

Washington State Indian Child Welfare Case Review Model

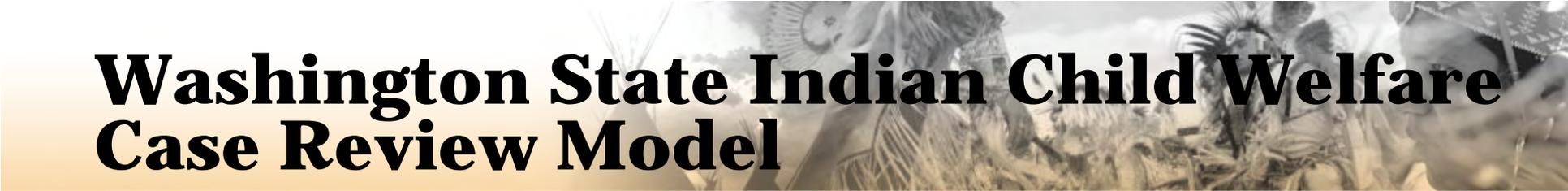
Collaborating for Change

“Humankind has not woven the web of life. We are but one thread within it. Whatever we do to the web, we do to ourselves. All things are bound together. All things connect.”

Chief Seattle



Washington State Indian Child Welfare Case Review Model



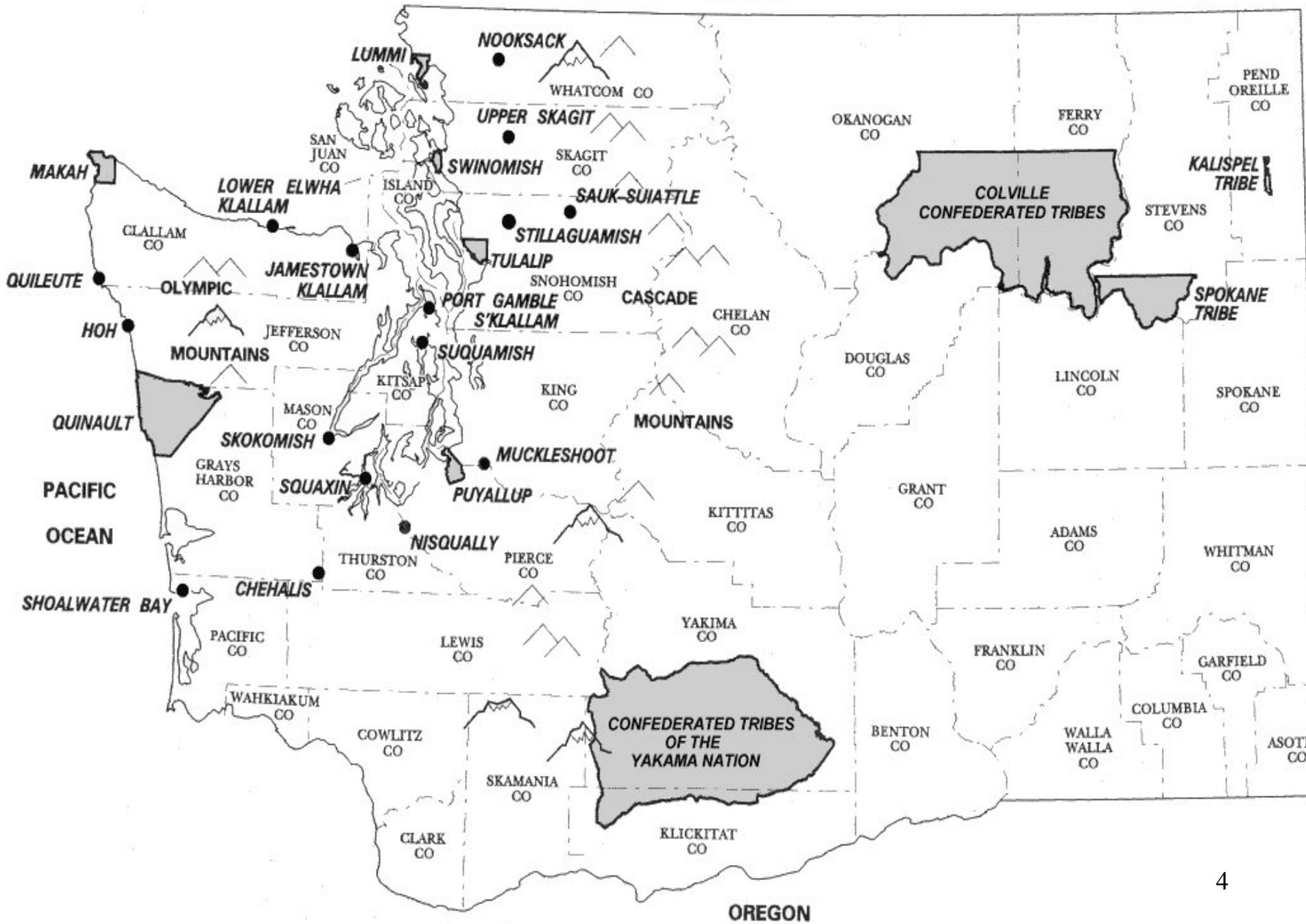
Welcome!



