



JUDICIAL COUNCIL  
OF CALIFORNIA

TRIBAL COURT-STATE COURT FORUM

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TRIBAL COURT-STATE COURT FORUM

**NOTICE AND AGENDA OF OPEN MEETING**

Open to the Public (Cal. Rules of Court, rule 10.75(c)(1) and (e)(1))

THIS MEETING IS BEING CONDUCTED BY ELECTRONIC MEANS

THIS MEETING IS BEING RECORDED

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**Date:** October 10, 2019  
**Time:** 12:15-1:15 p.m.  
**Public Call-in Number:** 877-820-7831; Passcode; passcode 4133250 (Listen Only)

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Meeting materials will be posted on the advisory body web page on the California Courts website at least three business days before the meeting.

Members of the public seeking to make an audio recording of the meeting must submit a written request at least two business days before the meeting. Requests can be e-mailed to [forum@jud.ca.gov](mailto:forum@jud.ca.gov).

Agenda items are numbered for identification purposes only and will not necessarily be considered in the indicated order.

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**I. OPEN MEETING (CAL. RULES OF COURT, RULE 10.75(C)(1))**

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**Call to Order and Roll Call**

**Approval of Minutes**

Approve minutes of the August 8, 2019, Tribal Court–State Court Forum meeting.

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**II. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75(K)(1))**

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This meeting will be conducted by electronic means with a listen only conference line available for the public. As such, the public may submit comments for this meeting only in writing. In accordance with California Rules of Court, rule 10.75(k)(1), written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted up to one complete business day before the meeting. For this specific meeting, comments should be e-mailed to [forum@jud.ca.gov](mailto:forum@jud.ca.gov) or mailed or delivered to 455 Golden Gate Avenue, San Francisco, CA 94102, attention: Ann Gilmour. Only written comments received by 12:15 p.m. on October 9, 2019 will be provided to advisory body members prior to the start of the meeting.

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**III. INFORMATION ONLY ITEMS (NO ACTION REQUIRED)**

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**Info 1**

**Cochairs Report**

- Welcome to new members & update on appointments
- Approval of Minutes for August 8, 2019 Meeting

**Info 2 – New Online Training Module for DV Advocates**

*Presenter: Gregory S. Tanaka, Supervising Attorney, Judicial Council Center for Families, Children and the Courts*

Webex will be used for this agenda item. The webex link is:

<https://calcourts.webex.com/calcourts/j.php?MTID=m69d305d8f6a7f3909da8a602e1d04763>

**Info 3 – Update on Child Welfare Council Activities**

*Presenter: Judge Claudette White, Chief Judge of the San Manuel Tribal Court*

**Info 4 – Update on Rules and Forms Proposals, recent legislation and Comments on Federal Register**

*Presenter: Ann Gilmour, Attorney, Judicial Council Center for Families, Children and the Courts*

**Info 5 - Recent and Upcoming Conferences**

*Presenter: Vida Castaneda, Senior Analyst, Judicial Council Center for Families, Children & the Courts*

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**IV. ADJOURNMENT**

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**Adjourn**



# JUDICIAL COUNCIL OF CALIFORNIA

TRIBAL COURT-STATE COURT FORUM

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[forum@jud.ca.gov](mailto:forum@jud.ca.gov)

## TRIBAL COURT-STATE COURT FORUM

### MINUTES OF OPEN MEETING

August 8, 2019  
12:15-1:15 p.m.

**Advisory Body Members Present:** *Hon. Abby Abinanti, Co-chair, Hon. Suzanne Kingsbury, Cochair, Hon. Erin Alexander, Justice Patricia Guerrero, Ms. Heather Hostler, Hon. Kristina Kalka, Chief Judge Devon Lomayesva, Hon. Gilbert Ochoa, Chief Judge Mark Vezzola, Hon. Michael Sachs, Hon. Cindy Smith, Ms. Christina Snider, Hon. John Sugiyama, Hon. Sunshine Sykes, Chief Judge Christine Williams*

**Advisory Body Members Absent:** *Chief Judge April Attebury, Chief Judge Richard Blake, Hon. Hilary Chittick, Hon. Gail Dekreon, Hon. Leonard Edwards, Ret., Hon. Mark Juhas, Chief Judge Lawrence King, Chief Judge William Kockenmeister, Chief Judge Patricia Lenzi, Chief Judge Lester Marston, Hon. Robert Trentacosta, Hon. Ulloa, Chief Judge Claudette White, Chief Judge Joseph Wiseman*

**Others Present:** *Chloe Noonan, Faride Perez-Aucar, Vida Castaneda, Lural Ayala, Amanda Morris, Charli Depner, Audrey Fancy, Joy Ricardo*

### OPEN MEETING

#### Call to Order and Roll Call

The co-chairs called the meeting to order at 12:19 p.m.

#### Approval of Minutes

The Forum approved the April 11, 2019 meeting minutes. (There was no meeting on June 13, 2019.)

### DISCUSSION AND ACTION ITEMS (ITEMS 1-5)

#### Info 1

##### CoChairs Report

- Approval of Minutes of April 11, 2019 Meeting  
Acknowledgement of receipt of public comment and disbursement to the members occurred before the meeting.
- Update on California State Bar Justice Gap Study

It was decided Tribes could not be addressed by this study and would be addressed separately. Judge Kingsbury agreed.

- Update on Forum appointments
- Forum in person meeting – March 19, 2020. Save the Date

## **Info 2**

### **Presentation from Christina Snider on the Governor's recent apology to California's Native American's and establishment of the Truth and Healing Council**

*Presenter: Ms. Christina E. Snider, Tribal Advisor of the Office of the Governor Gavin Newsom and Executive Secretary of the Native American Heritage Commission*

The committee was presented with an overview of Governor Gavin Newsom's apology on behalf of the state of California to a representative group of Native Americans for historical mistreatment, murder and neglect. The Governor also signed an executive order forming the Truth and Healing Council to address the wounds the state has caused to California Native Americans. The Governor's office will be issuing a notice of consultation for the best vehicle to facilitate the council. There will be a final report produced expected by January 1, 2025.

Question asked: Are there any efforts associated with this executive order to expand to a federal program? Ms. Snider responded that there are no efforts by the state to coordinate with the federal government, but the Governor's office is willing to coordinate with other states and governors looking to do similar work.

Question asked: Was there any discussion about the educational system being addressed as part of the Truth and Healing Council? Ms. Snider responded that the education system has not been addressed but is a good item to add to the list.

Hon. Abby Abinanti recommends forming an informal sub-committee and notes that Nevada is also pursuing a similar action and could benefit from coordination with California.

## **Info 3**

### **Presentation from Root & Rebound on their work with tribal re-entry**

*Presenters: Chloe Noonan, National Legal Education & Resource Coordinator & Faride Perez-Aucar, Legal Fellow, Root and Rebound*

The committee was presented with the history and formation of the Root and Rebound organization. Their mission is to transfer power from legal community to those who were formally incarcerated with a goal of supporting a success re-entry into living a safe and productive life. The organization is state-wide with headquarters in Oakland.

Roots and Rebound has created a tribal reentry advocacy guide and are able to offer trainings for various audiences. Contact [info@rootandrebound.org](mailto:info@rootandrebound.org).

#### **Info 4**

##### **Legislative Update**

*Presenter: Andi Liebenbaum, Attorney, Judicial Council of California Governmental Affairs*

The Committee was provided an update on capacity building grants AB685 and AB686. The legislative summer recess is not over until August 12, 2019 and all bills for consideration must be before Governor Newsom by September 13, 2019. If the Governor fails to sign or veto a bill it will automatically become law, though this occurs infrequently.

The Bureau of Indian Affairs published notices in the federal register about updating federal regulations related to several issues including; the list of tribal courts and payment for appointed counsel in ICWA cases. The Judicial Council Office of Governmental Affairs will draft comments based on the Judicial Council guidelines on commenting on federal proposals.

