

MEMORANDUM OF AGREEMENT
BETWEEN
THE COWLITZ INDIAN TRIBE
AND
THE WASHINGTON STATE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
CHILDREN'S ADMINISTRATION
FOR
SHARING RESPONSIBILITY IN DELIVERING CHILD WELFARE SERVICES
TO
CHILDREN OF THE COWLITZ INDIAN TRIBE

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I. INTRODUCTION

This memorandum of agreement (MOA) is entered into between the Cowlitz Indian Tribe (Tribe) and the Washington State Department of Social and Health Services 'Children's Administration (CA), acting in its representative capacity. This MOA is based on the fundamental principles of the government – to – government relationship acknowledged in the Centennial Accord.

This MOA recognizes the sovereignty of the Tribe and of the State of Washington and each respective sovereign's interests.

The Tribe and CA acknowledge that the Tribe may have exclusive and/or concurrent jurisdiction with the State of Washington in a child welfare proceeding. Each acknowledges that the law of the jurisdiction in which a child welfare proceeding is initiated and maintained is sovereign within that jurisdiction and governs the proceeding.

II. DEFINITIONS

Terms used in this MOA are set out here for easy reference:

1. **Cowlitz Child**
For purposes of the application of the Indian Child Welfare Act, a Cowlitz Indian child is any unmarried person who is under the age of eighteen and is either:
 - a. A member of the Tribe; or
 - b. Eligible for membership in the Tribe and the biological child of a member of the Tribe.
2. For purposes of case planning for Cowlitz Tribal children, a Cowlitz Indian child includes:
 - a. An Indian Child and an un-enrolled descendant of a Tribal member.
3. In addition to the preceding definitions, the following definitions also apply to this MOA:
 - a. Tribal Council – The governing body of the Tribe.
 - b. DSHS – Department of Social and Health Services, a cabinet level department of the administrative branch of the Washington State Government.
 - c. CA – Children's Administration, an administrative unit of DSHS.
 - d. CPS – Child Protective Services, a service of the CA – DSHS.
 - e. DCFS – The Division of Children and Family Services, a division of the CA – DSHS.
 - f. CFWS – Child and Family Welfare Service, a service of the DCFS.
 - g. FRS – Family Reconciliation Services, a service of DCFS.
 - h. FPS – Family Preservation Services, a service of DCFS.
 - i. FVS – Family Voluntary Services, a service of DCFS.
 - j. Intensive Services – Services offered by DSHS in addition to its core services for children and families at special risk.

See Appendix F to this MOA for relevant Organizational Charts of the respective parties and their administrative units.

III. PURPOSE

Washington state law authorizes CA to provide for the care of Indian children who are in the custody of an Indian Tribe, subject to the same eligibility standards and rates of support applicable to children in the custody of the state. The purpose and objective of this MOA is to clarify the roles and responsibilities of the Tribe and CA and to enhance coordination and cooperation between the Tribe and CA in providing appropriate child welfare services to Indian children who are under the exclusive jurisdiction of the Cowlitz Indian Tribe and to stipulate how CA will cooperate with the Tribe when its children are under the concurrent jurisdiction of the Tribe and CA or when its children are under state court jurisdiction and placed in the custody of CA. The overarching purpose of this MOA is the safety and well being of Cowlitz Indian children.

IV. AUTHORITY

The Indian Child Welfare Act (ICWA), 25 U.S.C. § 1919, authorizes states and tribes to enter into agreements for the care and custody of Indian children. The CA is specifically authorized to enter into this MOA by RCW chapter 39.34, the Interlocal Cooperation Act, which permits a department or agency of the state to enter into an agreement with an Indian Tribe for their mutual advantage and cooperation. CA recognizes that the Tribe's execution of this MOA does not constitute a waiver of its right to sovereign immunity.

V. JURISDICTION AND QUALITY ASSURANCE

Jurisdiction over Cowlitz Indian Children is defined in ICWA, 25 U.S.C. § 1911. At the time of signing this agreement, the Cowlitz Indian Tribe does not have a court system. This agreement anticipates that a tribal court system will be established in the future. The establishment of a tribal court system may require amendment of this agreement.

Issues regarding jurisdiction over Cowlitz Indian Children that arise between CA and the Tribe will be controlled by this MOA in accordance with the ICWA and the State Tribal Agreement.

However, if the provisions of this Agreement are in conflict with the provisions of the RCW or Washington appellate court decisions, then the parties agree to enter into good faith negotiations to resolve those conflicts, as appropriate, and in no particular order, by: 1) amending this Agreement, 2) working to secure changes to the Revised Code of Washington (RCW), or 3) using a combination of both approaches. The parties agree that any and all changes to agreements and/or state or tribal law would require such agreements and/or state law to be in full compliance with the ICWA.

Issues regarding the quality of services to be provided by CA to the Tribe and its children are guided by CA's publication titled "Indian Child Welfare Services – Case Review Questions and Decisions Rules." The provisions of that document are also incorporated into and made a part of this MOA, by reference.

