS has provided cultural competency trainings to various state agencies and local service providers.

In addition to these trainings, the Native American Specialist presented at the OCFS Leadership Forum addressing the local districts Directors of Services in September 2013. NAS also presented data examining Native American disproportionality at a peer learning event supported by Casey Family Programs in October 2013.

NAS continued to host quarterly meetings with Tribal and local district caseworkers in both urban and reservation settings. The primary purpose of these meetings was to support and improve compliance with the Indian Child Welfare Act. Such meetings were held in Buffalo in April and September 2013, Syracuse in June 2013, and at Shinnecock Indian Nation in December 2013. OCFS hosted the first 2014 quarterly meeting in Buffalo in April. Also in 2013-2014, OCFS supported Indian Child Welfare compliance through trainings offered at various forums including local districts, voluntary agencies and OCFS regional meetings. Approximately 620 workers attended the various trainings, with an additional 126 caseworkers completing the on-line ICWA training in 2013.

OCFS also sponsored eight tribal representatives from three Tribal Nations to attend the Adult Abuse Training Institute in Albany on October 9-10, 2013, to strengthen Tribal Adult Protection programs. NAS offered technical assistance and compliance support to over 275 calls for assistance on ICWA cases identified by the local districts, voluntary agencies and Tribal staff in 2013-2014. OCFS distributed over 370 desk aids and an additional 70 through April 2014. In early 2013, OCFS developed and published "A

Family's Basic Guide to ICWA" brochure. This brochure was distributed to all nine Tribal Nations, Urban Native American Centers in Buffalo, Niagara Falls and New York City. The largest dissemination of the informational brochure was sent to New York City for use by the Legal Information for Families Today (LIFT) staff that provide advocacy in New York City's Family courts. To date, over 1,800 brochures have been distributed. During 2013, the NAS surveyed the Schools of Social work to gauge whether or not their curriculum included the Indian Child Welfare Act. NAS has met and consulted with Casey Family Programs to help improve the data collection of Native American children in the statewide connections system.

Recruitment and Retention Activities
OCFS recognizes that the lack of certified Native American foster homes can hinder compliance with the Federal Indian Child Welfare Act. OCFS will continue to support recruitment efforts with Tribal Stakeholders. In August 2013, the OCFS Native American Specialist and representatives of the Federal Region II Administration for Children met with Seneca Nation officials to discuss federal funding to support a tribal foster care recruitment program. In 2013, Seneca Nation Child and Family Services began recruitment of Seneca families. In 2013, 17 families applied for Tribal certification to become foster parents. In March 2014, OCFS provided a trainer to present an additional curriculum "Caring for our Own" to support the Nation's recruitment efforts. As the OCFS Native American Specialist provides ICWA training to local districts and regional consortiums in 2013-14, the importance of recruitment of Native American foster and adoptive families will be presented. More than half of the previous year's trainings emphasized the need for recruitment of tribal families.

OCFS will look to continue to improve its data collection within CONNECTIONS in order to assess ongoing compliance with ICWA. Consultation with tribes will continue to address the following:

- Notification of Indian parents and tribes of state proceedings involving Indian children and their right to intervene;
- Placement preferences of Indian children in foster care, pre-adoptive, and adoptive homes;
- Active efforts to prevent the breakup of the Indian family when parties seek to place a child in foster care or for adoption; and
- Tribal right to intervene in state proceedings, or transfer proceedings to the jurisdiction of the tribe.

4) Barriers/challenges to compliance

The state did not report specific information on any barriers or challenges to ICWA compliance.

5) Relevant information from selected tribal CFSPs

No relevant tribal CFSPs were reviewed.

North Carolina

1) How consultation was conducted with tribes

North Carolina is home to one federally recognized tribe, the Eastern Band of the Cherokee Indians (EBCI).

North Carolina Division of Social Services (NCDSS) has formally adopted the Reaching for Excellence and Accountability in Practice (REAP) model as its framework for engaging families and communities in the meaningful planning and execution of its child welfare services. The utilization of REAP has permitted and encouraged ongoing collaboration with multiple stakeholders and partners, including state-recognized and federally recognized tribes. As a result, these stakeholders are involved in the development of this CFSP and the ongoing assessment of progress.

The state reports that state tribes are not covered under the Indian Child Welfare Act (ICWA). However, a state statute (G.S. §143B-139.5A) entitled “An Act to Require Collaboration between the Division of Social Services, the Commission on Indian Affairs, and the NC Directors of Social Services Association on Indian Child Welfare Issues,” says that state-recognized tribes merit similar considerations as federally recognized tribes. Among other points, G.S. § 143B-139.5A also states that these agencies should collaborate to develop a process to assist in identifying American Indian children.

NCDSS continues its collaborative work with the North Carolina Commission of Indian Affairs through active participation on the North Carolina Commission of Indian Affairs' Standing Committee on Indian Child Welfare. It is through this work that the 2015-2019 CFSP/ APSRs will be exchanged. Other committee members include state tribal leaders, a Director of a local county department of social services that borders the tribal lands of the Eastern Band of Cherokee Indians, and state tribal advocates. This committee has proven beneficial in identifying the issues and concerns of all stakeholders interested in the placement of American Indian children.

The state reports that NCDSS retains an open request to receive technical assistance from the National Resource Center for Tribes (NRC4Tribes). Sustained interest in tribal gatherings, facilitated by the NRC4Tribes, has not happened (primarily with tribal leadership). The Commission of Indian Affairs Standing Committee on Child Welfare remains committed to holding a gathering sometime before the fall of 2014. Participation in this gathering could have far reaching effects on issues facing Native American Indians.

In June 2012, NCDSS received a notice from EBCI that they are preparing to plan a comprehensive social services agency, and to administer Titles IV-B and IV-E. NCDSS has enthusiastically supported the planning efforts and have provided many hours of technical assistance. The transfer of the child welfare responsibility from the five surrounding counties will take place once the infrastructure is in place within the Tribe. Child Protective Services and Child Welfare will be the first priority in the Tribe's assumption of County DSS functions. The

tribe is still in the planning stages and, at this time, is not pursuing to administer, supervise, or oversee the CFCIP or an ETV program with respect to eligible Indian children.

For the development of the 2015-2019 CFSP plan, NCDSS has participated in the ongoing development of the "Consolidation of Human Service Programs and Functions" for the EBCI. This includes their joint planning meeting with ACYF CB, Region IV. Tribal representative Barbara Jones received an invitation to attend NCDSS joint planning in March 2014. Recommendations were developed in concert with Cansler Collaborative Resources, the consultant team working with EBCI. Flexibility regarding the proposed transfer date is necessary, as this is a complex process.

Until the ECBI application has been approved, NCDSS will continue to provide child welfare services to the Tribe. As the provider of child welfare services, county departments of Social Services will remain responsible for overall activities involved in ensuring the protection of children, the operation of a case review system, foster care services, and adoption services. Therefore, the same policies and procedures as described for the provision of child welfare services across NC apply to NCDSS's work with the Tribe.

CDSS and ECBI have committed to the sharing and exchange of information to include participation in Tribal planning sessions and the assessment of policy and program outcomes. The estimated date for ECBI to assume responsibility for child welfare services is October 2015.

The level of inclusion and participation by the Tribe in ongoing planning and evaluation of NC's CFSP is yet to be determined. This extends to conversations around Indian Child Welfare Act (ICWA) and CFCIP programs. As ECBI begins to design their Human Services Programs, their capacity to participate in NCDSS activities around the CFSP, ICWA, and CFCIP will become apparent. Communication is essential and should be a priority between the NCDSS and EBCI.

As an outcome of these consultations, NCDSS will continue to participate in planning sessions and will continue to offer technical assistance. The "Human Services Consolidation Work Plan" for EBCI will provide the detailed guidance essential to the successful implementation of these recommendations regarding child welfare services. Initial recommendations for the consolidation of the human service programs within the Tribe are to:

- Use boundary geography as the jurisdictional authority for decisions concerning child and adult welfare responsibilities.
- Establish protocols for transfer to the Tribe as appropriate, especially in cases that involve enrolled members of the Tribe who reside outside of the boundary.

North Carolina Indian children have full access to LINKS programming and services if they are or were in the custody of a local county department of social services on or after their 13th birthday, are documented, and do not have more than $10,000 in reserves. All Chafee and ETV services may be accessed through any of the county departments of social services and NCDSS.

2) Reported assessment of compliance with ICWA

The state did not report any information on its assessed compliance with ICWA.

3) Efforts to promote compliance

Compliance with the Indian Child Welfare Act (ICWA) is grounded in child welfare practice across the state, especially with regard to:

- The notification of parents and tribes of child welfare proceedings
- Parents' rights to intervene
- Placement preferences
- Efforts to prevent the breakup of the family

NCDHHS, in collaboration with the NC Commission of Indian Affairs, is on schedule to produce a video and market strategies for the recruitment of American Indian foster parents throughout the state. The video will reflect the needs of the tribes represented in the state (8 tribes and 4 tribal organizations). The video is scheduled to be released by May 2015.

4) Barriers/challenges to compliance

The state did not report any barriers or challenges related to ICWA compliance.

5) Relevant information from selected tribal CFSPs

Eastern Band of Cherokee Indians

Consultation and Coordination:

- The most appropriate consultation process before developing a comprehensive Child Welfare program is to bring Federal, State, and County partners together to confer about the Tribe's plan
- The Tribe knew that it would be imperative to maintain a meaningful collaboration throughout this process
- The Tribe has established monthly meetings with the County Directors and the State DHHS to keep them apprised of progress.
- The Tribe has worked out a Memorandum of Agreement on transfer of cases, timeframes, sharing of case information, shadowing and mentoring, jurisdictional issues, and funding.

The North Carolina DHHS has assigned a liaison to the Tribe to address any child welfare issues, including ICWA compliance issues. The Eastern Band and NCDHHS have a working MOA addressing the responsibilities for providing child welfare services and protection for Tribal children.

The tribe previously had two tribal members on the North Carolina Court Improvement Advisory committee. Efforts to reestablish that connection is in progress.

Coordinated service plans with other federally funded programs within the Tribe serving the same population will be managed through multi-disciplinary teams, as well as the Tribes' Child Protection team. This will go along with weekly manager team meetings in the PHHS division.

Indian Child Welfare compliance

The State of North Carolina currently has a working MOA that outlines the State's and the Tribes' responsibility for insuring compliance with ICWA. North Carolina Department of Health and Human Services has, at least for the last 20-plus years, provided a liaison to the tribe. This liaison serves as a middle-man for the tribe if they have unresolvable issues with the County Department of Social Services (which provides direct services to Tribal members). According to the MOA between the tribe and the state, the state, via the County Department of Social Services, has the responsibility of providing child welfare services and protection for tribal children.

The tribe and state at this time have not had formal discussions on the required credit checks or how they are obtained for Tribal children ages 16 and older. These discussions can and will be done promptly.

The Tribe has not been consulted about the programs to be carried out by the State under the CFCIP.

Involvement of Tribe and State Court CIP
The Family Support program manager is an advisory board member of the North Carolina Court Improvement program, giving vital input and a voice to the Tribe within the State Court structure. The tribe reports that direct consultation regarding the tribe's writing of this CFSP did not occur from the state nor the Tribal Courts, but lack of consultation was not a blatant disregard; reestablishment of that connection is in progress.

North Dakota

1) How consultation was conducted with tribes

North Dakota reports that it has a long history of consolation and coordination with the four federally recognized Tribal Nations of North Dakota: Mandan, Hidatsa & Arikara Nation, Spirit Lake Nation, Standing Rock Sioux Tribe, and Turtle Mountain Band of Chippewa. State/Tribal Title IV-E Agreements date back to the early 1980s and consultation coordination efforts with the tribes are active and ongoing. North Dakota is unique in that it has a Tribal Service Unit, which is the only one in the United States, the Trenton Indian Service area in Trenton, ND. There is trust land, tribal organization, services, Indian Health Services, etc. They are affiliated with Turtle Mountain Band of Chippewa.

Consultation with Tribes for CFSP
In preparation for the 2015-2019 CFSP, Children and Family Services (CFS) conducted two 2-day strategic planning sessions in February and March 2014 to garner stakeholder input for the CFSP five- year plan. Participants included about 50 individuals from across the state representing various child welfare interests from the state, local, and private sectors. The four tribal social service directors were invited.

- The Standing Rock Tribal Social Services Director attended and participated in the planning.
- Staff from the Native American Training Institute and the Indian Affairs Commission also participated in the planning process.
- The Director and Training Coordinator represented the Native American Training Institute (NATI) and participated.
- A North Dakota Indian Affairs Commissioner attended to extend support for the process and expressed appreciation for Native inclusion in this process.
- The CFS Division Director participated in the strategic planning for the Spirit Lake Tribe's 2015 - 2019 five-year IV-B plan.

Information gained will be used to coordinate tribal and CFS' CFSP strategies and goals to further enhance collaboration.

The CFS Division will provide electronic copies and links to the 2015-2019 CFSP to the Tribal child welfare workers when submission is finalized. The CFSP will be discussed at the fall STEPS (September 2014) meeting with the four tribal child welfare directors and NATI staff. Tribal social service directors will review and discuss their CFSP during STEPS meeting and post electronically as able. Annual Progress and Services Reports will be shared in this same manner during the course of the next five years.

Ongoing Coordination and Collaboration with Tribes
CFS plans for ongoing coordination and collaboration with the tribes in the implementation and assessment of the CFSP through a variety of methods:

- CFS will continue the partnership with NATI and the tribal social service agencies in STEPS meetings. CFS will continue to actively participate in the STEPS meetings. These meetings are scheduled quarterly, either at a tribal location or in Bismarck. STEPS

meetings provide an opportunity for CFS and tribes to discuss various issues including IV-E requirements, service array planning, caseworker visits, CFSP progress and ICWA compliance.

- CFS will continue to request tribal participation in Children and Family Services Plan strategic planning meetings and annual reviews. CFS will participate in tribal planning meetings as requested.
- Increasing Native American families ability to care for their children in their own home and thereby reducing the over-representation of Native children in foster care was identified as priority need during the strategic planning sessions. As a result of this feedback, one intervention selected was to form an Intervention Selection Team (IST) to research, select and employ strategies to accomplish this goal. Tribal representation and participation on this team will be critical and will provide a direct opportunity for ongoing coordination with the state's CFSP.

State and Tribal Jurisdictions

Based on discussions with the tribes and the established State/Tribal Agreements, it is understood that the state is responsible for providing child welfare services and protection for all children under the state's jurisdiction (i.e. tribal children residing off the reservations). Tribes are responsible for providing child welfare and protection for tribal children under the tribal agency's jurisdiction (residing on the reservation). Children in tribal custody deemed eligible for Title IV-E remain under the jurisdiction of the tribal agency/court while the state maintains an oversight role to ensure all procedural safeguards afforded under the Title IVE agreements are in place.

Independent Living Services

The ND Chafee IL Administrator works with statewide Chafee IL Coordinators to ensure that CFCIP and ETV benefits are made available to Native American youth (Title IV-E or 638) on the same basis as non- native foster care youth in North Dakota. In addition, the Chafee IL Administrator and Chafee IL Coordinators email program and contact information to the Tribal Directors as needed to ensure adequate referral opportunities are available. Children & Family Services utilizes the STEP meetings to collaboratively work with tribal partners to update and retrieve necessary information to maximize resources and ensure opportunity for foster children statewide.

At this time, there has not been interest expressed by a tribal partner to develop an agreement to administer, supervise, or oversee CFCIP.

The ND Chafee IL Administrator works with statewide Chafee IL Coordinators to ensure that CFCIP and ETV benefits are made available to Native American youth in tribal custody on the same basis as non-native foster care youth. In addition, the ND Chafee IL Administrator and Chafee IL Coordinators email program and contact information to the Tribal Directors ongoing to ensure adequate referral opportunities are available to tribal youth. Children & Family Services collaboratively works with tribal partners to update and retrieve necessary information to maximize resources and ensure opportunity for foster children statewide. The 18+ Continued Care program allows for Tribal Title IV-E youth to remain in, or return to, foster care if desired. This extension of services is beneficial to youth as they transition to living independently as adults.

The ND Chafee IL Administrator works with statewide Chafee IL Coordinators to ensure that CFCIP and ETV benefits are made available to Native American youth (Title IV-E or 638) on the same basis as non-native foster care youth in North Dakota. In addition, the Chafee IL Administrator and Chafee IL Coordinators email program and contact information to the Tribal Directors as needed to ensure adequate referral opportunities are available. Children & Family Services utilizes the STEP meetings to collaboratively work with tribal partners to update and retrieve necessary information to maximize resources and ensure opportunity for foster children statewide. The 18+ Continued Care program allows for Tribal Title IV- E youth to remain in or return to foster care if desired.

Credit Reports for Tribal Youth
CFS currently obtains credit reports for youth ages 16+ in public custody, including Tribal Title IV-E youth. Tribal partners were given a copy of the federal PI, the ND Children & Family Services policy issuance, and given an opportunity to discuss the process and identify ways in which their tribal offices will engage in the federal mandate. The state assumed the responsibility of obtaining credit reports for all youth ages 16 and older in foster care, including the credit reports of tribal youth.

2) Reported assessment of compliance with ICWA

The state reports that ICWA compliance is reviewed in every randomly drawn CFSR case where ICWA applies in the eight regional CFSR's around the state. Beginning in May 2013, CFS began reviewing tribal social services cases as part of the CFSR - this practice will continue throughout the five year CFSP. CFS provided a day-long training on the CFSR instrument with four tribal social service agencies. Training on the CFSR instrument will be ongoing as needed. Additionally, the state has reached out to tribal partners inviting tribal representation on the North Dakota Child and Family Service Reviews as a state reviewer. Furthermore, a representative from each of the four tribal social service agencies has agreed to serve a Federal Reviewer for the upcoming Title IV-E Eligibility Review to be held in August 2014. It is hoped that tribal representation can be continued through participation in the state Title IV-E review team during the upcoming five years.

3) Efforts to promote compliance

CFS plans for ongoing coordination and collaboration with the tribes in monitoring and improvement of the state's compliance with ICWA through a variety of methods including:

- State policies and practice guides require notification of Indian parents and tribes of state proceedings involving Indian children and their right to intervene
- Placement preference of Indian children in foster care, pre-adoptive, and adoptive homes
- Active efforts to prevent the breakup of the Indian family when parties seek to place a child in foster care or for adoption
- Tribal right to intervene in state proceedings or transfer proceeding to tribal jurisdiction

Court Improvement Project

The CFS Division Directors will continue to serve as a Court Improvement Project Indian Child Welfare Act subcommittee member.

The Court Improvement Project's ICWA subcommittee commissioned an ICWA Qualitative Observations audit of court case files for ICWA compliance. This audit involves a case file review of all cases from removal through adoption from October 1, 2009 through September 30, 2010. The Court Improvement Project ICWA subcommittee met with the auditors during the ICWA Conference in February 2014. The auditors reported their findings so far and their timeline for completion. If auditors identify potential ICWA issues, they notify the Court Improvement Project staff person who then notifies the ICWA subcommittee.

Solutions, both long and short term, will be discussed and implemented as appropriate. Recently, the auditors suggested a hard card of required ICWA language would likely resolve language issues identified in some findings and orders. The sub-committee approved the creation of a hard card and asked that it be distributed to all persons who may have input into findings and orders, such as attorneys, social services, court staff, etc.

When the audit is completed, the CIP ICWA sub-committee will review the report with the auditors to clarify and analyze audit findings. When the CIP Committee determines the report is final, it will be presented to the North Dakota Supreme Court Administrative Council. After reviewed by the Council it will be available to the public. This audit report could be a catalyst for changes to laws, policies or procedures intended to improve compliance with ICWA.

CFS will continue to collaborate with the Court Improvement Project, NATI and the UND Children & Family Services Training Center to arrange statewide training for child welfare workers on ICWA compliance to a wide range of participants (judges, attorneys, social workers, court administrators, etc.).

Training
The University of North Dakota Children and Family Training Center includes curriculum on ICWA compliance as part of the 4 week child welfare certification process

The Court Improvement Project and CFS will continue to fiscally support NATI's annual "North Dakota Indian Child Welfare Conference." This conference provides a pre-session entitled "ICWA 101" as well as a variety of other ICWA- specific sessions. CFS Division Staff serve on the planning committee for this conference

The Children's Justice Symposium offers an array of topics which include sessions on ICWA.

4) Barriers/challenges to compliance

The state did not report any specific barriers or challenges to ICWA compliance.

5) Relevant information from selected tribal CFSPs

Standing Rock Sioux
Key Points:

- The North Dakota CFS Director meets regularly with the North Dakota tribal child welfare directors individually and through the state-NATI coordinated State and Tribes Enhancing Partnership Strategies (STEPS) meeting to discuss state-tribal child welfare issues on a quarterly basis.
- The North Dakota CFS provides funding to the NATI to coordinate and sponsor a North Dakota Indian Child Welfare & Wellness conference on an annual basis.
- An ICWA pre-conference training institute is provided to educate non-profit, county and state court judges and personnel, child welfare and other child & family serving agencies about the federal Indian Child Welfare Act legislation. The conference also affords an opportunity for networking and consulting between North Dakota child welfare service providers and child serving agencies regarding issues affecting the delivery of services to Native children and families who are at risk of involvement with the child welfare system.
- Currently, there are no planned changes affecting policies, procedures or communications to strengthen compliance in North Dakota or South Dakota.
- The State of North Dakota through the West Central Human Service center and County Social Services in Sioux Country participate on Standing Rock CPS permanency planning meetings for children in out of home care on the North Dakota side.
- The West Central Human Service Center also provides independent living assessments and PATH of ND provides independent living services for Standing Rock CPS foster care youth residing in North Dakota, who are going to be transitioning/aging out of the Standing Rock CPS foster care system.
- For children and youth residing on the Standing Rock Indian reservation, the primary responsibility for providing foster care, reunification, child protection and adoptive services is the Standing Rock Sioux Tribe Child Protection Services, although it is understood the States of North Dakota and South Dakota both have obligations to assist with providing services and supports to child welfare involved families under the tribal child welfare system, whether through state-tribal IV-E agreements or though federal funding available to all states and not available to the tribes for direct funding or not available (e.g. independent living, specialized adoptions, foster care maintenance payments, etc.)
- Any Standing Rock CPS tribal children who are served through the state-tribal IV-E agreements are also required to undergo case reviews for completeness as part of the CFSR process as requested. Since the North Dakota child welfare system is county administered, oftentimes the Sioux County social worker will attend Standing Rock CPS permanency planning meetings and assist with referrals and accessing additional resources through the state.
- The North Dakota CFS contracts with PATH of North Dakota to provide independent living services.
- The Standing Rock CPS has made referrals to PATH for tribal youth who are aging out of foster care.
- There has been no specific consultation related to CFCIP by either the state of North Dakota or South Dakota, although the Standing Rock CPS was invited to and attended the North Dakota CFS Title IV-B strategic planning meetings.

Ohio

1) How consultation was conducted with tribes

The state reports that, although there are no federally recognized tribes located within Ohio, the Ohio Department of Job and Family Services (ODJFS) is developing partnerships with tribal representatives within the state and will continue to build on these partnerships through the 2015-2019 CFSP cycle. ODJFS has reached out to the Native American Indian Center of Central Ohio (NAICCO), a non-profit organization dedicated to improving the lives of American Indian and Alaskan Native (AI/AN) people throughout Ohio. ODJFS has collaborated with NAICCO in its implementation of a Circles of Care grant awarded by the Substance Abuse and Mental Health Services Administration. Through its work on the Circles of Care initiative, NAICCO has established itself as a statewide leader by working to:

- Integrate AI/AN culture into the helping professions
- Increase understanding among helping professionals of the impact of cultural, social and historical factors in the lives of individuals of AI/AN heritage
- Develop of an effective systemic approach to delivering culturally appropriate and responsive services to AI/AN people.

ODJFS has provided data to NAICCO regarding the numbers of Native American youth in care and the counties in which the youth are located. ODJFS has established a plan to consult with NAICCO on an ongoing basis through the implementation of the CFSP. NAICCO has expressed an interest in assisting OFC and county and private agency partners in providing culturally appropriate and equitable services to youth of Native American heritage.

Independent Living Services
While there are no federally recognized tribes within the state of Ohio, CFCIP services are provided to all eligible youth statewide as required by OAC. Independent living services are required for all youth in care, beginning no later than age sixteen. Although fewer than 1% of Ohio’s ETV applicants identified as Native American, this is commensurate with Ohio's statewide population demographics.

2) Reported assessment of compliance with ICWA

Compliance with ICWA is assessed through Ohio's Child Protection Oversight and Evaluation (CPOE) case review process. Overall, the vast majority of Ohio's counties have demonstrated compliance with ICWA requirements. Through CPOE Stage 8 (the last complete CPOE cycle) and CPOE Stage 9 (the current cycle), a total of five out of Ohio's eighty-eight counties have been required to complete Quality Improvement Plans (QIPs) due to non-compliance with ICWA requirements. The concerns identified through case reviews in these five counties, which resulted in the development of QIPs, include:

- Insufficient inquiry regarding children's Native American heritage
- Failure to contact the U.S. Bureau of Indian Affairs in a timely manner regarding a child who may be eligible for tribal membership. (In this instance, the county contacted the Bureau of Indian Affairs outside of prescribed timelines.)