Washington Tribal State Partnership

- ✓ History of Indian Child Welfare in Washington
- ✓ 29 Washington State Tribes
- ✓ Washington's Tribal State Agreement, then and now
- ✓ 2011 passage of the Washington State Indian Child Welfare Act

CANADA



What is different in the Washington State ICWA?

- ✓ Defines “active efforts” and “the best interests of the Indian child”.
- ✓ Requires a good faith effort to determine whether a child is an Indian child and the act applies.
- ✓ Clarifies when a Tribe’s determination on a child's membership is conclusive and how to proceed if a tribe fails to respond to notice.
- ✓ Defines who can be considered a “qualified expert witness”.



Tribal-State Relations



Local Agreements – Memorandums of Agreement

- ✓ In Washington, the State government has been contracting with Tribes since the mid-1980's to provide funding to assist Tribal governments as they enhance their own child welfare service capacity.
- ✓ One of the key principles that make this arrangement successful has been the State's commitment to allowing Tribal governments to make their own determinations about child welfare priorities and offering flexibility in how the services or efforts should be implemented.
- ✓ This commitment of State general fund resources has resulted in increasing numbers of Tribes being able to provide core child welfare services and provide assistance to the State in Indian child welfare cases off Tribal land.

Tribal-State Relations



Local Advisory Committees

- ✓ The Washington State Department of Social and Health Services has developed Local Indian Child Welfare Advisory Committees (LICWACs) in each of its three regional service areas:
 - ✓ Each LICWAC is comprised of Indian people from the region who have an interest and expertise in working effectively with Indian children and families.
 - ✓ The LICWAC services as a forum where State custody cases involving AI/AN children can be reviewed to ensure compliance with both ICWA and procedures identified in Tribal-State agreements.
 - ✓ Caseworkers from the State present their Indian child welfare cases to the LICWAC team in person and receive advice, feedback, and resources to help them provide effective services to the child and his or her family.

Tribal-State Relations



Combating Disproportionality and Disparity

- ✓ 2008 Statewide Disproportionality Report Found:
 - ✓ Indian Children were 1.6 times as likely to be removed from home.
 - ✓ Indian Children were 2.2 times as likely to remain in foster care for over two years.

- ✓ Compared to White children, American Indian children are:
 - ✓ More likely to be removed from home.
 - ✓ Less likely to reunify with parents within two years.
 - ✓ Less likely to be adopted within two years.

Development of the ICW Case Review

- ✓ Commitment made to Tribes after the first round of the federal Child and Family Services Review (CFSR) to evaluate ICW social work practice.
- ✓ Ongoing collaboration with Tribes, Recognized American Indian Organizations (RAIO) and the Indian Policy Advisory Committee (IPAC).
- ✓ Created ICW Case Review Tool.



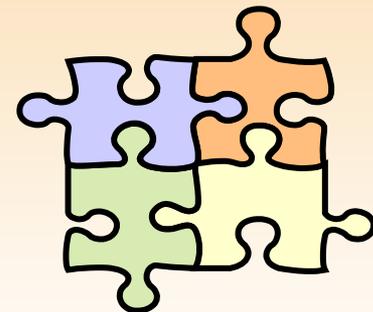
Principles of the ICW Case Review

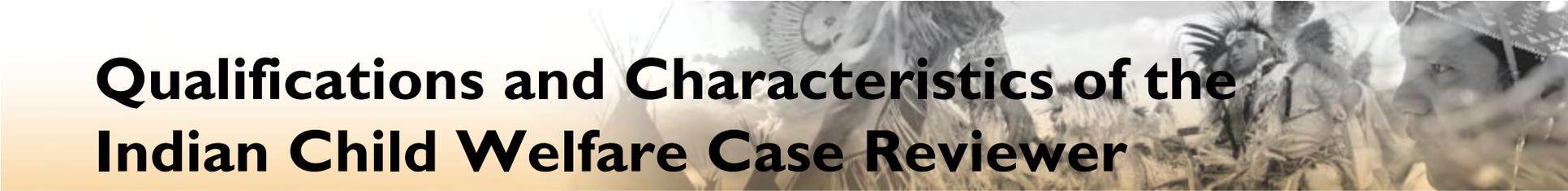
- ✓ Partner with Tribes and Indian Organizations
- ✓ Increase staff knowledge of Indian Child Welfare
- ✓ Improve practice to meet the best interests of Indian children
- ✓ Share practice ideas of what is working
- ✓ Identify systemic barriers



