

TRIBAL/STATE COLLOBORATION GROUP

Fairbanks, AK
May 13-14, 2009

Present:

Francine Eddy Jones, CCHITA
Paula Bentz, Region X
Sara Alden, OCS
Coleen Turner, OCS
Nettie Warbelow. TCC
Louisa Riley, NVB
Marie Ahsoak, NVB
James LaBelle, CITC
Tammy Sandoval, OCS
Linda Fiechtl, OCS
Dennis Swain, OCS
Lou Johnson. BBNA
Crystal Nixon-Lockhurst, BBNA
Penny Westing, CVTC
Jennifer Showalter Yeoman, Kenaitze

(State travel freeze prevented OCS from sending non-Fairbanks staff to TSCG).

STATE CAUCUS Report Outs:

- Top 3 priorities mentioned in Juneau
 - Tribal involvement in cases plan
 - Contracting case management
 - KWYA
- Region X Implementation Center (RFA)
- Statistics – requested by tribal caucus. Almost all information requested has been provided.
- Flow Chart – ICWA Complaints
 - See attached flow chart (comments)
 - Rename document to “T/SCG Concern Flow Chart”
 - Proposed changes: after efforts to contact supervisor are unsuccessful, then to ICWA Specialist and staff manager. (Addresses a way for ICWA Specialists to assist workers but does not overstep the supervisors. They would coordinate with the SW V as well). Then to CSM & Statewide Coordinator & Richard Nault
 - For issues arising to the Statewide ICWA Specialist it would identify patterns
 - CSM wants to affect systemic level.
 - Dennis will provide a PDF document.
 - Change flow chart to use shapes/shading instead of color.
 - What about a timeline for response?

- Include a link to state website on the flow chart with names of contact people (SW V's; ICWA Specialists; CSM)
- Look into posting the BIA Tribal Agent's PDF list on State ICWA website.
- Include alternate ways of notifying tribes in ICWA curriculum.
- Insert date it was updated.

TRIBAL CAUCUS:

- **Discovery costs** (some are being billed in the ICWA worker's name from the AAG (Anchorage) office. Concern about credit impact)
- **Court Improvement Project** – 4 Tribal seats were opened, names were advanced and no response has been received. Currently there is an open spot. Lou for SCRO; Nettie for Northern, James for ANCH and Francine for SERO
- **HOUSE Bill 126** – Some tribal folks met with Les Gearay (sp). Tribal caucus concerned about it being open to faith based organizations (non-profits). This is some of the same work that tribes would like to do. Impression that meeting went well, he supports tribal involvement; concern there is no reference to tribes in the bill. He cited that the political environment (i.e. listing tribes) that legislators would not look at it. He admitted FLAME approached him. They also spoke to him about tribally licensed foster homes. He indicated a willingness to inquire about it. He suggested that legislators be educated about disproportionality issues.
- **Authentic Partnership** – How does it really look
- **KWYA** – to be discussed later
- **IV-E WORK GROUP** – What is it that tribes want to be for their own children?
 - Policy and procedure
 - Data management
 - Tribal court development
 - Financial
 - Programs

REGION IX AND X IMPLEMENTATION CENTERS

They offer tribes TA. The feds brought the tribes to San Francisco to see who would be interested in applying for funds compete for access to Technical Assistance.

- Ideas for reducing disproportionality through ICWA implementation.
- TTHCH decided to apply. Decided to collaborate rather than compete for access to Technical Assistance.
- A number of teleconferences (16 Title IVB tribes I Alaska) were held to see who was interested. TTHCC offered to be the lead agency to make application for others. 15 of the 16 tribal organizations joined. ONC might still respond. Letter of support were given by OCS and CIP.
 - Emphasis on disproportionality
 - Highlighted the work done through TSCG
 - 4 goals TSCG committed to:
 - Tribal licensing foster care standards
 - Direct Tribal IV-E – need to develop tribal courts
 - Improve Tribal Data Systems

- Update 20 year old Tribal State ICWA Agreement – should be updated and create a desk manual
- Would have 4 convenings to determine how tribes would interface with the feds. Enough for 4 reps for the tribal folks; OCS T/SCG partners;

Dennis wondered how you get the manpower to complete this work. There is a possibility that a position could be funded to assist with this week.

New Legislation

Rep Gara introduced a bill to assist youth with aging out of foster care. Extending foster care to age 21, tuition waivers; ability to assist with independent living; Invited non-profits to do this type of work. There was an amendment added to the bill that added language about non-profit agencies assisting in recruitment not be held liable for the consequences of the recruitment. Francine said he was able to articulate a firm commitment to articulating continued assistance. Wondering if Melinda Beiler reconnected with FLAME. She submitted her biography. There is a plan to invite FLAME to the Anchorage TFYS meeting.

Is this request about introduction of legislation and the impact it has (or just specific to HB 126).

Concern about religious groups getting into the work that ICWA is about. The language of “non-profits” is concerning. After speaking with Les he was clear that tribes are included in private and non-profit terms.

Tammy thought there may be a thread of disappointment from the tribes that OCS was perceived as not being proactive about these concerns.