Data on Native American Children in Foster Care System
As of the writing of this state's CFSP, there are 83 children of Native American heritage currently in the custody of public children services agencies in Ohio. Franklin County has the highest number of Native American children in custody (26 as of the writing of this plan), followed by Cuyahoga (10 children). The remaining children of Native American heritage are in the custody of 19 other agencies across the state.

There are no federally recognized tribes within the state of Ohio. The most recent data from the Census Bureau estimates that 0.3% of Ohio's state population is of American Indian or Alaskan Native heritage alone. Another 2% identify as 'two or more races,' which may include individuals of Native American ancestry. In federal fiscal year 2013, there were 139 children identified as 'Native American' in the custody of child welfare agencies across Ohio. Of those children in custody, 'Native American' was the only race identified for 31 of the children. (The remaining 108 children had at least one other race identified.)

Tools for Assessing Compliance
The state is presently revising the data collection tool used for the Comprehensive Program Oversight and Evaluation (CPOE) review process. Several of the items that are currently used to evaluate Permanency Outcome 2 are being clarified.

Item 14 (Preserving Connections):

- Evaluates the agency's efforts to keep a child in custody connected to significant familial, cultural and community attachments in their lives.
- Examines the agency's efforts to assure the child's eligibility for tribal membership in accordance with the Indian Child Welfare Act (ICWA) requirements.

The proposed tool for the next round of CPOE separates these items, allowing for a clearer picture of compliance.

3) Efforts to promote compliance

Administrative Code Provisions to Promote ICWA Compliance
The Administrative Code rules that undergird Ohio's compliance with the Indian Child Welfare Act of 1978 (ICWA) were updated, effective February 1, 2014. Public Children Services Agencies (PCSAs), Private Child Placing Agencies (PCPAs), and Private Non-custodial Agencies (PNAs) are required to comply with ICWA as detailed through Administrative Code rules: 5101:2-53-01, 2-53-03, and 2-53-05 through 5101:2-53-08.

These administrative code provisions:

- Ensure consistency between state and federal ICWA definitions
- Require that agencies determine whether the child or his /her family are members of a tribe, and eligible for Indian services
- Detail the actions agencies must take when initiating a court action for custody of a child who is/may be eligible for tribal membership, regardless of whether a specific tribe has been identified

- Specify agency responsibilities when accepting a voluntary placement agreement for a child of Indian heritage from a parent, guardian or Indian custodian, including tribal notification requirements
- Specify agency requirements when conducting an emergency removal or taking involuntary custody of a child of Indian heritage, including notification requirements
- Outline the rights of parents of Indian children and agency responsibilities associated with the permanent surrender of a child of Indian heritage
- Provide detailed criteria regarding the preferred placement settings and factors agencies must consider when selecting a temporary or permanent placement for a child of Indian heritage.

Activities to Promote ICWA Compliance
PCSAs with required QIPs have implemented their QIPs and have engaged in one or more of the following activities:

- Developed and implemented a form to use with parents at the intake stage of a case to document any knowledge of the parents' Native American heritage
- Reviewed forms with parents, when a case is transferred to Family Interventions
- In the event a child is placed in a substitute care setting, the form is reviewed with any relatives with whom the agency has contact
- Updated the agency's ICWA policy
- Updated parent notification letters and grandparent notification letters to include an ICWA statement
- Updated the agency's placement form to include Native American heritage questions
- Signed and completed forms from parents and workers
- Completed ICWA training through OCWTP

Strategies to Promote ICWA Compliance
Over the next five years, ODJFS will seek to improve ICWA compliance through:

- Updated policy guidance
- Revision of Administrative Code rules (as needed)
- Provision of education on ICWA through statewide video conferences and/or conference workshops
- Provision of ongoing and case-specific technical assistance.

In addition, ODJFS will share promising practices and educational resources gathered through its participation on the State Indian Child Welfare Managers Workgroup. Furthermore, the Ohio Child Welfare Training Program will continue to provide PCSA staff with access to the National Indian Child Welfare Association's (NICWA) online training course on ICWA.

Continued Collaboration with NAICCO
The Office of Families and Children (OFC) values NAICCO's expertise and partnership. OFC staff reached out to NAICCO during the development of Ohio's CFSP to initiate consultation with the organization with a specific focus on the responsiveness of Ohio's child welfare system to children and families of AI/AN heritage. As Ohio moves forward with implementation of its CFSP, ODJFS will continue to seek NAICCO's feedback, as well as the feedback of other

prospective tribal representatives that the organization may recommend, to inform continuous planning and improvement efforts.

4) Barriers/challenges to compliance

The state has identified areas of non-compliance in five counties, with the areas of challenge related to ICWA compliance including:

- Insufficient inquiry regarding children's Native American heritage
- Failure to contact the U.S. Bureau of Indian Affairs in a timely manner regarding a child who may be eligible for tribal membership.

5) Relevant information from selected tribal CFSPs

There are no federally recognized tribes in Ohio.

Oklahoma

1) How consultation was conducted with tribes

The state reports that, over the last two years, it has engaged in substantial, ongoing, and meaningful collaboration with stakeholders, tribes, and courts in the assessment of the current child welfare system as well as analyses of strengths and areas of need in the child welfare system.

CFSP and APSRs
The state reports that its CFSP/APSR is shared with tribes annually. Copies will be distributed to the tribes via email and in person. In the respective meetings of the Tribal State Collaboration Workgroup and Oklahoma Indian Child Welfare Association, a presentation will discuss the plan and progress achieved. Barriers will be identified for discussion and plans for improvement and celebrations will be held for successes. Tribes provided copies of their 2015-2019 CFSP through the Children's Bureau Regional office. DHS attends the annual Title IV-B meeting for all tribes as scheduled by the Children's Bureau Regional office.

Consultation and Coordination
The primary method of consultation and coordination between tribes and states continues through the Tribal/State Collaboration Workgroup (TSCW). The workgroup began in 2008 and met every quarter. The workgroup is co-chaired by the DHS Child Welfare Services (CWS) Tribal Program Manager and the Indian Child Welfare (ICW) Director of the Seminole Nation. All tribal Indian child welfare representatives and key DHS field and program staff are invited to attend the quarterly meetings. Objectives were identified through collaborative assessment and planning efforts. The workgroup is developing a strategic work plan to enhance ICWA compliance through staff development, support, ICWA case reviews, and regional ICWA committees for better outcomes for Native American children. Key focus areas identified to enhance ICWA compliance: 1) assessment of ICWA compliance 2) identification and ongoing notification of an Indian child; 3) enhance local partnerships between CWS and tribes; and 4) Placement planning and keeping children connected to their culture.

The Workgroup meetings share training opportunities for both CWS and ICWA staff to participate. ICWA staff have participated in CORE Academy and Level trainings. Information on other workgroup and/or committee projects are offered to tribes to attend. Workgroup Co-chairs participated in two training projects. The Workgroup has identified the need to have formal subcommittee.

Training
DHS partners with tribes to make available training offered through the training unit. Tribes are invited to participate in CORE and level trainings along with regional trainings that can be created upon request to meet the needs of supervisors, county office or region.

Independent Living Services
The state reports that the Oklahoma Department of Human Services (DHS) is responsible for both administering the State's Independent Living Program (IL) as described in the Chafee Foster

Care Independence Program (CFCIP), the Education and Training Voucher Program (ETV), and in Section 477 of the Social Security Act to youth in the custody and care of DHS and tribal youth in the care and custody of federally recognized tribes.

The IL program will continue to coordinate with tribes through work on the Tribal/State workgroup and through technical assistance provided through the IL community contractor. The benefits and services under the IL program are available to youth in the custody of tribes on the same basis as youth in DHS custody. The IL brochure is the same for tribal and DHS custody youth. An application specific to youth in the custody of a federally recognized tribe and for the adults who work with those youth is available on the IL website. In addition tribes are notified by email of all IL related activities and events. Tribal youth are involved in each IL activity and have accessed all the IL services and resources provided through the CFCIP. By October of each year, the IL program sends a letter to each tribe with an approved Title IV-E plan or a Title IV-E tribal/state agreement to advise the tribe of their option to receive a portion of the state's CFCIP and/or ETV allotment to provide services to their tribe's youth in custody or to youth formerly in custody. The IL program will negotiate in good faith with any tribe that requests to develop an agreement to administer, supervise, or oversee the CFCIP or ETV program. The IL program will continue to coordinate with each tribe throughout the 2014-2019 CFSP, and will include the tribes in discussions of the final plan next year.

2) Reported assessment of compliance with ICWA

The Workgroup will review ICWA compliance through the Snapshot ICWA Case review process and CWS Region/County Staff development. Preliminary data collection during the Snapshot pilot indicates a need for staff development in following policy and data entry when identifying a child as Indian. An ICWA specialist will be identified for each District and receive additional ICWA training along with other duties assigned. The ICWA specialist will have ongoing guidance from the CWS Tribal Coordinator.

The state reports that assessment of ICWA compliance encompasses two areas: Snapshot ICWA Case Review and Education and Training:

Snapshot ICWA Case Review
The Workgroup developed a subcommittee or ICWA case review team in Area IV in 2012 and has been an ongoing pilot. The Snapshot ICWA Case Review Pilot reviewed 22 counties and approximately 556 children in which ICWA applies. The review included a case file, court documents, and KIDS SACWIS review of data entered. The review team included representatives from CWS and tribes. The case review and tool compiled information from the referral, investigation, court process, and placement efforts. The team's overall focus included three main areas of compliance: 1) CWS notification to the tribe; 2) legal notice and response from the tribe; and 3) meeting placement preferences with extended family. The project is near completion. Data is being compiled and preliminary data indicates early notification to the tribe as somewhat positive at 87.2%. Legal notification was found in 66% of the cases. Placement preferences with extended family indicated 45.6% were not placed with extended family, indicating a need for further review of placement processes in the counties with high prevalence. Cross tabulations identifying county and tribe will be in the final report. The tribe's right to intervene in cases is being analyzed in the pilot through tribal response and engagement into the

process. The data will be analyzed and a full report is forthcoming with projected date of January 2015. Two major barriers in the process included the Child Welfare reorganization of personnel and restructuring of county Areas to Regions. Initial participants in the review either retired or changed jobs. The original Area 4 of 15 counties increased to 22 counties as Region 4). The CFSP outlines four key areas in placement preferences, active efforts, notification of tribes, and tribe's right to intervene. The Snapshot had preliminary reviewed all of these areas, however, a more focused approach will be required in the revision of the tool. The team has scheduled two additional meetings to evaluate the tool and review process for future implementation.

Education and Training
The Workgroup meetings share training opportunities for both CWS and ICWA staff to participate. ICWA staff have participated in CORE Academy and Level trainings. Information on other workgroup and/or committee projects are offered to tribes to attend. Workgroup Co-chairs participated in two training projects. An on the job training regarding Historical Trauma and ICW was developed for new hires to complete on line. The 45 minute video explains the history of tribes in Oklahoma and trauma experienced through the generations as a premise to the Indian Child Welfare Act. The CORE Academy curriculum was revamped to include additional emphasis on ICWA. Additionally, Legal Training is provided in each Region once per year and ICWA for New Supervisors.

3) Efforts to promote compliance

A Regional Indian Child Welfare Act Workgroup (RICWAW) is in the process of being formed. The primary mission of RICWAW is to develop positive partnerships between CWS and ICWA front line staff to enhance ICWA compliance. The key strategies will include case consultations, identification of shared resources, promotion of ICWA awareness, and keeping Native American children connected to their culture. The Regional Workgroups will be co-chaired by the CWS Tribal Coordinators and an ICWA tribal representative. Each DHS Region will identify committee members as approved by regional and district directors and tribal members. Operational guidelines will be developed.

Additional strategies to meet ICWA compliance in placement preferences, active efforts, notification to tribes and ensuring tribes have the opportunity to intervene is an ongoing process. Strategies include developing tools for CWS staff such as a web page or smart phone app listing each tribe's placement preferences, external collaborations with community partners and judicial partners in meeting active efforts and tribal foster care recruitment and retention. The state also reports:

- Continuing to have ongoing evaluation of our KIDS data entry processes and identifying areas to improve validity of data to accurately measure ICWA compliance.
- Ongoing data clean-up to accurately reflect children who fall within ICWA mandates.

Policy
The state reports on DHS policy subchapter 19:

- Working with Indian Children and the Tribal State Agreement outline DHS responsibility to provide child welfare services for the protection of tribal children. Annually, DHS Legal Division and/or DHS Tribal Programs will offer a meeting to the tribes and discuss

any revisions or updates to the agreements. Once a consensus is reached, an agreement will be signed by all parties and addendums added as needed. The protection of Indian children in Indian country is a part of the Attorney General office in consultation with the tribes and Bureau of Indian Affairs Memorandum of Understanding (MOU). The MOU provides direction in child abuse and neglect investigations and notification to the tribe. DHS policy references the MOU as a guide

4) Barriers/challenges to compliance

Key barriers were identified from both the CWS and ICW staff in communication and collaboration.

The state reported on two major barriers in its Snapshot ICWA Case Review Pilot process for assessing compliance. These barriers for the compliance review process included the Child Welfare reorganization of personnel and restructuring of county Areas to Regions. Initial participants in the review either retired or changed jobs. The original Area 4 of 15 counties increased to 22 counties as Region 4). The CFSP outlines four key areas in placement preferences, active efforts, notification of tribes, and tribe's right to intervene.

5) Relevant information from selected tribal CFSPs

Sac and Fox Nation

Key Points:

- The Sac & Fox Nation (SFN) of Oklahoma Indian Child Welfare (ICW) Staff collaborates with several agencies that include local, county, and national. The ICW staff communicates via email, telephone, post mail, facsimile, and formal and informal meetings.
- When children are in state custody and are believed to be of Sac & Fox blood, the state worker will notify our staff through certified mail.
- In most cases, the state will be looking for assistance from the Sac & Fox Nation on appropriate placement to meet ICWA standards.
- The SFN ICW continues to participate in State and Tribal cases, as well as Family Team and Bridge Meetings. The tribe is actively seeking to maintain positive relations with the OKDHS.
- ICW communicates with area Child Welfare departments as to the services and contacts that are essential for the safety and well-being of foster parents and minors in the home. Information is shared at area Tribal Child Protection teams, Oklahoma Indian Child Welfare quarterly meetings as well as the Tribal State Liaison quarterly meeting that hosts tribal and state caseworkers.
- Sac and Fox Nation Indian Child Welfare Staff will meet with the OKDHS Tribal Liaison for a review of cases that are involve foster care and are Title IV-E eligible. Sac and Fox Nation currently has a tribal state agreement.
- Challenges to working with the State are that each District Court as well as each County office is different regardless of Policy. Therefore, each State case that our Tribal children and families is involved in presents different challenges.

- The team's continued focus and goal is to prevent fragmented services between tribal departments and achieve full effective collaboration. The Sac and Fox Nation Indian Child Welfare Department will continue to build strong and equitable partnerships through communication and coordination with the local Communities.
- The Oklahoma Department of Human Services has a Tribal State meeting quarterly that involves the tribal and state workers. They also have ACF regional tribal meetings out of the office located in Dallas, Texas.
- Sac and Fox Nation Indian Child Welfare are active members of the Oklahoma Indian Child Welfare Association which includes all Nations across the state. Quarterly meetings are held such that different Nations in the area host the meeting. This meeting is on a larger scale.
- The Sac and Fox Nation Indian Child Welfare Department, in collaboration with the Sac and Fox Nation Business Committee, Sac and Fox Nation District Court, Sac and Fox Nation Law Enforcement, Black Hawk Behavioral Health Clinic, and the Sac and Fox Nation Human Services, will conjoin efforts with the State of Oklahoma as well as the surrounding communities in an effort to eradicate child abuse/neglect and domestic violence. They will also promote safe and stable families by providing education and home based services for those families at risk for removal.
- Shawnee Area Native American Child Protection Team is a large part of this programs collaboration with other Nations in the area and education as it pertains to events and state needs as well. These consist of Absentee Shawnee Nation, Citizen Pottawatomie Nation, Iowa Nation of Oklahoma, Kickapoo Nation of Oklahoma, Sac and Fox Nation and Seminole Nation of Oklahoma as well as Department of Human Services of Oklahoma.

Chickasaw Nation

Key Points:

- Through the tribal state agreement, the Chickasaw Nation assists OKDHS with ICWA placements or locating appropriate relatives of children requiring out of home placement.
- The Chickasaw Nation IV-B programs collaborate with other tribal and community agencies in the provision of services including the OKDHS, the tribe has an existing foster care agreement with the state.
- For Tribal/State consultation regarding intervening in state proceedings, or transfer proceedings to the jurisdiction of the tribe: The tribe determines on a case-by-case basis whether to invoke the right of intervention. Barriers have included the court’s refusal to acknowledge motions to intervene made by social workers rather than attorneys. Not all tribes have attorneys who can perform this function or practice law outside their state.
- The tribe reports that as part of its disaster plan, its approach for coordinating services and sharing information with States and other Tribes includes:
    - Currently, the tribal social services program has a foster care agreement that mandates and requires an exchange of information.
    - The tribal program has a practice of sharing information with the other tribes and the state to enhance service delivery for children in custody. Monthly meetings are held to exchange ideas and information to address policy. Tribal program staff have an active role in these meetings.

    - Tribal program staff participated in an excellent networking group in the local service area through the tribal child protection services meeting. Six tribal programs work closely together and coordinate on a regular basis. Additionally, the Oklahoma Indian Child Welfare Association provides and coordinates with other tribes for children place in tribal custody.
- The state of Oklahoma and The Chickasaw Nation continue to have a working relationship and meet to discuss issues regarding ICWA at various settings. The Chickasaw Nation is represented at Tribal/State Workgroup as well as subcommittee meetings. Jeanie Fulton, Foster Care Manager, is co-chair of the subcommittee on foster care retention and recruitment. Several staff participate on multidisciplinary teams and other venues such as Family Team Meetings and Permanency Planning. The Chickasaw Nation currently has a IV-E Agreement with the state and continues to have access to OKDHS level trainings, group home care and child welfare reports.
- On April 3, 2012 a meeting was held in Norman, OK to discuss with the state issues surrounding tribal IV-E and the role of the state. Several items were discussed with the state including the prospect of the state paying the match on IV-E eligible children, how to address medical care for children in custody and the state continuing to pay foster care for children who are not IV-E eligible. On May 1, 2012 a meeting was held in Carter County to address "issues" of ICWA compliance and to garner an understanding of roles that tribal workers participate in. Then on May 8, 2012, the state and tribe met at the IV-B meeting; the state presented information as to their "Pinnacle Plan", which is a response to address the reasons that a class action lawsuit was brought against the state. There have also been on-going discussions and collaboration with the state in regards to a IV-E claim that is being submitted.
- 2013 Update: OKDHS and the Chickasaw Nation continue to work together and meet at various locations and venues to discuss issues related to ICWA compliance. The Chickasaw Nation is represented in various forums such as the tribal/state workgroup, completing the circle events and several multidisciplinary teams throughout southern Oklahoma. Other venues where the Chickasaw Nation participates with OKDHS include family team meeting, CPS investigations, permanency reviews and adoption criteria staffings.
- In addition to collaboration mentioned above, Chickasaw Nation has also had a IV-E Agreement with OKDHS to collect reimbursement on admin and training costs associated with the care of IV-E eligible children. Chickasaw Nation, as a title IV-E Tribal Development Grantee is involved in on-going collaborative discussions with OKDHS, the Oklahoma Health Care Authority (OHCA) and ACF to remove barriers that would hinder Chickasaw Nation from becoming a IV-E agency. At this point several meetings have occurred that has addressed the issue of Medicaid eligibility, maintenance payments for children that are IV-E eligible and are non-IV-E, the match on IV-E eligible children and adoption stipends. Meetings occurred on July 17, August 23, November 9 and December 3, 2012. The results of the meetings were favorable with OKDHS and the OHCA agreeing, in principle, to pay for foster care maintenance placement of non IV-E eligible children and to pay the match on IV-E eligible children and to provide Medicaid for all custody children. Regarding Medicaid coverage, a simple paper form will be utilized to initiate the process; OKDHS will determine the eligibility for the OHCA,

Chickasaw Nation will simply complete the forms and provide supporting documentation as required.

- Children in tribal custody are receiving child welfare services and protections as described in Section 422 (b) (8) of the Act. An information system is in place which documents the status of the case, demographic characteristics, location and goals for each child in foster care. The current system utilizes both a computer and paper system to ensure proper protections and services; Indian Child Welfare (ICW) staff provides documentation to OKDHS to generate medical coverage and to activate foster care payments. The system requires ICW staff to provide demographic information, location, and case plan goals for each child in foster care.
- The Chickasaw Nation CFSP included consultation with the Chickasaw Nation Tribal Child Protection Team consisting of representatives from the justice department, law enforcement, and the Chickasaw Nation Medical Center behavioral health, pediatrics and OB department. Representatives from OKDHS child welfare, Chickasaw Nation child care / head start, domestic violence, foster care and adoption, child abuse prevention and Indian Child Welfare also attend and participated in the collaboration of the CFSP.
- The Oklahoma Independent Living (OIL) Specialist for Area IV provides information about upcoming conferences and events via email announcements and the tribal workers newsletter. The tribal foster care/adoption workers coordinate with the OIL specialist to ensure that youth have access to all program benefits. Meetings between the youth, tribal workers and OIL specialist are scheduled for the youth to complete the Ansell Casey Life Skills assessment. If funds need to be accessed, a request is submitted to NRCYS by the tribal worker.
- 2012 Update: The Oklahoma Independent Living program contacts the Chickasaw Nation via email with information concerning upcoming trainings and events. The emails have links to enroll tribal youth in the events. These include different life skill classes regarding Health, Education, Important documents, Financial and jobs, etc. The emails give updates regarding when the Oklahoma Teen conference is held each year as well as the National IL Conference. Tribal staff is responsible for enrolling our youth at 16 into the IL program. The form is filled out and sent to the National Resource Center. The worker is responsible for helping the youth fill out the Ansell Casey Life Skill Assessment. Tribal staff is also responsible for helping the youth develop an exit plan, which includes important people in their lives, education, housing, etc. This is ideally completed 90 days before the Youth ages out of care. If IL funds need to be accessed, a request is submitted to NRCYS by the tribal worker.
- 2013 Update The CFSP continues to remain in effect with no changes anticipated.

Oregon

1) How consultation was conducted with tribes

The state reports that it reaches out to the tribes on a regular and consistent basis through on site visits with tribal program and tribal government leadership and through quarterly convenings of tribal topical affinity clusters, including: Tribal/State Education Program Managers, Tribal Prevention Coordinators, Oregon Youth Authority Tribal Director, and the Oregon Health Authority's Tribal Director.

The focus of coordination of the state's five-year goals includes input from each of the following nine tribes and DHS leadership in both child welfare practice and child welfare policy:

- Burns Paiute Tribe
- Confederated Tribes of Coos, Lower Umpqua and Siuslaw
- Coquille Indian Tribe
- Cow Creek Band of Umpqua Tribe of Indians
- Confederated Tribes of the Grand Ronde Community
- Klamath Tribes
- Confederated Tribes of Siletz Indians
- Confederated Tribes of the Umatilla Indian Reservation
- Confederated Tribes of the Warm Springs Reservation

In addition to the affinity cluster meetings, DHS makes specific outreach to gain tribal leadership stakeholder input at the Legislative Commission on Indian Services on a monthly basis.

Independent Living Services
Native American youth have equal access to the CFCIP benefits and services as other youth in the state. CFCIP services include:

- Life Skills Training: The ILP currently contracts with the Native American Youth and Family Services (serving urban Native American youth in the Multnomah county area/Portland). All other Native American youth are able to be referred to the ILP Contractor serving the county in which they reside. The exception is foster youth in the custody of the Confederated Tribes of the Warm Springs Reservation. Warm Springs has opted to receive direct Chafee ILP funding from the federal government. Therefore, Warm Springs serves all youth on the reservation and any youth in their care and custody. Former foster youth may accesses services from the ILP Provider serving the county in which they reside.
- ILP Discretionary Funds: Each Tribe, with the exception of the Confederated Tribes of Warm Springs, has access to $1,400 in ILP Discretionary Funds. The funds are to be used to assist a youth with achieving their goals as listed on their transition plan.
- Chafee Education and Training Voucher (or Grants): Native American youth access services as any other eligible youth via the electronic application process. Each school will determine a youth's financial need. Chafee Housing - Youth must return to the Tribe or DHS to request voluntary ILP services, including Chafee Housing (provides eligible youth with up to $600 per month based on need to assist with room and board expenses).