#### **Info 5**

##### **Recent and Upcoming Conferences**

*Presenter: Vida Castaneda, Senior Analyst, Judicial Council Center for Families, Children & the Courts*

- Tribal Justice Collaborative's 8<sup>th</sup> annual Southern California judges' dinner event on August 16, 2019 to be held on the San Manuel Band of Mission Indians Event Center in Highland, California.
- Tribal Law and Policy Institute will be featuring the Tribal Healing to Wellness Court Enhancement Training on September 10-12, 2019.
- The 52<sup>nd</sup> Annual California Native American Day will take place on the west steps of the California State Capitol on September 27, 2019 from 10:00 a.m. to 2:00 p.m.
- The 2<sup>nd</sup> Annual Bay Area ICWA Symposium will be held on October 4, 2019 at the Judicial Council's San Francisco office. Workshop proposals will be accepted until August 23, 2019.
- The California Association of Collaborative Courts will hold their Annual Conference from October 28-30, 2019 at the Holiday Inn in downtown Sacramento.
- Beyond the Bench 25 will take place in San Diego on December 17-18, 2019 with pre-conference events on December 16, 2019. The theme is: Joining Forces for a Better Future for Children and Families.

Next Forum call is October 10, 2019.

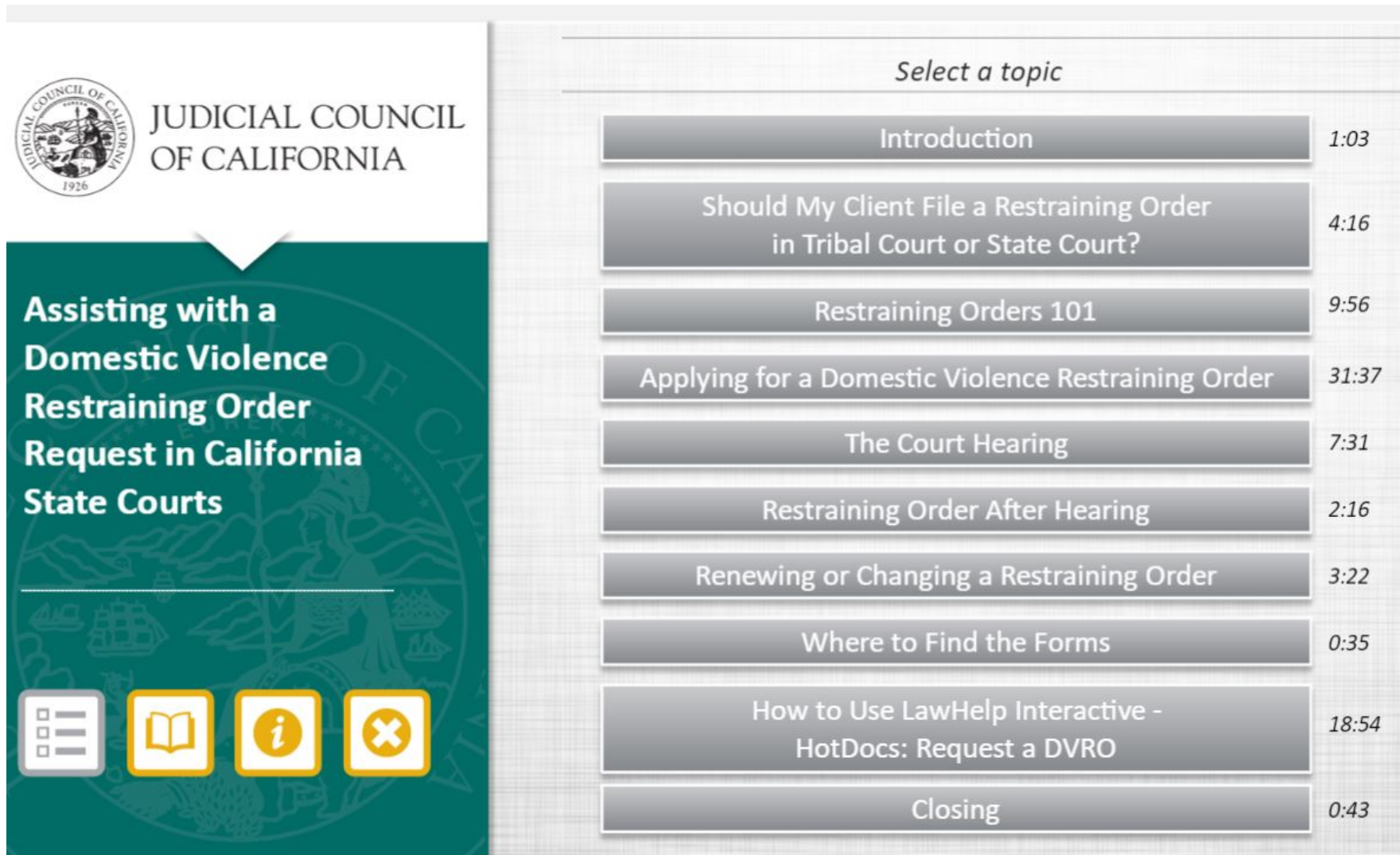
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#### **A D J O U R N M E N T**

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There being no further business, the meeting was adjourned at 1:11 p.m.  
Pending approval by the advisory body on October 10, 2019.

# Online Training Module for DV Advocates




The screenshot shows a web-based training interface. On the left, there is a dark green sidebar with the Judicial Council of California logo and the title "Assisting with a Domestic Violence Restraining Order Request in California State Courts". Below the title are four icons: a list, an open book, an information symbol, and a close symbol. The main content area on the right is titled "Select a topic" and contains a list of training modules with their respective durations.

Select a topic	
Introduction	1:03
Should My Client File a Restraining Order in Tribal Court or State Court?	4:16
Restraining Orders 101	9:56
Applying for a Domestic Violence Restraining Order	31:37
The Court Hearing	7:31
Restraining Order After Hearing	2:16
Renewing or Changing a Restraining Order	3:22
Where to Find the Forms	0:35
How to Use LawHelp Interactive - HotDocs: Request a DVRO	18:54
Closing	0:43

# Introduction

**You will learn about:**

- Things to consider when deciding between a Tribal Court Domestic Violence Restraining Order and State Court Domestic Violence Restraining Order
- What types of relationships qualify for a domestic violence restraining order
- What type of acts or behaviors mean “domestic violence” under the law
- Basic legal terms you need to know
- What types of orders can be made
- How to complete, file, and serve paperwork
- What to expect at the court hearing
- What steps to take after the court hearing
- How to fill out the forms online using Law Help Interactive/HotDocs

Introduction 

# File in Tribal Court or State Court

The infographic is titled "File in Tribal Court or State Court" and compares the two options. At the top, a yellow arrow labeled "State" and a blue arrow labeled "Tribal" are separated by a circle containing "VS". Below this, a green arrow labeled "Concerns when applying for a restraining order" points to five circular icons: "Distance" (location pins), "Travel" (car), "Childcare" (child), "CLETS" (computer monitor), and "Relationship" (handshake). Below the icons are two purple boxes with questions: "Will the tribal court file the restraining order into the California Law Enforcement Telecommunications System (CLETS)?" and "Is there an existing working relationship or partnership between the tribal court and the local state court?". At the bottom, a dark grey bar contains the title "Should My Client File a Restraining Order in Tribal Court or State Court?", a menu icon, and navigation arrows. A progress bar is visible at the very bottom.

State VS Tribal

Concerns when applying for a restraining order

- Distance
- Travel
- Childcare
- CLETS
- Relationship

Will the tribal court file the restraining order into the California Law Enforcement Telecommunications System (CLETS)?

Is there an existing working relationship or partnership between the tribal court and the local state court?

Should My Client File a Restraining Order in Tribal Court or State Court?



# Restraining Orders 101

The screenshot displays a presentation slide with a dark teal header and a white sidebar. The sidebar lists various types of protective orders, each with a checkmark icon. The main content area features a graphic with a pink and white background. The graphic contains the text 'No One deserves to be abused' in large, bold, black letters. Below this, it says 'A guide to civil restraining orders'. At the bottom of the graphic is the seal of the Judicial Council of California and the text 'Judicial Council of California California Courts Self-Help Center www.courts.ca.gov/selfhelp'. A yellow circle with the number '8' is in the top right corner of the graphic. The presentation interface includes a dark teal footer with the title 'Restraining Orders 101', a navigation menu icon, and a progress bar.

**Protective Orders**

- Emergency Protective Order (EPO) ✓
- Criminal Protective Order (CPO) ✓
- Temporary Restraining Order (TRO) ✓
- Civil Harassment Restraining Order (CHRO) ✓
- Elder Abuse Restraining Order (EARO) ✓
- Gun Violence Restraining Order (GVRO) ✓
- Workplace Violence Restraining Order ✓

**No One**  
deserves to be abused

A guide to civil restraining orders

Judicial Council of California  
California Courts Self-Help Center  
www.courts.ca.gov/selfhelp

Restraining Orders 101

# Restraining Orders 101

The Order seeks to “restrain” or limit the behavior of the abuser.



