

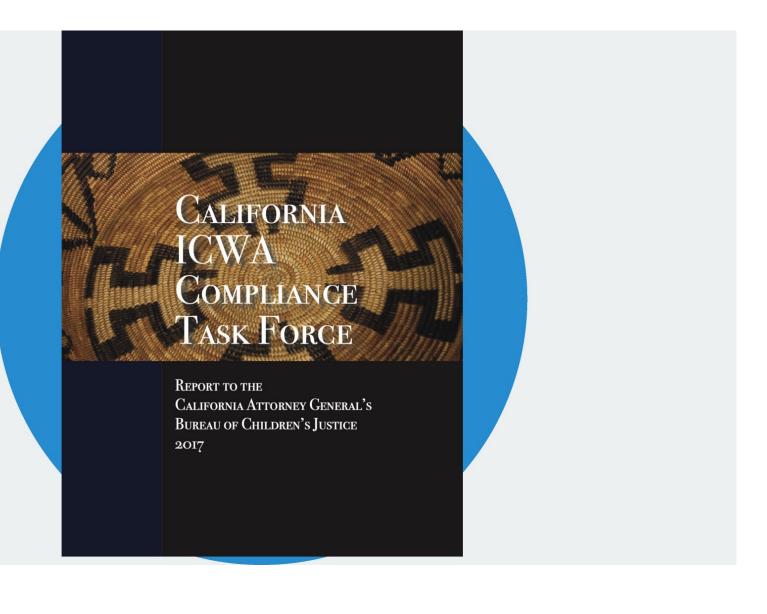
CTFC

The mission of the California Tribal
Families Coalition is to promote and
protect the health, safety and welfare of
tribal children and families, which are
inherent tribal governmental functions
and are at the core of tribal sovereignty
and tribal governance.

CTFC is a successor organization to the California ICWA Compliance Task Force.
The California ICWA Compliance Task
Force Report may be found at
www.caltribalfamilies.org.

Presenters

The Report



Presenters

Geneva Shaw, MSW, is a Social Work Dept. faculty member at Humboldt State University. She has 12+ years experience as an administrator, direct practitioner, and technical assistance provider of social work in Tribal communities including 6 years with the Yurok Tribe developing, implementing, and reporting on many state and federally funded programs including Indian Child Welfare and Title IV-E. She is a Hoopa tribal member and Karuk/Yurok/Apache decent.

Kimberly Cluff, JD, has worked exclusively in the field of Indian law including advocacy and litigation connected to tribal economic development, Indian Child Welfare, domestic violence, strengthening tribal governance and tribal ordinance development. Ms. Cluff also extends her advocacy to legislative efforts, for example spearheading the California Tribal Customary Adoption Act.

Permanence in the context of this Training

Permanency, as used in the context of the The Pursuit of Permanency: The First 90 Days training, means permanent connections for children and youth.

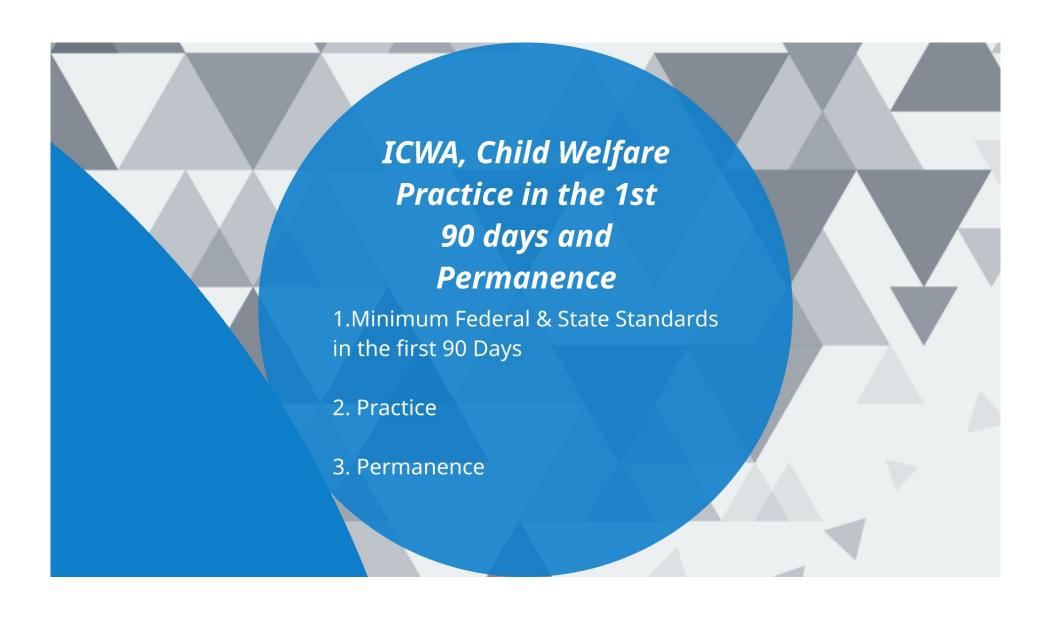
This can be in the form of reunification or finding another permanent home and includes connections to the child's biological family, neighborhood, or culture.