- Summer ILP Events: All Tribes are notified of the various summer events sponsored by the ILP (Native Teen Gathering, Teen Conference, DREAM Conference). Tribes are notified via email and each event is discussed at the Quarterly ICWA meeting prior to the event date. The DHS ICWA Liaisons are also notified by email of the events.

Non-CFCIP funded services include:

- Foster Youth Tuition and Fee Waiver: The Tuition and Fee Waiver will waive any tuition and fees remaining after the schools access a student's Pell, Oregon Opportunity Grant, and other institution aid. Tribal youth are eligible for this service on the same basis as youth in the State's foster care system.
- Independent Living Housing Subsidy: Per Oregon Administrative Rule (based on Oregon Revised Statute 418.475), a youth must be in the care and custody of DHS in order to be eligible for Independent Living Housing Subsidy services. This service is primarily funded with State General funds - no Chafee funds are expended on Subsidy housing stipends. If a youth is in the joint custody of DHS and the Tribe, the youth may access the Subsidy Program.

No Tribes have requested to develop an agreement to administer, supervise, or oversee the CFCIP or an ETV program with respect to eligible Indian children and to receive an appropriate portion of the state's allotment for such administration or supervision. The Department is currently in discussions with the Confederated Tribes of the Warm Springs Reservation to determine the best model for serving Warm Springs eligible youth. An update on the outcome of these discussions will be provided in next year's annual report.

As the Department begins the planning process, collaborating with the Tribes will be central in developing the best programming to meet the needs of Native American youth in foster care. The Department will use the current ICWA Quarterly meetings and monthly meetings to consult with the Tribes on CFCIP and ETV benefits and services. While the Department has been successful in providing ILP services to Native American on the same basis (and often at higher rates) than other youth in the state, discussions will include any needed adjustments to the current methods of serving Native American youth through contracted ILP Providers.

Credit Checks
The state reports that one of its goals for the next five years is to develop mechanisms for the required credit checks for youth in tribal custody.

2) Reported assessment of compliance with ICWA

The state reports that Oregon's Quality Assurance staff will complete an Oregon CFSR case review with selected tribal cases to ensure substantial compliance with ICWA requirements and good child welfare practice. The state did not report other information about its assessed compliance with ICWA.

3) Efforts to promote compliance

Interpretation of ICWA case practice and implementation of ICWA child welfare policy across the state is identified as a key goal. Ongoing collaborative consultation with tribes has resulted in

a comparison and identification of several key areas between policy and practice that will be the area of focus for five-year improvement.

Improved ICWA case practice through the ongoing consultation of the Department's nine dedicated ICWA consultant positions and the ICWA peer network which focuses on building and sharing expertise on tribal cultural considerations, and to advise on individual tribal case practice.

Data
One of the five-year goals is compliance with ICWA and data. The Tribal Affairs Director created a subcommittee at the request of the ICWA Advisory Committee on how to meet requests for data reporting on specific elements on an on-going basis. The Department has initiated ongoing meetings of DHS data experts, tribal program managers, and DHS business intelligence to determine the specific data elements Tribes need. The effort will occur within the same six-month timeframe in which the state will confirm the measures in the Plan for Improvement.

The Tribes identified following data elements and more may be added:

- Active Efforts (in both substitute care and in-home cases)
- Use of Expert Witness
- ICWA placement preference for an ICWA child
- ICWA casework with out of state tribes
- Identification of children eligible for ICWA
- ICWA Compliance (measure to be determined)

The DHS implementation of the ROM system has enabled a report on the number of ICWA eligible children in state dependency proceedings. The tribal affairs ICWA consultants have begun to hand count the number and tribal types of children at the assessment phase and clarify search underway status across the state. Findings and recommendations from this onsite data collection and evaluative efforts will lend to improving the CFSR review outcomes in the future.

ICWA Agreements
Formalizing the child welfare ICWA agreements between DHS and the nine tribes in Oregon remains a priority for the five-year plan. Currently, the Confederated Tribes of Siletz Indians, the Confederated Tribes of the Grand Ronde Community, the Confederated Tribes of Coos, Lower Umpqua and Siuslaw, the Burns Paiute Tribe, and the Confederated Tribes of the Warm Springs Reservation have active agreements in place with DHS. The Cow Creek tribe, the Klamath tribe and the Confederated tribes of Umatilla Indians agreements are in development and negotiation. Individual site visits are ongoing to coordinate and formalize with tribes who is responsible and how tribal child welfare protections are delineated.

Jurisdiction
The Tribes with Tribal courts all have the opportunity to take jurisdiction of Tribal children and have the case transferred to the Tribal court. The remaining tribes coordinate through the Oregon state court system as transfer is not an option. Notification of all court hearings and

communication between the court and the Tribal social services departments is facilitated through the two separate entities.

Notification
Each of the nine federally recognized Tribes in Oregon are notified within 24 hours when a child coming to the attention of child welfare has been identified as having American Indian heritage with any of the nine Oregon Tribes. For those cases where a child has been identified as residing on reservation land, the Tribes hold exclusive jurisdiction. When a report is received through the state's child welfare system, the state will contact the Tribal CPS system for investigation on the reservation.

Foster Home Certification Criteria
Clarification of foster home certification criteria when the tribe is responsible for certification of the home; what elements are discretionary to the tribe and what federal requirements, especially around criminal history, are applicable to all. The tribes in Oregon have a continuum of ICWA case practice models that do transfer to tribal court (Grande Ronde, Siletz, Warm Springs, Coquille, Klamath, and Confederated tribes of the Umatilla Reservation) and those tribes that coordinate and communicate tribal case staffing in state court (Cow Creek, Burns Pauite, Coos Lower Umpqua Siuslaw).

4) Barriers/challenges to compliance

The state reports that courts, tribes and community partners have continued to request data that was not readily available. The state did not report additional details about specific barriers or challenges to ICWA compliance.

5) Relevant information from selected tribal CFSPs

Confederated Tribe of Siletz Indians (CTSI)

Key Points:

- CTSI has a Tribal/State Title IV-E Agreement with the State of Oregon that has been in place since February 15, 2002. This agreement details how the State of Oregon provides the Title IV-E reimbursement of administrative costs spent by the CTSI ICW Program and provides State or Oregon staff that work directly with the Siletz Tribe.
- The tribe meets individually with Title IV-E administrative staff quarterly. Additionally it participates in many Tribal/State meetings where these staff are present and able to further our relationships. The tribe's ICW staff meet quarterly with staff from two of the State Child Welfare district offices to strengthen relationships with their staff. The tribe has also been invited in the past six months to join the Lincoln County Child Welfare staff meetings to introduce new staff.
- CTSI ICW staff has also actively participated in efforts by the State of Oregon to implement Differential Response (DR), an approach that allows child protective services to respond differently to accepted reports of child abuse and neglect by adding an alternative response. The alternate response focuses more on assessing and ensuring child safety and less on investigative fact finding. This approach emphasizes family engagement, and promotes partnering with parents, family, communities and neighborhoods to keep children safe. The tribe has participated in meetings introducing

and fleshing out the standards for DR program implementation. The tribe's participation with these meetings at the State level has been welcomed with the tribe's input being validated and utilized to inform program improvements.

- The Tribe will work collaboratively with the State of Oregon to implement Differential Response
- The Tribe is invited to participate in quarterly ICWA meetings which include representation from the State of Oregon and the 9 Federally Recognizes Tribes
- The tribe is also engaged in continual ongoing dialog with the State of Oregon case managers assigned to cases with CTSI Tribal members and with district offices where the tribe has active Child Welfare cases
- The Confederated Tribes of Siletz Indians has been invited to interview candidates for the Active Efforts worker in Lincoln County
- The Tribe has been invited to be involved in discussions on Differential Response with the State of Oregon
- In July 2014, staff from the Tribe will participate in the annual Title IV-E Audit conducted at the State of Oregon Department of Human Services
- With continued ongoing communication, there are currently no concerns with respect to the State or Oregon's consultation process or compliance with ICWA. However, the State of Oregon often sends out ICWA inquiries to see if children that are in their care are Tribal members. The tribe consistently responds to these inquiries by fax within five days. Within the past two months, the tribe has received second requests on a number of inquiries we had provided responses to. At this time the tribe has decided to respond to these requests by email. It is possible its responses have not been received because of fax error.
- At this time, CTSI works collaboratively with the State of Oregon DHS to conduct assessments of alleged abuse/neglect reports. After an assessment and investigation, if a child needs to come into care, the State of Oregon initially takes custody. The Tribe then proceeds with its policy defined by our Juvenile Code for Transfers and Intervention: "It shall be the policy of the Siletz Tribe to request the transfer of child custody proceedings involving Siletz children taking place in State court under the Indian Child Welfare Act of 1978, 25 USC §1901 et seq. ("ICWA"), except where good cause exists to the contrary. The ICWA Transfer Committee shall have sole authority to determine, by a majority vote, whether or not the Tribe will request the transfer of a child custody proceeding involving a Siletz child taking place in state court to Tribal Court."
- When a child in the care and custody of the Siletz Tribe reaches the age of 16, the Tribe engages with ILP services to conduct a credit check. At that time, the child is provided a copy of the results and given counseling as to the importance or their credit score and how to protect it. If a 16 year old Siletz Tribal child is in the care and custody of the State of Oregon, they ensure the credit check is completed with counseling provided
- The number of Siletz Youth who age out of the tribal system each year does not justify developing a tribal-specific CFCIP program
- The tribe relies on cooperation with Oregon DHS to deliver Chafee Foster Care Independent Living Program services to Tribal youth in foster care placements qualify for services from the Oregon Independent Living-Skill Building Program Training

- DHS also contracts directly with Oregon Tribes for CFCIP program services when requested by tribes. As noted above, since Siletz has never had more than 3 youth who age out in any given calendar year, the tribe has not requested such a contract.

Smith River Rancheria[11]

Key Points:

- The tribe reports that consultation on the Oregon side of the border has not occurred at any level with the state. The tribe has not seen the State's APSR or CFSP. While our working relationship with the local DHS agency in Curry county is very positive and collaborative, the state of OR has not yet engaged in any consultation with the Tribe. Oregon does not seem to identify Smith River Rancheria as a Tribe of Oregon. Although we do not yet have a physical office in Oregon, we have three counties in Oregon that are part of our designated federal service area. Oregon DHS responds to referrals on our children and currently has our children in care. During the last half of FY 2014, Oregon established an Active Efforts Specialist, whose primary role is to support caseworkers meeting ICWA requirements and work with Tribes in their region. So far this specialist has been a positive move for the Tribe and Oregon. Through our stakeholder process came the idea of quarterly meetings and we have held one and have the second scheduled. We have also opened up dialogue regarding the fact that the Tribe has federal service area in OR and we jointly manage cases. We are hoping for a meeting with the State/Tribe Liaison at Oregon DHS. We will work with Oregon DHS to actively become part of their consultation process.
- The tribe reports that as of June 2014 Oregon has not consulted with the Tribe in any official capacity in relation to any part of the CFCIP.
- The process for developing the tribe's CFSP included consultation with California DSS, Del Norte DHHS and Oregon DHS
- This year the tribe changed how it consult with its local child welfare agencies, Del Norte DHHS and Oregon DHS. The tribe held a stakeholder meeting for the specific purpose of developing its CFSP. At this meeting it reviewed its last CFSP goals and received feedback that started its goal development process. The tribe's stakeholder meeting included Del Norte DHHS (Foster Care, Title IV-E and CPS), Oregon DHS (child welfare and ICWA) and the Tribal Court
- The tribe reports that it has not discussed the jurisdictional and service delivery responsibilities with Oregon as they do not yet have a true collaborative consultation relationship in place.
- The tribe reports that it does work well with its local agencies and are often able to work things out on a case-by-case basis.
- As the tribe develops its IV-E policies, the Tribe will address the requirement to obtain credit reports for children in foster care.
- At this time the tribe works with the state of jurisdiction or the legal guardian as the Tribe has no children in foster care at this time.

[11] Notably, Oregon does not mention this tribe.

- The Tribe currently works closely with the State or County agency to identify appropriate ICWA compliant placements early on to encourage permanency in the home of a relative or other appropriate placement.
- The tribe will develop a joint foster family recruitment plan with DHS in Oregon to increase the number of ICWA compliant homes available in our service area. The recruitment plan will include outreach and recruitment materials that will be available for distribution at local agencies and during community events.
- The tribe reports that its children often remain in non-ICWA homes in part because of the ICPC process. SRR is in a unique position where the OR-CA state line may present a barrier to relative placements. We will work to develop a plan in both states to decrease the time it takes to complete the ICPC process. The Tribe and DHS/DHHS will develop an MOU/MOA to facilitate both the joint recruitment plan and the proposed expedited ICPC process.
- The Tribe and DHS/DHHS will develop an MOU/MOA to facilitate both the joint recruitment plan and the proposed expedited ICPC process.

Pennsylvania

1) How consultation was conducted with tribes

Pennsylvania currently has no federally or state-recognized tribes within its jurisdiction. The Office of Children, Youth and Families (OCYF) will continue to contact a tribal representative at the Council of Three Rivers American Indian Center via phone to discuss the CFSP/APSRs and will share the electronic link to Pennsylvania's CFSPs /APSRs with him. Any independent living services provided to Native Americans are provided by county children and youth agencies (CCYA).

The state reports that it will work to ensure that any stakeholder groups that are established to specifically look at the CFSR state self-assessment or CFSP/APSR development invite the identified tribal representative as a member of the group. Pennsylvania will also explore whether any other tribal representatives or groups should be engaged in the process as well.

2) Reported assessment of compliance with ICWA

The state does not currently have data outside of the Quality Service Reviews (QSR) and annual licensing inspection specifically regarding: notification of proceedings and right to intervene, placement preferences, efforts to prevent breakup of Indian family, and tribal rights to intervene in proceedings or transfer of jurisdiction.

Pennsylvania reports that it will plan to potentially explore how the Child Welfare Information Solution (CWIS) development may provide an opportunity to integrate data elements into the statewide system that will capture this information. PA will also explore how focus groups and/or surveys with stakeholders such as caseworkers, any identified Indian children and their families and the courts may help provide further data regarding these ICWA components.

3) Efforts to promote compliance

Since the implementation of OCYF Bulletin #3130-09-01, entitled “Implementation of the Indian Child Welfare Act of 1978,” which was published in March 2009 along with the checklists OCYF Regional Offices revised to include the ICWA law, CCYAs have made diligent efforts to assure implementation and compliance with the provisions outlined in ICWA including at the most basic foundation of asking families and children they serve whether they identify as American Indian or Alaskan Native. If a child is identified at intake as Native American or Alaskan Native, county agencies are encouraged to gather as much information as possible from the child/parent(s) regarding the child's tribal affiliation, such as the child's participation in activities of the tribe, the child's fluency in the language of the tribe and whether or not there has been previous adjudication of the child by a tribal court.

Notifying Tribes of Court Proceedings
In order to ensure that the parents and tribes are informed of court proceedings and their right to intervene should the agency plan to petition the court for custody, the agency utilizes the Department of the Interior, Bureau of Indian Affairs list of "Designated Tribal Agents for

Service of Notice" to obtain appropriate contact information for tribal representatives. While CCYAs are required to provide notification in all child custody proceedings that may result in placement or loss of parental rights, OCYF supports the practice of providing notification at the earliest possible date, regardless as to whether or not a custody proceeding is being considered, in order to help secure any resources or assistance available from the tribe that may help in avoiding possible placement of the child.

Kinship Policy and ICWA Compliance
Pennsylvania's formal Kinship Policy and emphasis on family engagement strategies supports the provisions outlined in ICWA regarding placement preferences of Indian children and efforts to prevent the break-up of the Indian family when parties seek to place a child in foster care or for adoption. For Indian children, as for all children, CCYAs seek to utilize practices such as, but not limited to, FGDM and family finding to help ensure all family members are identified and located and engaged in planning to the address the child and family's needs.

Transfer of Court Cases to Tribe's Jurisdiction
In compliance with ICWA, Pennsylvania requires that if the tribe accepts jurisdiction, the court must transfer the case, unless the parent or Indian guardian objects to the transfer or the court can show good cause not to do so. As good cause is not defined in ICWA, OCYF offers the following criteria to CCYAs to consider when making recommendations to the court for transfer determination:

- The proceeding was at an advanced state when the petition to transfer was received, and the petitioner did not file the petition promptly after receiving the petition;
- The Indian child is over twelve years of age and objects to the transfer; and
- The evidence necessary to decide the case could not be adequately presented in the tribal court without undue hardship to the parties or to the witness.

Child Welfare Training for ICWA Compliance
Training for the child welfare workforce around ICWA is integrated into the curriculum for Charting the Course (CTC), which all caseworkers are required to complete. ICWA is discussed throughout the various modules which comprise the training, which includes discussion of case planning with families and out-of-home placement and permanency planning. Elements pertaining to ICWA have also been integrated into curriculum offered by the CWRC around concurrent planning and family finding. The Supervisor Training Series (STS) and CTC for Administrators also review ICWA provisions. At this point in time, the state does not plan to update information regarding ICWA in these trainings over the next five years.

Use of QSRs for ICWA Compliance
Along with annual licensing, OCYF is also able to monitor compliance with ICWA through the use of the QSRs, which specifically reviews any cultural considerations which should be taken into account in rating practice performance indicator "Cultural Awareness and Responsiveness." OCYF's monitoring of CCYAs have not found any challenges or concerns related to compliance with ICWA or the overall provision of service to families and children who identify as American Indian or Alaskan Native, therefore there have not been any changes to laws, policies, or procedures regarding ICWA over the past five years. The state does not anticipate any changes to laws, polices, or procedures regarding ICWA within the next five years but will continue to

monitor compliance with ICWA during their annual licensing inspections and QSRs and provide ongoing technical assistance as necessary.

4) Barriers/challenges to compliance

The state did not report any barriers or challenges to ICWA compliance.

5) Relevant information from selected tribal CFSPs

There are no federally recognized tribes in Pennsylvania.

Puerto Rico

1) How consultation was conducted with tribes

Puerto Rico does not report any information on consultation with tribes.

2) Reported assessment of compliance with ICWA

Puerto Rico does not report any information on its assessment of its compliance with ICWA.

3) Efforts to promote compliance

Puerto Rico reports that it will take the following steps when a child enters the child welfare system and is a member or eligible for membership in a tribe.

- In any CPS intervention initiated by ADFAN, involving an Indian child, reasonable efforts will made to alleviate the need to remove the Indian child from his or her home. These efforts must involve using available resources of the child's extended family, and initiating communication with the tribe/nation and Indian social services agencies.
- If an Indian child enters foster care in PR, efforts will be made to place he/she with a member of the child's extended family and communication efforts with the tribe/nation and Indian social services agencies will be initiated.
- In any Indian child custody proceeding initiated by ADFAN, the child's parent or Indian custodian and the child's Indian tribe, will be notify by registered mail, of the pending proceeding and of their right to intervention. If the identity or location of the parent or Indian custodian and the tribe cannot be determined, the notice must be given to the PR State Secretary.

4) Barriers/challenges to compliance

Puerto Rico did not report any barriers or challenges to complying with ICWA.

5) Relevant information from selected tribal CFSPs

Puerto Rico does not have any federally recognized tribes within its boundaries.

Rhode Island

1) How consultation was conducted with tribes

Rhode Island has one federally recognized tribe, the Narragansett Tribe. The state reports that, in preparation for the 2015-2019 Child and Family Service Plan, the Tribal representative was a key participant in the day-long CFSP planning retreat held in March 2014 along with other key stakeholders. In addition, the department has established a Family Community Advisory Board to enhance on-going community collaboration. The department also holds quarterly Child Welfare Advisory Committee meeting attended by various pubic and non-profits stakeholders.

Rhode Island reports that the relationship between the Narragansett Tribe and the Department of Children, Youth and Families (DCYF) remains good, particularly within Child Protective Services (CPS). The Department consults regularly with Ms. Wenonah Harris, the Administrator of the Narragansett Tribal Family and Children's Services.

The state reports that it will provide the Narragansett Tribe with a copy of the 2015-2019 Child and Family Service Plan once it has been approved.

The Department’s policy on the Indian Child Welfare Act represents the agreement between the state and the Tribe regarding responsibilities for providing child welfare services and protections for tribal children, as the Tribe's Director for Child and Family Services was consulted in the development of this policy.

Chafee Foster Care Independence Program Consultation
The services and supports that are provided to youth in the Department's care through the Chafee Foster Care Independence Program (CFCIP) are inclusive of Indian youth. The Narragansett Tribe has not requested to directly administer or receive CFCIP or ETV funds.

2) Reported assessment of compliance with ICWA

The state reports that the Department’s ICWA policy guides all activity related to managing cases where a child/family is found to have Indian heritage and our SACWIS system (RICHIST) is designed with a checklist for social workers to complete which assists with ensuring the identification and notification for families relative to rights and privileges in accordance with ICWA. This mechanism also ensures that necessary documentation is provided to the Department's legal counsel. However, the system is not currently designed to produce a quantifiable report on activities related to ICWA. In this past state fiscal year, the Narragansett Tribal Liaison working with the Child Protection Division reports that she has received 79 inquiries for verification of Indian heritage.

3) Efforts to promote compliance

Rhode Island reports that the Narragansett Tribe does not operate its own child welfare system and relies on the Department to assist with all of the aspects of this State’s child welfare auspices. The Department has an internal Policy (#700.0170 attached) reflective of the Federal

Indian Child Welfare Act (ICWA). DCYF Administrators and the Narragansett Tribe representatives have agreed that DCYF would use its Policy relating to ICWA as a basis for a State-Tribe agreement. This policy addresses critical considerations relating to:

- Identification of Indian children;
- Notification of Indian parents and Tribes of State proceedings involving Indian children and their right to intervene;
- Special placement preferences for Indian children;
- Active efforts to prevent breakup of the Indian family; and
- Tribal right to intervene in State proceedings.

As such, this Policy represents the understanding between the Department and the Tribe as it relates to the responsibility for providing protections for Tribal children who are in state custody, as referenced in Section 422(b). In addition the Department is also responsible for the following services and protections:

- Operation of a case review system for Narragansett affiliated children in foster care (Administrative Review Unit bi-annually)
- A pre-placement and preventative services program for Narragansett affiliated children at risk of entering foster care to remain safely with their families (Family Care Community Partnerships)
- A service program (Partners in Permanency) for Narragansett affiliated children in foster care to facilitate reunification with their families, when safe and appropriate, or to place a child in an adoptive home, legal guardianship or other planned permanent living arrangement
- DCYF will finalize MOU's Equifax, Experian and TransUnion within 6 months
- DCYF will make any necessary infrastructure for electronic submissions within 6 months
- Implement training for staff on Child and Family Services Improvement and Innovation Act of 2011 and how to conduct credit checks for Narragansett affiliated youth in their caseloads.

Rhode Island reports that the tribe and the Department are continuing work toward development of a standardized process that will improve coordination and information exchange between the two systems to ensure actions are in the best interest of Tribal children in compliance with the Indian Child Welfare Act. The Department and Tribe have a Cooperative Agreement which provides for a Tribal representative to be co-located within CPS. The Tribal liaison began work in May 2011. The Department and the Tribe have renewed the Cooperative Agreement to continue this on-site contact, which has improved communication and understanding between DCYF child protection investigators and intake staff and the Tribe regarding jurisdictional matters in child protection cases. The Department and the Tribal liaison have also revised an authorization form to be used by Child Protection staff with prospective Tribal members. The prospective Tribal member will sign the form authorizing the Department to contact the Tribe in order to obtain Narragansett Tribal membership status of the involved individual(s).

Rhode Island reports that it is acknowledged that the Department has new staff within Family Service Units who may not be familiar with the requirements under ICWA and that the Department continues its work with the Tribe's representative to troubleshoot these issues and ensure ICWA training as part of the core training curriculum offered at the Child Welfare

Institute. There have been a series of ICWA trainings was held targeting DCYF staff including Family Service Units, CPS, Juvenile Corrections and attorneys. The most recent training was held in March - April 2011, conducted by a nationally known expert on the federal Indian Child Welfare Act provisions. A separate training was held at this time for Judges and Magistrates at Family Court.

The Department will continue its Cooperative Agreement with the Tribe to ensure ongoing coordination and collaboration in the implementation and assessment of the CFSP, and monitoring improvement of the state's compliance with the ICWA. To date, the relationship between the state and the Narragansett Tribe has been good regarding this coordination, and we see no barriers at this time.

The state reports that the Department will continue to build upon the active and positive relationship with the Child Welfare representative of the Narragansett Indian Tribe, Rhode Island's only federally recognized tribe.

4) Barriers/challenges to compliance

The state reports that it is acknowledged that the Department has new staff within Family Service Units who may not be familiar with the requirements under ICWA.

5) Relevant information from selected tribal CFSPs

No relevant tribal CFSPs were reviewed.