VII. CHILD PROTECTIVE SERVICES

The Tribe and CA recognize the importance of working together to protect children from child abuse and/or neglect (CA/N). CA has the responsibility for investigating allegations of CA/N. CA agrees that Cowlitz children and families would benefit from early Tribal involvement in CA/N cases. CA will attempt to contact the Cowlitz Tribe ICW social worker to assist in an investigation involving a child known to be a Cowlitz child when:

1. The Cowlitz ICW worker is near enough to location of the investigation that getting to the CPS office would not hinder the timeliness of the investigation, OR

2. The case is not emergent in nature.

CA will notify the Tribe in the following manner:

1. In every case in which there is an allegation of CA/N of a Cowlitz child the Tribe will be notified of the allegation by telephone, fax or email within 24 hours. If notification is by telephone, the notice will be followed up in writing by letter, fax or email to the Tribe's ICW worker.
2. If the allegation is screened in, the Tribe will be given the opportunity to assist in the investigation.
3. If an allegation involves apparent criminal activity, Tribal/State/or local law enforcement in the jurisdiction where the alleged abuse or neglect occurred will be notified.
4. CA agrees to inform the Tribe of the outcome of any investigation that results in a "finding" for abandonment, child abuse, or child neglect involving any Cowlitz Indian child.
5. If the Tribe's ICW social worker does not assist in a CA/N investigation, the investigating CA worker will provide information about the investigation at the request of the Tribe's ICW worker.

When the investigation is completed by CA, the finding of abuse or neglect will be made using state law and CA rules, specifically WAC 388-15. If CA finds that abuse or neglect has occurred, the subject of the investigation will have the right to challenge that finding under state law.

VIII. SERVICES FOR CHILDREN SERVED BY THE TRIBE

Children served by the Tribe are eligible for services funded and contracted by CA. Eligibility for these services must be consistent with the eligibility criteria used for other, non- Indian children served by CA. A description of the services currently available to Tribal families and children, including a limited description of the eligibility criteria for those services, is attached to this MOA as Appendix E.

When the Tribe requests child welfare services for children and youth being served by the Tribe, CA will:

1. Assign the case to a specific social worker, selected by CA, but who recognizes that the Tribe has decision – making authority over the child and family, and who is willing to accept the customs and traditions of the Tribe. The CA social worker will not be responsible for case management, but instead will assist the Tribal social worker in accessing services;
2. If and when a Cowlitz child is involved in a tribal court proceeding, maintain a file consisting of the referral information and any payment information; and
3. Work with the Tribal social worker to determine what services would best meet the needs of the child and, at the request of the Tribe, pursue intensive services for the child, using established CA procedures. The CA social worker will help

make the Tribe aware of appropriate services available through CA, as well as how to access those services.

Information regarding eligibility for services will be provided by the Tribal social worker and supplemented by the CA social worker when requested. The Tribal social worker has responsibility for recommending and overseeing the administration of services.

CA will provide a point of contact to assist the Tribe in accessing services. The point of contact is the Tribe's contact for requesting services and will work with the Tribe to clarify eligibility for services, to expedite services and to verify payment. The point of contact will be available to assist, or arrange for another worker to assist, the Tribe in preparing the necessary documentation to request services and will invite the Tribal social worker to attend meetings to approve intensive services, such as Behavior Rehabilitation Services, exceptional foster care, specialized teen mother programs, and services for sexually aggressive youth.

The Tribe will provide a point of contact to work with CA on services issues. The state, county, local government and Tribal contacts are listed in Appendices B, C and D.

IX. SERVICES FOR CHILDREN UNDER THE JURISDICTION OF THE STATE

If a Cowlitz child who is an Indian child for ICWA purposes, as defined in Section 2 of this Agreement, is the subject of a potential dependency action to be filed by CA in the juvenile court of the state, CA will immediately notify the Tribe of the potential court action prior to any filing, when possible, and once the action has been filed, it will timely notify the Tribe of its right to intervene in the action.

Notice required under the ICWA will be provided by certified or registered mail. The Tribe agrees to promptly respond to requests for verification of Indian child status.

If a dependency action involving a Cowlitz child has been filed in state court the Tribe will designate a specific Tribal social worker to work with the CA social worker to assist in locating an appropriate placement and to consult with the CA social worker in developing an appropriate case plan. The Tribe will be involved in the case planning and as a consultant in all cases involving Cowlitz children, regardless of whether the child is considered an Indian child under ICWA.

Placement of Indian children of the Tribe, under jurisdiction of the state court, shall be in accordance with the provisions of the Manual. Unless otherwise specified, the following order of preference for placement shall be used:

1. First priority – A member of the Indian Child's extended family with which he or she has had significant contact with and an understanding of Indian cultural customs and norms in the event that the family is non-Indian.
2. Second priority – A Cowlitz foster home, licensed and approved by an authorized licensing authority.
3. Third priority – An Indian foster home, licensed and approved by an authorized licensing authority.

4. Fourth priority – A non – Indian foster home with an understanding of Indian customs and cultural norms, licensed, approved, or specified by the Cowlitz Indian Tribe.

A change of placement shall follow the placement preferences set out in this section of the MOA.

