

2016 California ICWA Conference Pala Band of Mission Indians

June 6, 2016

Plenary Session – National & State Updates

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California Department of Justice, Bureau of Children's Justice

- Established by the Attorney General in February 2015
- Mission - “to protect the rights of children and focus the attention and resources of law enforcement and policymakers on the importance of safeguarding every child so that they can meet their full potential”.
- Includes child welfare, civil rights, and education.

Creation of ICWA Compliance Task Force

- June 2015 – ICWA Summit at Graton Resort & Casino – US Department of Justice and CA Department of Justice presented
- Met with tribal leaders and representatives at Tribal Caucus to discuss ICWA compliance in CA
- This prompted CA DOJ Listening Sessions, eventually leading to creation of Task Force.

Del Norte County -

- CDSS is the state agency with oversight authority of county child welfare agencies.
- County has 3rd largest Native American child population in the State.
- 36% of all children in care are Native American; 11% of the total child population in the County are Native American
- Due to reports regarding ICWA non-compliance and disproportionality in the County, DOJ instructed CDSS to conduct CWS/CMS and hard-file case reviews in 2015. (random sample of 37 cases and 29 referrals – 66 total))
- CDSS issued a report and worked with Del Norte County to develop a voluntary action plan.
- Areas of Concern included:
 - **Inquiry** – referrals: only 17% had inquiry recorded in CWS/CMS; only 27% of hard case files had it recorded. **Notice** – lacked policy to ensure follow up to obtain information to allow for more complete noticing; difficulty noticing with multiple tribes; cases did not have ICWA notices uploaded to CWS/CMS or in hard copy files. **Placement and Active Efforts:** high number of children in care and disproportionality - “develop clear policies and procedures that facilitate working with tribes to develop culturally specific placement resources, as well as services and supports to assist families under the provisions of ICWA.”

**Del Norte County
Department of Health and Human Services
Voluntary Action Plan**

State of California Department of Social Services Finding	Corrective Action	Targeted Completion Date
INQUIRY		
<ul style="list-style-type: none"> • Improve ICWA inquiry practice 	<ul style="list-style-type: none"> • Receive TA training from CDSS and invite Tribes, County Counsel, and Judges. • Create a policy regarding proper ICWA procedures, including the proper steps for inquiry. <ul style="list-style-type: none"> ✓ Including when inquiry must start. ✓ Consistently documenting ✓ Follow through on "reason to know" • Train staff on the new policy • Create a tracking tool for ICWA cases that quality assurance unit can monitor to determine staff compliance with new policy. 	<ul style="list-style-type: none"> • June 2016 • August 30, 2016 • September 30, 2016 • July 31, 2016
<ul style="list-style-type: none"> • County inconsistently and inaccurately documented inquiry in CWS/CMS 	<ul style="list-style-type: none"> • Receive TA training from CDSS on accurate documentation in CWS/CMS. • Develop a template for gathering and entering ICWA information in CWS/CMS • Train staff on the new template 	<ul style="list-style-type: none"> • June 30, 2016 • July 31, 2016 • August 30, 2016

Humboldt County

- CA DOJ issues investigative subpoena to Humboldt County Department of Health and Human Services on February 24, 2016.
- CA DOJ Investigation; civil investigation, seeks documentation of every report of child abuse or neglect received by the county from 2011 through 2015
- Investigative subpoena seeks:
 - Emergency response protocol
 - Data for each child who is the subject of a report of abuse or neglect; including whether report was a cross report;
 - All communications relating to tribes and children eligible for enrollment or enrolled
 - All policies and procedures
 - All management documents
 - All documents relating to CAPP (California Partners for Permanency Project)
 - All documents relating to collection, maintenance, tracking and generation of data relating to reports of child abuse/neglect.
 - All agreements with any entities relating to reports of child abuse/neglect – includes agreements with tribes.

Humboldt County

- “All internal COMMUNICATIONS RELATING TO TRIBES AND children who are eligible for enrollment OR enrolled in any TRIBES.”
- “All COMMUNICATIONS between YOU and any entity, including but not limited to, the SHERIFF’S OFFICE OR LAW ENFORCEMENT AGENCIES OR TRIBES, RELATING TO REPORTS OF CHILD ABUSE OF NEGLECT.”
- “All COMMUNICATIONS between YOU and any entity, including but not limited to, the SHERIFF’S OFFICE OR LAW ENFORCEMENT AGENCIES OR TRIBES, RELATING TO placement of a child at any OUT-OF-HOME CARE PLACEMENTS.”
- “A copy of each version of any written policies, procedures, guidance OR instruction, whether informal OR formal, that were in effect at any time during the period covered by this Subpoena RELATING TO supervising, monitoring, AND evaluating unlicensed foster care settings, including but not limited to, kinship care, NERFM OR TRIBALLY-APPROVED FOSTER HOMES.”

Humboldt County

- <http://www.northcoastjournal.com/NewsBlog/archives/2016/03/30/state-conducting-sweeping-investigation-of-dhhss-handling-of-child-abuse-reports>
- <http://www.times-standard.com/article/NJ/20160330/NEWS/160339991>



← SCOTUS Denies Cert in Alaska v. Organized Village of Kake (Roadless Rule) Materials in Osage Nation v. Leese (Updated 4/6/16) →

California DOJ Issues Investigative Subpoena on DHHS in Humboldt County

Posted on [March 29, 2016](#) by [Kate Fort](#)

The County filed a petition for relief in Humboldt county superior court and attached the investigative subpoena on the Humboldt County Department of Health and Human Services from the California DOJ. The subpoena includes a request for all internal communications relating to tribes and children who are eligible for enrollment or enrolled in any tribes, among a fair number of other ICWA-related inquiries.

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