This training presents information, strategies, and concepts that, if pursued during the first 90 days of a child welfare case, may positively impact permanency efforts and outcomes.

Let's see what we know... Goals for this Webinar

> Additional Concepts to Get Started

How did we get here?









Permanency

"Permanency is not a philosophical process, a plan, or a foster care placement, nor is it...a relationship that lasts only until the child turns age 18. Permanence should bring physical, legal and emotional safety and security within the context of a family relationship and allow multiple relationships with a variety of caring adults." --Gerald P. Mallon, D.S.W., at The Hunter College of Social Work, New York.

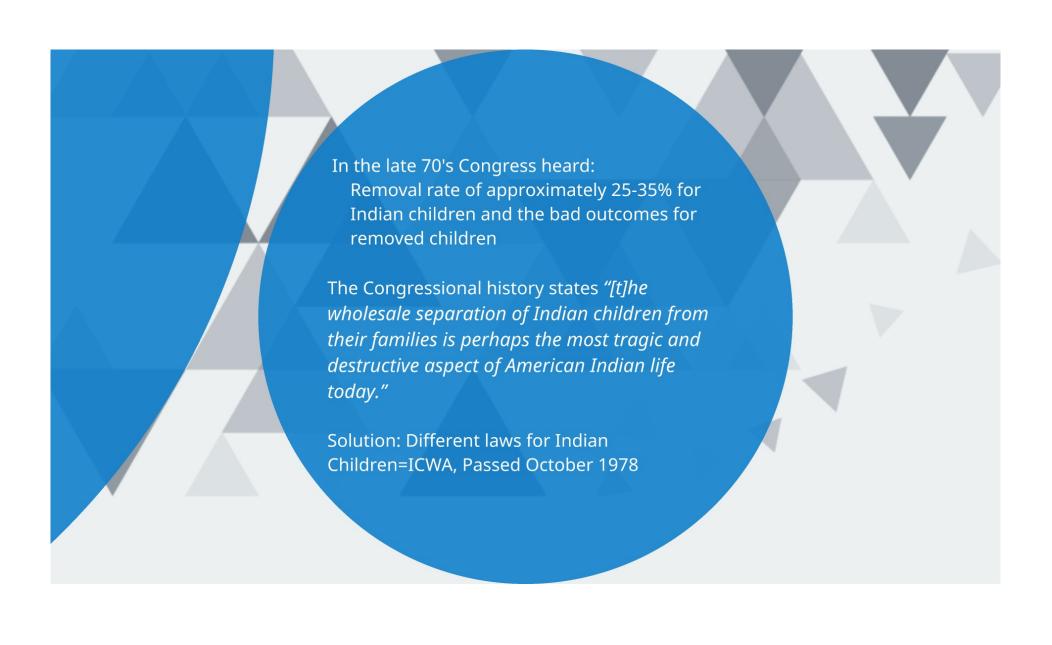
To understand where we are we going, we have to look at where we have been...