VI. EXPERT WITNESSES ON COWLITZ CULTURE AND COMMUNITY

The Tribe and CA will collaborate in a joint effort to establish a mutually acceptable list of qualified experts to testify in state court proceedings involving Cowlitz children. The list will include qualified experts in the interracial placement of Indian Children, and qualified expert witnesses, identified by the Tribe, who have knowledge and experience regarding the culture, community, history and traditions of the Tribe. Additionally, these expert witnesses will have knowledge of the issues related to Indian culture and the ICW Act. Such a list, when it is developed, may be attached to this MOA as Appendix F.

In the absence of a written list, the Tribe and CA will cooperate on a case – by – case basis to select qualified experts or qualified expert witnesses, approved by the tribe, for cases involving Tribal children. CA will utilize such experts as provided for in the DSHS Indian Child Welfare Manual (Manual), state law and federal regulations or guidelines interpreting the ICWA.

The Tribe will cooperate in providing witnesses in a timely manner for the purpose of complying with the ICWA in state court juvenile dependency and termination proceedings involving Cowlitz children in order to ensure that proceedings are not delayed.

X. INFORMATION SHARING AND CONFIDENTIALITY

It is the policy of both the Tribe and CA to share with each other full information about a child that will assist the other party in protecting a child and in assessing the child's need and eligibility for and receipt of services. CA is required to follow state and federal laws governing confidentiality of children's records. The Tribe agrees that it will follow state and federal law on confidentiality, or Tribal law, if the Tribal Code meets or exceeds state and federal law requirements to protect the records of children receiving services from CA.

CA agrees to share information with the Tribe about any Cowlitz child to the fullest extent permitted under the law. This information shall be provided to the Tribe without the need for a request from the Tribe.

Information on guidelines to assist social workers in sharing information with caregivers, providers, educators and others are attached to this MOA as Appendix H.

XI. COLLABORATIVE ACTIONS AND SERVICES

The parties agree to collaborate on the following actions and/or services:

1. CA will notify the Tribe of relevant training opportunities for staff.
2. The Tribe will provide technical assistance and consultation on Native American cases, as requested by CA.
3. The Tribe will designate at least one candidate from the Tribe for representation on the Local Indian Child Welfare Advisory Committee (LICWAC).
4. The Tribe will provide training on Indian Child Welfare issues to designated CA caseworkers.

XII. IMPASSE AND DISPUTE RESOLUTION

The Tribal and CA social workers will work collaboratively to develop a case plan for the child. When a Tribal social worker makes a recommendation on the care, services and placement for a Cowlitz child and the CA social worker is not in agreement and the CA social worker intends to make a recommendation to the juvenile court, the Tribe may either present its recommendation to the juvenile court, if the Tribe has intervened in the dependency or termination proceeding, or it can invoke the following impasse procedure. **IMPASSE PROCEDURE:** The Tribe and state worker will meet with the Tribes ICW supervisor and the CA supervisor to resolve the differences. If it is not resolved, the impasse will still be in place and the CA Area Manager and Regional Administrator will meet with the Tribe's ICW Supervisor, the Tribal Administrator, and the Health and Human Services Director. If the differences are still not resolved, the CA assistant secretary/DSHS secretary and the Tribal Chairman will work toward resolving the differences. If after that, a satisfactory decision has not been reached, the Tribe may dispute the DSHS decision and appeal it to the Governor.

Disputes or disagreements regarding the application or interpretation of this MOA will be resolved by the parties, starting at the lowest level and working up, within the following designated levels:

1. CA Casework supervisor - Tribal ICW Social worker
2. CA Area Administrator - Tribal ICW Supervisor or designee
3. CA Regional Director - Tribal Administrator/Tribal Health and Human Services Director
4. CA Assistant Secretary - Tribal Chairman

If a dispute or disagreement remains unresolved after following the above listed procedures, nothing in this MOA shall be interpreted as preventing the parties from seeking resolution at a higher level within the state or Tribal governments.

To the degree, if any, the provisions of this section of the MOA conflict with Chapter 1 of the Manual on impasses between the tribe and the DSHS related to matters subject to this MOA, the provisions of the Manual shall control.

XIII. LEGAL BASIS FOR ICW ACTIVITIES, SERVICES AND RELATIONSHIP

For this MOA and for Indian Child Welfare issues in general, the following is a list of the statutory and regulatory authorities (subject to interpretation by the courts, and amendment by the respective legislative bodies with jurisdiction over an act or regulation from time – to – time):