Restraining Orders 101



# Applying for a DVRO

**DV-100 Request for Domestic Violence Restraining Order**

*You must also complete Form CLETS-001, Confidential CLETS Information, and give it to the clerk when you file this Request.*

1 **Name of Person Asking for Protection:** Age: \_\_\_\_\_  
Your lawyer in this case (if you have one):  
Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_  
Firm Name: \_\_\_\_\_  
Address (if you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, or e-mail.):  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-Mail Address: \_\_\_\_\_  
2 **Name of Person You Want Protection From:**  
Description of person you want protection from: \_\_\_\_\_  
Sex:  M  F Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_

4 **What is your relationship to the person in (2)? (Check all that apply):**

- a.  We are now married or registered domestic partners.
- b.  We used to be married or registered domestic partners.
- c.  We live together.
- d.  We used to live together.
- e.  We are related by blood, marriage, or adoption (specify relationship): \_\_\_\_\_
- f.  We are dating or used to date, or we are or used to be engaged to be married.
- g.  We are the parents together of a child or children under 18:  
Child's Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
Child's Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
Child's Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Check here if you need more space. Attach a sheet of paper and write "DV-100, Additional Children" for a title.

The declaration is made part of the court form in the sections that ask for a description of the abuse, but can also be attached as a separate document.

**Petitioner**  
Must describe their story of abuse

**"Declaration" of the petitioner**

- ✓ Describe the specific abusive or violent acts that brought that individual to seek a restraining order
- ✓ Include the most recent incidents of abuse or violence
- ✓ Summary of prior incidents which may form a history of abuse and violence

The declaration will serve as the factual basis for the petitioner's request for restraining orders.

DV-100 Form/Declaration

☰ ← → ↻

# Applying for a DVRO

Forms Complete | Submit Forms | Judge Reviews | Pick-up and Review Forms | **Serve Respondent** | Proof of Service

**Server** | At least 18 years old and not the petitioner or others protected in the case

➤ Form is for the respondent to complete

➤ Petitioner is required to give the respondent a blank copy of the form

Serve respondent with copies of **all the filed paperwork** and **DV-120**

**DV-120** Response to Request for Domestic Violence Restraining Order

① Name of Person Asking for Protection:  
(See Form DV-100, item ①):

② Your Name:

Address:  
City: State: Zip:

Gives the respondent an opportunity to respond to the petitioner's request in writing

Petitioner must receive completed form at least 2 days before the hearing

• For more information, read [Form DV-120-INFO, How Can I Respond to a Request for Domestic Violence Restraining Order?](#)


• This form is for a response to a restraining order request. For more information about how to request your own restraining order, read [Form DV-100-DVRO, How Can I Request a Restraining Order?](#) or [Form DV-100-DVRO, How Can I Request a Restraining Order?](#)

Applying for a Domestic Violence Restraining Order

# Applying for a DVRO

**Residence Exclusion Orders or "Move-Out" Orders**

The respondent is ordered to leave the residence.



An arguable legal right to live at the address

Reservation Residence or Tribal Housing











State court may not have the authority to issue a move-out order




DV-100 Form/Declaration

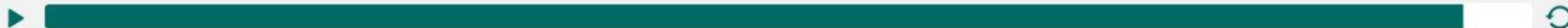
Navigation icons: list, back, forward, play, refresh

# Getting Ready for Court

**Getting Ready for the Court Hearing**

-  The petitioner should observe a court hearing so they can get an idea of what to expect at their own hearing. 
-  Gather any proof to support what the petitioner talked about in the paperwork. 
-  Practice what the petitioner wants to say at the hearing. 
-  Ensure the petitioner has a good idea what the witnesses will say and how they help support what was described in the paperwork. 
-  If the respondent filed a response form (DV-120) and served the petitioner, make sure the petitioner reads it and is prepared to tell the judge if anything stated is not true or incorrect. 

The Court Hearing   



# Getting Ready for Court

The infographic is titled "Getting Ready for Court" and is presented in a clean, modern style with a light gray background and a subtle diamond-patterned grid. It features three main columns, each with a circular icon at the top and a dark teal header. The first column, "Arrange for childcare," includes a child icon, text about waiting rooms, a warning that children are not allowed in courtrooms, and contact information for local courts. The second column, "Be on time for the hearing," features a clock icon, advice on planning travel time, and a warning that late petitioners can result in case closure. The third column, "Wear appropriate clothes," has a clothing icon, notes that rules vary by court, and lists prohibited items: shorts, hats, flip-flops, and tank tops. A dark teal footer bar contains the text "Tips for the Hearing Day", navigation arrows, and a progress indicator.

**Arrange for childcare**

Some courthouses have a Children's Waiting Room.

**Children are not allowed in the courtroom.**

Contact your local court to find out if childcare services are available onsite.

[Local Court Information](#)

**Be on time for the hearing**

Plan enough time for traffic, to park, go through security, and find the courtroom.

**If the petitioner is late, the court can close the case.**

**Wear appropriate clothes**


The rules may differ somewhat from court to court.

- Shorts
- Hats
- Flip-flops
- Tank tops


Tips for the Hearing Day

# The Hearing

After hearing from both sides and any other witnesses, the judge will decide the case.



If the respondent was served but doesn't come to the hearing, the judge will decide the case only on the paperwork that was filed by either side and anything the petitioner has said during the hearing.



Tips for the Hearing Day

Navigation icons: list, left arrow, right arrow, play, refresh.



# After the Hearing



If the respondent does not attend the hearing, the petitioner must make sure the respondent is served a copy of the Restraining Order After Hearing form.



Restraining Order After Hearing



# After the Hearing





Restraining order filed

Respondent served

Law enforcement can enforce the restraining order

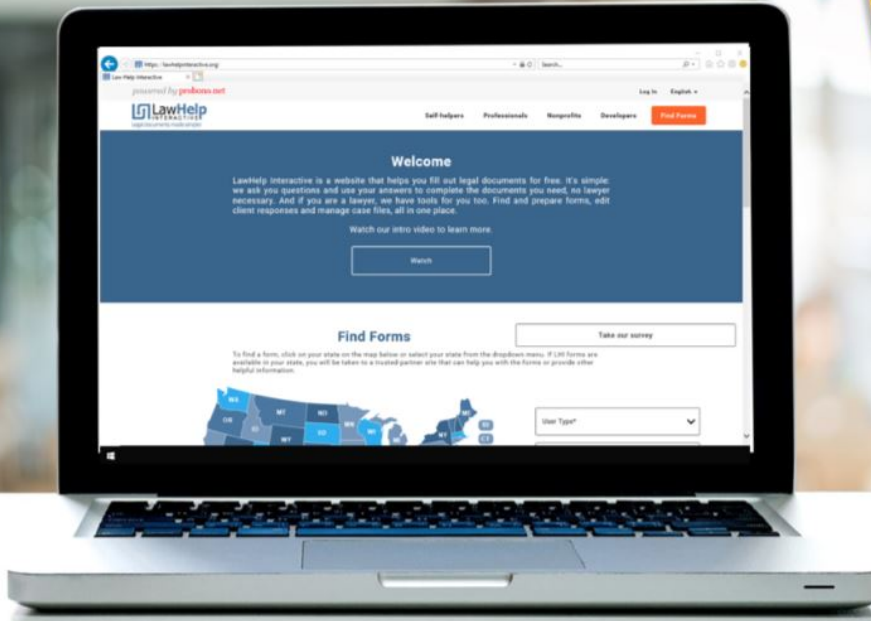
The respondent can be arrested, put in jail, and made to pay a fine if they do not follow the restraining order.

Restraining Order After Hearing

▶  

# DVRO HotDocs Tutorial



**Specific focus** | Domestic Violence Restraining Order Petitioner (DVRO) programs

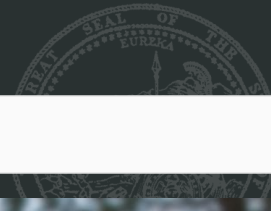


**LawHelp Interactive**

- Signing Up For An Account
- Defining Terms
- Accessing the Domestic Violence Restraining Order Program
- Navigating the Interview
- Accessing Saved Answer Files
- Finishing the Interview
- Getting Help

How to Use LawHelp Interactive - HotDocs: Request a DVRO

▶  



Search ...