Design of the Case Review

- ✓ Blended teams of Tribal and state volunteers
- ✓ Training of volunteers
- ✓ Reviews conducted at the regional level





Qualifications and Characteristics of the Indian Child Welfare Case Reviewer

- ✓ Minimum of two years experience working in ICW
- ✓ Complete ICW training
- ✓ Culturally responsive
- ✓ Collaborative and open approach



On-Site Review Process

- ✓ Two ICW Case Reviews thus far; 2007 and 2009.
- ✓ Sample – 217 cases reviewed in 2009
- ✓ Four day reviews
- ✓ Review teams of 10-12 people
- ✓ Tribal and state reviewers read case together to determine ratings
- ✓ Consensus building
- ✓ Review team debrief
- ✓ Exit meeting with staff on completion

Case Review Sections



**Inquiry of
Indian Status**

**Engagement of
Family and
Tribes**

**Cultural
Connections**

Court Actions

**Voluntary
Placement**

**Placement
Preference**

SAFETY

WELL-BEING

PERMANENCY



Practice Improvement Activities

- ✓ Written feedback on each case reviewed
- ✓ Regional and Statewide reports identifying strengths and areas needing improvement
- ✓ Collaboration with Tribal representatives to develop Implementation Plans for practice improvement

2009 Case Review



- ✓ Larger teams and larger sample
- ✓ Used same tool to measure progress from 2007
- ✓ Two areas showed improvement (over 5% increase)
- ✓ Five areas remained the same
- ✓ Two areas showed a decrease (over 5% decrease)



Changes from 2007 to 2009

- ✓ **Areas of progress**
- ✓ **Inquiry of Indian Status**
 - ✓ Asking both the mother and the father about Native American heritage and contacting all identified Tribes to determine Indian status.
- ✓ **Safety**
 - ✓ Ongoing identification and assessment of safety threats and adequately addressing all threats.
- ✓ **Areas of decrease in compliance**
- ✓ **Legal notification to Tribes of dependency hearings**
 - ✓ Documentation of notice of hearings 15 days prior to the hearing.
- ✓ **Timely permanency**
 - ✓ Sufficient and timely steps to achieve permanency for children in out of home care.



Areas Remaining the Same

- ✓ Engagement of the Family and Tribe(s)
- ✓ Maintaining Cultural Connections
- ✓ Validation Hearings for Voluntary Placements
- ✓ Tribal Placement Preference
- ✓ Meeting the Health, Education and Mental Health needs of Children



Systemic Issues Identified in 2009

- ✓ Accurate documentation of the Child's Native American heritage in SACWIS system (Statewide Automated Client Eligibility System) known as "FamLink"
- ✓ ICW policy clarifications
- ✓ Inconsistent methods of notification to Tribes of court hearings
- ✓ Regional differences in the use of Local Indian Child Welfare Advisory Committee (LICWAC) meetings
- ✓ Use of Impasse Procedures



Impacts of ICW Case Review

- ✓ Improved ICW training to social workers and supervisors
- ✓ ICW policy clarifications and practice updates
- ✓ Improvements to FamLink SACWIS to correctly identify Indian children.
- ✓ Case Review Tool utilized at the office level for ongoing quality assurance.



Implementation Plans

- ✓ A summit was held in 2010 with state and Tribal representatives to jointly develop six regional implementation plans (now consolidated to three).
- ✓ Progress with plans are monitored and reported Indian Policy Advisory committee (IPAC) Children's subcommittee.



Planning for next ICW Case Review

- ✓ ICW Case Review is scheduled for 2012
- ✓ Workgroup of state and Tribal representatives is working on updating the ICW Case Review Tool and to ensure continual improvement to the process.
<http://ca.dshs.wa.gov/intranet/pdf/qi/ICWQuestandrules.pdf>
- ✓ Updated tool will include language and elements of the Washington State Indian Child Welfare Act.
- ✓ Washington has maintained ongoing commitment to Tribes for future ICW Case Reviews.

Conclusion

- ✓ Tribal and State collaboration - working together and gaining a different perspective
- ✓ Joint commitment to improved Indian Child Welfare practice in Washington state

Resources



Web sites

- ✓ Washington State Indian Child Welfare Act
<http://apps.leg.wa.gov/documents/billdocs/2011-12/Pdf/Bills/Session%20Law%202011/5656-S.SL.pdf>
- ✓ Washington State Governors Office of Indian Affairs
Access to the Centennial Accord and Millennium Agreement
<http://www.goia.wa.gov/>
- ✓ Washington State Department of Social and Health Services
Children's Administration
<http://www.dshs.wa.gov/ca/general/index.asp>

E-mail Contacts

Liz Mueller – lmuell@jamestowntribe.org

Deborah Purce – Deborah.Purce@dshs.wa.gov