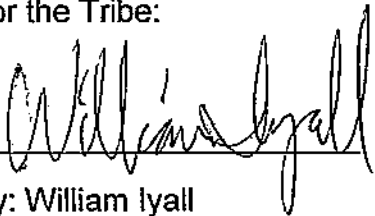
- The United States Constitution
- The Washington State Constitution
- 25 U.S.C. 1901, et seq. – Indian Child Welfare Act, and implementing regulations and guidelines
- 42 U.S.C. 671, et seq. – The Social Security Act, and implementing regulations and guidelines.
- 42 U.S.C. 671a – Inter – Ethnic Placement Act
- RCW 13.04 – Basic Juvenile Court Act
- RCW 13.32A – Family Reconciliation Services
- RCW 13.34 – Juvenile Court Act - Dependency
- RCW 13.50 – Juvenile Records
- RCW 26.09 – Marriage Dissolution
- RCW 26.10 – Third – Party Custody
- RCW 26.26 – Uniform Parentage Act
- RCW 26.33 – Adoption
- RCW 26.34 – Interstate Compact on the Placement of Children
- RCW 26.44 – Abuse of Children
- RCW 74.13 – Child Welfare Services
- RCW 74.13A – Adoption Support
- RCW 74.14A – Children and Family Services
- RCW 74.14B – Children’s Services
- RCW 74.14C – Family Preservation Services
- RCW 74.15 – Licensing of Agencies Providing Care of Children, Expectant Mothers, and Developmentally Disabled
- The State-Tribal Centennial Accord
- Title 388 WAC – Department of Social and Health Services
- Treaties between Indian Tribes and the U.S. Government
- Agreements between Indian Tribes and the State of Washington
- Other applicable Federal and State Laws
- Federal, State, and Tribal Court decisions
- Cowlitz Indian Tribal Code

XIV. EFFECT AND MODIFICATION

This is a working document that provides a minimum level of compliance to guide the Tribe and CA in supporting Indian children in need of services. It's description of services, policies, procedures and processes may be changed as programs are added, changed or deleted, eligibility requirements are added, changed or deleted, or as circumstances otherwise warrant. This MOA may be modified at any time by mutual written agreement of the Tribe and CA.

IN WITNESS HEREOF, and by means of the signatures below, the Tribe and CA hereby agree to abide by this MOA, effective upon the signature of both parties.

For the Tribe:

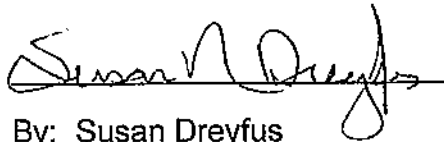


By: William Lyall

Title: Tribal Chairman/CEO

Date: 9/13/10

For the State of Washington:



By: Susan Dreyfus

Title: Secretary, DSHS

Date: 11/28/10 *date for Susan Dreyfus*

APPENDIX A

COMMUNICATION PROTOCOLS

Purpose:

To assist DSHS staff when communicating with Tribal Governments and Recognized American Indian Organizations (RAIO).

DSHS will transmit the following types of formal correspondence with cover letters:

- Submission of contracts and contract amendments
- Consultation requests and announcements
- Announcement of scheduled monitor or site visits
- Monitoring/site visit reports
- Announcement of Administrative Policy 7.01 meetings
- When seeking formal input

Formal correspondence will be addressed in the following matter:

- Honorable Chairman, Chairperson, President, with a salutation of Dear Tribal Chairman, Chairperson, President, or CEO.
- Dear RAIO Director

With copies to:

- Respective administration staff according to internal protocol
- The administration's Tribal Liaison

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- Indian Policy and Support Services (IPSS) –Indian Policy Advisory Committee (IPAC) Delegate; IPS will forward by e-mail appropriate correspondence to IPAC delegates
- Tribal Program Administration, IPAC Delegate
- For contract materials, Central Contract Services

DSHS – IPSS will maintain a current distribution list of Tribal Chairs, Recognized American Indian Organizations (RAIO) Directors and IPAC Delegates.

DSHS Regional Administrators will follow these communications guidelines:

- Ongoing Department to Tribal Peer – to – Peer communications at the local level
- Administrative Policy 7.01 meetings as agreed by the Tribes, RAIO and administration –
 - Include notification of meeting to IPSS Regional Manager
 - Include timely notification for cancellation of meetings to the Tribes, RAIO and IPSS Regional Manger

Letters are required for:

- Contracts, with a copy to Central contracts and IPSS – Olympia
- Visits
- Compliance matters

APPENDIX B

POINTS OF CONTACT LIST – STATE

GENERAL:

- Notice related to issues covered by this MOA will be provided by CA to the Tribe by contacting:
 Name: James Sherrill and Carolee Morris, Cowlitz Health and Human Services Director & Tribal Administrator
 Address: c/o Cowlitz Indian Tribe, P.O. Box 2429, Longview, WA 98632
 Phone: (360) 575-3307
 Email: jsherrill.health@cowlitz.org

- Notice related to issues covered by this MOA will be provided by the Tribe to CA by contacting:

Name: Myra Casey, Regional Administrator for Region 6
 Address: 6840 Capitol Blvd., P.O. Box 45714, Tumwater, WA 98504-5714

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Phone: (360) 725-6820
 Email: myrc300@dshs.wa.gov

SERVICES:

- The CA Tribal Liaison for children who are to be served under this MOA is:
 Name: Mike Yates, ICW Caseworker
 Address: c/o Cowlitz Indian Tribe, P.O. Box 2429, Longview, WA 98632
 Phone: (360) 575-8276
 Email: myates.health@cowlitz.org
- If emergency or after-hours services are needed by a child in Tribal care, the CA contact is:
 Name: *After hours/Central Intake 1-800-562-5624*
 Address:
 Phone:
 Email:
- The Tribal point of contact for services related issues is:
 Name: James Sherrill, Cowlitz Health Department Director
 Address: c/o Cowlitz Indian Tribe, P.O. Box 2429, Longview, WA 98632
 Phone: (360) 575-3307
 Email: jsherrill.health@cowlitz.org
- The Tribal point of contact for the ICW Case Manager is:
 Name: Mike Yates, ICW Caseworker
 Address: c/o Cowlitz Indian Tribe, P.O. Box 2429, Longview, WA 98632
 Phone: (360) 575-8276
 Email: myates.health@cowlitz.org

APPENDIX C

POINTS OF CONTACT LIST – DSHS/CA – REGIONS

CA Regional Administrators:

Region 1 Marty Butkovich
 Region 2 Ken Nichols

(509) 363-3363
 (509) 454-6930

Region 3 Yen Lawlor
Region 4 Joel Odimba
Region 5 Nancy Sutton
Region 6 Myra Casey

(425) 339-3902
(206) 691-2506
(253) 983-6260
(360) 725-6820

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CA Area Managers:

Region 1

- Tim Abbey – Area Administrator (Spokane CPS/CWS) B32-21 (509) 363-3393
- Tim Nelson – Area Administrator (Newport/Regional Imp.) B32-1 (509) 262-4624
- Launi Burdge – Area Administrator (Spokane CPS/CWS, Courtesy supervision, Guardianships) B32-21 (509) 363-3412
- Sandra Turner – Area Administrator (Spokane ICW & Home Finders) (509) 363-3444.
- Brent Borg – Area Administrator (Regional Adoptions, Lincoln Co.; Spokane Home Studies, Colfax, Clarkston) B32-21 (509) 363-3348
- Kris Randall – Area Administrator (Colville & Republic) B32-21 (509) 363-3461
- Debbie Fenske – Area Administrator (Moses Lake, Night Staff, Spokane Intake) B13-3 (509) 764-5688
- Russ Haugen – Area Administrator (Wenatchee & Omak) B4-2 (509) 667-6137

Region 2

- Ernie Gowen – Area Administrator (Sunnyside / Ellensburg) B19-2 (509) 925-0431
- Carlos Carillo – Area Administrator (Richland / Walla Walla) B3-2 (509) 737-2802
- Berta Norton – Area Administrator (Toppenish / Goldendale / White Salmon) B50-2 (509) 865-1457
- Ernie Gowan – Interim Area Administrator (Yakima) B39-12 (509) 225-6514

Region 3

- Sandy Kinney – Area Administrator (Everett) N31-10 (425) 339-4778
- Pam McKeown – Area Administrator (Lynnwood /Adoptions) No Svc (360) 651-6954
- Sandra Jewell – Area Administrator (Acting for Sky Valley) No Svc (360) 805-2100
- Laurie Alexander – Area Administrator (Bellingham / Friday Harbor) No Svc (360) 647-6106
- Marie Fujii – Area Administrator (Acting for Smokey Point) No Svc (360) 673-3113
- Jennifer Paddock – Area Administrator (Mount Vernon / Oak Harbor) No Svc (360) 416-7486

Region 4

- Chris Robinson – Area Administrator (Office of Indian Child Welfare/White Center) N56-1 (206) 923-4932
- Bolesha Johnson – Area Administrator (Martin Luther King Jr. Office) N41-4 (206)760-2358

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- Stephanie Allison-Noone – Area Administrator (King East) N40-4 (425) 590-3030
- Natalie Green – Area Administrator (King West) N56-2 (206) 691-2475
- William Barrett – Area Administrator (King South) N43-2 (253) 372-6001
- John March – Area Administrator (Permanency Office) N17-20 (206) 691-2372
- Gia Wesley – Area Administrator (Licensed Resources) N56-1 (206) 923-4933

Region 5

Pierce West DCFS Field Office

- Dawn Cooper – Area Administrator (West) N27-1 (253) 983-6253
- Cheryl Rich – Area Administrator (West) N27-1 (253) 983-6264
- Linda Thomas – Area Administrator (Centralized Services) N27-1 (253) 983-6324
- Jackie Bekken - Area Administrator (West) N27-1 (253) 983- 6255

Pierce East DCFS Field Office

- Betsy Rodgers – Area Administrator (East) N27-32 (253) 983-6309
- Veronica Hinojosa – Area Administrator (East) N27-32 (253) 983-6286
- Catherine Harstad-Everett – Area Administrator (East) N27-32 (253) 983-6221

Bremerton Field Office

- Barb Geiger – Area Administrator W18-3 (360) 475-3505
- Tom Stokes - Area Administrator W18-3 (360) 475-3680