# CALIFORNIA CHILD WELFARE COUNCIL

## General Information

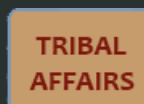
The California Child Welfare Council was established by the Child Welfare Leadership and Accountability Act of 2006 (Welfare and Institutions Code Sections 16540 – 16545) and serves as an advisory body responsible for improving the collaboration and processes of the multiple agencies and the courts that serve the children in the child welfare system. The Council is co-chaired by the Secretary of the California Health and Human Services Agency and the designee of the Chief Justice of the California Supreme Court, and membership is comprised of state departments, county departments, nonprofit service providers, advocates, parents and former foster youth. The Council is charged with monitoring and reporting on the extent to which the agencies and courts are responsive to the needs of children in their joint care.

[Council Meeting Information](#)

[Committee Meeting Information](#)



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English



**2016-2017**



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ANNUAL REPORT**

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**ENDING COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN**

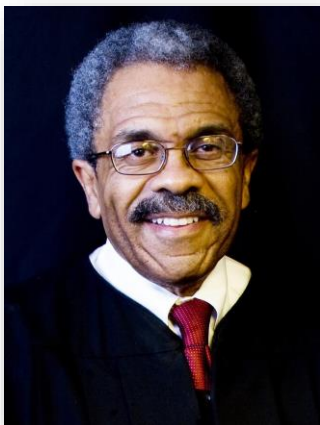
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**COUNCIL MEMBERSHIP**

## LETTER FROM THE CO-CHAIRS



**Diana S. Dooley**  
*Secretary*  
California Health and  
Human Services Agency



**Vance Raye**  
*Administrative Presiding Justice*  
Third District Court of Appeals

Dear Friends of the Child Welfare Council,

We are pleased to submit the 2016-2017 Annual Report of the California Child Welfare Council (Council) pursuant to Welfare and Institutions Code Section 16540. Over the course of the past year, the Council built on the work begun in prior years to improve services to children and families in the child welfare system, and those at risk of entering the system.

This report provides an overview of the Council's work during the past year. The Council, in partnership with its Committees and Task Forces, adopted principles for enhanced data sharing; developed a framework for prevention practice; drafted recommendations for priority employment for foster youth and former foster youth; and issued a report on a pilot to prioritize access to behavioral health services and supports. The reports and recommendations related to these topics, in addition to others addressed by the Council, may be found on the Council's website at [www.chhs.ca.gov](http://www.chhs.ca.gov).

We are grateful to the members of the Council, and the wide-range of organizations and individuals who have so generously given their time and talent to further the work of the Council. We are grateful for their commitment and leadership as we work toward improving the child welfare system in California.

Sincerely,

A handwritten signature in black ink that reads "Diana S. Dooley".

A handwritten signature in black ink that reads "Vance W. Raye".

## CHILD WELFARE SYSTEM OVERVIEW

California counties are the primary governmental bodies that directly interact with children and families to address child abuse and neglect. The county social services department or agency, through its child welfare division, administers and provides child welfare and foster care services under Sections 300 et seq. and 16500 of the California Welfare and Institutions Code. The county child welfare division investigates reports of child abuse and provides case management and other services to help families stay together whenever possible.

Each county maintains a hotline to receive reports of suspected child abuse and/or neglect. Once a call or report is received, a child welfare social worker will evaluate the referral and find that either more information is needed or that it does not rise to the level of abuse and will be closed. If more information is needed, a child welfare social worker will go out to the child's home and assess for risk and safety factors.

When possible the child welfare social worker works with the family to find the least intrusive approach to keep the child safe while supporting the parents in ameliorating the issues that brought them to the attention of the child welfare division. If the child welfare social worker's assessment of the problem indicates that formal court intervention is needed, the child may either be removed from or remain in the home while court oversight is requested through the juvenile court dependency system. Child welfare services are provided using a family-focused, needs-driven approach.

When children are removed from the care of their parents by the juvenile court, the child welfare social worker provides family reunification services based on individualized case plans that will support safe return of children to their parents, with specified exceptions in situations involving severe abuse of children under age three. The child welfare social worker is responsible for reporting on the progress of the family to the court six and 12 months after a child's removal from the parents, with the court authorizing reunification at any point the parents have demonstrated the ability to safely care for their children. After 12 months, the court may hold a permanency planning hearing to determine an alternate permanent family for the child through adoption or guardianship. Children who remain in foster care after they turn 18 years of age, may be eligible for extended foster care services up to age 21 as well as transitional housing and other services up to age 24, and retain eligibility for Medi-Cal until they reach age 26.



## COUNCIL PURPOSE AND STRUCTURE

The California Child Welfare Council (Council) was established by the Child Welfare Leadership and Accountability Act of 2006 (Chapter 384, Statutes of 2006). The Council serves as an advisory body that is charged with developing recommendations to improve outcomes for children and youth in the child welfare system through increased collaboration and coordination among the programs, services, and processes administered by the multiple agencies and courts that serve children and youth in California's child welfare system.

### OUR VISION

Every California child lives in a safe, stable, permanent home, nurtured by healthy families with the capacity to meet the child's needs and support the child's well-being, and is prepared for the transition into adulthood and becoming a contributing member of society.

### OUR MISSION

We provide an effective, collaborative forum for the three branches of government, foster youth and their families, and key stakeholders to advocate for effective and promising strategies and adequate resources to improve outcomes for children, youth and families involved with or at risk of involvement with the child welfare system.

The Council meets quarterly under the leadership of its Co-Chairs: Diana Dooley, Secretary of the California Health and Human Services Agency, and Vance Raye, Administrative Presiding Justice of the Third District Court of Appeal. Additionally, the Council is comprised of members representing a broad spectrum of agencies, advocates, and consumers involved in the child welfare system. The Council's structure encourages participation by Council members and other stakeholders, both during these quarterly meetings and in between through the standing committees and task forces.

## STANDING COMMITTEES

### Prevention and Early Intervention & Citizen Review Panel

- Identifies and promotes services and support systems that prevent the need for families to enter the child welfare system.
- Serves as the Citizen Review Panel required of agencies receiving funds under the federal Child Abuse Prevention and Treatment Act.

### Permanency Committee

- Identifies and recommends strategies to remove barriers that keep children in foster care so that they do not grow up in temporary homes but rather have permanent, nurturing families.

### Child Development and Successful Youth Transitions Committee

- Identifies and advocates for services to ensure that the health, mental health, educational and social development needs of foster children can be met, and that older foster youth can be prepared for successful transition to adulthood.

### Data Linkage and Information Sharing Committee

- Identifies and shares ways that data can be accessed across major child-serving agencies to provide essential information to those involved in the care of foster children and to measure foster children's outcomes from the services they receive.

### *Steering Committee*

The Steering Committee provides Council staff with ongoing assessment of the work of the Council and its Committees and Task Forces, gives guidance to Council staff regarding Council agendas prior to approval by Council Co-Chairs, and advises Council staff regarding Council membership to promote active participation.

### *Council Partners*

- Former foster youth
- Parents
- Service providers
- Educators
- Advocates
- Researchers
- Leaders from all three branches of government at the state and local level
- Other stakeholders