- 1840's-1870's State Sanctioned California Genocide
- 1880's-1960 -Indian Boarding Schools & Forced Assimilation
- 1950's Federal Termination policy & Indian Adoption Project.
- 1978 Passage of the Indian Child Welfare Act (ICWA)

ICWA Statute

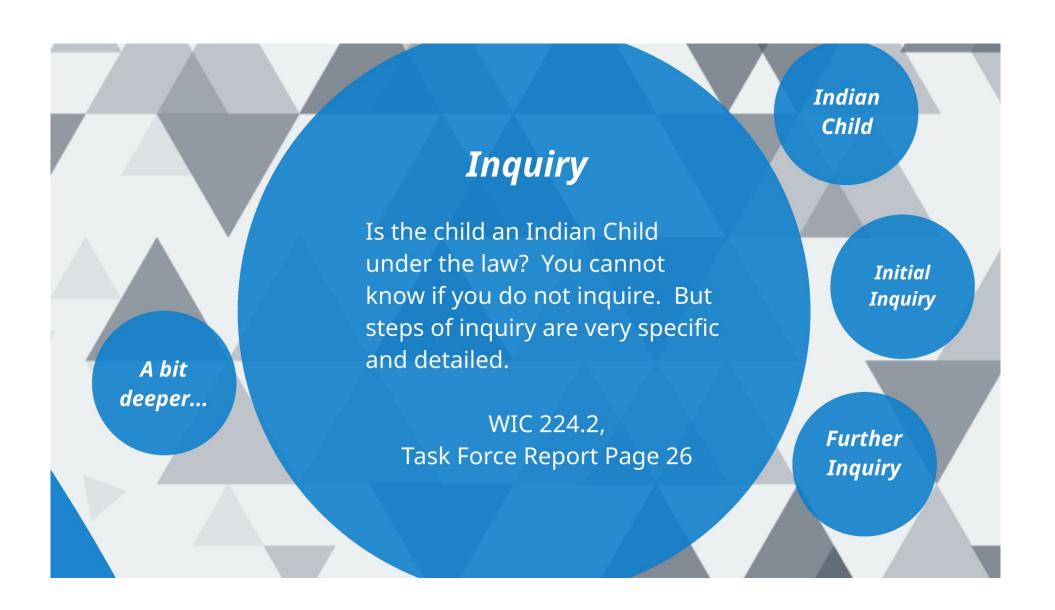




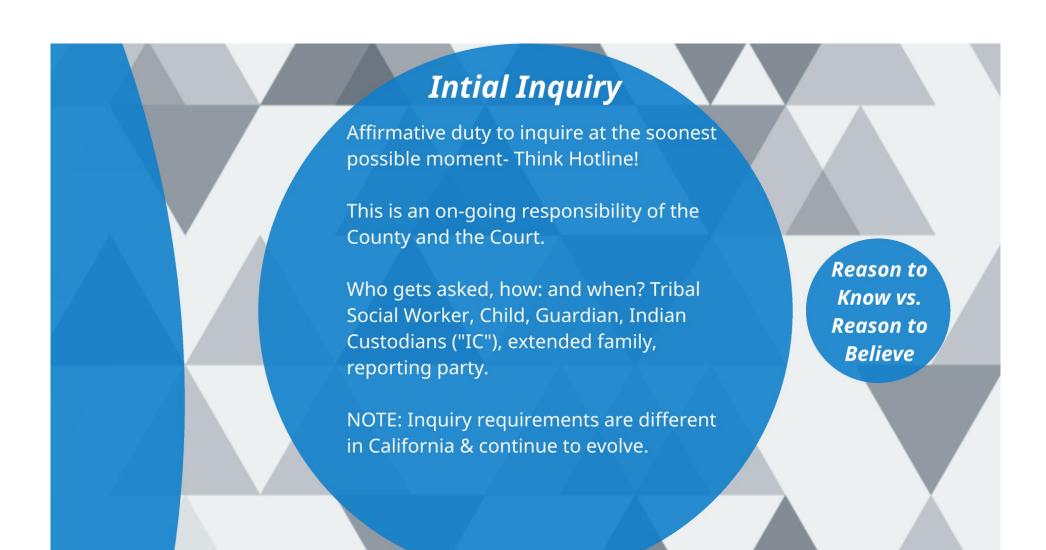
True and False

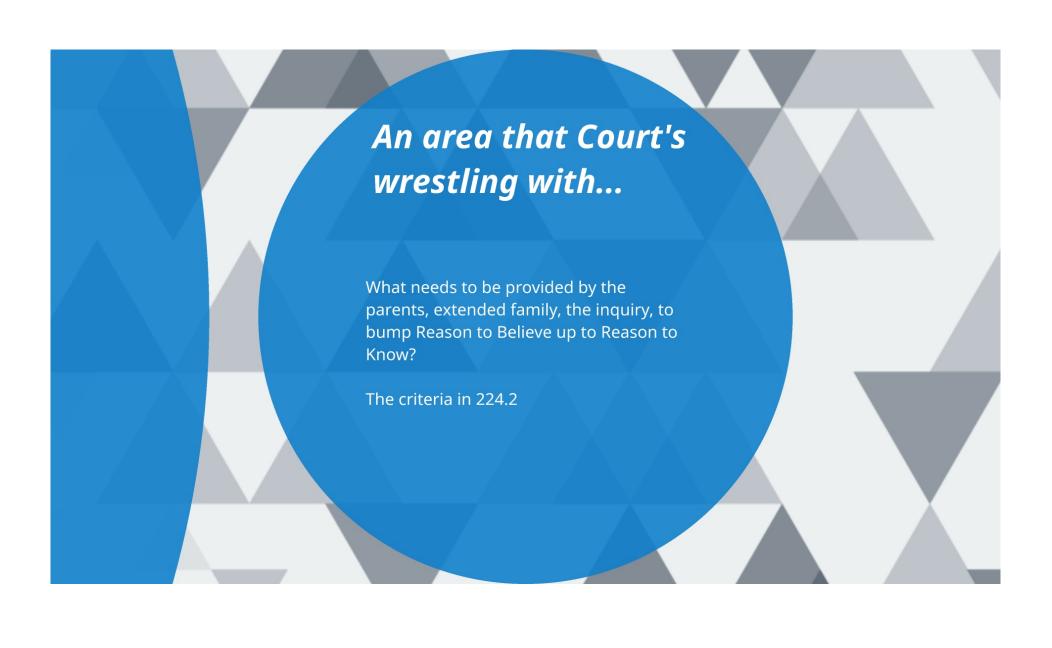
- 1.) ICWA can only ever apply if a child is currently an enrolled member of a Federally Recognized Tribe.
- 2.) If the tribe chooses to not intervene, ICWA does not apply to that case.
- 3.) If a Tribe is contacted by phone and the respondent states on the phone the child is not a member of the Tribe, adequate legal Notice has been given.
- 4.) Notice to the Tribe must be given at detention if possible, but is not required earlier.
- 5.) Reason to Know vs. Reason to Believe= they are legally the same and do not require any differences in process.