Region 6

- Debbie Lynn – Area Administrator (Aberdeen, S. Bend, Long Beach) W14-4 (360) 537-4342
- Bill Paresa – Area Administrator – Fam to Fam/CFWS/Clerical/Facilities (Vancouver) S6-7 (360) 993-7893
- Cindy Hardcastle – Area Administrator – Intake/CPS/FRS/FVS/Family to Family/Family Dependency (Vancouver) S6-7 (360) 993-6922
- Becky Smith – Area Administrator (Olympia & Shelton) 45715 (360) 725-6712
- Anita Teeter – Area Administrator (Centralia, Kelso) S21-2 (360) 807-7126

- Linda Redman – Area Administrator (Port Angeles, Forks & Port Townsend) B5-2
(360) 565-2270

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CA Assistant Secretary (Interim)

Denise Revels Robinson

(360) 902-7820

APPENDIX D

DSHS STATE WIDE SERVICES

A. OUT-OF-HOME SERVICES

1. Foster Care

Purpose Temporary, out – of – home placement for children and youth based on particular needs of the family.

(Example: Parental Hospitalization and no available family resources)

How to Access: See Point of Contact Information in Appendices.

Eligibility Criteria: Parent(s) must be involved with Tribal Social Worker. Once an intake referral is assigned, CA – DCFS shall provide an assessment of placement request and need including factors that determine the ability to develop placement resources with preference to Native American placement resources and behavioral needs of the child. A referral to the Division of Child Support shall be made for the purpose of determining family's participation in cost of care. State court validation of the voluntary placement is necessary prior to the actual placement. Parents will be involved in services such as mental health and drug and alcohol as determined by individualized family case plan.

Note: Some Tribes and /or Native American Organizations are also Private Child Placing Agencies (CPA). Such programs are able to place children into foster care and send necessary paperwork, legal documents, etc., to DCFS so that payment for the placement can be initiated.

2. Residential Treatment / Group Care

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- Purpose:** Residential Placement of a child/youth who has significant behavioral, emotional, and physical problems, which require a more restrictive placement setting. Residential treatment time limited from twelve to eighteen months in duration. Residential services may also be provided to a child in the child's own home. All residential treatment and group care slots (Behavioral Rehabilitative Services "BRS") are contracted with private providers.
- How to Access:** See Point of Contact Appendices.
- Eligibility Criteria:** Less restrictive placement options considered or attempted. Other services such as counseling for child and family have been in place and have not been successful in improving the situation. Placement will be subject to local budget and available placement resources. Group Care (GC) packet to be completed with the assistance of the assigned DCFS social worker and sent through DCFS for the approval process. If placement is on a voluntary placement MOA, then it needs to be State court validated. Budget limitations need also to be considered with all placement requests.

3. Children's Hospitalization Alternative Program (CHAP)

- Purpose:** Prevent psychiatric hospitalization of a child or provide services to a child or family coming out of a psychiatric hospitalization setting.
- How to Access:** See Point of Contact Information Appendices.
- Eligibility Criteria:** Parent(s) must be involved with the Tribal social worker. Once CWS intake referral is assigned, DCFS shall provide an assessment of placement request and need. Factors that determine ability to develop placement include the availability of an appropriate placement resource with preference given to Native American placement resources and behavioral needs made for the purpose of determining the family's

participation in cost of care. State court validation of the voluntary placement is necessary prior to the actual placement. Parents will be involved in services such as mental health and drug and alcohol

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counseling as determined by an individualized family case plan. Child/youth must be eligible for mental health services as determined by the local Regional Support Network (RSN).

4. Independent Living

- Purpose:** To support and teach youth that have been in foster care the skills required for adult life. Services are provided by contract with a private agency or through purchase of concrete services through DCFS (e.g. graduation costs, skill classes, etc.).
- How to Access:** See Point of Contact Information in Appendices.
- Eligibility Criteria:** youth must have at least one day of DCFS paid placement past their 16th birthday and must be an active case with DCFS.

5. Relative Placement

- Purpose:** To provide for a child's needs during a parent's absence. If a parent or the court places a child with a person who is recognized as a relative by the tribe, that relative can access financial and medical assistance (Temporary assistance for needy families "TANF") through the Community Services Office (CSO).
- How to Access:** See Point of Contact Information Appendices.
- Eligibility Criteria:** Relative status determined by the Tribe. Financial and medical eligibility as determined by TANF rules regulations. Note: relatives also have the option to become licensed foster parents and receive foster care payments in lieu of TANF.

B. IN-HOME SERVICES

1. Income Eligible Daycare

- Purpose:** To provide daycare for low income working families.

How to Access: See Point of Contact Information Appendices.

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Eligibility Criteria: The income eligibility daycare social worker will determine each family's eligibility based on household income and household size.

2. CPS/CWS Daycare

Purpose: To support children in their homes by providing parents respite time to go to appointments, counseling, therapy, etc., and provide the children with socialization opportunities.

How to Access: See Point of Contact Information Appendices.

Eligibility Criteria: Time – limited, parents must have a service contract, no other resources such as relatives, without regard to income. Eligibility for services is also contingent on office budget for this program.

3. Intensive Family Preservation Services (IFPS)

Purpose: To prevent out-of-home placement of a child or to return a child from out-of-home placement. This is an intensive in-home service with 24-hour on-call availability. Family must be willing to work on an intensive basis. This is a service contracted with private providers.