## TASK FORCES

### Priority Access to Services and Supports Task Force

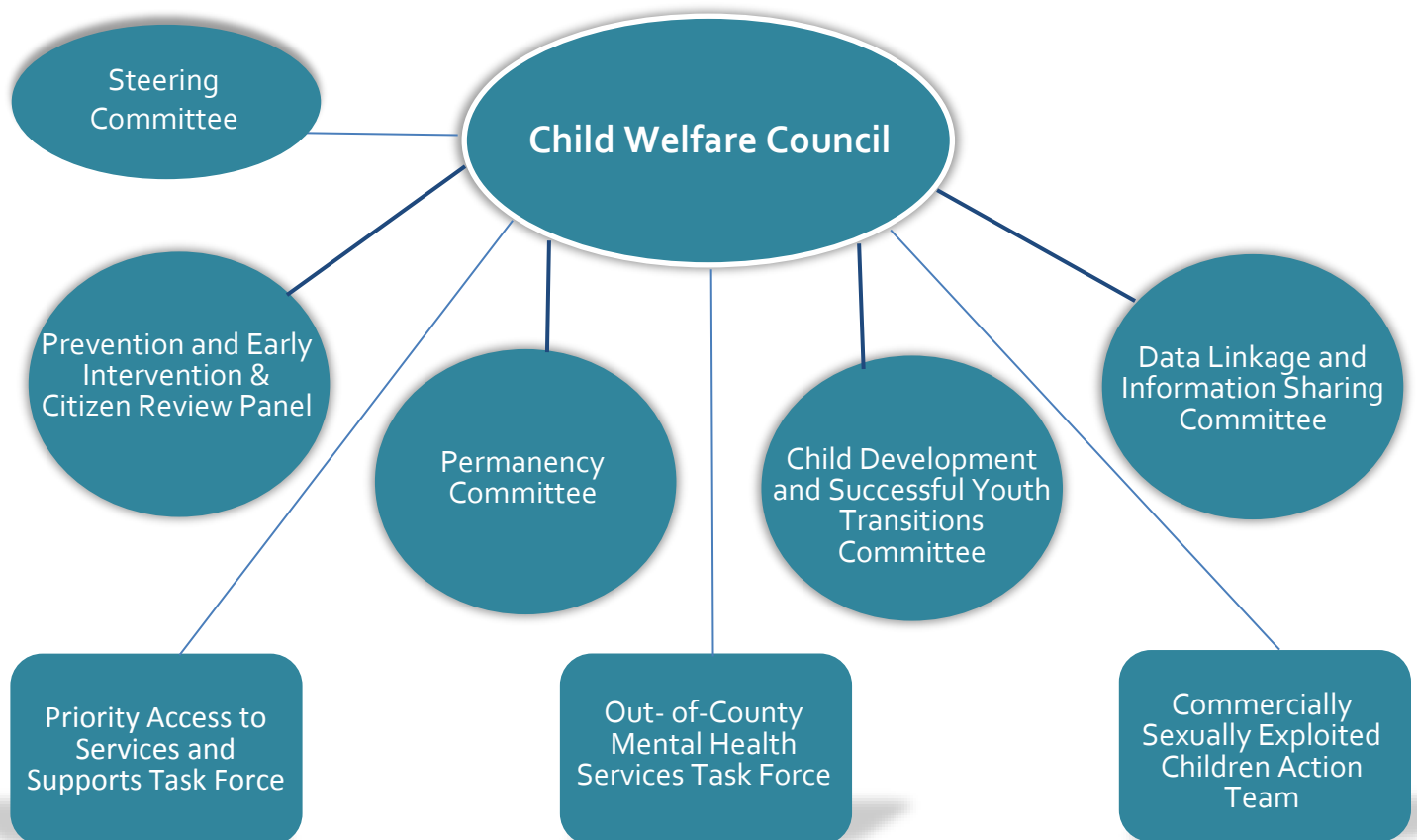
- Examines how parents of foster children who have a reunification plan can receive priority access to services they need in order to have their children safely returned home, including services across multiple systems.

### Out- of-County Mental Health Services Task Force

- Advocates for a system that ensures access to mental health treatment for foster children is not compromised when they reside outside their county of court jurisdiction.

### Commercially Sexually Exploited Children (CSEC) Action Team

- Is engaged with system partners in developing an infrastructure for serving children who are victims or at-risk of becoming victims of commercial sexual exploitation, focusing on children in foster care.



## COUNCIL GUIDING PRINCIPLES

1

Collaboration is essential among the three branches of government, foster youth and their families and key stakeholders to achieving improved outcomes for children, youth and families.

2

Accountability for child, youth and family outcomes is shared between federal, state, and local governments and among multiple agencies, the courts, community partners, families, and youth.

3

Engaging families and youth in the development, implementation and evaluation of services, programs, and policies is essential to achieving improved system outcomes.

4

Sharing data and information across governmental jurisdictions, agencies and the courts promotes more informed program planning, development and evaluation. At the local level, it enables the linkage of children, youth and families to appropriate community services and supports.

5

Best and promising practices should be replicated statewide where appropriate and possible.

6

Maximizing and using multiple funding sources flexibly across systems provides resources needed to meet the comprehensive and complex needs of children, youth and their families.

7

Recommendations will be culturally appropriate, strength-based, evidence-informed, and outcomes-driven to ensure that all children, youth and their families are treated fairly and equally without regard to age, race, gender, sexual orientation, and ethnicity.

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# PREVENTION AND EARLY INTERVENTION

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**T**he Prevention and Early Intervention Committee identifies and promotes services and support systems that prevent the need for families to enter the child welfare system. The responsibility of a Citizen Review Panel, mandated under federal law, has been incorporated into the Committee, and serves in a statewide capacity as one of California’s three panels. The Prevention and Early Intervention Committee is led by Dr. Kathryn Icenhower, Chief Executive Officer and co-founder of the SHIELDS for Families and David Swanson Hollinger, Senior Program Manager at the County of Ventura Human Services Agency.

### **2016-2017 Activities and Accomplishments**

Since taking on the responsibilities of the statewide Citizen Review Panel, the Council’s Prevention and Early Intervention Committee has focused on a review of policies and systems that are needed not only to facilitate *prevention* of child abuse and neglect, but also *promotion* of health and well-being for all children and families. The Prevention and Early Intervention Statewide Citizen Review Panel’s (PEI-CRP) efforts to date have focused on two broad areas:

1. Statewide quality and uniformity of prevention practice.
2. Adequate resourcing/financing of prevention efforts.

The PEI-CRP increased representative and diverse “voices” on the Committee by adding an additional family member, family advocate, lawyer, education administrator and county child welfare leader. The child welfare leader also agreed to co-chair the Committee.

As mandated by federal law, the PEI-CRP presented its recommendations to the Office of Child Abuse Prevention and the California Department of Social Services (CDSS) leadership in February 2017. This year’s recommendations were:

1. Disseminate and integrate the core elements, strategies and resources of the Child Welfare Prevention Toolkit in the ongoing improvements to the California Child Welfare System, and
2. Incorporate the Prevention and Early Intervention Statewide Citizen Review Panel prevention and promotion efforts in the Continuum of Care Reform rollout.

Additionally, this year the Committee identified and reviewed six models and philosophies of prevention practice that are in current use across the country and generally recognized to have significant positive impact on the prevention of child

abuse and neglect, as well as on family preservation and reunification. These include:

- Differential Response Framework;
- Strengthening Families;
- Standards of Quality for Family Strengthening;
- Essentials for Childhood;
- Core Practice Model; and
- New Jersey Standards for Prevention

The Committee analyzed each model and developed a matrix to identify key common elements across these models, as well as those essential elements unique to each model of practice. In addition to the key components, the Committee identified beliefs critical to the effective implementation of prevention programming in all communities:

- The ultimate goal for any community is to have safe, stable, and nurturing families.
- All children must be kept safe from abuse and neglect, and thriving.
- Strategies are most effective when they target children, families, and communities and all are valued, respected, and have a voice.
- All entities that participate in prevention must work closely together, understand each other's roles, share information and training, and view the system as starting with prevention and early intervention, continuing through permanency and after-care.
- From a systems perspective, robust prevention practice in child welfare produces significant savings in terms of both the human and financial costs averted.

The Committee recommended that these key elements of child welfare prevention practice guide program design, service delivery, and evaluation of effectiveness, at both the state and county levels for child welfare agencies and partner providers. They should also guide related funding and resource allocation priorities. Ultimately, to reduce the incidence of child abuse and neglect, and prevent out of home or out of family placements, the Committee recommended that a long-term, collaborative investment in effective prevention practice be implemented across systems throughout the State of California.

The PEI-CRP also developed the Child Welfare Prevention Toolkit, comprised of the Child Welfare Prevention Core Elements Framework and Child Welfare Prevention Action Guide. The Framework consolidates core elements of child welfare prevention practice that can be consistently and uniformly utilized by

state and county child welfare agencies and partner providers. The Action Guide is a compendium of resources that reinforces the Framework, including specific best practice examples for each of the core elements. The Action Guide also contains cross-walk resources, as well as web links and publications that users of the Framework can access.

All entities that participate in prevention are more successful when they partner with each other, understand each other's roles, share information and training, and view the system as starting with prevention and early intervention, and continuing through permanency and after-care. From a systems perspective, robust prevention practice in child welfare leads to better long-term outcomes for children, families, and communities, while generating significant financial savings. This is consistent with the values of the Child Welfare Council, statewide standards and initiatives, and the federal standards under the Child Abuse Prevention and Treatment Act (CAPTA).