South Carolina

1) How consultation was conducted with tribes

The Catawba Indian Nation (CIN) is the only federally recognized Indian tribe in South Carolina. The Catawba Indian Nation is located in the counties of York, Chester, and Lancaster in South Carolina. The state reports that the tribe works with the South Carolina Department of Social Services (SCDSS) County and Regional Offices in those counties for services.

As of the end of the third quarter of the FFY 2014, the CIN has not elected to serve as a IV-E agency. At the same time, the SCDSS through its County Offices has continued to work closely and collaboratively with the CIN, during the FFYs 2010-2014 so that, if at any time in the future, the tribe chooses to serve as an IV-E agency, the SCDSS will be in a good position to support them.

CFSP and APSRs
The process used to gather input from the Catawba Indian Nation for the development of the CFSP 2015-2019 involved face-to-face discussions with the CIN representative Linda Love, face-to-face discussions with the SCDSS County Office staff persons who had contacts with the CIN during the FFYs 2010-2014, and telephone and e-mail discussions with that SCDSS staff.

The SCDSS provided the CIN with a copy of its CFSP 2010-2014, and has also provided copies of the APSR each year for the FFYs 2010-2013. The SCDSS will provide the tribe's Director of Social Services, Linda Love at this time, with a copy of the CFSP 2010-2014 Final Report, and a copy of the CFSP 2015-2019, by June 30, 2014, in hard copies and/or electronic versions, in the way(s) desired by the tribe. The Department will also provide copies to Dione Carroll, the Legal Counsel for the CIN.

In response to earlier consultations between the SCDSS York County Office staff and the tribe, and to the recent consultations between the SCDSS State office staff, the SCDSS has placed multiple objectives into the CFSP 2015- 2019 to address the needs and areas of concern indicated in the CFSP and others in the section Consultation and Coordination between States and Tribes.

Consultation and Reports
The state reports that a strength for the SCDSS has been its responsiveness to the specific needs of the Catawba Indian Nation (CIN), and its communication with them. Since the last APSR, for the FFY 2013, the SCDSS developed a quarterly report that identified the involvement of the SCDSS with Native American children and youth. This has been shared on a quarterly basis with the Director of Social Services of the Catawba Indian Nation, through e-mails. In addition, the high quality and quantity of responsiveness to the CIN by the SCDSS is evident in the offer of increased communication with the CIN's Director of Social Services and her response. During the FFYs 2010- 2014, including during the FFY 2014, the York County SCDSS Office discussed with the CIN the possibility of meeting quarterly with the tribe's representatives. However, the tribe's Director of Social Services declined the offer because she said that she had excellent communication with the York County SCDSS Office through e-mails and telephone

consultations, and therefore she did not think that quarterly meetings were necessary.

During the FFY 2014, the SCDSS State Office staff twice visited the Catawba Indian Nation to meet and consult with tribal representatives. At the most recent consultation at the CIN between the SCDSS and the Catawba Indian Nation, held on March 18, 2014 at the CIN renovated Long House, Marcia Jervey and Terri Pope of the SCDSS met with Linda Love.

The SCDSS has worked collaboratively with the Catawba Indian Nation (CIN) during the FFYs 2010-2014. In spite of this collaboration, increased consultations with the CIN are needed in order to establish more formalized processes for managing child welfare services for children coming into care for other tribes as part of the CFSP FFY 2015-2019, and tracking and recruiting more adoptive and resource families, identifying eligibility and support services for CFCIP.

Throughout FFY 2014, the SCDSS County staff of counties in which the CIN resided or bordered, consulted with the CIN staff members. These discussions included, but were not limited to issues pertinent to Indian adolescent foster youth and the adoption of Indian youth. During these discussions it was reaffirmed that, due to their cultural beliefs, most CIN families were willing to take family placements, but rarely advocated adoption or permanent removal of youth from their family of origin. However, the CIN has communicated that they want the CIN to develop a relationship with Adoption Recruitment Coordinators to assist the CIN in Native American adoptive resources. The Catawba Indian Nation has indicated that they do not have the resources to do this, and will welcome SCDSS support in this activity.

Credit Reports
The SCDSS has had as a part of its APSRs in recent years, the objective to systematically obtain credit reports for tribal children ages 16 and older who are in foster care. This systematic approach has not been put in place. There have been intermittent efforts by the SCDSS to obtain credit reports for these children, through very sporadic actions by the County Offices. This will be addressed in the plan for improvements at the end of the section. The only challenge or barrier to activating this systematic reporting has been a staff capacity challenge and a necessity awareness challenge.

Independent Living Services
The Staff of the SCDSS Chafee Independent Living Program has provided information to the Catawba Indian Nation on the training curriculum for older youth titled, A Native Pathway to Adulthood, which was available through the National Resource Center on Youth Development. The tribe has also been given copies of the SCDSS Chafee Guidelines Booklet, and has been informed of the existing services provided by the agency. The Catawba Indian Nation and the Department will continue to work together to provide post-foster care services for Indian children emancipating from foster care, after reaching the age of 18.

The state reports a challenge that not all Native American youth involved with the SCDSS have been identified as turning 17 years old within 90 days, nor identified later as turning 18 in the forthcoming year, and so transition planning has not always occurred. The SCDSS and the CIN have agreed that there is a need to develop a formal process to identify Native American children who will turn 17 years old within 90 days, in order to begin formal transition planning and

education about emancipation after the youth turns 18 years old. See Objectives.

The Catawba Indian Nation Director of Social Services and the SCDSS staff have agreed that self-identification of older youth needs to be further addressed. This will be done through ongoing efforts, in order to ensure that Indian youth fully realize the benefits that they are entitled to receive through the tribe, such as scholarships, housing, and medical services. A representative of the Catawba Indian Nation has been and will continue to be the contact for youth mentor support, and can be reached through contacting the Catawba Indian Nation office.

The staff of the SCDSS meets in person with representatives of the Catawba Indian Nation (CIN) to ensure that benefits and services under the Chafee Independent Living Program will be available to Indian children in the state on the same basis as to other children in the state. The tribe has chosen not to serve as an IV-E agency. The SCDSS has informed the Catawba Nation that the agency stands ready to work with the CIN if they choose to participate as an IV-E agency.

As it relates to determining eligibility for CFCIP/ETV benefits and services and ensuring fair and equitable treatment for Indian youth in care:

- SCDSS staff consulted and will continue to consult on an ongoing basis with the CIN regarding issues pertinent to Indian youth. The tribe has been provided with the Chafee Independent Living Guidelines for services and eligibility.
- The tribe has discussed meeting quarterly with the York County DSS office; however, the tribe's Director of Social Services, Linda Love, reported that she has excellent communication with that office through e-mail and telephone, and does not at this time feel that quarterly meetings are necessary. Tribal representatives have been very involved in the Foster Care Review Board and do attend those meetings regularly.
- All youth who were placed in foster care in South Carolina or former foster youth who meet Chafee and ETV eligibility, are eligible to request Independent Living Services regardless of tribal status. The CIN has been informed of eligibility criteria, types of benefits available through the Chafee program, and how to apply for those benefits, which can be requested either through the SCDSS county case worker or requested directly from the State Chafee Independent Living Program.

In South Carolina, Indian youth use the same criteria for eligibility as any other youth in foster care, regardless of their tribal status. Services may also include ETV funds for qualifying youth to pursue post-secondary education.

2) Reported assessment of compliance with ICWA

The state reports that, according to the 2012 census data, less than one percent (.05) of South Carolina's population is of American Indian or Alaskan Native race.

The state reports that preserving connections (*Item 14: Preserving connections)* continued to be an Area Needing Improvement and related to the lack of effort in maintaining relationships between children and their home neighborhood, connections with the child's maternal and paternal relatives, siblings, and school or friends connected to the child prior to coming into care.

The agency did not fully utilize resources such as the telephone, Skype, teleconferencing, and letters to maintain connections, nor was there documentation as to the reasons connections should not/could not be preserved, and whether this was reassessed each year in situations where dynamics may have changed allowing contact. There was often no documentation that there was sufficient inquiry to determine whether or not a child was Native American or had tribal affiliations.

During the FFY's 2010-2014, adults, youth, and children, affiliated with these other tribes, lived in South Carolina and received services. These other tribes included: the Cherokee Nation of Oklahoma, the Shoshone Tribe of the Wind River Reservation, the Eastern Band of Cherokee Indians of North Carolina, the Pokagon Band of Potawatomi Indians of Michigan, the Ugashik Village, the Pit River Tribe/Big Ben, Lookout, the Sissseton-Wahpeton Sioux Tribe/Lake Traverse Reservation, the Beaver Village, the Shawnee Tribe of Indians of Oklahoma, Lummi Tribe of the Lummi Reservation, Blackfeet Tribe of the Blackfeet Reservation, Cheyenne River Sioux Tribe of the Cheyenne River Reservation, and the Assiniboine and Sioux Tribes of Fort Peck Reservation.

3) Efforts to promote compliance

During the FFYs 2010-2014, when non-CIN Native American children and youth became involved with the SCDSS, the CIN representative to the SCDSS acted as the conduit of information from the SCDSS to other tribes. When the CIN representative was contacted by the SCDSS indicating the involvement of the SCDSS with a non-CIN Native American child or youth, the CIN representative contacted the other tribe to relay the information, and when requested by that tribe acted as that tribe's representative with the child. This representation of other tribes with the SCDSS was on a case-by-case basis.

In addition to a willingness to act as the representative and contact for other tribes with the SCDSS, and to serve as a conduit of information from the SCDSS to other tribes about the involvement of the Department with the children and youth of other tribes, the Catawba Indian Nation has also served and is willing to continue serving the needs of all Native American children, if given permission by the other tribe(s). During the third quarter of the FFY 2014, the CIN provided assistance to 16 Native American children in foster care, 12 Catawba Indian Nation children, and 4 children from other tribes. The CIN informed the SCDSS that some of their services are available to children and youth of other tribes. These services include as of the FFY 2014, counseling, food and clothing, day care, shelter, and transportation.

One of the results of the consultations with the CIN is that the Department learned that there is no Memorandum of Understanding (MOU) between the SCDSS, the CIN, and the other tribes, that would allow information about children and families of other tribes to be shared with the CIN, as a conduit to the other tribes. However, there is apparently a verbal agreement between the CIN and other tribes, allowing the CIN to be the first contact by the SCDSS, when a non-CIN Native American child or youth becomes involved with the SCDSS. The SCDSS and the CIN need to jointly develop that MOU.

In the third quarter of the FFY 2014, the tribe had 0 licensed foster parents for the placement of Native American Children. This lack of licensed foster care homes in the CIN exists in spite of

efforts by both the SCDSS and the CIN to obtain them. When a foster care placement is necessary, the Catawba Indian Nation works in conjunction with the SCDSS in recruitment activities, identification of potential foster homes, and the Heartfelt Calling recruitment initiative. The SCDSS does the background screening for relative placement and handles the licensing of foster homes for the CIN, should a potentially licensed home be identified.

Family Preservation
In an effort to prevent the breakup of the Indian family, during the FFYs 2010-2014, the CIN and the SCDSS County Offices have worked collaboratively to provide reasonable efforts to prevent removal of the child from the home. They also worked collaboratively to provide due diligence in the search for a relative caregiver as an alternative to the child being placed in foster care, as the first priority. The SCDSS and the tribe continue to work together to conduct home visits.

Revision of Policy and Procedure
Also as a result ongoing consultations with the CIN, in the FFY 2013, the SCDSS revised its Policy and Procedure for the Transfer of Placement and Care Responsibility of a Child from a State to a Tribe. The Department revised its policy to better explain the responsibilities of the SCDSS, and the Agency also revised the documentation form that notifies the Catawba Indian Nation of any Indian children taken into custody. Specifically, the policy addresses the diligent efforts to be made by the county worker, and explains the tribe's responsibility for verifying tribal membership and the transfer of the child.

Right to Intervene
The Catawba Indian Nation representative has indicated that the tribe wants to be more involved at the intercessory level, to intervene in all cases, prior to the SCDSS becoming involved with tribal children or youth. So while the quarterly reports that have been and will be sent to the CIN identifying the involvement of the SCDSS with Native American youth is a useful tool, another process will need to be developed by the SCDSS with the CIN, so that the CIN can be more involved at an earlier date, and be enabled to intervene prior to SCDSS involvement in all cases.

Training
One of the results of this consultation was that it was agreed that there needs to be more training available to the SCDSS staff and contract providers, with regard to the ICWA law. This is necessary to ensure that all workers understand the ICWA law, and to ensure that the CIN will be contacted and involved from the start of a youth's involvement in any form with the SCDSS.

As a result of this consultation, the University of South Carolina Children's Law Center has collaborated with the SCDSS to sponsor an Indian Child Welfare Act (ICWA) Conference on June 27, 2014, in the Catawba Indian Nation Longhouse in Rock Hill, South Carolina. The title of the conference was "The Basics & Beyond", and included training with the following titles:

- Overview of the ICWA and its Applications in Child Welfare Cases
- Working with ICWA and the Impact of Compliance/Non-Compliance
- Representation in an ICWA Case
- Tribal Services in Child Welfare Cases: From Therapy to Child Support; and ICWA: A View from the Bench.

The SCDSS Legal Staff and caseworkers, and Judges were invited to attend.

Quarterly Reports
Since the last APSR, for the FFY 2013, the SCDSS developed a quarterly report that identified the involvement of the SCDSS with Native American children and youth. This has been shared on a quarterly basis with the Director of Social Services of the Catawba Indian Nation, through e-mails. During the FFYs 2010-2014, including during the FFY 2014, the York County SCDSS Office has discussed with the CIN the possibility of meeting quarterly with the tribe's representatives. However, the tribe's Director of Social Services reported that because she had excellent communication with the York County SCDSS Office through e-mails and telephone consultations, and therefore she did not think that quarterly meetings were necessary. Tribal representatives have attended the SC Foster Care Review Board meetings regularly. During the FFY 2014, invitations were extended to the CIN Director of Social Services to participate in the Child Welfare Advisory Committee. The CIN is not currently an active member of this committee. The tribe has participated in several national meetings including the National ICWA Conference.

The state reports that SCDSS' plans to maintain and improve ICWA compliance and services to Catawba Indian Nation and other tribes' children and youth include:

- Objective 1) The SCDSS will develop jointly with the Catawba Indian Nation, recommend, and finalize a Memorandum Of Understanding, that will allow the CIN to be the first contact by the SCDSS when a non-CIN Native American child or youth becomes involved with the SCDSS, and that will allow information about children and youth of other tribes to be shared with the CIN, as a conduit to the other tribes. The objective is to finalize the MOU by the end of the FFY 2015.
- Objective 2) The SCDSS and the CIN will develop a process so that the CIN will have an opportunity to intervene before the SCDSS becomes involved in a case with a child or youth member of the CIN or of another tribe. The objective is to present the proposed process by January 31, 2015.
- Objective 3) The SCDSS, in consultation with the Catawba Indian Nation, will review the results of the ICWA Conference on June 27, 2014, and make recommendations for further training on the ICWA, by October 31, 2014, and further conferences on ICWA. Research having the USC Children's Law Center develop more comprehensive ICWA training activities as part of the Child Welfare Basic Training.
- Objective 4) In conjunction with the CIN, the SCDSS will assess the level of need for more cultural-competency among the SCDSS staff and its providers. A training plan will be developed based on the level and type of cultural- competency improvement that is needed. The assessment and recommendation process will begin by January 31, 2015 for SCDSS staff and its providers, and the recommendation for increased training will be made to the SCDSS by April 30, 2015.
- Objective 5) The SCDSS, through the Office of the CFCIP, will assess what tools are currently being used to identify Native American children and youth, and make a recommendation regarding what tools and processes need to be put into place, and how to train and implement those tools. The recommendation will be made by the end of the FFY 2015.

- Objective 6) The SCDSS, through the Office of the CFCIP, will assess the barriers to obtaining a credit report for all tribal youth age 16 years and older, and make a recommendation to address this barrier(s). The assessment will begin before the end of the second quarter of the FFY 2015, and a recommendation will be made to the SCDSS, before the end of the FFY 2015.
- Objective 7) The SCDSS, through the Office of the CFCIP, will develop a formal process to identify Native American children who will turn 17 years old within 90 days, in order to begin formal transition planning and education about emancipation after the youth turns 18 years old. The assessment will begin before the end of the second quarter of the FFY 2015, and a recommendation will be made to the SCDSS, before the end of the FFY 2015.
- Objective 8) For whatever increased training activities are recommended, establish a minimum for the SCDSS staff of County and State Office Attorneys and County Child Welfare workers, and The Department's providers, of an annual required desktop training, available by the end of the first quarter of the FFY 2016.
- Objective 9) The SCDSS State Adoption Unit will work with the CIN to develop a relationship with Adoption Recruitment Coordinators, to assist the CIN in identifying Native American adoptive resources. This process will begin before the end of the first quarter of the FFY 2015.
- Objective 10) The SCDSS will continue efforts to involve the Catawba Indian Nation in the Foster Care Advisory Committee, and in Palmetto Power (P2s), aside from the Foster Care Review Board. The effort to involve the CIN, through face-to-face consultation if possible, will occur at a minimum of once per quarter, beginning in the first quarter of FFY 2015.

During the review period of 2010-2014, the CIN and the SCDSS counties have worked collaboratively to provide reasonable efforts to prevent removal of children from the home. They also worked collaboratively to provide due diligence in the search for a relative caregiver as an alternative to the child being placed in foster care.

When placement with a relative or a foster care placement was necessary, the Catawba Indian Nation worked in conjunction with the SCDSS in recruitment activities, identification of foster homes, and the Heartfelt Calling recruitment initiative. The SCDSS has done and will continue to do the background screening for relative placement and handles the licensing of foster homes for the tribe. The SCDSS and the tribe have and will continue to work together to conduct home visits.

Placement Preferences
When a Catawba Indian Nation child is placed into foster care, the tribe has preferred placement in a non-Native American home that is close to the family and the tribe, as opposed to a foster care placement in a Native American home that is farther away. This preference has been and will continue to be respected and accommodated by the SCDSS, in the FFYs 2015-2019.

4) Barriers/challenges to compliance

Through consultations with the Catawba Indian Nation during the FFY's 2010-2014, some areas of concern have been identified such as improved knowledge of the ICWA for the SCDSS staff and its providers and cultural competency. These areas of concern have been addressed in the attached Training Plan and in the Objectives as found in the section on Consultation and Coordination Between States and Tribes.

Another result of the March 18, 2014 consultation between the SCDSS and the CIN was the determination that there is a need for more cultural-competency training for SCDSS staff and its providers, to be developed in conjunction with the CIN. Another issue identified at this meeting was the need to assess what tools are being used and need to be used to identify Native American children, and to ensure those tools are placed into case manager training and practice.

In spite of the assistance of the SCDSS county offices, the Catawba Indian Nation has been able to place 0 children in foster care in any Native American homes in South Carolina, during the FFY 2014. From March 2013 to March 2014, there were 2 youth in the SCDSS care who were in tribal family placements, both were identified as being Native American, and each was a member of a federally-recognized tribe. One of the reasons for no CIN children and youth being placed in any Native American homes is, when a CIN child is placed into foster care, the tribe has preferred placement in a non-Native American home that is close to the family and the tribe, as opposed to a foster care placement in a Native American home that is farther away. This preference has been respected and accommodated by the SCDSS.

In the FFYs 2010-2014, the Catawba Indian Nation staff members have been in discussion with a coalition of private providers, to become Certified Adoptions Investigators by the SCDSS. Due to a lack of available staff, the Catawba Indian Nation chose to withdraw from the coalition.

5) Relevant information from selected tribal CFSPs

No relevant tribal CFSPs were reviewed.

South Dakota

1) How consultation was conducted with tribes

CFSP and APSRs
CPS scheduled a CFSP meeting on February 27, 2014, and invited the ICWA Directors and tribal child welfare directors from the nine tribes to attend. ICWA staff attended from Cheyenne River, Standing Rock, Rosebud, Pine Ridge, Yankton and Crow Creek. Tribal child welfare staff attended from LOWO (Pine Ridge), Sisseton Wahpeton, and Flandreau. Others in attendance included a Rosebud Sioux Tribal Court Judge and a representative from Casey Family Programs.

The Division of Child Protection Services (CPS) held a stakeholder meeting on March 11, 2013, at Lower Brule between various tribal agencies and CPS. Twenty-seven people were in attendance. A PowerPoint presentation was provided regarding the CFSP, which included state and local office data and discussion about goals and services.

CPS held a stakeholder meeting on March 11, 2014, at Lake Andes, South Dakota between various tribal agencies and CPS. Seven people were in attendance. A PowerPoint presentation was provided regarding the CFSP, which included state and local office data and discussion about goals and services.

The ICWA Program Specialist has mailed the APSR annually to ICWA Directors and Tribal Child Welfare Directors with a cover letter encouraging comment on the APSR at any time by the Directors. CPS will provide the CFSP and 2014 APSR to the ICWA Program Specialists and Tribal Child Welfare Directors once they are approved. CPS will offer a plan for a recurring joint meeting between CPS, ICWA Directors and Tribal Child Welfare Directors which will include discussion related to the CFSP and APSR.

Other Consultation and Coordination
Yankton Sioux Tribe—The ICWA Program Specialist called Benjamin Kitto from the BIA in July 2013 to offer a stakeholder meeting. Mr. Kitto said he was interested in the idea but suggested waiting until after the tribal elections and swearing in of officials in September 2013. The ICWA Program Specialist followed up with an email but no plans have been made for the meeting.

Crow Creek Sioux Tribe—CPS held a stakeholder meeting on February 19, 2013, at the Lode Star Casino between various tribal agencies and CPS. Forty-four people were in attendance. A PowerPoint presentation was provided regarding the CFSP, which included state and local office data and discussion about goals and services. After this meeting, the ICWA Program Specialist received an email from a tribal member, who was working with the tribal administration on forming a committee to study the possibility of a State/Tribal Agreement. The template of the agreement and addendum used by CPS for State/Tribal Agreements was provided to her at her request.

Direct Child Welfare Services

CPS provides direct child welfare services to five of the nine South Dakota tribes. CPS is able to provide all of the necessary safety, permanency and well-being services and protections for children and their families through coordination and collaboration with the tribal legal and service systems. The tribes CPS provides direct services to are the Rosebud Sioux Tribe, Cheyenne River Sioux Tribe, Crow Creek Sioux Tribe, Lower Brule Sioux Tribe and Yankton Sioux Tribe. The four tribes that provide their own full array of child welfare services are the Flandreau Sioux Tribe, Sisseton Wahpeton Oyate Tribe, Standing Rock Sioux Tribe, and the Oglala Sioux Tribe. CPS has IV-E Agreements with Flandreau and Standing Rock. CPS has full Agreements with Sisseton Wahpeton Oyate and Oglala. CPS coordinates with the tribes through those agreements to assure the safety and permanency for children.

Independent Living Services

In South Dakota, the Chafee Foster Care Independent Living Program is a state administrated program. The Division of Child Protection Services has a contract with Lutheran Social Services (LSS) to provide Community Resource People (CRP) to provide support services regarding development of independent living skills for youth ages 15 through 18 in foster care so the youth are able to live independently as adults. The Division of Child Protection Services provides child welfare services on the following five tribes: Rosebud, Lower Brule, Crow Creek, Cheyenne River and Yankton. The Division of Child Protection Services has established agreements with the other four Tribes to provide their own child welfare services, which are Pine Ridge, Flandreau, Sisseton, and Standing Rock.

The Division of Child Protection Services will continue written and verbal contact with the nine BIA and tribal child welfare agencies to discuss program issues and gain input related to the coordination of ETV and Chafee Foster Care Program funding and services to eligible youth and staff on the reservation. Special emphasis has been placed on meeting the needs of Native American youth. The Independent Living Program Specialist and ICWA Program Specialist have made each tribe aware of available services and opportunities available to Native American Youth ages 18 up to the age of 21 who were formerly in foster care under tribal jurisdiction. In addition, financial assistance for post-secondary education and training is available to eligible tribal youth through the ETV.

The ICWA Program Specialist has shared emails with the BIA and ICWA contacts informing them of the ETV Scholarship Funding. For example, the ICWA Program Specialist has shared information on how to register for the ETV scholarship funds in August 2013, December 2013 and June 2014.

The ICWA Program Specialist has created a contact list for each of the tribes. This information has been shared with the CRP. The CRP have used this information to make connections with the tribes involving the Independent Living Program for services with the ETV funds. The Community Resource Persons is responsibility to identify resources and network with people on the reservations in their area. Information regarding Chafee services, ETV funds, Community Resource Persons services, ILS Workshops, Teen Conference and other IL information has been shared with the BIA and tribal welfare agencies

Native American youth are and will continue to be involved in all aspects of the ILS program.

Special attention will be given to ensuring the independent living resources and CRP's services are available to youth living on the reservation. The CRPs have made contact with efforts to schedule meetings and BIA and tribal child welfare agencies and make them available for services to assist the tribal youth in foster care, for example, assisting a youth with the registration process at a post-secondary school and with the ETV funds.