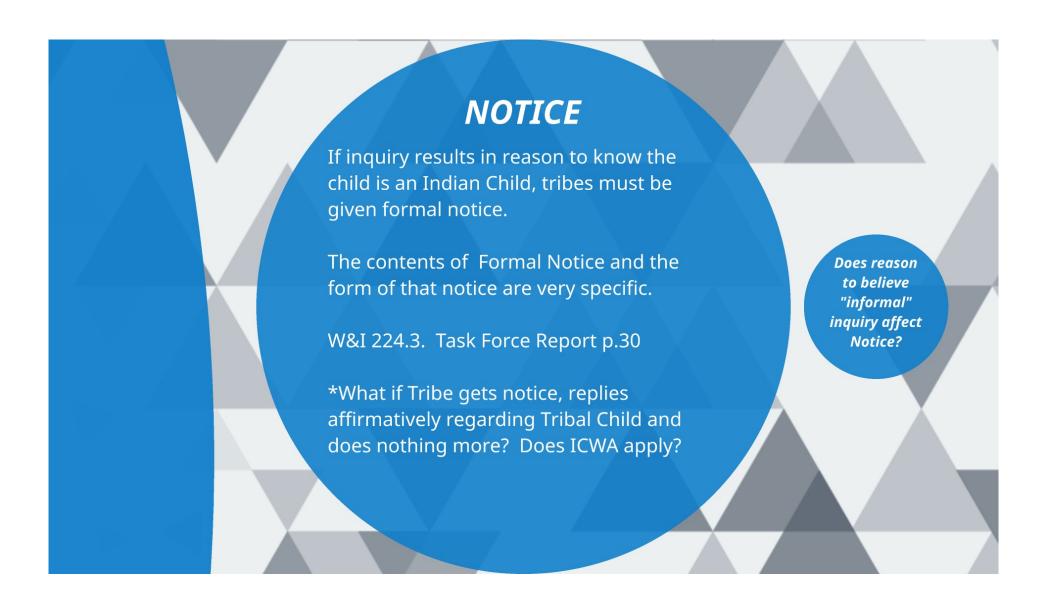


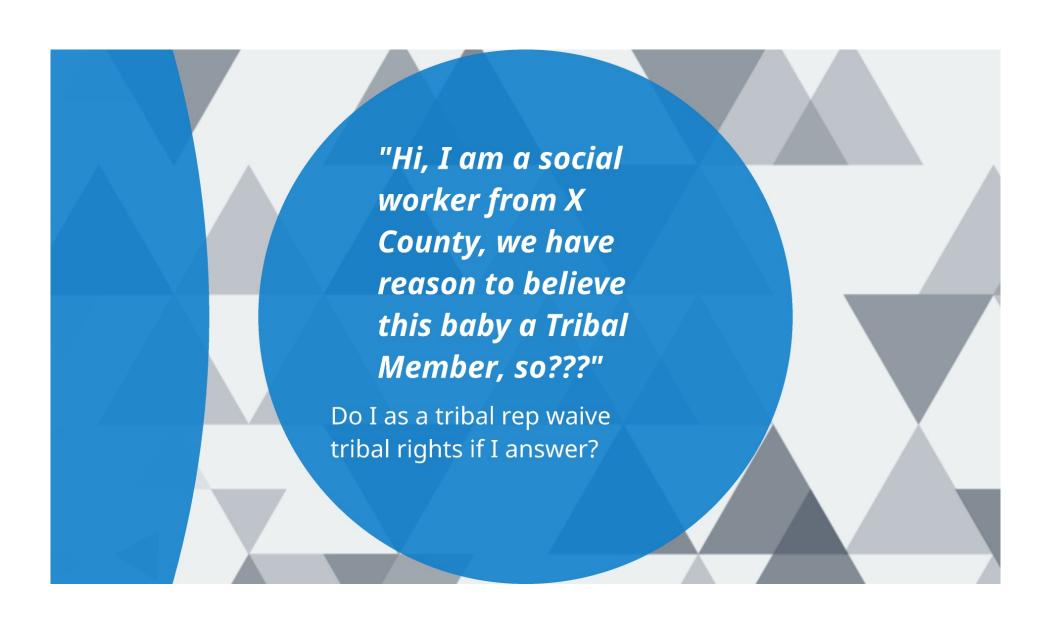
Further Inquiry 1.) If reason to believe the child is an Indian child everyone "shall make **further** inquiry" ...as soon as practicable" **2.) Multiple steps** for "further inquiry" including: Interviewing parents, Indian Custodians, extended family, tribe. **3.)** Once there is Reason to Know child is an Indian Child, County must prove **Due Diligence** to verify child's status. 4.) The Court can find after due diligence that child is NOT an Indian Child, not at discretion of County. 4.) Child is treated as an Indian Child until confirmation that not an Indian Child.

Amended Section 224.2 of the Welfare and Institutions Code reads:

224.2. (a) The court, county welfare department, and the probation department have an affirmative and continuing duty to inquire whether a child for whom a petition under Section 300, 601, or 602 may be or has been filed, is or may be an Indian child. The duty to inquire begins with the initial contact, including, but not limited to, asking the party reporting child abuse or neglect whether the party has any information that the child may be an Indian child.