How to Access: See Point of Contact Information in Appendices.

Eligibility Criteria: Imminent risk of child being removed from household if services are not provided or child is currently in out-of-home placement and services required assisting with reunification; parental participation in services; availability for service. There is approximately one opening a month allocated to the Native American Office.

4. Family Preservation Services (FPS)

Purpose: To prevent out-of-home placement of a child or to return a child from out-of-home placement. This is an intensive in-home service with extensive use of Para-professionals with 24 hour on-call availability. The family must be willing to work on an intensive basis. This is a service contracted with private providers.

How to Access: See Point of Contact Information Appendices.

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Eligibility Criteria: Substantial risk of child being removed from the household within the next 30 days if services are not provided or the child is currently in out-of-home placement and services are required for reunification, parental participation in services, and availability of service and approval of DCFS supervisor. There is approximately one opening per month allocated for the Native American Office.

5. Home Based Services (HBS)

Purpose: Prevention of placement. These funds are usually used to access concrete services to meet the needs of families at risk.

How to Access: See Point of Contact Information Appendices.

Eligibility Criteria: Based on need as assessed by DCFS with assessment based on placement prevention. Each DCFS office has a limited budget. Priority is given to children and families under court supervision.

6. Family Reconciliation Services (FRS)

Purpose: To prevent out-of-home placement and reduce conflict between youth age 12 and over and their parents. Services consist of immediate crisis and short term counseling. Phase II FRS provides for up to 15 hours of direct service within a 30 day period. Phase II FRS services are contracted with private agencies. FRS services may also provide assessments to assist families seeking court-ordered intervention (ARYS and/or CHINS).

How to Access: See Point of Contact Information Appendices.

Eligibility Criteria: This is a voluntary service; therefore, all family members must be willing to participate in the service. Services may be limited due to budget allotment for the office.

7. Sexually Aggressive Youth (SAY)

Purpose: To provide treatment for identified sexually aggressive youth and counseling to their families.

How to Access:

See Point of Contact Information Appendices.

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Eligibility Criteria:

Child must be in the care and custody of DCFS through voluntary placement or court action. Must meet the state statutory criteria for accessing SAY funds.

C. OTHER SERVICES

1. What services are available to help runaway or at-risk youth and their families?

- Family Reconciliation Services (FRS)
- HOPE Centers
- Crisis Residential Centers
- Secure Crisis Residential Centers
- Preservation Services

2. What specialized services are available to dependent, adolescent youth in foster care?

- Independent Living Services
- Transition to Independence Programs
- Responsible Living Skills Program
- Residential Services

3. The Services

A. Family Reconciliation Services (FRS)

FRS is a voluntary program serving runaway adolescents, and youth in conflict with their families. The program targets adolescents between the ages of 13 to 17. FRS services are meant to resolve crisis situations and prevent unnecessary out of home placement. They are not long term services. The services will assess and stabilize the family's situation. The goal is to return the family to a pre-crisis state and to work with the family to identify alternative methods of handling similar conflicts. If longer term service needs are identified, FRS will help facilitate getting the youth and his/her family into on-going services.

FRS Services may include, but are not limited to:

- Short-term family counseling
- Crisis Residential Center (CRC) services
- Referrals for substance abuse treatment and/or counseling
- Short-term placement
- Family Assessments in conjunction with the juvenile court services

B. HOPE Centers

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The HOPE Act Legislation, passed in 1999, created two new programs to address street youth: HOPE centers and Responsible Living Skills programs. Hope Centers provide temporary residential placements for street youth under the age of 18. These are homeless youth living on the street or other unsafe locations. Youth may self-refer to a HOPE Center for services. Entering a HOPE Center is voluntary. While residing in a HOPE Center, each youth will undergo a comprehensive assessment to include:

- Youth's legal status
- A physical examination
- A mental health evaluation
- A chemical abuse evaluation
- An educational evaluation of their basic skills, along with any learning disabilities or special needs.

The purpose of the assessment is to develop the best plan for the youth. The plan will focus on finding a permanent and stable home for the youth. This plan might include reunifying the youth with his or her parent(s) or legal guardian and/or getting the youth into a transitional living situation and off the streets.

C. Crisis Residential Centers

Crisis residential centers (CRC's) are short term, semi-secure facilities for runaway youth, and adolescents in conflict with their families. Youth cannot remain in a CRC more than 5 consecutive days. Counselors at the CRC (typically in collaboration with an FRS social worker) work with the family to resolve the immediate conflict. Counselors will also help the youth and family develop better ways of dealing with conflict in the future. The goal is to reunite the family and youth wherever possible. The family will also be referred for additional services if other needs are identified.

D. Secure Crisis Residential Centers

The 'Becca Bill' (named after a runaway youth who was subsequently killed) established secure crisis residential centers for runaway youth. The Becca Bill authorizes law enforcement to pick up runaway youth, or youth found in 'dangerous circumstances', and places them in these physically secure, short term residential facilities. Youth may not remain in a SCRC longer than 5 consecutive days. Youth may transfer between a CRC and a SCRC, but the total length of stay may not exceed 5 consecutive days. SCRC counselors work with families to resolve the immediate conflict,

facilitate reconciliation between parent and youth, and provide referral to additional services.