2) Reported assessment of compliance with ICWA

The state reports that the ICWA Program Specialist includes a review of efforts by CPS to follow placement preference in the ICWA compliance case reviews. The state did not report specific information about its assessment of compliance with ICWA.

3) Efforts to promote compliance

CPS has a number of current collaborative efforts with the tribes underway locally and statewide and a number of efforts in the planning and development stages. CPS has periodically held regular meetings in the past with the ICWA Directors. CPS would like to offer that opportunity again by working with Tribal Child Welfare Directors and ICWA Directors to hold joint meetings three to four times per year. CPS will be represented by the CPS Management Team. The meetings will be held to enhance current collaborative efforts and expand collaboration and coordination with the Tribes around the CFSP, the APSR, service delivery, state/tribal agreements and ICWA compliance. The offer will include scheduling of the next meeting with the tribal representatives for the fall of 2014 with subsequent meetings scheduled at that time.

The state reports that compliance with ICWA is a CPS priority. There are a number of entities involved in the process who play critical parts in the steps required to achieve ICWA compliance. Coordination with other systems in the process is a necessity since there are various others who have control of different parts of the process. In 2005 and 2006, the South Dakota Legislature passed legislation to codify notice requirements and allowance for tribal representation in state court related to ICWA cases. The Legislature also passed legislation to codify consideration of relatives and custodians as a priority for placement, which is in support of that part of the ICWA preference. CPS continues to take steps to assure CPS staff understand and are knowledgeable about ICWA, and that policy and practice related to ICWA are implemented as required. The following relates to those steps CPS will continue to take in an effort to assure CPS compliance with ICWA.

Active Efforts-CPS Policy and Training—The following is a listing of CPS policy and activities related to compliance with Active Efforts.

- CPS policy requires CPS staff to describe Active Efforts provided in reports to the court, and to request the court to determine whether Active Efforts have been provided.
- The Division of Legal Services provided Active Efforts training to all CPS staff in February 2012.
- The Division of Legal Services provides training as part of Certification ICWA training on Active Efforts and Reasonable Efforts and findings from a compliance study completed by the National Center for State Courts and North American Indian Legal Services.

- The ICWA Program Specialist will be including review of Active Efforts in future case reviews.

ICWA Notice, Intervention, and Transfer—The following is a list of state statutes and CPS policy that relate to notice and transfer.

- SDCL 26-7A-15 provides the requirement to notice to parents, guardians, custodians and Indian custodians related to temporary custody and scheduled hearings.
- SDCL 26-7A-15.1 provides the requirements for written notice regarding hearings and other A/N proceedings and what must be in the notice for A & N cases subject to ICWA.
- SDCL 26-7A-15.2 provides a sample form for written notice.
- SDCL 26-7A-15.3 provides the ICWA definition of "Designated Tribal Agent" for purposes of notice under ICWA.
- SDCL 26-8A-33 authorizes the Indian tribe to appear by counsel or authorized representative in any abuse or neglect proceeding involving a child covered by ICWA.
- CPS informs ICWA Directors in writing when CPS becomes aware that a child is affiliated with a tribe.
- CPS policy requires staff to make contact with tribes related to ICWA when a child is placed in care and include in court reports for each hearing contacts made by CPS staff with tribal representatives related to ICWA.
- The DSS Website includes a section on ICWA. The website includes the list of designated tribal agents by tribe, a list of ICWA Directors by Tribe, a tribal court directory for use by CPS staff and States Attorneys, and a link to the ICWA provisions.
- CPS provides a report to the ICWA Directors monthly that lists by tribal affiliation all Native American children in CPS custody. The report is generated from the previous month's data concerning Native American children in CPS custody. The report lists identifying information, how long each child has been in care, and the child's current placement setting.
- The ICWA Program Specialist uses a FACIS report to help determine the children whose tribal affiliation is listed as unknown to identify their tribal affiliation and have them properly listed on the CPS FACIS system so their names can be added to their correct tribe's report.
- CPS provides a monthly report to tribal court judges of children under tribal court jurisdiction who have been in CPS care between six and twelve months and twelve months or more.
- CPS continues to follow the "Transfer Protocol for an Indian Child from the State to Tribe" when a child is transferred. The protocol was developed jointly between DSS and the ICWA Directors.
- In State Fiscal Year 2013, 130 children were transferred from state custody to tribal custody.
- The ICWA Program Specialist includes a review of efforts to provide appropriate notice in the ICWA compliance case reviews.

Coordination with Tribes

The Coalition of Sioux Tribes met in June of 2013 and the state’s ICWA Program Specialist met with the Coalition. The Coalition asked about the tribes having access to the trainings provided by the CPS, including Family Group Conference training. A conference call was scheduled with

Region VIII Child Welfare Specialist Shirley Mondragon and Kathy Deserly from the NRC4Tribes to discuss the possibility of submitting a technical assistance request for the project. The technical assistance request would include a contract with a representative of the Rosebud Sioux Tribe who has extensive experience in Family Group Conferencing to develop the curriculum and provide the training. The technical assistance request will be a joint effort between the Tribes and CPS. Efforts to obtain letters of support from each tribe will be made during the summer of 2014 with the goal of submitting a Technical Assistance request during Federal Fiscal Year 2015.

There is frequent and open contact between CPS and the Rosebud Sioux Tribe ICWA Specialist on matters related to ICWA, case transfers, and collaboration on any other matters. Contacts are often made with the Rosebud Sioux Tribe ICWA Specialist, Rosebud Sioux Tribe Realty, and Rosebud Sioux Tribe Enrollment to gather information to assist CPS in following placement preference.

4) Barriers/challenges to compliance

The state reports that one area of ICWA that continues to be challenging is the limited availability of Native American placement resources. CPS currently has several initiatives underway or in the process of development to help increase availability of Native American Placement resources.

5) Relevant information from selected tribal CFSPs

Standing Rock Sioux

Key Points:

- The State of South Dakota has a ICWA Director who is regularly in contact with the Standing Rock (SR) ICWA director and SR CPS. He provides guidance on the state-tribal IV-E agreement to SR CPS as well as works with the SR ICWA director when there are Standing Rock ICWA related issues.
- Currently, there are no planned changes affecting policies, procedures or communications to strengthen compliance in North Dakota or South Dakota.
- For children and youth residing on the Standing Rock Indian reservation, the primary responsibility for providing foster care, reunification, child protection and adoptive services is the Standing Rock Sioux Tribe Child Protection Services, although it is understood the State of North Dakota and South Dakota both have obligations to assist with providing services and supports to child welfare involved families under the tribal child welfare system, whether through state-tribal IV-E agreements or though federal funding available to all states and not available to the tribes for direct funding or not available, e.g. independent living, specialized adoptions, foster care maintenance payments, etc. Any SR CPS tribal children who are served through the state-tribal IV-E agreements are also required to undergo case reviews for completeness as part of the CFSR process as requested.
- There has been no specific consultation related to CFCIP by either the state of North Dakota or South Dakota.

Oglala Sioux Tribe

Key Points:

- Regarding ICWA: the SDDSS provides monthly printouts of child in state custody that provides the tribe with pertinent data, such as, permanency plan including adoption initiated and adoption, guardianship etc, type of last hearing, and location of Indian Child Custody. Also, the ONTRAC Director has access to the SDDSS Liaison at any time.
- The tribe reports that it plans to provide training on Indian Child Welfare Act with local and state agencies, which includes law enforcement.
    - By 2016: Host a annual meeting with the state of South Dakota thru consultation on state compliance with ICWA
    - By 2017: Host a annual meeting with the state of South Dakota on compliance with ICWA and strength communications
    - By 2018: Create a workgroup to improve services for families and children in the state of South Dakota
    - By 2019: Develop a guide book for families who are at risk and distribute to families
- The Oglala Sioux Tribe understands that the State of South Dakota Child Protection Services is the single state agency to administer the Title IV-E foster care and adoption assistance program and to claim and manage all federal title IV-E funds for maintenance, administration and training. Decisions regarding the placement and care of the child must rest with the SDDSS; however, the Tribe has entered into an agreement with State and qualifies as a "public agency" and eligible for a Tribal Title IV-E Reimbursement Program Agreement and currently has entered into an Agreement with SDDSS.
- 9/26/2014 Addendum:
    - The State of South Dakota has generously offered Technical Assistance for Wakanyaje Awicanyankapi. They will be providing TA to address case review and have held the first case review on July 22 & 23, 2014. They will be coming on a quarterly basis to assist with this process for the next two years. The Executive Director will work closely with the State on the issue of Credit Reports and a process for this will be implemented by December of 2014.
- An assessment will be completed to determine where the agencies needs improvement on with the state of South Dakota. A compliance plan will be done and submitted to state of South Dakota and Oglala Sioux Tribal Council.
    - By 2016: Review any compliance issues not completed and set a deadline.
    - By 2017: Request training needs thru the state of South Dakota and Children's Bureau. Request an implementation grant to help the tribe in forming the child welfare agency so that direct funding can be implemented.
    - By 2018: Meet with the state of South Dakota and Administration for children in any concerns.
    - By 2019: Host a meeting in South Dakota and for state and federal officials address the progress of the tribes intent to go direct funding of their child welfare agency.
- In the process of negotiations between the South Dakota Department of Social Services (SDDSS) and the Oglala Sioux Tribe, consultation was held regarding the CFCIP.
- The Tribe did discuss the CFCIP with SDDSS on several occasions.

- The Tribe did discuss the CFCIP the SDDSS on several occasions. Initially, the Tribe sought to apply for CFCIP and ETV directly. However, it was to submit a plan to directly operate a CFCIP; therefore, the Tribe then agreed to the SDDSS commitment to provide independent living services to eligible youth in the custody of the Oglala Sioux Tribe Child Protection Program. The details will be finalized by December 30, 2015.
- The Tribe intends to access a part of the SDDSS allocation of funding by June 1, 2018.
    - The Tribe will finalize plan to have the Wakanyeja Awichanglakapi to provide independent living service to eligible to youth in custody.
    - The Tribe will develop a Continuum of Care Map for Families and children that will be available to them.
    - The Tribe will consult ongoing with state agencies to work together so that the tribe can meet its goal.
    - By 2016: Develop policies and standards for staff and consult with the state if needed consult ongoing with state agencies to work together so that the tribe can meet its goal
    - By 2017 &-2018: Review policies and services and address concerns
    - By 2019: Provide a report on detail actions how the tribe and state worked together to the success for the tribe to provide independent living services by the Oglala Sioux Tribe Wakanyeja Awichanglakapi.

Rosebud Tribe

Key Points

- The State has never consulted our program in regards to their ICWA compliance. The tribe reports that it is not sure at this point what our discussions should be. The State is supportive of the tribe's plan and in this process the tribe will have a plan of how that would develop. The tribe will have memorandum of agreement or a Tribal State agreement. The tribe's relationship with the State will be a positive partner with the protection and safety of the tribe's children will be a common goal and outcome.
- 9/19/2014 Addendum: The Agency is working collaboratively with the following agencies the Indian Child Welfare Program, they are coordinating their services and working together in facilitating this plan and doing the work with ICWA and Defending Childhood Initiative and the Meth. Initiative grant. The tribe is also working with SDDSS in the implementation of our grant with them to do the work of recruiting, training and licensing foster families and doing kinship care home studies for families on the reservation. The tribe is hoping for more collaboration in working with SDDSS and the Indian Child Welfare Act cases that are in the State of South Dakota.
- At the present time DSS does all of the Child Protection on the Rosebud Reservation. As the tribe develops its Title IV-E plan, the State will be working with the tribe in partnership to develop all of the services that the State currently provides. By 2017, the tribe will at this time have and will do the work of what currently the State provides.
- 9/19/2014 Addendum: Sicangu Child and Family Services Director has already participated in the North Dakota IV-E review and has been invited to the IV-E review for South Dakota.
- Regarding the Chafee Foster Care Independent Program, the tribe reports that this part of its program planning has not been done yet and so it will be working closely with DSS in

order to determine the eligibility criteria for all of the programs that the State currently provides.

- By 2017: The tribe will have an agreement and the guidelines and practice to make sure that the tribe is doing what is fair and equitable treatment for the youth that it will work with.

Tennessee

1) How consultation was conducted with tribes

In addition to the work of the Senior Leadership team, the Department of Children's Services (DCS) meets with stakeholders through various CQI teams to obtain input on the Department's work, which include stakeholders. The state reports that DCS has attempted to engage the Mississippi Band of Choctaw on multiple occasions, reaching out to two child welfare representatives and inviting them to participate in the CFSP development process on May 27th, 2014, and again on June 19, 2014. It is believed that the lack of participation by the Choctaw is due to the extremely low population of children (approximately 5-10) that reside on the Mississippi Band of Choctaw land trust in Tennessee. DCS will continue to include the Mississippi Band of Choctaw on all activity related to this CFSP.

The state reports that, at this time, there are currently no federally recognized Native American tribes officially established with the State of Tennessee. The Mississippi Band of Choctaw Indians possesses a Land Trust in Henning, Tennessee, on the Mississippi border consisting of approximately 88.15 acres of land. The Administrative Office of the Courts (AOC) has been in communication with the Judge in Lauderdale County, TN, to initiate dialog regarding the land trust, while DCS has reached out to the Bureau of Indian Affairs and the Mississippi Band of Choctaws to determine if the land is considered a reservation. Once status of the land is determined, parties will begin discussion on the development a Memorandum of Understanding to ensure collaboration regarding Choctaw children who come to the attention of DCS. At this time, DCS has not received response in order to identify the next steps, however, will continue to engage in communications and be available for discussion in the future. DCS currently has policies to address ensure proper care of all Native American children residing in Tennessee as required by the Indian Child Welfare Act (ICWA), regardless of whether or not they reside on the Land Trust. DCS will continue to follow all ICWA laws and ensure polices meet the standards to support timely collaboration.

Independent Living Services
Tennessee is currently working to determine the status of and establish an MOU with the Mississippi Band of Choctaw Indians. As it stands, all eligible youth of Indian/Native American heritage are provided the same Chafee services and incentives that are available to all other children.

2) Reported assessment of compliance with ICWA

The state did not provide any information on its assessment of compliance with ICWA.

3) Efforts to promote compliance

DCS continues to maintain ICWA policy 16.24, which has not needed revision since January 2010. This policy is in compliance with the ICWA law as it was submitted with the most recent Title IV-E plan, which was approved in 2012. This approval, which also granted a retroactive approval for the Fostering Connections Act, to October 1, 2010, also included a revised policy

31.3 that demonstrated the Department's compliance to ensure the seamless transfer of Native American children to a Tribal Title IV-E agency or an Indian Tribe with a Title IV-E agreement. DCS will continue to make improvements to any policies, procedures or practices as identified throughout the next five year CFSP cycle.

DCS is making plans to attend the 2014 ICWA Conference in Center Choctaw, Mississippi in August 2014. Over the next five years, the Department will also continue to engage the tribe in active participation in applicable policy developments and agency improvements through the CQI program, and ongoing assessment of the new CFSP 2015-2019.

4) Barriers/challenges to compliance

The state did not report any barriers or challenges to ICWA compliance.

5) Relevant information from selected tribal CFSPs

There are no federally recognized tribes in Tennessee.

Texas

1) How consultation was conducted with tribes

The state reports that, in order to gather input from the three federally recognized tribes in Texas for the development of the 2015-2019 Child and Family Services Plan, the Department of Family and Protective Services (DFPS) discussed key child welfare issues required in the plan with the tribes during an Administration on Children and Families Title-IV-B meeting in Austin on May 8, 2014. The outcome of the discussion and specific steps that will be taken to ensure compliance with ICWA will be included in the next yearly update to the new state plan in 2015.

DFPS, the three Tribes, and federal representatives will continue to meet twice a year to discuss areas of interest related to the Indian Child Welfare Act, the Child and Family State Plan, and Title IV-E Intergovernmental agreements. During these meetings, and as needed, DFPS will consult with the three tribes on the DFPS and the three tribes agreed to take turns hosting the meetings. All three Tribes have been invited, as well as representatives from the Administration for Children and Families.

DFPS initiated quarterly meetings with representatives of the three tribes in 2009 to share information and discuss collaboration building efforts, as well as to provide an opportunity to articulate coordination and technical assistance needs. The meetings included further efforts for completion of Tribal State agreements and new opportunities for Tribes created with the Fostering Connections to Success and Increasing Adoptions Act. DFPS met individually with each tribe in an effort to establish a tribal State agreement. Individual meetings regarding Title IV-E State agreements were held with interested Tribes.

Access for Tribes to Training
DFPS has an agreement in place with the three federally recognized tribes in Texas that allows them to attend trainings across the state. DFPS Center for Learning and Organizational Excellence has developed a process for Indian Child Welfare staff from the three Tribes to attend specialized trainings offered to DFPS staff. On a quarterly basis, a list of DFPS trainings available in the regions for tribal staff to attend is sent to tribal representatives.

Title IV-E Agreements
Texas does not have Title IV-E Tribal/State agreements with all three federally recognized Tribes in Texas. DFPS entered into a Title IV-E agreement with the Alabama Coushatta Tribe on April 12, 2012. That agreement was not extended at the end of the two-year term in April 2014, but efforts are currently underway to renew the Agreement on the same terms within the next month. DFPS continues to discuss Title IV-E Tribal/State agreements with the other two Tribes.

Independent Living Services
Preparation for Adult Living staff or other DFPS staff conduct annual face to face meetings with the three federally recognized Native American Tribes in Texas (the Ysleta Del Sur Pueblo/Tigua, Kickapoo, and Alabama-Coushatta Tribes) to discuss the provision of transitional living services to eligible Native American youth.

Preparation for Adult Living staff will continue to provide each Tribe with updated information about eligibility for benefits and services of the Preparation for Adult Living/Chafee programs and the Education and Training Voucher program as needed and upon request. DFPS added a strategic action step to ensure concerted efforts are made by BCFS Health and Human Services, the Education and Training Voucher contractor, to outreach and provide information regarding the Education and Training Voucher program to the tribes on an annual basis and upon request. These meetings are coordinated with the Preparation for Adult Living staff. On an annual basis, DFPS State Office staff will present updates on Chafee benefits to the three Tribes in Texas during biannual Tribal-State meetings and will seek their consultation on the adequacy of services provided to tribal youth.

Credit Reports
The consultation with the Tribes will also address the procedure for obtaining the credit reports for Tribal children ages 16 and older in foster care. The agreement with the Kickapoo Traditional Tribe of Texas is outdated because CPS no longer conducts investigations on the reservation. The Tribe has decided not to update the agreement but has opted to create a new Communication Plan to operationalize informal verbal agreements regarding the handling of CPS referrals. DFPS hopes to have an agreed upon plan developed by the end of FY 2015.

2) Reported assessment of compliance with ICWA

The state reports that, as part of the DFPS Child and Family Services Review, Item 14 (Preserving Connections) rates both how well the agency did at preserving important connections the child had before coming into foster care and rates for compliance with inquiry into a whether a child may be a member of or eligible for membership in, a Native American tribe. If yes, there is a follow-up question to see if the agency then provided the tribe with timely notification of its right to intervene in any State court proceedings seeking an involuntary foster care placement or termination of parental rights. With regard to other data, DFPS consults with the Supreme Court Commission on Children, Youth, and Families to determine methods for data collection within the child welfare courts for measuring compliance with ICWA.

3) Efforts to promote compliance

DFPS works with the designated Indian Child Welfare Worker, employed by the Tribe, to ensure that:

- Native American parents and the Tribe receive proper notification of CPS involvement, and staff work with DFPS regional attorneys to ensure statutory notices required under Indian Child Welfare Act are properly served on all appropriate persons and entities.
- Native American parents and the Tribe participate in the development of a service plan with culturally appropriate and effective services to resolve the referral issues.
- Active efforts are made to prevent a child's removal if the child's safety can be maintained.
- If a child must be removed, active efforts are made by DFPS staff to work with Tribal representatives and family members to have the child returned to the family; this includes

identifying specific hurdles and impediments to reunification and developing an appropriate service plan as noted above.

- Placement preferences applicable to Native American children are respected to the greatest extent possible. CPS Handbook Appendix 1226-A: Child-Placing Requirements of the Indian Child Welfare Act and Related Guidelines and Regulations provides DFPS staff with detailed information regarding foster care and adoptive placements for Native American children.

The state reports that DFPS employs active efforts to ensure that Native American children and families are provided appropriate services and to prevent the breakup of the Native American family. In many cases a Tribe's Indian Child Welfare Worker participates in all the casework activities with the CPS worker to assist with language, cultural issues, and Tribal requirements. In addition, DFPS ensures that protections are provided to all the families and children served by DFPS, which includes Native American families and children.

Placement Preference

Questions six, seven, and eight on the checklist used for compliance with the Indian Child Welfare Act address the placement preferences issue (CPS Handbook Appendix 1226-B). Specifically, staff are asked if they have made a diligent effort to find a suitable placement according to the order of preference specified in Appendix 1226A; if the order of preference specified in Appendix 1226A has not been followed, whether there has been a finding of good cause to the contrary as specified in the same appendix; and have staff kept a written record of the placement decision in order to document their efforts to observe the order of preference specified in Appendix 1226A.

DFPS provided a copy of this policy to all three Tribes and requested that the Tribes provide DFPS with their placement preferences. The three Tribes responded to this request and advised DFPS of their placement preferences, which are on file at DFPS. As part of the 2015-2019 state plan, DFPS will consult with the three tribes regarding whether the placement preferences on file are consistent with their current wishes.

Currently, the Kickapoo Traditional Tribe of Texas advised that their placement preferences are those as stated in Appendix 1226-A. The Ysleta Del Sur Pueblo/Tigua Tribal Council reviewed their placement preferences and advised that their placement preferences are those as stated in Appendix 1226-A. The Alabama-Coushatta-Tribe of Texas advised that their placement preferences differed from those in Appendix 1226-A. Their placement preferences are on file with DFPS.

Family Group Decision Making

DFPS uses Family Group Decision Making, which entails various practices to work with and engage children, youth, and families in safety and service planning and decision making, including Family Group Conferences, Circles of Support, and Family Team Meetings. The Family Group Decision Making model is used during an investigation to engage the family in safety decision making to prevent a removal. It is also utilized during Family Based Safety Services and Substitute Care cases in order to engage the family in developing culturally appropriate service plans for Native American families. These Family Group Decision Making

meetings include the tribal Indian Child Welfare Workers. By working collaboratively with the Indian Child Welfare Worker in the development of the service plan, DFPS is able to access services provided by the tribes and available to Native American families. DFPS regional staff have also been invited to observe the Peacemaker Court established by the Alabama Coushatta Tribe of Texas. The opportunity for DFPS staff to see how the Tribe resolves child and family issues in a non-adversarial manner has contributed to the ongoing collaboration between DFPS and the Tribe.

Other Efforts to Promote ICWA Compliance
Other mechanisms to ensure compliance with the Indian Child Welfare Act include verification by DFPS of Tribe members as foster parents, if requested, and ongoing training and resources for both DFPS staff and community partners, including the county and district attorneys who represent DFPS in many areas of the state, Court Appointed Special Advocates, and attorneys ad litem.

In April 2014, DFPS representatives participated in a Roundtable and Judicial Symposium held at the Alabama Coushatta reservation. Judge Darlene Byrne (Vice Chair of the Children's Commission and President-elect of the National Council of Juvenile and Family Court Judges) facilitated the Roundtable where judges, lawyers, advocates and policy makers from around the country gathered to discuss strategies to improve ICWA compliance. DFPS ICWA Specialist Michael Martinez presented on the impact of disproportionality on tribal children and families. That evening the Tribe hosted a gathering where attendees were able to enjoy dinner and socialize.

Additionally, a formal liaison process with specified CPS staff is established in the regions where the three tribes are located. The formal liaison relationships are utilized for ongoing coordination and collaboration with the tribes. This formal process is utilized for the assessment, monitoring, and improvement of the state's compliance with ICWA. There is a discussion regarding barriers to coordination and collaboration with the three federally recognized tribes at each of the biannual state/tribal meetings as well as the Administration for Children and Families title IV-B meetings. This format provides the tribes and the liaisons with the venue to discuss issues that may arise. In addition to the ongoing meeting, the state office liaison is responsible for identifying potential barriers and working with the regional liaisons and tribes to come to a resolution. If barriers do become evident the plans to address them will be included in updates to the state plan.

DFPS effectively ensures compliance with the Indian Child Welfare Act through compliance with CPS policy and procedures. Current policy provides DFPS employees with detailed information regarding the Indian Child Welfare Act and DFPS responsibilities under the Act. It further details specific child-placing requirements of the Indian Child Welfare Act and related guidelines and regulations to ensure compliance in any court action involving a Native American child. The policy can be found in CPS Handbook 1225 and 5340 Indian Child Welfare Act (P.L. 95-608), Appendix 1226-A Child-Placing Requirements of the Indian Child Welfare Act and Related Guidelines and Regulations, and Appendix 1226-B Checklist for Compliance with the Indian Child Welfare Act. Training is periodically presented to staff on these issues.

