INDIAN CHILD WELFARE POLICIES AND PROCEDURES

3. Tribal-State Memoranda of Agreement

Original Date: February, 2004
Revised Date: January 2**,** 2024
Sunset Review Date: January 31, 2028
Approved by: Frank Ordway, Chief of Staff

Purpose

The purpose of this policy is to clarify roles and responsibilities in Memoranda of Agreement (MOAs) and enhance the coordination and cooperation in providing appropriate child welfare services to Indian children between:

- Federally recognized Washington State tribal governments
- Federally recognized tribes outside of Washington State
- Department of Children, Youth, and Families (DCYF)

Since the 1987 historic Tribal-State Indian Child Welfare (ICW) Agreement, Washington State has negotiated and executed individual Memoranda of Agreement (MOA) with some Washington State tribes. The intent of these MOAs is to:

- Protect Indian children and families by maintaining the integrity of the family unit and resolving family problems in a way that is beneficial to Indian children.
- Set statewide standards for notification, casework practice, equal access to services, and cooperative case planning in cases involving Indian children.

Scope

This policy applies to Department of Children, Youth, and Families (DCYF) employees.

Laws

RCW 13.38.030 Washington State Indian Child Welfare Act (WICWA)
25 U.S.C.§ 1919 Agreements between States and Indian tribes

Policy

1. DCYF will:
    a. Develop or enter into MOAs with tribes, as authorized by the secretary or their designee and in collaboration with:
        i. Office of Tribal Relations (OTR).
        ii. Identified headquarters (HQ) and regional employees.
    b. Honor all agreements negotiated prior to January 2, 2024.
2. OTR must:
    a. Verify the that most current MOA template is posted on the Tribal/State Memoranda of Agreement on the DCYF internet website for tribes to use if they wish and that all ratified MOAs are available for review on the website.
    b. In collaboration with employees and tribes:
        i. Review signed MOAs every two years to identify if agreements are up to date with current laws, and DCYF policies and services.
        ii. Negotiate changes to existing MOAs when requested by DCYF leadership or tribes.

Procedures

1. When developing or updating MOAs, OTR employees in collaboration with regional employees must, in the following order:
    a. Arrange for identified HQ and regional employees to participate in the negotiation process.
    b. Consult with the Office of the Attorney General.
    c. Collaborate and negotiate with the tribal designees to draft an MOA which may be based on a template approved by tribal leaders.
    d. Send completed draft MOAs to the OTR director for review and approval.
    e. Collaborate and negotiate with the tribal designees and negotiation participants on questions or concerns that arise during OTR director review.
2. When the OTR director receives MOAs, they will review them for approval. If:
    a. Approved, send them to the assistant secretary of Child Welfare Field Operations for review and approval.
    b. Not approved, returns them to the OTR to address questions or concerns.
3. When the assistant secretary of Child Welfare Field Operations receives MOAs, they will review them for approval. If:
    a. Approved, send them to OTR.
    b. Not approved, return them to the OTR to address questions or concerns.
4. When OTR employees receive MOAs from the assistant secretary of Child Welfare Field Operations, they will complete the following if:
    a. Approved, send them to the DCYF Leadership Team.
    b. Not approved, coordinate with the appropriate tribal designee and appropriate HQ and regional employees to address any questions or concerns identified and return to the assistant secretary of Child Welfare Field Operations.
5. When the DCYF Leadership Team receives MOAs, they will review them for approval. If:
    a. Approved, send them to OTR.
    b. Not approved, return them to OTR to address questions or concerns.
6. When OTR employees receive MOAs from the DCYF Leadership Team, they will complete the following if:
    a. Approved, send them to the DCYF secretary or designee for approval and the appropriate tribal designee who will forward to their respective signing authority, e.g., tribal chair, president or tribal governing council.
    b. Not approved, coordinate with the appropriate tribal designee to address any questions or concerns identified and return to the DCYF Leadership Team for their review again.
7. The DCYF secretary or designee reviews MOAs and:
    a. May waive the process to update or develop an MOA.
    b. If approved, notifies the OTR and meets with the tribal signing authority for final approval.
    c. If not approved, notifies the OTR to address any questions or concerns.
8. When MOAs are approved, the OTR director works with the Office of Communications to post the signed MOAs on the Tribal/State Memoranda of Agreement on the DCYF internet and intranet websites.

Resources

Memoranda of Agreement background Information
Memoranda of Agreement Template

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