### 2017-2018 Goals and Objectives

For the 2017-2018 year, the Prevention and Early Intervention Committee will focus on the following goals:

- **CAPTA Implementation:** As outlined in the Child Abuse Prevention and Treatment Act, each year the PEI-CRP presents recommendations to the Director of the CDSS, following review and discussion with the Child Welfare Council. In the next phase of its work, the PEI-CRP will promote and disseminate the Prevention Toolkit to key stakeholders while highlighting new opportunities and available resources.
- **Further investigating connections between parental substance abuse and the Child Welfare System.** The Prevention and Early Intervention Statewide Citizen Review Panel will continue to pursue the Council's interest in the role of substance use disorders as a contributor to child abuse and neglect, and make recommendations on the effective policy, program and practice interventions to improve child, family and community well-being.



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# PERMANENCY

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**T**he Permanency Committee identifies and removes barriers, and recommends best practices to achieve speedy permanency for all children in foster care. Robert Friend, Director of the National Institute for Permanent Family Connectedness with Seneca Family of Agencies, and Carrol Schroeder, Executive Director at California Alliance, co- chair the Permanency Committee.

### **2016-2017 Activities and Accomplishments**

The Permanency Committee's work plan focuses on three primary goal areas:

1. Increasing the number of children who are safely reunified with their parents;
2. Decreasing time to permanency including reunification, adoption, and guardianships; and
3. Increasing permanency outcomes for older foster youth.

#### **Increasing the number of children who are safely reunified with their parents:**

The Committees activities have focused on Judge Leonard Edwards' efforts to expand the number of Dependency Drug Treatment Courts. Dependency Drug Treatment Courts are a family reunification program designed to address the issues of parents whose children have been removed from the home by the county because of the parents' abuse of drugs or alcohol. Participants who qualify for acceptance into these programs must comply with specific requirements which include frequent and random drug and alcohol testing, individual and group counseling, regular court appearances, and attendance in perinatal or parenting classes.

The Dependency Drug Court program is a collaborative effort that includes the Social Services Agency, the Health Care Agency, the County Counsel, the Public Defender, the parents' retained legal counsel, and the law offices retained by the county to provide legal representation for the children.

The goal is to provide parent(s) with the necessary parenting skills and substance abuse treatment. This would allow children to remain safely in their care and to help decrease the number of children placed in foster care. Currently, there are 33 Dependency Drug Treatment Courts in the Superior Courts of 25 counties.

## **Decreasing time to permanency including reunification, adoption and guardianships:**

One objective related to decreasing time to permanency is supporting meaningful engagement and relationship building between youth, families, and all juvenile court stakeholders. Engagement behaviors that are part of the Child Welfare Core Practice Model have been provided to the courts and the Committee is awaiting approval for inclusion of engagement behavior in basic training for dependency court personnel.

The Judicial Council and the California Department of Social Services (CDSS) convened a team of trainers, which included Court Appointed Special Advocates (CASA) and the Seneca Family of Agencies to provide training in four sites across California on Continuum of Care Reform implementation. Kelly Beck, of Seneca Family of Agencies, provided an interactive, hour-long practice training portion of the full day's agenda addressing "Ingredients and Process for Successful Family Finding and Engagement." Highlighted during this session were current outcomes for youth without family, healthy development for all youth, the importance of social capital and family connections, as well as a deeper understanding that children in care are suffering from unresolved grief, which is demonstrated outwardly as "behaviors." Also included was a discussion of the importance of paternal involvement, relative notification, and an overview of all "family focused" legislation, including Reasonable Efforts and Fostering Connections.

A second objective of decreasing time to permanency focused on the role of reasonable efforts. Kelly Beck, and Permanency Committee co-chair Bob Friend co-authored *How Reasonable Efforts Leads to Emotional & Legal Permanence*, published in the Capital University Law Review, 45 Cap. U. L. Rev. 249 (2017). The article details how the leadership and oversight provided by courts via reasonable efforts findings, combined with the innovative practices of child welfare agencies, advocates and partners, can advance and secure the safety, permanence, and wellbeing of the children, parents, family members, and communities they serve.

Additionally, the Committee focused on the need for urgency in permanency services. Gail Johnson-Vaughn, Chief Permanency Officer at Families NOW, participated on the stakeholder workgroup convened to identify barriers to the provision of mental health services by mental health professionals, with specialized training in adoption or permanency clinical issues, as part of the implementation of Assembly Bill 1790 (Chapter 766, Statutes of 2014). The stakeholder workgroup developed recommendations, which CDSS adopted and disseminated through the release of the All County Information Notice I-26-16.

Ms. Johnson-Vaughn presented an Implementation Guide and Toolkit developed by Families NOW to assist agencies and mental health professionals in implementing the guidance in the All County Information Notice.

The Committee also discussed that, as a result of the passage of AB 1790, California was selected, among seven other states, to participate in two pilot, evidence-informed, web-based trainings, which build the competency of child welfare and mental health professionals. The National Adoption Competency Mental Health Training Initiative is a federally funded cooperative agreement awarded to the Center for Adoption Support and Education. The first training, designed for child welfare professionals, launched in April 2017, and the second training, designed for mental health professionals, is scheduled to launch in 2018.

### **Increasing permanency outcomes for older foster youth:**

The Committee began collaborating with the Child Development and Successful Youth Transitions (CDSYT) Committee to develop a model protocol for a multi-system response to serve the needs of youth who run away from foster care. The Committee is particularly concerned about the relationship that may exist between runaway behavior and youth permanency, and how that can be addressed. The committees are currently editing the draft of a working proposal for the Council and plan to present it at the September 2017 Quarterly Meeting.

### **2017-2018 Goals and Objectives**

For the 2017-2018 year, Permanency Committee will further build on their committee goals through the following objectives:

#### **Increasing the number of children who are safely reunified with their parents:**

- Creating a collaborative research agenda regarding families in reunification;
- Expanding Dependency Drug Treatment Courts; and
- Promoting child and family teaming.

#### **Decreasing time to permanency, including reunification, adoption and guardianships:**

- Promoting meaningful engagement and relationship building among youth and families and all juvenile court stakeholders;
- Influencing data collection to track time to permanency; and
- Stressing the need for urgency in permanency services, including concurrent planning.

### **Increasing permanency services for older youth:**

- Following legislation on permanency services, including implementation of Public Law 133-183 which improves efforts to improve permanency outcomes for older children in care by eliminating the use of other planned permanent living arrangements as a permanent plan for children under 16 years of age;
- Ensuring cross-over youth and those youth in probation supervised foster care are achieving permanency;
- Ensuring the Extended Foster Care program is being used for its intended purpose for only those youth who do not have any caring, committed adult permanency options; and
- Exploring relationship between older youth permanency and runaways from foster care, and develop guidance based on findings.

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# CHILD DEVELOPMENT AND SUCCESSFUL YOUTH TRANSITIONS

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**T**he Child Development and Successful Youth Transitions Committee (CDYST) is a committee comprised of state staff, advocates and local stakeholders who are committed to identifying gaps or challenges to child development or successful transition to adulthood. They identify issues, develop intervention strategies and ensure statewide implementation of child welfare programming for foster and transitioning youth. The Child Development and Successful Youth Transitions Committee is co-chaired by Gordon Jackson, Director of the Coordinated Student Support Division at the California Department of Education, and Rochelle Trochtenberg, California Foster Care Ombudsperson at the California Department of Social Services.

### 2016-17 Activities and Accomplishments

The CDSYT Committee accomplishes its established goals through a work group structure. This year the areas of focus included the following:

- Monitoring the implementation of an improved policy for prescribing psychotropic medications for foster youth;
- Participating in California Department of Social Services (CDSS)-sponsored policy discussions aimed at supporting the healthy sexual development of foster youth;
- Developing model protocols for addressing the issue of foster youth who run away from their placements; and
- Developing model protocols for public agencies to prioritize employment of former foster youth.

#### **Psychotropic Medication:**

The Psychotropic Medications Implementation workgroup formed in February of 2016 to address and implement the following legislation, passed in 2015: Senate Bill 238 (Chapter 534, Statutes of 2015), Senate Bill 319 (Chapter 535, Statutes of 2015) and Senate Bill 484 (Chapter 540, Statutes of 2015). Additionally, the work group is now monitoring the progress of the state approved Quality Improvement Project plan. The Quality Improvement Project: Improving Psychotropic Medication Use in Children and Youth in Foster Care is a collaborative effort, between CDSS and the Department of Health Care Services (DHCS), to address issues related to foster youth's use of psychotropic medications.