In addition, guidance on complying with the Indian Child Welfare Act is incorporated into other CPS policy handbook sections. After review and discussion between CPS and agency attorneys, it was determined that CPA ICWA policy does not need to be revised as a result of the Supreme Court decision involving Baby Veronica. While the Supreme Court case could impact a limited number of CPS cases, the decision was made that the best implementation would be through the attorneys representing the agency on a case-by-case basis.

DFPS policy also directs staff to work closely with legal counsel in any case where the Indian Child Welfare Act may apply. Attorneys for the agency offer guidance on individual cases to ensure compliance with all aspects of the Indian Child Welfare Act. The state office Legal Division provides training to DFPS regional, legal and CPS staff and consults with District and County attorneys who represent the agency in Indian Child Welfare Act cases. In addition, the CPS state office Indian Child Welfare manager consults with staff and provides support as needed.

Questions about possible Native American family history have been added to agency forms and court reports used by both families and caseworkers, including: Family Information Form (2626); child Caregiver Resource Form (2625); Status Report to Court (2070); Permanency Plan and Progress Report to the Court (2088); Placement Review (2088b) and the sample Affidavit format available in the CPS Practice guide. The purpose is to raise awareness of the issue and prompt families, agency staff, other parties and the Court to consistently consider whether the Indian Child Welfare Act may apply in an individual case.

MOUs
DFPS has a Memorandum of Understanding with two of the three Texas Tribes. The Memorandum of Understanding with both the Ysleta Del Sur Pueblo/Tigua Tribe and Alabama-Coushatta Tribe of Texas delineate the procedures that must be taken when CPS receives referrals involving Tribal members. When a referral is received involving a child residing on a reservation, DFPS staff contact the Tribe's designated Indian Child Welfare Worker to inquire how the Tribe wishes to proceed. The MOU gives the tribe the right to intervene in State proceedings, or transfer proceedings to the jurisdiction of the tribe. If the Tribe wants to handle the referral, DFPS gives the Tribe the information provided. The Memorandum of Understanding for both tribes will be updated to include a description of who is responsible for providing the child welfare services and protections for Tribal children, whether they are under state or Tribal jurisdiction.

With the location of the three federally registered Tribes, a formal liaison process with specified CPS staff is established in:

- Region 5 (containing Livingston, location for the Alabama-Coushatta Tribe of Texas)
- Region 8 (containing Eagle Pass, location for the Kickapoo Traditional Tribe of Texas)
- Region 10 (containing El Paso, location for the Ysleta Del Sur Pueblo/Tigua Tribe)

In addition, the CPS state office Indian Child Welfare Manager acts as a liaison to the three Texas tribes as well as to representatives from Tribes from other states.

ICWA Child-Placing Requirements

Current policy details specific child-placing requirements of the Indian Child Welfare Act and related guidelines and regulations to ensure compliance in any court action involving a Native American child. Training is periodically presented to staff on these issues. Caseworkers are given an overview of the legal implications of the Indian Child Welfare Act and a checklist summarizing the major points, and are advised to immediately notify the attorney representing DFPS if a case may involve an Native American child subject to the Indian Child Welfare Act. DFPS caseworkers are trained to ask about possible Native American heritage both initially and as a case progresses and new family members become known. An Indian Child and Family Questionnaire has been distributed in training to facilitate getting the critical information a Tribe needs to verify a child's status under the Indian Child Welfare Act. This information is obtained through self-disclosure from the parent, any child old enough to report, or other relative. In order to track which CPS cases are subject to the Indian Child Welfare Act, caseworkers must document if any, and which, family member reports or denies Native American heritage.

Training

Apart from the CPS Handbook materials on the Indian Child Welfare Act, all new caseworkers are required to attend the mandatory Basic Skills Development training that addresses issues related to the Indian Child Welfare Act. Caseworkers are given an overview of the legal implications of the Indian Child Welfare Act and a checklist summarizing the major points, and are advised to immediately notify the attorney representing DFPS if a case may involve a Native American child subject to the Indian Child Welfare Act. The intent is to educate CPS caseworkers on the existence of the law and to instruct them how to determine if a Native American child is involved and how a case must be handled differently in that circumstance. A computer-based training on ICWA is planned for release in September 2014. This training will be available online for all CPS staff and will be a certification requirement for both Senior and Advanced Specialist and Supervisor II positions.

The CPS Basic Skills Development course incorporates the Indian Child Welfare Act in its legal portion. In addition, the DFPS Legal Division completed a revised Indian Child Welfare Act article (June 2014), with forms, pleadings and notices that are available as part of the Texas Practice Guide for CPS Attorneys, available on the DFPS website. This guide is intended primarily for the District and County Attorneys who represent DFPS in many parts of the state, as well as the Regional Attorneys employed by DFPS who represent DFPS in CPS litigation. CPS staff is also able to access these materials for guidance on Indian Child Welfare Act requirements.

The Basic Skills Development training for new caseworkers makes clear that all parents, family members and any child old enough to be interviewed must be asked about possible Native American ancestry and family ties, both initially and throughout the life of a case. In the specialty trainings for both Investigations and Conservatorship workers, Indian Child Welfare Act requirements are also reinforced. The Basic Skills Development workbook provided to all new employees contains an article with Frequently Asked Questions concerning the Act and reiterates this directive to workers:

- “The only way to find out whether a child is or may be a Native American child is to ask. Ask any child old enough to be interviewed, ask parents, and ask any relatives who are available to be interviewed. The best practice is to ask every family member whether

anyone in the family or their ancestors has a connection to a Native American tribe. Many times, key facts about a child's Native American heritage may not be available when a case is first investigated. The best practice is to ask about Native American status routinely during the life of a case, especially when new family members are identified."

If there is any information to suggest the child or family has a tribal affiliation, whether current or in prior generations, the necessary information must be sent to the Tribe to enable the Tribe in question to research a child's status under the Indian Child Welfare Act.

4) Barriers/challenges to compliance

The state did not report any specific barriers or challenges to ICWA compliance.

5) Relevant information from selected tribal CFSPs

No relevant tribal CFSPs were reviewed.

Utah

1) How consultation was conducted with tribes

The state reports that there are eight federally recognized American Indian Tribes in Utah, including: the Navajo Nation, Confederated Tribes of the Goshute Reservation, Skull Valley Indian Community (Goshute), Uintah and Ouray Tribe (Northern Ute Tribe, White River Band, Uncompahgre Band), Ute Mountain Ute Tribe in White Mesa, Paiute Indian Tribe of Utah (Cedar Band, Indian Peaks Band, Kanosh Band, Koosharem Band, Shivwits Band), Northwestern Band of the Shoshone Nation, and the San Juan Southern Paiute Tribe.

CFSP
Utah reports that the Child and Family Services Plan (CFSP) will be distributed to multiple agencies and individuals, including Native American tribes located within the State of Utah.

The DCFS ICWA Program Administrator gathers input and coordinates DCFS activities with all tribes in Utah at the monthly Tribal Leaders Meeting. During this meeting tribal representatives receive updates on the status of agreements, discuss tribal issues, connect with state ICWA specialists, discuss national policy and statutes, and collaborate to implement ICWA. Information gleaned from those tribal meetings has been used in the development of the state's CFSP.

The ICWA Program Administrator is responsible for providing tribes with a copy of the CFSP. Tribes can also access plans and reports on the DCFS website located at http://dcfs.utah.gov/reports/.

Other Consultation
The DCFS ICWA Program Administrator also receives input regarding issues of common concern to DHS and tribes during DHS Tribal and Indian Issues Committee meetings, which are held every other month. This committee provides input to, and monitors, the Consultation Agreement executed between DHS and federally recognized Indian tribes in Utah, which was updated on June 1st, 2014. This agreement provides a framework for, and a means to implement the government-to-government relationship between DHS and tribes.

Tribal members were invited to attend stakeholder meetings concerning the IV-E child welfare demonstration project. Tribal members attending provided feedback and/or expressed interest in the project. As the IV-E waiver demonstration project is implemented throughout the state, tribes will continue to be invited to participate in stakeholder meetings and in other relevant activities.

Tribal members were also invited to, and participated in, the collaborative joint planning meeting held on June 3, 2014. At that meeting representatives stressed the need to include tribal members, especially tribal elders (those that "know the community") in any discussions regarding new programs and services, especially those that address the needs of American Indian children. Tribal members will continue to be invited to future joint planning meetings.

The DHS Tribal and Indian Issues Committee addressed issues of common concern to DHS and various Utah tribes.

Utah tribes shared information and concerns relating to the care and custody of American Indian children during monthly Tribal Leaders Meetings.

Memorandums of Understanding and Intergovernmental Agreements
The state reports that tribal Leadership Meetings have resulted in the negotiation of Memorandums of Understanding or Intergovernmental Agreements (IGA) with five tribes (the exceptions are the Uintah and Ouray Tribe, Ute Mountain Ute Tribe, and San Juan Southern Paiute Tribe). Those agreements can be accessed at http://hsemployees.utah.gov/dcfs/tribe-agreements.htm.

DCFS Collaboration
In addition to being an integral part of the System of Care, which will better coordinate services delivered to children and youth with complex emotional and behavioral needs and their families who are being served by one or more DHS divisions and/or multiple child serving systems, DCFS will continue to associate with a broad range of coalitions, collaborations, and committees that coordinate services delivered throughout Utah's child welfare system. They include:

- Utah Partner's meetings at which participants coordinate information and services delivered to foster, kinship, and foster-to-adopt parents.
- The DHS Tribal and Indian Issues Committee, which addresses issues of common concern to DHS and Utah's tribes.
- The Utah Indian Child Welfare Committee, a group of concerned individuals including court representatives, community partners, tribal leaders, and other concerned citizens that address issues concerning Native Americans.

Independent Living Services
No tribe has requested to develop an agreement with DCFS to administer or supervise the CFCIP or ETV program. The state will negotiate in good faith with those tribes that do make such a request.

In FFY 2015, the Adolescent Foster Care Program Administrator will be meeting with the Uintah and Ouray Tribe, which has expressed a desire to add TAL services to their service array. The Program Administrator and the tribe will discuss ways the state can support the tribe as the tribe provides CFCIP services and will discuss ways the tribe's cultural ceremonies (like the sweat lodge ceremony) may be integrated into their TAL program.

While no tribe has made a request to develop an agreement where DCFS will administer or supervise the tribe's CFCIP or ETV programs, nor has there been significant coordination of these programs with any tribe, all DCFS TAL and ETV services are available to Indian children age 14 or older who are in state custody or who have transitioned out of foster care. Native American youth have consistently participated in the annual youth summit. In fact, in FFY 2013 approximately 10 Native American youth in foster care-or that have aged out of foster care-attended the summit. Tribal youth in foster care also participated in Basic Life Skills classes and other youth council events held throughout the state.

In the future, DCFS will coordinate with tribal organizations on a regular basis to openly talk about TAL and ETV related issues and will address those issues in training provided to new staff and during the annual ICWA conference.

In FFY 2015, the Adolescent Foster Care Program Administrator will be meeting with the Uintah and Ouray Tribe, which has expressed a desire to add TAL services to their service array. The Program Administrator and the tribe will discuss ways the state can support the tribe as the tribe provides CFCIP services and will discuss ways the tribe's cultural ceremonies (like the sweat lodge ceremony) may be integrated into their TAL program.

Utah has used the NYTD data to inform stakeholders, including Utah's legislature, about barriers youth face when they exit foster care. Specific barriers reported include youth homelessness and the need for safe affordable housing for young people. NYTD data is shared with our judicial partners and is used by the State Youth Council to identify areas where system improvements can be made. Utah has also used this data to highlight the need for improved service delivery throughout the focus areas addressed by the NYTD and to address specific issues related to educational outcomes and access to health care services.

In her discussions with any tribe about the integration of TAL services into the tribe's child welfare service array (see Collaboration with Tribes), the Adolescent Foster Care Program Administrator will present NYTD data collected and discuss the importance of collecting this data. During those meetings, the Program Administrator will identify the data collection process and discuss ways the state can support the tribe in collecting this information.

2) Reported assessment of compliance with ICWA

Measuring Compliance
During each region's annual Qualitative Case Review (QCR), reviewers respond to three data elements that are designed to measure whether the case is ICWA compliant. Items that reviewers rate are:

1. Was the child identified as American Indian?
2. Is there reason to believe the child is American Indian?
3. Tribal Affiliation?

Item 1
In SFY 2014, reviewers assessed 150 cases statewide including in-home and out-of-home cases. In regard to item 1 there were 139 "No" responses, 6 "Yes" responses, and 5 (3.33%) with no response. Therefore, in the 145 cases reviewed where the caseworker responded, 4% of children were identified as American Indian.

Item 2
In regard to item 2, reviewers noted that there were 114 "No" responses, 11 "Yes" responses, and 25 cases (16.67%) with no response Therefore in 9% of the cases reviewed, there was reason to believe the target child could be American Indian.

Items 1 and 2
Since items 1 and 2 are not mutually exclusive, it should be noted that some of the "Yes" Responses in Question 2 were also "Yes" responses in Question 1 which means that reviewers responded that there was "reason to believe" that a child was Native American and then had "been identified" as Native American.

Item 3
For item 3 there were 11 total responses. Two of the 11 were recorded as "tribe unknown." The other nine identified specific tribes-including Navajo (7), Cherokee (1), and Paiute (1)-with which the child was affiliated.

Revisions to QCR Questions
In the next round of QCRs to begin in SFY 2015, the Office of Services Review has revised questions related to ICWA to align questions with those asked during the CFSR. The new process will require that reviewer's rate whether the practice meets the CFSR ICWA standard.

Court Improvement Program's ICWA Compliance Assessment
In 2012, the Utah Court Improvement Program commissioned the ICWA Compliance Assessment, which was designed to help the courts actively observe and improve the protections set forth in ICWA. A review team consisting of representatives from the National Center for State Courts, the National Council of Juvenile and Family Court Judges, and the Minneapolis American Indian Center found that in general the state court exercises jurisdiction properly and is attentive and sometimes even meticulous in providing proper notice of proceedings. The study also found that the courts pursue active efforts to prevent the breakup of Indian families, courts are consistent in terminating parental rights only after finding beyond a reasonable doubt that the continued custody of the child was likely to result in serious emotional or physical damage to the child, and that the courts have a statewide practice of placing children with extended family members.

To further recognize the intent of ICWA, to protect the best interests of Indian children, and to promote the stability and security of Indian tribes and families, the reviewers recommended the courts should:

- Ensure that the official court record documents ICWA compliance.
- With the DCFS, work to identify ICWA cases on the aggregate level.
- Be careful to use, in judicial orders, the specific language and findings required by ICWA.
- Determine ICWA applicability for in-home cases.
- Discuss how fathers might be identified and be included in court proceedings.
- Clearly document, in the court record, findings regarding proper exercise of jurisdiction.
- Not send notice to the Bureau of Indian Affairs (BIA) unless a tribe cannot be identified.
- Inform the tribe of cases and solicit their assistance in providing services to the family.
- Establish a finding of imminent physical harm at every hearing until a finding of serious emotional or physical damage to the child is made.
- Develop a list of experts qualified to testify to the Section 1915 issue of prevailing social and cultural standards.

- Incorporate the affidavit in the court order when qualified expert witness testimony occurs by affidavit.
- Provide detail in the court order as to a child's placement.

3) Efforts to promote compliance

Services for Tribal Children
The IGA with the Navajo Nation indicates that they will provide all child welfare services for their members living on the reservation. As a result of a contract between DCFS and the Navajo Nation dated June 2013, the Navajo Nation receives funding from DCFS for costs to provide an organized and structured CPS program for children from birth through age 17 living on the portion of the Navajo Nation located in Utah. While this grant will support CPS services delivered by the Navajo Nation it does not authorize DCFS to provide any protective services for Navajo children on that portion of the Navajo reservation.

The Confederated Tribes of the Goshute Reservation headquartered in Ibapah provides all child welfare services on their reservation but have an agreement with DCFS to provide services to tribal members living off of the reservation. They use their own courts (or coordinate with the Bureau of Indian Affairs) to adjudicate child welfare cases.

The Paiute Tribe relies on DCFS to conduct all CPS investigations and uses state courts to adjudicate all child welfare cases. The Paiute Tribe uses its own foster care and kinship licensing standards to determine the suitability of resource families living on the reservation and uses its own procedures for approval of foster homes.

The Northwestern Band of the Shoshone Nation and Skull Valley Goshutes rely on DCFS for the provision of child welfare services to their tribal members. They also use the State of Utah Juvenile Court and its attorneys to adjudicate child welfare cases. DCFS informs and involves each of these tribes in case planning and all court proceedings.

Notification and Right to Intervene
DCFS Practice Guideline 705.5 Notice (of Indian parents and tribes) indicates that no foster care placement or termination of parental rights proceeding may be held until the tribe(s), parent(s), and Native American custodian have received proper notification.

The Practice Guideline indicates that a custody proceeding cannot go forward until 1) at least 10 days after receipt of notice by the parents or Native American custodian, or after 30 days if 20 additional days are requested by the parents or custodian to prepare for the proceedings; 2) at least 10 days after receipt of notice by the tribe, or after 30 days if the tribe requests an additional 20 days to prepare for the proceeding; or 3) at least 15 days after receipt of notice by the Secretary of the Interior (Bureau of Indian Affairs) if the identity or location of the parent or Native American custodian and the tribe cannot be determined.

Those to receive the ICWA notice of each proceeding include: 1) parents; 2) the Native American custodian; 3) the tribe; 4) other tribes (if the child is affiliated with or eligible for membership in more than one tribe, all tribes should receive notice); and 5) the Bureau of Indian Affairs in Washington, D.C. as well as the appropriate Bureau of Indian Affairs area office if

identified/location of parents or custodians cannot be determined.

Placement Preferences
DCFS Practice Guideline 705.16 Out-Of-Home Placement of Native American Children states: "Child and Family Services caseworkers shall give preference to the foster and pre-adoptive placements, unless the Native American child's tribe has established a different order of placement. The caseworker should also contact the tribe to discuss tribal placement preferences as early as possible in case development."

That Practice Guideline also states: "The preferences and standards recognized are the prevailing social and cultural standards of the Native American community in which the parent or extended family resides or with which the parent or extended family maintains social and cultural ties."

Active Efforts to Prevent the Breakup of the Indian Family
DCFS Practice Guideline 705.10 Active Efforts Required to Prevent Family Breakup states the Child and Family Services caseworker shall offer the provision of services of a remedial nature designed to rehabilitate and prevent the breakup of Native American families to the same extent that are available to non-Native American families when eligible.

Community services specifically designed for Native American families are to be used where available, including resources of the extended family, the tribe, urban Native American organizations, tribal family service programs, individual Native American caregivers (e.g., medicine men or women), and other individual tribal members who may have developed special skills that can be used to help the child's family succeed.

Tribal Right to Intervene in State Proceedings, or Transfer Proceedings to the Jurisdiction of the Tribe
DCFS Practice Guideline 705.8 Tribe's Right to Intervene states "ICWA grants the tribe the authority to intervene in any state court foster care placement or termination of parental rights proceeding "at any point in the proceedings."

That Practice Guideline indicates:

- The tribe(s) should be encouraged to intervene early in the child custody proceeding.
- The right to intervene extends to voluntary as well as involuntary proceedings.
- If the tribe intervenes, it is a party to the proceeding and has the same rights to notice of all hearings and assert its interest, the right of access to court records, the right to retain counsel if it chooses, the right to appeal, the right to present witnesses, to cross-examine witnesses, and to present other relevant evidence at the hearing.
- Tribal recommendations should be documented in the case file and court reports.

Ongoing Coordination and Collaboration with Tribes
The ICWA Program Administrator will continue to be the individual that has the primary responsibility to collaborate with tribes as well as monitor the agency's compliance with ICWA. He will continue to attend monthly Tribal Leaders Meetings, negotiate new or renegotiate existing IGAs or Memorandums of Understanding, communicate with agencies and organizations that provide services to American Indian families, as well as sponsor the annual

Indian Child Welfare Conference during which stakeholders will meet to learn more about ICWA and address issues related to the needs of American Indian children, including the need to develop additional services for American Indian children and their families.

MOU and IGA Compliance
In accordance with Memorandums of Understanding or Intergovernmental Agreements between DCFS and five Indian tribes in Utah, the state constantly works to maintain connections between American Indian children in foster care and their appropriate tribes. As such, in cooperation with UFCF, DCFS is focusing on recruiting more American Indian families as foster parents. Approximately a year ago, a new UFCF staff member was hired and is actively recruiting and licensing more Native American foster families. She recently reported that the total number of American Indian foster families increased from 13 families in October 2013 to 25 in May 2014, which is an impressive achievement in such a short period of time.

Recruitment Efforts
Near the end of 2013, UFCF in collaboration with DCFS and Utah's tribes hired a part time foster parent recruiter to specifically focus on the recruitment and licensing of American Indian foster homes.

ICWA Program Administrator
The ICWA Program Administrator has the primary responsibility to monitor the agency's compliance with ICWA as well as to identify ICWA related goals and objectives. In addition, at the request of the Office of the Attorney General or a DCFS caseworker the ICWA Program Administrator will testify at hearings regarding American Indian children in state custody.

The state reports that the Indian Child Welfare Program Administrator has built relationships with each of the federally recognized tribes in Utah. This person, along with other agency representatives, meets quarterly with tribal leaders during their monthly coordinating meeting. The Program Administrator has been instrumental in establishing MOU's with five tribes and organizes the annual ICWA conference, which for the last two years has been hosted by two different tribes.

4) Barriers/challenges to compliance

The state reports that barriers that affect coordination of programs and services delivered by DCFS, tribes, and providers of community services include:

- *Cultural Differences*—Cultural differences between Native Americans and non-natives as well as between tribes. These differences can result in dissimilar perceptions about the needs of American Indian children and families.
- *Distance Issues in Regards to Conducting Meetings*—The great distances that must be travelled in order to conduct meetings. The time needed to travel from one location to another impinges on the time needed to address other priorities. Therefore, because of other obligations, many stakeholders that want to attend meetings are unable to do so.

Solutions to Barriers
The state reports that, as of yet, few solutions to these barriers have been found. While all participants in the various meetings try to communicate and explain their points of view in a

manner that can be universally understood, there are often times when people are misunderstood. In addition, while there is a concerted effort to hold most meetings in a central location, to meet the needs of every tribe as well as to foster a sense of inclusiveness, it is necessary to periodically schedule meetings in locations that are not as convenient as others.

DCFS will continue to coordinate with tribal organizations on a regular basis to openly talk about ICWA compliance issues. DCFS will also continue to provide ICWA related training to new staff and in cooperation with Utah's tribal leaders will sponsor the annual ICWA conference. DCFS has not identified any laws, policies, procedures, communication strategies, trainings, or other activities that require modifications in order to comply with ICWA. DCFS will take action whenever ICWA related issues arise.

5) Relevant information from selected tribal CFSPs

Navajo Nation

Key Points:

- NCFS oversees an Intergovernmental Agreement (IGA) with the three states surrounding the Navajo Nation which consists of Arizona, New Mexico and Utah to provide child protective services and ICWA requirements in working with Navajo Nation. They also work on addressing the issue of Navajo families going between homes located on the reservation or state. There are quarterly "IGA" Meetings held with all three surrounding states to discuss issues, barriers and to develop action plans to address them. Attendance at these meetings involve Navajo child welfare programs and state child welfare agency officials.
- The Navajo Children and Family Services Program within the Division of Social Services is the designated liaison between Navajo Nation and State courts when a child has been taken into custody through state Social Services. The NCFS through their Indian Child Welfare Act (ICWA) Unit remains the key program contact for any child who is taken into custody and the guardian/custodian resides on the Navajo Reservation. Intergovernmental agreements are in place with the States of Arizona, New Mexico, and Utah. The major concern with surrounding states has been incidents when children who reside on the Navajo Nation receive medical services off the Navajo nation and subsequently the parent does not stay in the metropolitan area when the child is to be discharged. The IGA is in place identifying the ICWA Office as the lead contract for any child taken into custody off the Navajo Nation. Upon verification that the family resides on Navajo, the State Social Services office contacts the ICWA Office who in turn notifies the Department of Family Services' Child and Family Well-Being Program for protective services. The Navajo Nation will provide protective services to children who are abandoned shortly after birth until such time Navajo heritage cannot be determined. At that time, children not eligible for enrollment with the Navajo Nation will be referred to the appropriate state social services agency.
- The NCFS's ICWA Unit has experienced on-going issues with states regarding ICWA case coordination and collaboration as mandated by the ICWA law. Such issues include 1) Relative searches were not being conducted by state workers; 2) States do not provide ICWA notices to the tribe in a timely manner; 3) States do not provide adequate and timely court and case documents to the tribe; 4) States do not provide active efforts to

parent(s) for reunification purposes; 5) States do not follow ICWA's Placement Preference, state workers have advocated for non-relative, non-Native American foster parents to adopt Navajo children and state courts have granted them accordingly; 6) States provide limited ICWA and IGA trainings to their state workers; 7) State workers have limited knowledge and skills in terms of developing and implementing culturally relevant case plans; and 8) State attorneys lacked knowledge of the ICWA and IGA, thus creating extra barriers to working with the tribe.