What does TSCG want to be the process of informing

IV-E Tribal Agreements

Benefits of pass-through IV-E Agreement- ability to claim admin costs (foster care recruitment; licensing staff; training dollars for staff)

Tribal Licensing – need to meet federal and state standards (state standards tend to be more restrictive)

Contract – adjunct to this agreement

DIRECT IV-E Funding (Paula Bentz -

Requires foster care regulations; data gathering (identify tribal children in custody; proper tribal court orders;

The new IV-E law allows tribe to go back and get nun pro tunc orders

Training on

Direct IV-E funding provides payment for foster care.

Workgroup? – (John Henderson, Paula Bentz Title X; Carla Raymond-AAG; All IV-B tribes received a self-assessment for tribes to determine their readiness to apply for direct IV-E funding. (Biggest issues are matches for funding (who will pay maintenance payments)

Rather than starting a new workgroup, members suggested working with existing workgroups (Contracting case management and tribally licensed foster homes)

IV-E partners may need to meet to discuss where this could go from there. Is it only direct IV-e all or nothing? Don Shircel said TCC was considering a mix (staying with pass through and starting to do some direct funding as well)

Penny said that if tribes decide to go with it and decide not to go forward, they have to pay the money back.

Citizen Review Panel (CRP) – Sylvan Robb, coordinator

- Relationship has significantly improved over the years.
- Meet 4 times/year (in Juneau during Legislative session; Anchorage,)
- Write annual report (due June 30th) posted on website, OCS has 6 months to respond to report
- Complete community visits
- Explained process/role of CRP
 - Don't address specific cases, refer folks to grievance process, ombudsman. CRP keeps a record of complaints to see if there are patterns of complaints/concerns.
 - Process when they CRP goes into a community. Tribal Caucus was suggesting
- **Invite CRP members to ICWA Training** – Sylvan expressed that CRP members would welcome ICWA training.
- CRP is looking for diversity of background to the group. Racial, ethnic, geographic diversity. Members are volunteers in terms of time.
- Site meetings are between 2-3 days.
- 3 applications have been received for the 9th position – waiting for more applications.
- Louisa expressed that members should understand the cultural practices of each community when they come in. Stressed importance of talking to community individuals who are truly representative of the community.

Child & Family Services Plan (CFSP)

The same consultation and assistance is available as is with IV-B.

Instruction for IV-B was emailed out earlier in the week through the listserve

Program Instruction Highlights

- Consultation/coordination between tribe and state

- State must develop with the tribe a plan for provision of services; Independent living services also required.
- Each tribe should be consulted
- Requirements that state negotiate in good faith for Title IV-E funding
- Tammy pointed out that we failed the systemic factor on the CFSSR because of OCS failure to consult with each Indian (**all**) tribes in coordinating services. Tammy requested assistance/suggestions as to how this should be done.
 - RFA goals would
 - Many tribal agencies have resolutions from their tribes – would that count? There are some tribes not represented by tribal agencies.
 - State plans must describe how each Indian tribe has been consulted about programs.
 - Does each tribe need to be consulted prior to the submittal of the plan.
 - It is unreasonable to expect that all tribes could be consulted prior to submittal.
 - ICWA Specialists could assist when they conduct periodic meetings with tribes in their regions.
 - Disaster plans – The state is supposed to provide (on a regular basis) a list of cases. Coordination with the local OCS office also needs to occur. These events have not occurred. Suggest starting with the example of the flood, how it was handled.
 - Chaffee Program coordination with tribes needs to occur.

CURYUNG Lawsuit

- Budget will need to be signed by Governor by 5/15/09
- ICWA compliance grants to 12 Regional Non-profits. No accommodations for NVB or ICAS.
- Will need to demonstrate success of ICWA compliance
 - Letter to be sent out to tribal organizations next week
 - Due date Letters of intent by ~ June 4
 - Non-competitive RFP by June 8 w/ due date of June 29
 - Money is available by July 1
- Dept of Law may need to answer the questions of amendment to the settlement about including NVB, Chevak and ICAS.
- This may open the door to contract case management

ANICWA

No boards members available to report out. Will have them report out next time.

KWYA

- Casey has reaffirmed their commitment to pay for tribal travel/lodging through December 31, 2009.
- We started with 12 trainers, but are looking to train certifiers to grow our own state trainers.
- Teleconference to be held in June for further discussion

- Dennis will provide info about regional point people, future training dates and facilitators.
- October TSCG plan to have KWYA training; TSCG meeting and IV-E training.
- In the past Casey has not paid for travel if individuals were already coming to TSCG. Propose to Casey if they will pay for additional lodging incurred by the KWYA training.
- Meeting will be Oct 5-9.

TRIBAL LICENSED FOSTER HOME

There is a quadruple crosswalk of standards (NICWA, state, tribe and fed), Efforts to meet direct IV-E standards. Looking to devised standards that will address. Show it matches every requirement. Will meet and report out further developments in Anchorage.

DISCOVERY & NOTICE ISSUES

- Lou will invite Carla to a tribal caucus for further discussion. 2 weeks (first Friday in June).

IV-E AUDIT RESULTS

Linnea was not available for report out. The co-chairs will check with her and include information on the minutes