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E. Preservation Services

Preservation Services include Family Preservation Services (FPS) and Intensive Family Preservation Services (IFPS).

- FPS: Available to families whose children face substantial likelihood of being placed outside the home or to reunify a child with their family from out-of-home care. FPS is available to families within 48 hours of referral and is offered for a maximum of six months by a contracted service provider. FPS is designed to support families by strengthening their relationships with a variety of community resources.
- IFPS: When a family has a child who the department believes is at imminent risk of foster care placement, the family can be referred for IFPS through a contracted community agency. IFPS is a voluntary service that provides up to 20 hours of in-home therapist time each week, for about a forty (40) day period of time. Services are available 7 days a week, 24 hours a day. Interventions are focused on improving the ability of the family to overcome a crisis situation and to remain together safely.

4. What services are available to dependent, adolescent youth in foster care?

A. Independent Living Services

Young adults in foster care can receive Independent Living Services to help prepare them for independence before they must leave foster care because they have reached legal adulthood. Throughout the state, community based agencies and Federally recognized Tribes contract with DCFS to provide skills-based services in the areas of education, employment, housing and life skills with youth over the age of 13.

B. Transition to Independence Programs

Former foster care youth ages 18 through 20 who have at least one documented Independent living skills plan prior to leaving care may now receive services designed to assist the youth in achieving self-sufficiency. Services may include assistance in employment, education, and/or housing.

C. Responsible Living Skills Program (RLS)

The RLS program is intended to provide permanent residential placements for youth who are dependent (in the legal custody of DCFS)

aged 16 to 18 who have not found success in other traditional state placements. These youth have been living on the streets or other unsafe locations. Occasionally, youth age 14 or 15 may qualify for residence in

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an RLS program. Many of these youth will have been placed into RLS programs after living in a HOPE Center. RLS programs will help the youth develop independent living skills in a number of areas:

- Basic Education, e.g., GED
- Job skills
- Basic life skills:
 1. Money management
 2. Nutrition/meal preparation
 3. Household skills
 4. Parenting
 5. Health care
 6. Access to community resources
 7. Transportation and housing options.

D. Residential Services

Residential services include Behavioral Rehabilitation Services and Children's Hospitalization Alternative Program. The administration contracts with community agencies for residential services for children and youth with serious emotional and/or behavioral difficulties who cannot be adequately served in a regular foster care. Residential services provide a higher standard of care and services for children and youth with the most severe needs. Beginning in FY95, DCFS began contracting with community agencies for services to this population, which can include in home intervention, treatment, foster care as well as group home placement.

APPENDIX E

LIST OF EXPERT WITNESSES

- Carolee Morris, Tribal Administrator/ICW Director & member, Cowlitz Indian Tribe
- Jim Sherrill, Tribal Health Director, Cowlitz Indian Tribe
- Mike Yates, Indian Child Welfare Social Worker, Cowlitz Indian Tribe
-

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**APPENDIX F
ORGANIZATIONAL CHARTS**

DSHS

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CA

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TRIBE

Tribal Government Organizational Chart

Tribe's Social and Community Services Organizational Chart

APPENDIX G

INFORMATION SHARING AND CONFIDENTIALITY

See the following web pages for information on how confidentiality is to be addressed under Washington State law and regulations, when social workers are sharing information:

[Http://apps.leg.wa.gov/wac/default.aspx?Cite=388-01](http://apps.leg.wa.gov/wac/default.aspx?Cite=388-01)

<http://www1.dshs.wa.gov/esa/eazmanual/Sections/ConfidentialityA.htm#TopOfPage>

APPENDIX H

TRIBAL COUNCIL RESOLUTION

#11891
Susan



COWLITZ INDIAN TRIBE

HEALTH & HUMAN SERVICES

November 15, 2010

SECRETARY'S OFFICE
RECEIVED

NOV 17 2010

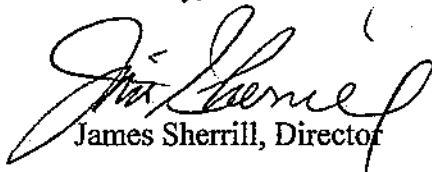
DEPARTMENT OF SOCIAL
AND HEALTH SERVICES

Susan Dreyfus
Secretary, Washington State Department of Social and Health Services
PO Box 45130
Olympia, WA 98504-5130

Dear Ms. Dreyfus,

We are pleased to inform you that the Memorandum of Agreement between the Cowlitz Indian Tribe and the Washington State Department of Social and Health Services is complete and ready for you to sign. We have worked closely with the Region 6 Administrator, Myra Casey, and the assigned Assistant Attorney General, Sheila Huber, to the benefit of us all. This copy has been approved by the Cowlitz Indian Tribe's Tribal Council and it has been signed by our Tribal Chairman, William Iyall. We await your approval and signature of the agreement.

Sincerely,



James Sherrill, Director