- The tribe reports that it expects progress to be slow, but evident.
- Efforts to continue to address these concerns with the states of New Mexico and Utah are on-going.
- Presently, the tribe has continued with quarterly meetings with all three surrounding states regarding child welfare issues involving Navajo children.
- The NCFS ICWA Unit has continuously coordinated with state child welfare agencies by attending child and family team meetings that some states conduct within the first 72 hours of a child being taken out of home care. Attending these team meetings have been beneficial, not only for the child, but for the parents and relatives involved in the ICWA case. By having the program's ICWA worker attend these sessions, the worker has been able to advocate on behalf of the child and reminding states of the ICWA mandates in terms of notices, placement preferences, having case documents sent to the program, etc. By attending these sessions, the ICWA worker has made recommendations to have the state agency follow the ICWA placement Preference by placing the child with a relative caretaker the child may already know, rather than placing the child in a foster home.
- The exterior boundaries of the Navajo Nation borders on Colorado and overlaps into Utah, Arizona and New Mexico where services are shared and coordinated on a regular basis. The Division has in place an Intergovernmental Agreements (IGA) with three states, Arizona, New Mexico and Utah specifically pertaining to child welfare services. The program hosts quarterly meetings to address any issues, concerns and to discuss client services. Additional discussions include the need for coordination and to prevent duplication or overlap of the same service to the specific consumer.
- In accordance with the current Intergovernmental Agreement (IGA) with the three surrounding states, Navajo children who have been placed in state custody and the guardian/custodians live within the Navajo Nation will be the responsibility of the Nation to provide services, and Navajo children in state or tribal custody in which the guardian/custodian do not live on within the Nation will be the responsibility of the state in which the guardian/custodian lives. However, should the guardians/custodians constantly be moving to cause jurisdictional issues to evade tribal or state CPS, than the Nation will be responsible given that the guardians originally domiciled from the reservation. Through NCFS - ICWA Unit is the designated liaison between the Navajo Nation and State courts when a child has been taken into custody through state Social Services. The ICWA Unit remains the key program contact for any child who is taken into custody but the guardian/custodian resides on the Navajo Reservation. Children not eligible for enrollment with the Navajo Nation will be referred to the appropriate state social services.
- The Navajo Nation, through the Department of Family Services provides all services of child welfare involving enrolled Navajo children who may be at risk of abuse or neglect or have been taken into custody for their safety and welfare due to abuse and/or neglect.

The Department of Family Services through their Child and Families Well-Being Program provide case management services to children that are in out of home placement including foster care, relative/kinship care and institutional/group placements and have in policy to obtain credit reports for all children over the age of 16 in out of home placement by contacting the three major credit reporting agencies. Thus far, DFS workers have not encountered problems in obtaining credit reports for foster care youths.

- At the moment the Tribe has not been consulted for CFCIP services under any of the three states.

Ute Indian Tribe

Key Points:

- ICWA compliance is regularly discussed between the tribe and the State of Utah. The state has created an ICWA Compliance position within the Department of Human Services and this individual is in regular contact with UFS regarding court activities, permanency issues and the provision of independent living services. Currently the Ute Tribe has only one child in foster care through the State. The remaining tribal children in foster care (42) are in the control and custody of UFS. Many of the conversations regarding ICWA involve jurisdiction and whether the tribe's Juvenile Court will assume jurisdiction of a specific case involving a tribal member and any Indian child that lives within or near the exterior boundaries of the reservation. As state judges and officials become more aware of ICWA guidelines and regulations this issue is less of a concern as the notification process has become more efficient even with other states that have Ute tribal members in residence.
- In 2011, the Ute Tribe Business Committee sent a letter to the State of Utah notifying the state that the tribe will be removing all tribal children from DCFS control and transferring them to the control and custody of the Ute Family Services. At that time there was approximately 70 children in state custody and as of the date of this plan only one child remains in state custody. This remaining case is only open because of the high maintenance and services required by the individual and the state is more capable of providing for the welfare of the child at this time.
- The largest issue outstanding between the tribe and the state is that of jurisdiction in certain cases. This is due to the fact that within the exterior boundaries of the reservation there are significant blocks of non-tribal land. This creates confusion in some cases when the status of whether individuals are tribal members and whether or not they are residing on tribal or non-tribal lands. The cooperation between the tribe and the state in these matters has improved significantly over the past several years but occasionally the issue still arises.
- The current MOU between UFS and DCFS expired in 2013. Currently there is no MOU in place; however we are operating on a case-by-case basis. Recently the State of Utah has agreed to begin negotiations on a new MOU dealing with child welfare issues.

Vermont

1) How consultation was conducted with tribes

Vermont does not have any federally recognized tribes within its borders.

2) Reported assessment of compliance with ICWA

The state did not report any information on its assessment of compliance with ICWA.

3) Efforts to promote compliance

The department promulgated policy regarding compliance with the Indian Child Welfare Act in September 1998. Vermont’s new Juvenile Proceedings Act, effective January 1, 2009, requires social workers to provide information required by the Indian Child Welfare Act at the Temporary Care Hearing which is held within 72 hours of custody. Vermont's adoption statute also supports compliance with the Indian Child Welfare Act. Adoptive parents must disclose a child’s membership in a tribe when they file a petition to adopt.

In January 2014, the Family Services Policy 300, Title IV-E Programs Policy was updated to further clarify the process as to how Vermont will work with Indian tribes in other states to meet the permanency, safety, well-being and law abidance of a child Indian tribe member or child eligible to be a member of an Indian tribe.

4) Barriers/challenges to compliance

The state did not report any barriers or challenges to compliance with ICWA.

5) Relevant information from selected tribal CFSPs

There are no federally recognized tribes in Vermont.

Virginia

1) How consultation was conducted with tribes

The state does not report information on how it consulted with tribes for the development of the CFSP. Virginia does not have any federally recognized tribes.

2) Reported assessment of compliance with ICWA

While Virginia does not have any federally recognized tribes and reservations, there are state-recognized tribes and since 2011 the number has increased from eight to 11. Based on OASIS, that state's data system, data, on December 31, 2013, there were 19 children in care identified as American Indian or Alaskan native.

The state reports that it is working with IT staff to ensure that OASIS is able to collect and report to National Youth in Transition Database (NYTD) information on a youth's membership in or eligibility for membership in a federally recognized tribe. The Children's Bureau identified this as an "action needed" in Virginia's National Youth in Transition Database Site Visit Report issued September 2013.

3) Efforts to promote compliance

In response to ACYF-CB-PI-13-05, Virginia revised its foster care guidance to meet the requirements to establish and maintain procedures to work in collaboration with a Tribe for the transfer of responsibility and care of a child of Indian heritage to a Tribe or Tribal IV-E agency. The draft guidance was included in the June 2014 report on Virginia's PIP for the IV-E plan and is being reported on in the final APSR for the 2009-2014 State Plan.

The state reports that, in addition to following all Indian Child Welfare Act (ICWA) requirements, it has updated its contacts to include the newly recognized tribes and will work to build our relationships and connections with the tribes. Local Departments of Social Services (LDSS) who have tribes in their service areas are familiar with and have relationships with many of the leaders of those tribes but relationships need to be strengthened statewide. Virginia foster care policy strongly encourages LDSS to contact the Virginia tribe and work with them to address the needs of these children. New Worker Foster Care Policy Training, provided on a regular basis in each region of the Commonwealth, reviews requirements as part of the curriculum. In addition, foster care and adoption consultants are available in each of the Commonwealth's regions to provide additional guidance to LDSS when and if a child of American Indian heritage enters foster care.

4) Barriers/challenges to compliance

The state did not report any barriers or challenges to ICWA compliance.

5) Relevant information from selected tribal CFSPs

There are no federally recognized tribes in Virginia.

Washington

1) How consultation was conducted with tribes

Washington report that its Children's Administration (CA) has ongoing consultation with the 29 federally recognized tribes in Washington at both the statewide and local level.

Ongoing Consultation
In addition to federally recognized tribes/nations, CA also recognizes, through policy, American Indian Organizations, and American Indian participants. The primary goal is to recognize a Government to Government relationship between the state and Indian tribes/nations through the maintenance and support of the:

- Washington State Indian Child Welfare Act
- Federal Indian Child Welfare Act
- Washington State Centennial Accord
- Washington State Basic Tribal State Agreement
- Washington State Localized Tribal State Memorandums of Understanding
- DSHS Administrative policy 7.01

The state reports that the Department of Social and Health Services Indian Policy Advisory Committee (IPAC) meets on a quarterly basis, coordinated by the Office of Indian Policy (OIP). This venue provides the Assistant Secretary an avenue to give updates, discuss concerns tribes may have and work closely with staff to ensure a timely and effective response. The CA-IPAC sub-committee consists of tribal representatives delegated by their tribal councils. These representatives participate in policy and procedure workgroups, including those mandated by legislation. Roundtables and consultation occur at the local or statewide level and help ensure that the state is working in partnership with tribes to help Indian families.

Consultation on 2014–2019 CFSP
The state reports that the Indian Policy Advisory Committee reviewed the Consultation and Coordination between States and Tribes section of the CFSP and was invited to provide input. Members of the Children, Youth and Family Services Advisory Committee, representing a variety of stakeholder groups, participated in reviewing data specific to performance and identifying areas and possible goals and action items for improvement.

The state reports that its 2015-19 state plan was shared with tribes by email prior to the May 2014 CA-IPAC subcommittee meeting, asking tribal representatives to provide edits and input on the proposed activities. The suggestions received have been incorporated into the final CFSP document submitted to the Children's Bureau and the complete CFSP document will be shared with tribes electronically once it is finalized.

Coordination and Consultation with Tribes on Credit Reports and Independent Living Services
The state reports that tribal youth are assured access and availability of independent living (IL) services and that tribal youth may choose tribal IL contracted services or non-tribal providers, assuming availability. The state designates 10 percent of its total IL funding for tribal contracts and offers an annual contract solicitation process to tribes. To date, every tribe that requested

Chafee funds for their own IL program received approval; this year the state has IL contracts with 24 tribes.

CA is completing agreements with the three credit bureaus to complete the credit reports electronically for foster children aged 16-18. CA will share the electronic process of obtaining credit reports with tribes when details have been finalized. The tribes will have the option of entering into their own contract with the credit bureaus or providing eligible youth's information to CA who will complete the credit check process and provide results to the tribes.

2) Reported assessment of compliance with ICWA

How Compliance is Assessed
Washington reports that the statewide Indian Child Welfare (ICW) program supervisor and program manager and regional program consultants coordinate with tribes to assure state and federal ICWA compliance. Headquarters staff oversees contract management and policy collaboration with tribal staff for ICW matters throughout the state. The ICW program supervisor helps to assure communication, consultation and relationships between CA and the tribes/nations are honored. The CA-IPAC sub-committee serves as an on-going venue for Tribal representatives to voices concerns and issues related to policy and practice and the impact on Native American children and families.

Statewide ICW case reviews area conducted bi-annually. The focus of these reviews is to assess, in detail, compliance with the federal and state Indian Child Welfare Act (ICWA) and CA ICW policy as well as the quality of the ICW practice in cases where it is believed the child is Native American. Representatives from Health and Human Services observed the 2009 ICW review and indicated the review was a model for other states.

CA will use administrative data from FamLink and outcomes from federal and state case reviews to assess its ongoing compliance with ICWA. Monthly and quarterly meetings with tribes will continue to support communication between CA and the tribes to ensure the needs of Native American children and families are being met.

Reported Data on Assessment of Compliance
Q: Was inquiry made with both sides of the family to discover if the child had American Indian/Alaska Native/Canadian Indian Status?

- CY 2010 Statewide Results: 84%, 129 cases
- CY 2011 Statewide Results: 85%, 319 cases
- CY 2012 Statewide Results: 72%, 493 cases
- CY 2013 Statewide Results: 77%, 587 cases

Q: If the parent or relative indicated American Indian/Alaska Native/Canadian Indian status, was the Tribe(s) or the Bureau of Indian Affairs (BIA) contacted to determine the child’s Indian status?

- CY 2010 Statewide Results: 71%, 49cases
- CY 2011 Statewide Results: 73%, 97cases
- CY 2012 Statewide Results: 75%, 133 cases

- CY 2013 Statewide Results: 73%, 183 cases

Q: If the Tribe determined the child to be American Indian/Alaska Native/Canadian Indian, were there ongoing active efforts to include the Tribe(s) in case planning?

- CY 2010 Statewide Results: 85%, 20 cases
- CY 2011 Statewide Results: 82%, 28 cases
- CY 2012 Statewide Results: 84%, 44 cases
- CY 2013 Statewide Results: 77%, 60 cases

3) Efforts to promote compliance

The state reports that a Continuous Quality Improvement Action Plan has been developed and is included in the Plan for Improvement section of the state's CFSP. The action plan provides information regarding the activities CA will continue or implement over the next five years. The intent of the activities is to ensure the well-being needs of Native American children and families are being met.

Specific measures the state will review in the next five years to improve or maintain compliance with each of the five major requirements of the Indian Child Welfare Act include:

- Notification
    - A FamLink system change has been proposed which will allow staff to select Tribes from a dropdown menu and identify that a referral was sent to them.
- Placement preferences
    - Maintain ongoing coordination with tribes/nations and RAIOs to identify appropriate family placements. The contract for foster parent recruitment includes language which requires the contractor to provide Native American community support for foster families, and establish a recruitment and retention presence at Native American cultural events.
- Active Efforts to prevent the breakup of the Indian family
    - CA will continue ongoing work with regional staff (LICWAC) and our tribal partners to ensure active efforts for ICW cases. This includes trainings on laws, policies and procedures. CA will request tribes participation on the following:
        - In-service training
        - Training curriculum consultants
        - CA recently centralized the Native American inquiry process in an effort to improve early and accurate identification of a child's Native American status. Statewide training is being completed and includes instruction for CA workers on how to complete an inquiry request. The centralized process is expected to increase the number of timely, accurate, and complete inquires. The performance of the unit will be monitored in monthly reports.
- Tribal right to intervene in state proceedings
    - A Washington Tribal-State Judicial Consortium of 11 tribal court judges, 17 state court judges, and nine others gathered in 2013 to discuss the potential for establishing a tribal-state court forum that will facilitate collaboration between tribal and state courts in Washington.

- Efforts are underway by AOC, CA and tribes to revitalize and move forward in developing the consortium. Membership in the consortium will be an equitable balance between tribal and state judges.

The CA Assistant Secretary works closely with the Office of Indian Policy (OIP) to meet with tribes in their communities. In addition, efforts by CA to comply with federal ICWA include participation by the state and tribes at the: Department of Social and Health Services; Indian Policy Advisory Committee CA; Indian Policy Advisory Committee Sub-committee; and 7.01 Roundtables and consultation.

Washington reports that it continues to emphasize, support and identify relatives and address barriers to relative placement. The relative placement rate has improved over the past 4 years.

The state supports tribes in their delivery of child welfare services through IV-E agreements. Three tribes currently have pass-through IV-E agreements with the state, one of which is inactive. Updating the local Memorandums of Understanding (MOU) with the Tribes remains a priority of CA and is part of the CA strategic plan.

4) Barriers/challenges to compliance

Washington reports that an ongoing challenge the state faces with the National Youth in Transition Database (NYTD) and tribes is the turnover of tribal staff at the service and manager levels. In 2010, all tribes were trained in FamLink and the IL pages, including NYTD documentation. Currently more than half of the tribes do not have staff trained in FamLink. The IL Program Manager has provided FamLink training to a number of tribes when it has been requested. CA also discovered that many tribes do not have computer operating systems that are compatible with FamLink. Washington state is not able to support the IT complications that the tribes are experiencing. CA created a hard copy form of the NYTD documentation for tribes to complete manually as an alternative process. The forms can be sent for input into FamLink.

5) Relevant information from selected tribal CFSPs

Port Gamble S'Klallam

Key Points:

- The Port Gamble S'Klallam Tribe reports that it is fortunate to be located in the State of Washington. Washington State provides valuable resources and linkage for services with our children. The State and Tribe have developed a Memorandum of Understanding that outlines clear direction for cross-jurisdictional services. The Tribal Indian Child Welfare Program uses the Bremerton, Washington Region V office. The Tribe and the region meet quarterly to continue to assist each other in providing services to our children.
- The tribe has written working agreements with the state that delineates who is responsible for the protection for Tribal children in regard to section 422(b)(10). The Tribe takes legal/court ordered responsibility for placement and care of it tribal children through its Tribal Indian Child Welfare (ICW) department.
- The tribe reports that it collaborates with the State of Washington about the Chafee Foster Care Independence Program. They have updated the Tribal/State ICW agreement, which specifies how the Tribe will be notified of PGST children who they come in contact with

and how to access appropriate services for Tribal children. PGST and the local Bremerton DCFS office have a good working relationship. The tribe receives regular emails regarding services available and their eligibility requirements for the program. The tribe also has quarterly meetings to discuss benefits for children in foster care, and to keep up with any changes in policy at the state level.

- The tribe's Children and Family Services Department currently operates a Title IV-E program under an agreement with Washington State and intends to apply for the CFCIP funds for FY 2015-2019.

Muckleshoot Indian Tribe

Key Points:

- The Muckleshoot Indian Tribe is a part of the Indian Policy Advisory Committee (IPAC), Regional Tribal Coordination Committee (RTCC) and the Tribe has access to issues with ICWA via the established 7.01 meetings with Washington state's Children's Administration. Currently the Muckleshoot Child and Family Services (MCFS) program meets on a quarterly basis with the Children's Administration.
- The tribe reports that Washington has established the Office of Indian Policy to assist the Tribe with all divisions of the State's Department of Social and Health Services (DSHS). There are also Tribal Liaisons assigned to work with the Muckleshoot Tribe through Children's Administration to assist on issues with Child Welfare.
- The Muckleshoot Indian Tribe's Human Services Division meets quarterly with Washington States Children's Administration Region 2, King County. The Muckleshoot Child and Family Services program coordinates with the State on Tribal Children who are in custody of the State or the Tribe. The Muckleshoot Indian Tribe has Exclusive Jurisdiction over all of their Tribal children regardless of where they are domiciled.
- The tribe reports that the Muckleshoot Child and Family Services (MCFS) program works collaboratively with the State case workers to ensure that all Tribal children receive needed services and intervention from the Tribe. The Muckleshoot Tribe is developing an MOA to implement with the Children's Administration to ensure a continued working relationship in the best interest of all Tribal children and their families.
- Children's Administration remains in contact with MCFS and assists with the delivery of services to all of the children under Tribal jurisdiction. Per 7.01 agreement, the Office of Indian Child Welfare (OICW) of the State's Children's Administration is available to access services for children who require higher level of care, Behavioral Rehabilitation Services, Independent Living Services, Sexually/Physically Aggressive Youth, etc.
- When DSHS Policy 7.01, and the State and Federal ICWA's are adhered to, a system is in place to ensure effective government-to-government working relationships. When they are not adhered the Muckleshoot Indian Tribe is able to take proactive measures to rectify the issue of concern, through the Office of Indian Policy, DSHS.
- The tribe is still developing relationships with the three credit check agencies to conduct credit checks for each child age 16 and older. The tribe is working with Washington State DSHS to learn what obstacles the State encountered and feedback on the best means of successful implementation.

Lummi Nation

Key Points:

- The tribe reports that, as in prior years, Lummi Children's Services (LCS) has been fairly successful in collaboration efforts with the State. Over the past few years and certainly in the past year LCS has continued to participate in the 7.01 Children's Administration (CA) quarterly meetings as well as the monthly IPAC meetings. These particularly have been important regarding contracting requirements and opportunities, ICW case reviews, Permanency Planning roundtables, CA policy updates and supports the tribe's awareness of training and resource announcements.
- The tribe entered into an Memorandum of Agreement with CA regarding a protocol for CPS investigations both within and outside of the boundaries of the Lummi Nation that include a tribal CPS investigator to accompany any CA CPS investigator attending investigations on child abuse / neglect responses to reports of harm regarding Lummi children. In addition most recently the nation has entered into a contract with CA as regards funding supports for an additional tribal case worker at LCS (tribally employed) to help reassign and reduce caseloads currently held by existing tribal case managers.
- Regarding ICWA compliance issues pertaining to the Whatcom County or outside of Whatcom County DCFS departments, the tribe reports that there have been no major non-compliances to be reported, more some varying practice issues of comment. The tribe reports that non-compliance is not generally seen in the Whatcom County DCFS office. Problems occur more outside of the Whatcom County area, where there are instances when, on occasion, there is a time delay in noticing the tribe on ICWA cases when Lummi may have been identified to be part of a child's ancestry. There have been several meetings between the leadership of local DCFS offices and Lummi child welfare department leaders to ensure that ICW issues if they arise are dealt with expeditiously.
- LCS staff and the Lummi ICW Attorney continue to attend hearings in State Court regarding Lummi dependencies. Lummi dependencies outside of Whatcom County continue to be monitored by the Case Worker II, who participates in hearings along with the Lummi ICW Attorney when necessary to further ensure ICWA compliance.
- LCS does not receive Independent Living funds. ILS services are accessed via DCFS.

Confederated Tribes of the Colville Reservation

Key Points:

- The tribe reports that it has a responsibility to protect its children and to make good faith efforts to consult with the state. This is done at many programmatic levels, particularly when the tribe consults with the state on ICWA cases. This is also done by consulting with the state on specific grants/contracts to meet the identified goals and objectives. The Tribe also looks to the state for technical assistance and training for child welfare staff.
- In cases in which an enrolled tribal parent who lives off the tribal reservation becomes involved in the State system due to an alleged child abuse or neglect investigation, that parent has the right to ask the tribe to take jurisdiction of the case and assist them with the help they need to reunify the family. The tribe reports that Washington state has always, in the past, been very cooperative and helpful in these situations.

West Virginia

1) How consultation was conducted with tribes

Although West Virginia has no federally recognized American Indian tribes or tribal lands, West Virginia reports that it is committed to forming a stronger relationship with the national Federal Bureau of Indian Affairs and other federally recognized tribal organizations, as recommended.

The state reports that it engages stakeholders, tribes, and the courts in the formation of initiatives. For the development of this Child and Family Services Plan, several meetings were set up and a meeting dealing specifically with the development of this section was held in a central location in the state.

Consultation with Tribes on Independent Living Services
CFCIP services are available to any youth who is eligible, including youth that are of tribal descent.

2) Reported assessment of compliance with ICWA

The state did not report any information on its assessment of compliance with ICWA.

3) Efforts to promote compliance

Child and Family Services Reviews determine if workers are exploring and maintaining the primary connections for the child in care, and documenting those efforts. This may include connections in the community, school, church, extended family members and siblings not in foster care.

If a child is a member or eligible to be a member of an Indian Tribe the Tribe must be notified in a timely manner to advise them of their right to intervene in any State court proceedings seeking an involuntary foster care placement or termination of parental rights. The child must be placed in accordance with the Indian Child Welfare Act (ICWA).

West Virginia has organizations that represent several different tribes to preserve Native American principles, traditions, history and culture. In February 2012, the state contacted the Bureau for Indian Affairs to determine if they had a unit that reviewed states foster care policies. The BIA forwarded the state’s request to Karen Matthews, LMSW, of the Chitimacha Tribe of Louisiana for consultation. A review of West Virginia's foster care policy was completed. West Virginia's foster care policy was revised to include recommendations from Ms. Matthews. Furthermore, West Virginia's Department staff is required to comply with the requirements of the Indian Child Welfare Act. The state provides training to its staff on these specific requirements. In general, all children and families are eligible for and provided the same services.

4) Barriers/challenges to compliance

The state did not report any barriers or challenges to ICWA compliance.

5) Relevant information from selected tribal CFSPs

There are no federally recognized tribes in West Virginia.