In February 2017, twenty-seven counties signed the Global Data Sharing Agreement. This will provide the platform to allow counties to more effectively monitor the use of psychotropic medication among children in foster care. The work group continues to focus on exploring best practices for providing mental

health services to youth in foster care, including counseling, therapy, and, when needed, psychotropic medications.

Accomplishments from the past year include:

- Developing a training curriculum, per the requirements of Senate Bill 238 (Chapter 534, Statutes of 2015), regarding foster children and psychotropic medications, trauma, substance use disorder, and mental health treatments. This curriculum is now available as a 1-day in person training or a 90-minute eLearning. The materials included in the training can be viewed at the CalSWEC Toolkit, here: <http://calswec.berkeley.edu/toolkits>.
- Developing a methodology for selecting group homes requiring additional review, as per Senate Bill 484 (Chapter 540, Statutes of 2015), in partnership with CDSS's Child Welfare Data Analysis Bureau.
- Identifying that required additional review, based on the previously mentioned new methodology. The Community Care Licensing Division at the CDSS completed inspections between November 2016 and January 2017. Statewide inspections included staff interviews, child interviews, and file reviews for 206 group homes identified to be within the 75th percentile relative to the home's Rate Classification Level for their utilization of psychotropic medication usage. The committee is currently formulating a report of the results.
- Supporting implementation of the CDSS and DHCS data match, which combines foster youth data with paid claims on psychotropic medications. Counties have the option to opt into one of two different data sharing agreements so that they may receive non-aggregate data about their youth prescribed medications. At this time, 47 counties have signed on to one of the agreements.

### **Healthy Sexual Development of Youth in Foster Care:**

The CDSYT Committee work group on Healthy Sexual Development of Youth in Foster Care was formed to explore the topic of how child welfare systems can better support and promote healthy sexual development of foster youth. This topic stemmed directly from the personal stories, statements, and concerns expressed by former foster youth regarding the barriers they have experienced within the current system, and the lack of policies and practices to address young people's healthy sexual development.



In February 2016, the CDSS along with stakeholders, formed the Healthy Sexual Development workgroup. This workgroup met to address concerns regarding youth and non-minor dependents in care and their reproductive health. The Healthy Sexual Development workgroup met several times between the months of February and October of 2016 to create a statewide plan for preventing unintended pregnancy among California's foster youth and to create various accompanying materials.

In August 2016, "*California's Plan for the Prevention of Unintended Pregnancy for Youth and Non-Minor Dependents*" was posted via All County Letter 16-88. The workgroup also assisted the California Department of Social Services with creating a youth brochure about reproductive health rights, and questions to ask a provider, caregiver or other trusted adult. The CDSS has also created a webpage, which houses these materials, at <http://www.cdss.ca.gov/inforesources/Foster-Care/Healthy-Sexual-Development-Project>. The Department will be reconvening the Healthy Sexual Development workgroup in October 2017, to begin work required by the passage of Senate Bill 89(Chapter 29, Statutes of 2017). This bill would require, youth in foster care 10 years or older to receive comprehensive sexual health education including information on reproductive and sexual health care, including, but not limited to, unplanned pregnancy prevention and abstinence. This work will include developing a curriculum about reproductive health, which may be provided to case managers, caregivers and other individuals who work with foster youth. A new All County Letter will soon be released regarding new activities of social workers required by Senate Bill 89. Social workers will now be required to annually review case plans for youth ages 10 and older, documenting whether they have received reproductive health education through their school or by other means.

### **Model protocols for responding to foster youth who run away from their placements:**

Based on guidance from the U.S. Department of Health and Human Services through an Administration for Children and Families Letter dated November 4, 2014, the CDSYT Committee formed a work group to develop a model protocol for a multi-system response to serve the needs of youth who run away from foster care. The initial steps included gathering data on what is known about this population, including age, gender, placement prior to running away, and number of previous placements.

The protocol will cover topics including:

- Mental health services for runaway youth as part of the service array;

- Case studies presenting real world examples on the importance of the protocol;
- Methods to make it easier to find a runaway youth;
- A clear message to foster youth that the child welfare agency cares; and
- Outreach to community agencies to collaborate on finding youth and providing safe placements.

The protocol will connect to the permanency work that is under development as part of the Continuum of Care Reform effort, the Engagement-Oriented Practice initiative, and the work of Families NOW and the Family Finding Institute at Seneca Family of Agencies.

### **Model protocols for public agencies to prioritize employment of former foster youth:**

The CDSYT Committee formed a work group to develop a model for state and local public agencies, to provide foster youth and former foster youth seeking employment, a type of credit, similar in concept to Veterans' credits, in the civil service and merit system processes. Eight counties currently provide special consideration for former foster youth who otherwise meet all criteria for employment. The work group did further research and information gathering about what works, and doesn't work, in the counties that implemented such policies. The CYDST presented the Model Policy for Priority Hiring of Foster Youth to the full council in March 2017 and continues to review and include suggestions made by the council.

### **2017-2018 Goals and Objectives**

For the 2017-2018 year, the CDSYT Committee is in the process of determining their goals. The following are a list of potential goals and objectives that may be included:

- Developing policies for working with families who experience trauma.
- Creating child and family teams/family team meeting implementation with youth and families.
- Publishing a model protocol for runaway foster youth.
- Continuing to track Psychotropic Medications and the past years related work.
- Working to address services for the 0-5 population in foster care.

- Developing methods for being more inclusive of the LGBT community in the updated policies and trainings for Healthy Sexual Development and Pregnancy Prevention for Youth in Foster Care.
- Integrating All County Letter 16-82 policies and practices into the Community Care Licensing regulations and program guidelines regarding reproductive and sexual health care and related rights for youth, and developing formalized agreements with the training academy for specialized trainings.
- Tracking Assembly Bill 245, which would require that case plans be updated yearly to indicate that the case management worker has provided the youth or non-minor dependent, 10 years of age and older, information that he or she may access age-appropriate, medically accurate information about reproductive and sexual health care. In addition, developing a method to ensure youth know about their rights through dissemination and measuring the youths' awareness and knowledge.

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# DATA LINKAGE AND INFORMATION SHARING

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**T**he purpose of the Data Linkage and Information Sharing (DLIS) Committee is to support the integration of information across major child-serving agencies (e.g., child welfare, health care services, education, vital statistics, and substance use) and to inform services at the individual and systems levels. Linked data provides caregivers, social workers, multidisciplinary teams and courts with a crucial means to ensure continuity of care for children, youth, and families. The Committee also helps develop essential tools to measure outcomes across systems at the state and local levels, which is critical to improving access to and the quality of services. Dr. Daniel Webster, principal investigator of the Child Welfare Indicators Project at UC Berkeley, and Alicia Sandoval, Staff Services Manager for the Child Welfare data Analysis Bureau within the California Department of Social Services, co-chair the Data Linkage and Information Sharing Committee.

### Activities and Accomplishments

In 2016-2017 DLIS continued collaborative efforts to increase data linkage across major child serving agencies.

- **Revised and updated the “Statement of Information Sharing, Data Standardization and Interoperability.”** The updated document reflects more timely technical language, concepts and recent developments such as the new federal final rule on Comprehensive Child Welfare Information Systems. The Committee presented the document to and received endorsement from the Child Welfare Council at the December 2016 meeting.
- **Collaborated with Permanency Sub-Committee.** Conducted new permanency analyses as well as update and revise a report on permanency outcomes for foster youth.
- **Promoted ongoing collaboration.** Collaborated with state agencies, the courts, counties, philanthropy, and academia to promote data linkages that provide further knowledge about California’s children and families.
- **Development of outcome measurement across systems at the state and local levels.** Committee members contributed toward the development of outcome measures across systems (e.g., children in foster care on psychotropic meds), as this is critical to improving the quality of and access

to services and supports for children, youth, and families at risk of or involved with the child welfare system.