PLUS A WHOLE LOT MORE.....





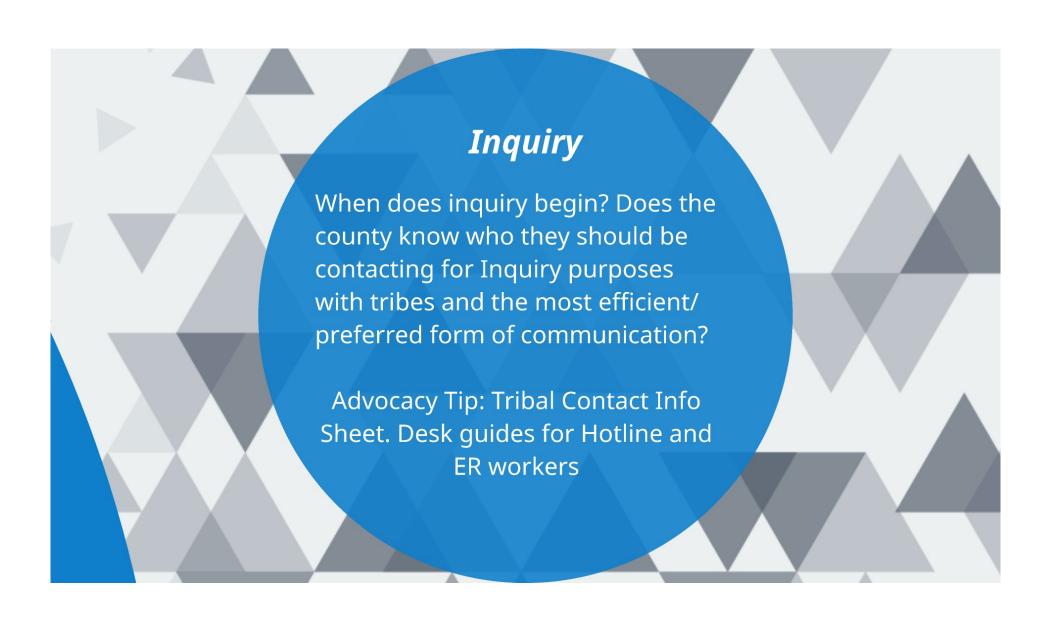
Abbreviated Step by Step - WIC 224.2

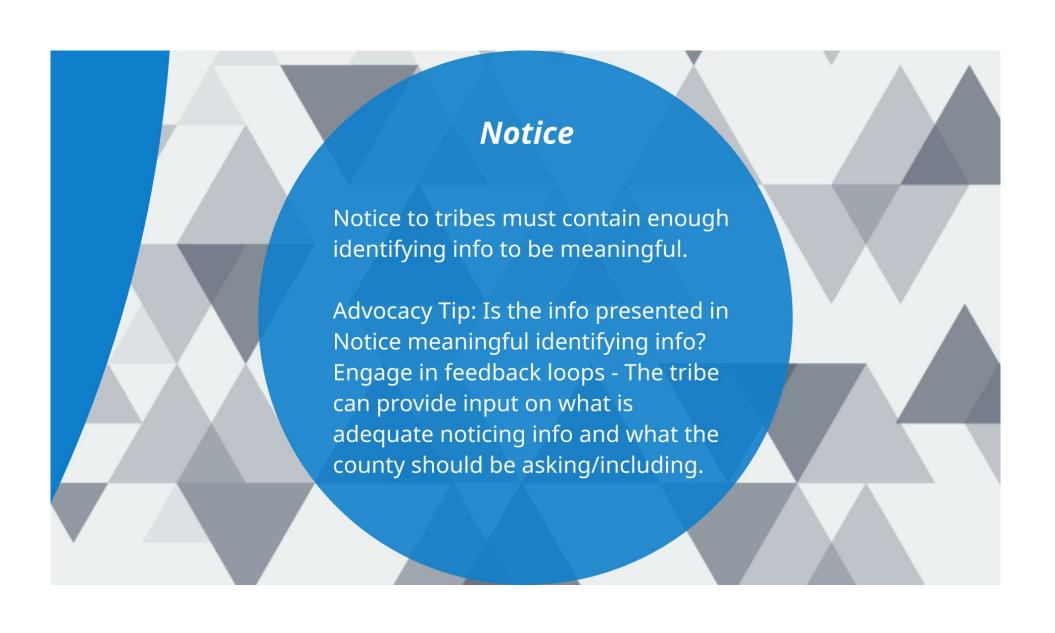
TEMPORAL:

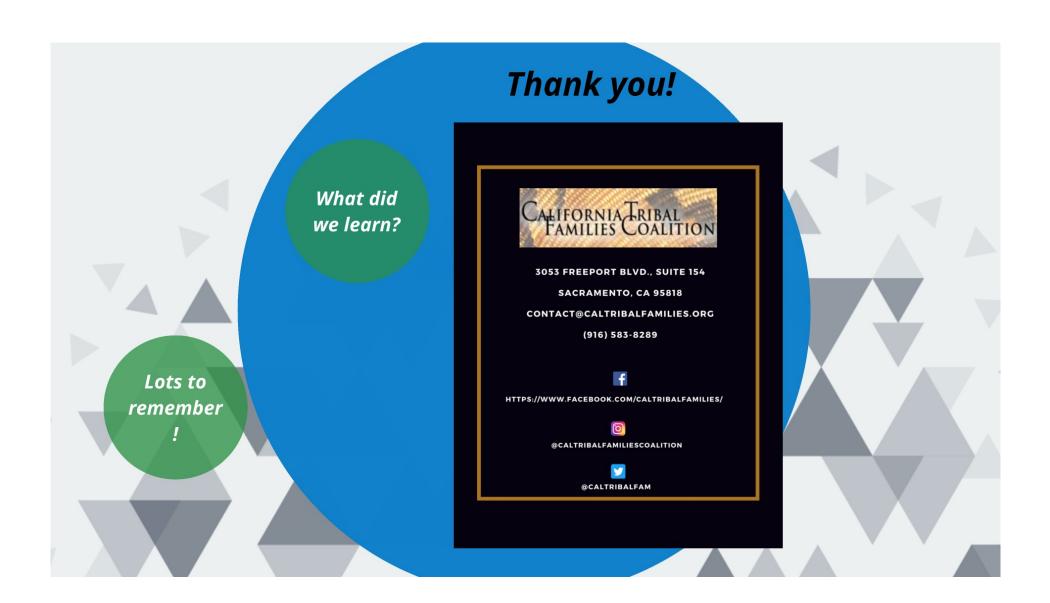
- 1.) Inquiry must happen as soon as possible: e.g. Before petition or on hotline.
- 2.) For every case at petition or even considering a petition, placed or at first hearing there is an affirmative duty to inquire if "is or may be an Indian Child"
- 3.) In court: Court shall ask if each participant know or have reason to know FACTUAL:
- 1.) How do we "know or have reason to know"? There is a list to guide.
- 2.) Even if don't "know or have reason to know" but have lesser "reason to believe" this triggers further inquiry.
- 3.) If in further inquiry b/c of reason to believe, must do three types of Due Diligence: Interview, govt contacts and informal reach out to Tribe.

IF= REASON TO KNOW BUT NO CONFIRMATION, PRESUMPTION IS ICWA APPLIES









Let's revisit the True False Questions

- 1.) ICWA can only ever apply if a child is currently an enrolled member of a Federally Recognized Tribe. FALSE
- 2.) If the tribe chooses to not intervene, ICWA does not apply to that case. FALSE
- 3.) If a Tribe is contacted by phone and the respondent states on the phone the child is not a member of the Tribe, adequate legal Notice has been given. **FALSE**
- 4.) Notice to the Tribe must be given at detention if possible, but is not required earlier.**FALSE**
- 5.) Reason to Know vs. Reason to Believe are legally the same & do not require any differences in process. FALSE