Wisconsin

1) How consultation was conducted with tribes

The state reports that consultation with the 11 federally recognized Tribes is governed by Wisconsin Executive Order #39, which details the consultation purpose for all departments in Wisconsin state government with the Tribes. In addition, each agency, including the Department of Children and Families (DCF), has issued a Department consultation policy which is available at the following website: http://dcf.wisconsin.gov/tribal_relations/pdf/consultation_policy.pdf

DCF consults with the Tribes through tribal chairpersons, presidents, or other elected officials, as the official representatives of the Tribes, and tribal social services and Indian Child Welfare Directors. The contact list for Tribal Officials is located at the following web address: http://witribes.wi.gov/docview.asp?docid=19085&locid=57

The primary mechanism for group conversations with tribal leaders is through the annual consultation meetings between the Secretary and Division Administrators of the Department and elected Tribal officials. The purposes of the consultation sessions are to:

- Address issues or concerns regarding Department policies, implementation plans, services, and challenges
- Enhance the overall relationship between the Department and the Tribes
- Identify actions that will improve conditions of and services for Indian children and families

The most recent DCF/Tribal annual consultation meetings was held in May 2014. In addition, DCF disseminated a draft of the 2010-2014 report and the 2015-2019 state plan draft to DCF tribes for comment on June 11, 2014. DCF has exchanged copies of the final CFSP, the Five Year Final Report and APSRs with the Tribes. The state will continue to ensure this exchange occurs in the future through regular established meetings and communications with the Tribes Annual DCF/Tribal consultations will continue over the next five years. Between meetings, the Tribes are kept informed through written communication, frequent and ongoing meetings with DCF staff (as described above), tribal delegates serving on tribal/state committees and direct reporting on certain issues through established mechanisms.

Title IV-E Agreements
In response to interest by Tribes, the Department held a "Title IV-E Agreement Summit" in March 2012 to discuss options and structures for federal and state Tribal Title IV-E agreements. Representatives from each of the eleven tribes, as well as Department officials, participated in the day- long conference, which included presentations from National and local experts on state and federal Tribal Title IV-E agreements. The Department engaged in follow-up discussions with six Tribes that were interested in exploring the possibility of a State/Tribal IV-E agreement for administrative activities. The first Wisconsin state/tribal Title IV-E agreement, covering administrative claiming, was concluded with the Bad River Tribe and became effective October 2013. The Department is currently engaged in discussions with the Lac du Flambeau Tribe regarding a Title IV-E agreement. The Department will continue to work with interested Tribes on follow up issues raised by the Tribes.

Independent Living Services
Three tribes—the Ho Chunk, Lac du Flambeau and Lac Courtes Oreilles—have consistently requested and receive CFCIP/ETV allocations directly from DCF, using the statewide formula for the provision of IL services to tribal youth. Tribal youth in Wisconsin who are not able to access IL services directly through their tribe are able to receive services through the child welfare agency in their resident county. DCF requires counties and tribes to collaborate on IL services for tribal youth, and requires counties to submit annual work plans describing collaborative activities with area tribes. All county agencies serving tribal children report collaborative efforts with local tribes.

Tribes receiving CFCIP funds directly from DCF participate in training and regional IL roundtables held throughout the state annually to discuss policy/programming initiatives and issues, and to provide technical assistance and consultation to agency IL Coordinators.

In 2013 DCF met with all tribal child welfare managers to review allowable services and how to access them, as well as how to apply for direct funding. DCF is not aware of any tribes planning to apply directly to ACF for funds. All tribes, whether they receive funding directly from DCF or services from the county agency, are made aware of IL policies and procedures, including eligibility through the DCF policy and informational memo process.

Over the next plan period, tribes will continue to have the opportunity to request CFCIP funds directly from the state or ACF. DCF will continue to provide outreach to tribes in order to ensure ongoing awareness of resources and how to access them, through state/tribal meetings, trainings, and policy memo distribution.

2) Reported assessment of compliance with ICWA

In 2013, Children's Court Improvement Program (CCIP) developed the Wisconsin Indian Child Welfare Act (WICWA) Continuous Quality Improvement Project, which is designed to improve adherence to WICWA requirements in the circuit court system. CCIP staff conducted onsite reviews in the following four counties in calendar year 2013:

- Shawano County
- Milwaukee County
- Bayfield County
- Jackson County

One of the items measured as part of the reviews is whether the tribe receives written notice of Permanency Hearings as required by WICWA. In 66 of the Child in Need of Protection or Services (CHIPS), Juvenile in Need of Protection or Services (JIPS), and Termination of Parental Rights (TPR) cases that were reviewed, the circuit court file contained documentation that written notice of the most recent Permanency Hearing was sent to the tribe in 97% of the cases.

In addition, the CCIP WICWA Continuous Quality Improvement Project reviews whether the

active efforts finding and placement preferences are documented on Permanency Hearing Orders.

In addition, development of case review systemic factor compliments with the state's new CQI case review system will also add valuable and needed information related to these performance areas.

3) Efforts to promote compliance

Recruitment Goals
In collaboration with counties and tribes, DSP works with public, private and tribal agencies to develop a pool of waiting families to meet the diverse needs of children in out-of-home care (OHC). Specific strategies that are used include a consistent, statewide recruitment campaign with materials that can be used by local agencies to build on the recognition gained from the statewide activities. During 2012, billboards were released to support recruitment of foster homes for Indian children through collaboration with Wisconsin tribes. In 2013 a new general campaign was released in May and the billboards to support foster homes for Indian children were continued.

Policy Development
As part of the MCWIC project, policy guidance was developed in two key areas of the WICWA law. Policy guidance on the use of Qualified Expert Witness was developed by a sub-committee of the WICWA Advisory Board and issued in October 2013 and is available at the following link: http://dcf.wi.gov/memos/num_memos/DSP/2013/2013-05.pdf

Guidance on the active efforts requirement was developed by another sub-committee of the WICWA Advisory Board and was issued in December 2013 and is available at the following link: http://dcf.wisconsin.gov/publications/pdf/464.pdf

In collaboration with the Department and other stakeholders, the Director of State Courts developed and issued a number of court forms for use by circuit courts to implement WICWA requirements. These requirements will be followed and expanded, as needed, over the next five years.

Compliance Assessment Tool
Drawing on the protocols from the Department's overall Quality Service Review process, the Department developed a WICWA-specific tool to assess the quality of WICWA compliance through case reviews. Tribes were consulted throughout the development of the tool during the Indian Child Welfare Director's meetings from September 2012 to April 2014. The tool was piloted in the spring of 2013. The Department began undertaking WICWA reviews in selected counties with higher populations of children subject to WICWA in May 2013. As of June 30, 2014, the WICWA practice in six counties has been reviewed. These reviews have been undertaken with the Children's Court Improvement Program (CCIP) of the Office of Court Operations, which conducts joint focus groups with the Department with tribes, legal partners, and county child welfare agencies to discuss practice strengths and challenges in regard to compliance with WICWA. After the completion of the review process, feedback is given to the

tribes and other stakeholders through a summary presentation in conjunction with CCIP and a final report is distributed to the county agency and tribes.

As directed by the federal Administration for Children and Families, the Department is developing a policy committing the Department to good faith negotiations with Tribes and tribal consortia on child and family-related issues. Consistent with the DCF/Tribal consultation policy, the Department is developing this policy in consultation with the Tribes.

The Tribes and DCF worked collaboratively to develop a formal document consisting of eight tribal priorities designed to improve child welfare services for Indian children and families. This document has provided the long range blueprint that has guided the work of the DCF, ICW Committee, and the PALS workgroup. The Tribal priorities (available at: http://dcf.wisconsin.gov/children/icw/pdf/priorities.pdf) are:

1. Identifying children as Indian children
2. Training on WICWA, Tribal Codes and Ordinances and Cultural Issues
3. Adoptions
4. 161 Agreements
5. Foster Home Placements and Resources
6. Safety of Children in Their Own Homes and in Out-of-Home Care
7. Title IV-E or Other Funding for Tribes
8. Institute an Indian child welfare communication model within the DCF Structure

The Department maintains a Tribal Relations website which contains a wide range of information for various audiences, including the Tribal Consultation Policy and Consultation Implementation Plan. The home web page for this site can be found at: http://dcf.wisconsin.gov/tribal_relations/default.htm

The Wisconsin Indian Child Welfare Act passed in 2009 and specifies the responsibilities of the state and counties regarding tribal children in the child welfare system. The Act also specifies whether the protections are under state or tribal jurisdiction.

- The law can be found at: http://docs.legis.wisconsin.gov/statutes/statutes/48/I/028

The Department has a strong commitment and procedures for consulting with the Tribes located in Wisconsin. DCF provides limited child and family service (child welfare, child care, domestic violence) funding directly to the Tribes through a consolidated Family Services program, which combines a number of funding streams. Additionally, Tribes, at their option, receive TANF funding to operate the Kinship Care program. The Department also provides opportunities for tribal input in other areas of the Department such as Early Childhood, TANF and Child Support.

The Department child welfare staff meets with the child welfare directors of the eleven Tribes every other month as the Intertribal Child Welfare (ICW) Committee to discuss child welfare-related issues. In addition, child welfare and legal staff of the Department and Tribes, along with professionals from related organizations (e.g., Children's Court Improvement Program, Wisconsin Judicare/Indian Law Office) meet every other month as the Tribal/State Child Welfare Policy & Law (PALS) Workgroup to discuss policy and legal issues. These workgroups discuss a full agenda of items, including:

- Interpretation of and answers to questions re: ICWA and WICWA
- Strategies to increase recruitment of tribal families to serve as foster families for tribal children
- The authority of Tribes to license foster homes off/near reservation/trust land
- The relationship between Wisconsin's infant relinquishment law and the Indian Child Welfare Act
- Notification of Tribes in voluntary child custody proceedings
- Title IV-E funding agreements between the Tribes and the State and the Tribes and the Federal Government
- The intersection of tribal authority to perform child welfare functions and county responsibility under state statute

Jurisdiction
Wisconsin continues to use the "161 Agreements" with certain counties and tribes to support Indian children placed in out-of-home care by Tribal courts. The original intent of the 161 Agreements was to recognize the jurisdictional authority of Tribal courts and to provide a mechanism that would permit county payment for out-of-home care placements made by tribal courts. The state statutory language creating these agreements is permissive and counties are not required to enter into a 161 Agreement. Some of the agreements, at the recommendation of the Department, have since been expanded to include support for and services to Indian children in care and their families, IV-E eligibility determinations, permanency planning requirements, independent living, and in some cases, additional agreements related to child protective service investigations and removals.

The state reports that 10 of the 11 federally recognized Tribes in Wisconsin have tribal courts that exercise jurisdiction in child welfare cases. The Oneida Tribe does not currently have a tribal court, but is considering the establishment of one.

Wisconsin Indian Child Welfare Act
In December 2009, Wisconsin established in state statute the principles and requirements of the federal Indian Child Welfare Act. The process of developing and passing the Wisconsin Indian Child Welfare Act is shown in the following documentary video that demonstrates the collaborative spirit in passing the law:
http://www.youtube.com/watch?v=tS8WkekywV8&list=UUSyVF06NlpLZXVYAfhTg-Sg&feature=c4-overview.

Midwest Child Welfare Implementation Center Project (MICWC)
The Department applied for and received a grant from the Midwest Child Welfare Implementation Center (MCWIC) to implement the Wisconsin Indian Child Welfare Act. The activities under the four year grant, which ran from 2009-2013, were developed and implemented collaboratively between the Department and the Tribes. Key deliverables from the grant were:

- Training for child welfare workers on WICWA
- Training for legal partners on WICWA: Technical Assistance to counties in the implementation of WICWA
- Development of policy guidance to implement WICWA

- Development of a Continuous Quality Improvement protocol

Training
The Child Welfare Professional Development Training System in Wisconsin and the MCWIC Project worked collaboratively to incorporate the WICWA requirements into the foundation curriculum taken by all new child welfare workers. Several eWiSACWIS trainings were added as a result of workers entering ICWA information fields to capture compliance with the state and federal Indian Child Welfare Acts.

Over the next five years, the department will continue to work collaboratively with the tribes to identify and offer technical assistance to counties and Tribes on the implementation of WICWA through the Department regional and program staff.

4) Barriers/challenges to compliance

The state did not report any specific barriers or challenges to ICWA compliance.

5) Relevant information from selected tribal CFSPs

No relevant tribal CFSPs were reviewed.

Wyoming

1) How consultation was conducted with tribes

Consultation on the CFSP
Representatives from the Northern Arapaho and Eastern Shoshone Tribes, the Department of Family Services (DFS), the Children's Justice Project (CJP), as well as other stakeholders collaborated to develop the 2015-2019 CFSP. Both Tribal office managers and designees were invited and attended the collaboration and coordination efforts to develop the State CFSP. Before the CFSP survey was sent to stakeholders, DFS requested tribal offices provide input and revisions based on the informational needs of each tribe.

The survey was available to both tribes, and composite tribe-specific data was made available to tribal representatives for use in development of individual tribal CFSPs. In addition, both tribes were invited to attend all focus group meetings, as tribal input was identified as an important element for CFSP planning and development.

Other Collaboration
The state reports that DFS collaborates with multiple groups and organizations to assess strengths and areas for improvement. These partners are active in assisting in the selection of goals and objectives for improvement in the social services system. Included among the partners are the Eastern Shoshone Tribe DFS Office and the Northern Arapaho Tribe DFS Office.

Independent Living Services
DFS is responsible for both administering and supervising Wyoming's Independent Living Program (IL) as described in the Chafee Foster Care Independence Program and in Section 477 of the Social Security Act to youth both currently in out-of-home placement in the custody and care of DFS and who have aged out of the social services system in addition to Tribal youth both in out-of-home placement in the care and custody of federally recognized Tribes and who have aged out of the social services system.

The state reports that DFS signs the certification in the CFSP to verify all IL services would be provided to DFS and Tribal youth in custody on an equal basis. DFS does not discriminate when providing services to youth.Youth in custody of the Tribal courts receive the same assistance with Chafee funds as do the youth in DFS custody. DFS provides services to the Tribes through contracted service providers. Section 477 (b)(3)(G) of the Social Security Act requires states to certify that Chafee benefits and services will be made available to Indian children in the state on the same basis as to other children in the State of Wyoming. DFS policy ensures that all IL services are available for Tribal and DFS youth in their custody. In-service IL training is available individually to each Tribe upon request, including national training. Although in the past the Eastern Shoshone Office applied for the RFP for the Chafee funds, in 2008 neither Tribal office applied. DFS intends to encourage both offices to apply in the future.

There is currently one contract IL Coordinator working with both the Arapaho Nation and Eastern Shoshone Social Services Offices. The Coordinator is housed at the UW Educational Opportunity Center in Ethete, Wyoming, which is on the reservation, and is supervised by

LifeNet, a contractor managing the RFP for several areas of Wyoming. The IL Coordinator is involved in the monthly calls and quarterly meeting with the contractors, and will participate in attending national conferences with the other providers around Wyoming. Additionally, the Tribal offices will be part of the implementation of the NYTD.

2) Reported assessment of compliance with ICWA

The state did not report specific information on its assessment of compliance with ICWA. The state reports that, while DFS works well with the local tribes, there have been children and youth who were not identified in a timely manner as being affiliated with a tribe.

3) Efforts to promote compliance

DFS attempts to comply with all mandates of the federal Indian Child Welfare Act of 1978, P.L. 95-608. DFS policy is to protect the best interests of Native children and to promote the stability and security of Native families and Tribes. DFS continues to prevent the unnecessary and arbitrary removal of Native children from their families and Tribes. While DFS works well with the local Tribes, there have been children and youth who were not identified in a timely manner as being affiliated with a Tribe.

The state is comprised of 23 counties and the Wind River Reservation. Through contract DFS provides technical assistance and funding for the two Tribal social services programs, which administer their own social services programs. DFS contracts with Tribal social services on the Wind River Reservation and each Tribe has their own Foster Care Coordinator. Additionally, two state office staff are assigned to the adoption and foster care programs and they provide technical assistance as needed.

Recruitment of Resource Families
Although the Eastern Shoshone and Northern Arapaho tribes receive their own IV-B funds that may be used to address the recruitment and retention of resource homes, DFS will collaborate with the tribes in the development of recruitment brochures. The brochures will be used not only in Fremont County and the Wind River Reservation, but throughout the state as DFS serves children and youth from these two tribes as well as other tribes.

Relationship with Tribes
The majority of the tribal population in Wyoming resides in Hot Springs and Fremont Counties. Local DFS field offices in Fremont and Hot Springs Counties continue to have a good working relationship with both Tribal DFS offices and Tribal law enforcement authorities. This relationship includes identifying Native American children and contacting Tribal social services for assessment or investigation of abuse or neglect allegations. In other communities, caseworkers are required to make reasonable efforts to establish a child's Native American heritage at intake. Documentation of Native American heritage is required in WYCAPS (the state’s SACWIS system). According to policy, caseworkers are to make reasonable efforts to determine the identity and location of the child or youth's Indian parents/Indian custodians/Tribe and notify the Indian parents/Indian custodians/child or youth's Tribe by certified mail with a return receipt request of the pending proceedings and their right of intervention.

Social Services Contracts

The Eastern Shoshone and Northern Arapaho Tribes on the Wind River Indian Reservation continue to provide social services in accordance the social services contracts with each Tribe. Tribal Caseworkers, Juvenile Probation Officers, Supervisors, and Managers are required to attend DFS Core training required for their job duties. Tribal social services are also required to notify DFS of all relevant Tribal and federal training for DFS caseworkers to attend. The contracts specify responsibilities of each party. Responsibilities specified in the contracts include, but are not limited to, the responsibilities listed below.

DFS responsibility:

- Make available the array of services purchased by the state program
- Provide funding for CPS and JS staff
- Maintain and upgrade computer hardware and software provided to contractor by DFS and provide computer technical assistance for projects pertinent to the contract
- Provide advance notification to contractor's social services training available to DFS Caseworkers and pay for training in the same manner as payment is provided to DFS staff
- Provide advance notification to contractor's director regarding the dates and times of the statewide DFS District Managers' meetings in the same manner as provided to DFS District Managers
- Provide technical assistance to contractor in areas of program and financial responsibilities in the same manner as assistance provided to local DFS field offices Conduct, at a minimum, an annual program audit and fiscal audit of the operations and expenditures of state funds by the contractor
- Work cooperatively with the contractor to maximize efforts to use alternative funding sources
- Provide copies of all rules and policies pertaining to the performance of the contract and provide updates as they occur
- Assist with any coordination necessary with Tribal or local court systems
- Make all data concerning DFS that is pertinent to the performance of the contract available to the contractor
- Include the contractor to the same extent such innovations, expansions, or funding are available to local DFS field offices in the event DFS initiates or participates in statewide innovations or expansions of social services to children and families

Tribal social services are responsible for the following:

- Follow the State of Wyoming DFS rules and policies as outlined in DFS Family Services Manual, DFS Family Services Resource Manual, and any amendments provided to the contractor. The contractor shall follow the rules or policies of the contract regarding foster home certification. In the event the contractor adopts rules or regulations regarding or affecting services hereunder, contractor shall comply with such rules or regulations if the parties mutually so agree and incorporate such agreement by written instrument executed by all parties to the contract
- Assure contractor's offices remain open and operational Monday through Friday, 8:00 a.m. through 5:00 p.m., unless their Business Council notifies the Contractor of closure

- Assure contractor's continuous 24-hour (on-call) coverage, including holidays and weekends, for child protection and juvenile services populations and respond within time frames established by the Family Services Manual. The on-call person shall be available to respond immediately in all appropriate case.
- All Caseworkers, Supervisors, and Managers shall meet or exceed state qualifications at the time of employment and shall attend and become certified in DFS Core training. Supervisors shall be required to participate in at least one (1) DFS supervisory training annually. Offices may not be closed for any training activity. Contractor shall inform DFS of all relevant Tribal and federal training for Caseworkers.
- Contractor shall certify that all users of WYCAPS have had background checks through DFS. Access will not be granted until background checks are complete. Contractor will provide safeguards that requested users have a need-to-know and adhere to DFS confidentiality standards and DFS Personal Computer/Land Area Network (PC/LAN) Policy. Contractor will notify DFS PC/LAN unit immediately when any employee with access to WYCAPS departs employment or no longer has a need-to-know
- Contractor's Director shall attend all DFS statewide management meetings and trainings or designate a representative to do so
- Enter and maintain all case related data in WYCAPS accurately and timely
- Take responsibility for all court appearances for social services cases and assist with any coordination necessary with Tribal or local court systems
- Provide services to any child who is being served by the contractor's program
- Work cooperatively with DFS to maximize efforts to use alternative funding sources
- Allow DFS to enter the premises for the purpose of conducting program audits and fiscal audits of the operations and expenditures of state funds by the contractor a minimum of one time per year
- Assume the risk of any loss of state or federal funding due to Contractor's failure to comply with applicable state or federal requirements, up to the amount of this Contract
- Provide an administrative hearing system commensurate with DFS and state policy to provide due process to clients
- Form a Fatality Review Team commensurate with DFS and state policy
- Follow the same education requirements as the state for social services workers, supervisors and other staff working in the tribal contractor's office.

Title IV-E Program

DFS provides technical assistance, as requested, if either or both Tribes decide they want to develop their own title IV-E program and receive title IV-E funds directly for foster care, adoption, and, at Tribal option, a guardianship assistance program. Additionally, DFS negotiates in good faith with an either Tribe if they want to enter into an agreement with DFS to administer all or part of the Title IV-E program on behalf of Tribal children and to access Title IV-E administration, training, and data collection resources.

Tribal Liaison

DFS has a Tribal Liaison position within the SSD; this individual conducts daily emails, phone calls and on-site work with Northern Arapaho Department of Family Services (NADFS), Eastern Shoshone Department of Family Services (ESDFS) and Eastern Shoshone Juvenile Services (ESJS) on WYCAPS issues, specifically around face-to-face contacts, alerts, and appropriate

case closure. The Tribal Liaison participates in weekly staffings for NADFS and ESDFS Juvenile Services (ESDFS does not currently have regularly scheduled staff meetings). This relationship demonstrates the significance and importance of the Tribes and allows direct communication between the SSD Administrator and the Tribal Liaison.

Data Sharing and Review
The DFS Social Services Division (SSD) StatPac (a monthly data report generated for staff) also includes all Tribal data consistent with measurements of other DFS offices throughout the State. The StatPac is reviewed with the Tribal Directors, Supervisors, and line staff. Goals have been established with all three Directors of improved face-to-face contacts, alerts, and timeliness based on StatPac numbers.

Technical and Computer Assistance
On-going technical and computer assistance will continue to occur in partnership with both Tribal offices and DFS. Currently, DFS staff from both the Lander and Riverton offices have provided on-site WYCAPS assistance to ESDFS and NADFS. Training is always provided by local and state DFS staff. The DFS survey identified training and locating support staff as significant issues for Tribal social series. As a result, on-going training for both Tribal offices will include intake and track assignment, investigations, and case planning. Other services that will continue to be offered are subsidized guardianship assistance, independent living services, foster care assistance, which includes a partnership between Fremont and Tribal Foster Care Coordinators participation in local PRIDE training, and participation in monthly teleconferences with the State Foster Care Analyst. Also, in 2013 the Wyoming Medicaid approval process was transferred from DFS to WDH; as a result, video conference training was held to assist in the process and made available to the Tribal DFS offices.

Training
DFS has institutionalized ICWA policy and training to all new Caseworkers as a part of Core. The policy and training creates better permanency outcomes for Native children, increases the preservation of cultural connections, and increases the level of cultural competence for DFS employees. Additionally, the Attorney General’s Office, through their Permanency Unit, provides consultation and technical assistance on ICWA to the county field offices.

Notification of Tribes and Parents
In any voluntary or involuntary foster care, termination of parental rights, pre-adoptive or adoptive proceeding in a state court where DFS knows or has reason to know a Native child is involved, the caseworker will make reasonable efforts to determine the identity and location of the child's parents or custodians and Tribe. DFS shall directly notify the parents/custodians and Tribe by certified mail with a return receipt request of the pending proceedings and their right of intervention. DFS recognizes the child or youth's Tribe has discrete interest, separate from a parent's interest in any proceeding involving the child and that interest must be protected throughout the proceeding. The child or youth's Tribe has the right to intervene at any point in the above proceedings and receive a transfer of jurisdiction of the case to the appropriate tribal court.

Contact shall be made within 72 hours of the child or youth being placed in custody. Phone

notification to the appropriate ICWA director shall be followed in writing by certified mail with a return receipt requested.

The ICWA manager will complete a referral to the appropriate Tribal council for possible transfer of jurisdiction to Tribal court and the appropriate Tribal social services office. Actual transfer of the child shall occur upon receipt of the Tribal court order covering jurisdiction of the child.

Placement Preference
Every effort shall be made by DFS to ensure that when Native children is to be placed into substitute care, the placement reflects the unique values of the child's culture. Special preference is to be made to place the child or youth with a member of the child or youth's extended family, other members of the child or youth's tribe, or other Native families

Training on WYCAPS and AFCARS Procedures
In addition to the official policy governing ICWA previously detailed, DFS has provided training and technical assistance to the two Tribes covering a variety of topics. The Tribes were trained on WYCAPS and AFCARS procedures as well as general administrative issues. Efforts have been made to streamline ICWA matters in WYCAPS. This is an on-going process. In addition, both the ESDFS and NADFS social services staff are invited and encouraged to participate in all DFS sponsored training.

4) Barriers/challenges to compliance

The state did not report any specific barriers or challenges to ICWA compliance.

5) Relevant information from selected tribal CFSPs

No relevant tribal CFSPs were reviewed.