- **Continued efforts toward linking data across major child serving agencies.** These efforts provide information around child welfare, education, health, mental health, and alcohol and drugs, in order to give caregivers, social workers, multidisciplinary teams, and the courts the ability to ensure continuity of care and services for children, youth, and families.
- **Participated in national Data Leaders Group conversations and meetings.** Meetings were convened by Casey Family Programs to discuss vital issues related to linkages and application of administrative data (e.g., predictive analytics, federal registers, and final rules on child and family service review outcomes and Comprehensive Child Welfare Information Systems).
- **Continued to provide updates on national, state and local data sharing initiatives.** Also provided updates on significant news related to the agile procurement approach being employed in the development of the state's new child welfare administrative data collection system.

During committee meetings, the DLIS Committee provided updates on critical data issues and acted as a forum for presenting, discussing and disseminating successful data linkages and information sharing efforts. Key topics discussed by the Committee included:

- A presentation from Professor Mark Courtney of the University of Chicago on recent data from the CalYOUTH study of children in extended foster care;
- Hacking Foster Care in California – Digital Innovation to Benefit Children and Youth in Care;
- Mental Health Service Utilization: Children/Youth in the Child Welfare System;
- Child Protection Involvement among Young Adults Receiving Homeless Services: Preliminary Findings from Linked Homeless Management Information System & Child Welfare System/ Case Management System data;
- County to County Flow of Youth Involved in Child Welfare in the Bay Area - 2012 to 2016; and

- The Foster Focus Data System: Integrating Child Welfare and Education Data.

## 2017-2018 Goals and Objectives

For the 2017-2018 year, the Data Linkage and Information Sharing Committee will focus on the following goals:

- Promoting data linkages and collaborating with multiple stakeholders to promote interoperability of data across service systems and data exchanges.
- Exploring opportunities to enhance information sharing, including learning from practices outside of health and human services. The Committee will also work to identify and provide localized support, guidance, and technical assistance to local courts and counties to overcome barriers to information sharing and advance interoperability.
- Networking with experts from multiple service systems, learning from their efforts, and providing a forum to discuss the opportunities and challenges to data linkage projects, data integration, and information sharing.
- Participating in statewide interoperability planning taking place through the California State Systems Interoperability and Integration Project, including consultation with Assembly Human Services Committee or other staff contemplating or developing legislation on interoperability and information sharing.
- Supporting the coordination and focus of state investments on data and information resources, including identifying funding sources for data linkages, and the continued endorsement of the State's Health Information Exchange goal of Personal Health Records for Children in Foster Care.
- Providing support to other Council subcommittees regarding questions and needs they may have for data that would inform and enhance their respective goals and objectives by providing consultation, data analysis, and technical assistance.

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# PRIORITY ACCESS TO SERVICES AND SUPPORTS

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**T**he Council established the Priority Access to Services and Support (PASS) Task Force to develop and implement protocols that will give parents priority access to services needed to remedy the problems that led to the removal of their children by the courts. The goal of PASS is to expedite priority services to parents to have children in foster care. Services include housing, behavioral health (mental health and substance abuse treatments), corrections/probation, and self-sufficiency/employment needs. Dana Blackwell, Senior Director of California Strategic Consulting at Casey Family Programs, and Frank Mecca, Executive Director of the County Welfare Directors Association of California, co-chair the PASS Task Force.

### 2016-2017 Activities and Accomplishments

Over the last year, the work of the PASS Task Force has been beta testing a process at the Ventura County Human Services Agency and Behavioral Health Department. Ventura County was selected based on their history of local innovation and collaboration across child and family systems of care. Additionally Ventura County demonstrated strong commitment, by the leadership of County Departments of Child and Family Services (CFS) and Ventura County Behavioral Health, to improving services and quality of care to families served, as well as a willingness by the leadership of Gold Coast Health Plan and Beacon Health Services (the Behavioral Health Managed Care Organization in Ventura) to collaborate.

A summary of the timeliness of services within the Ventura County PASS Program include the following:

- 83% of parents were screened, with (85% within 5 working days);
- 87% had appointments in 5 working days of screening;
- 69% of the parents with appointments had assessments completed;
- 85% of those with assessments were linked with services in 5 working days; and
- Increasing the time frame to 7 working days leads to a rate of 88% for number of assessments conducted.

The opportunity to participate in the PASS beta testing afforded Ventura County's Human Services Agency and Behavioral Health Department an opportunity to put into action a more robust system of care for parents involved in the child welfare system. Prior to implementing PASS, families were reliant on existing contracts, which did not always address the trauma that parents had experienced as children or as adults. Through PASS, parents in reunification were offered priority access

to a therapeutic experience that was, for many of these parents, the first time they have been able engage in treatment for themselves. This beta test operationalized their commitment to serving the entire family and the rejection of treatment focused on the child only.

## 2017-2018 Goals and Objectives

For the 2017-2018 year, the PASS Task Force will work with Ventura County on the next steps including focus on the following goals:

- Following PASS parents for one year to track impact over time.
- Expanding PASS to all parents in child welfare, not just Family Reunification parents
- Planning to address Alcohol and Other Drugs capacity and thereby the Medicaid priority population rules.
- Assessing and maximizing the availability of trauma informed, quality of treatment services, as well as coordination of care.
- Adapting PASS approach to expedite access to specialty mental health services for children and youth. Ventura County submitted a proposal to the Mental Health Services Act Oversight and Accountability Commission (MHSOAC) for catalytic funding through Innovation Mental Health Services Act. MHSOAC approved the funding proposal in May 2017 and full implementation is targeted for early 2018.
- Revising business processes to ensure smoother transitions between different staff within County Department of Child and Family Services (CFS) and between CFS with Ventura County Behavioral Health and Beacon.
- Coordination with IT to automate exchange of client status data across all three agencies.

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# OUT OF COUNTY MENTAL HEALTH

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**T**he Out of County Mental Health Services Task Force provides guidance on implementing presumptive transfer for children and youth in the foster care system who have been placed out of their county of residence, in order to receive specialty mental health services. Dr. Karen Baylor, Deputy Director of mental health and substance use disorder services at the California Department of Health Care Service, leads the Task Force.

### 2016-2017 Activities and Accomplishments

The Out of County Mental Health Services Task Force has spent the majority of this year discussing the implementation of Assembly Bill 1299 (Chapter 603, Statutes of 2016). Assembly Bill 1299 provides that foster children, who are placed outside of their county of original jurisdiction, are able to access mental health services in a timely manner consistent with their individualized strengths and needs and the requirements of the Early and Periodic Screening, Diagnosis, and Treatment program standards and requirements. The Department of Health Care Services and Department of Social Services issued guidance for county implementation via Information Notice (#17- 032) and All County Letter (#17-77) both posted to the DHCS website on 7/14/2017.

### 2017-2018 Goals and Objectives

For the 2017-2018 year, the Out of County Mental Health Services Task Force will focus on the following goals:

- **Outstanding issues with Assembly Bill 1299 implementation.** There are a number of issues regarding Assembly Bill 1299 implementation that will need to be addressed in the coming year (i.e., expedited transfer).
- **Guidance for Counties:** In order to better support implementation of Assembly Bill 1299 the task force will be working on providing additional guidance to counties.

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# ENDING COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN

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**I**n 2011, a coalition of California organizations and providers urged the California Child Welfare Council to adopt the commercial sexual exploitation of children and its intersection with the child welfare system as a special priority. The Council accepted the recommendation and created a special work group focused on the issue of children in the child welfare and foster care system being commercially sexually exploited, or at risk of being exploited. The work group spent two years studying the issue and formulating a multidisciplinary response.

In 2013, the Council released the work group's report, *Ending the Commercial Sexual Exploitation of Children: A Call for Multi-System Collaboration in California*. The Council unanimously adopted the report's recommendations and established and appointed members to the Commercially Sexually Exploited Children (CSEC) Action Team.

In 2014, California established the CSEC Program through Senate Bill 855 (Chapter 29, Statutes of 2014), which funds counties to develop a coordinated, interagency approach to CSEC case management and service planning with a view to recognizing and treating CSEC as the victims they are. Since then, the CSEC Action Team and the State have collaborated to ensure the successful implementation of the CSEC Program and related policy initiatives. Such efforts have included everything from identifying learning objectives for trainings, producing sample protocols for county adoption of the program, and educating state lawmakers and staffers about new integration requirements, such as Senate Bill 1322 (Chapter 654, Statutes of 2016). This bill, which went into effect starting January 1, 2017, renders the charges of prostitution and loitering with intent to commit prostitution inapplicable to minors.

The CSEC Action Team's productivity is due in large part to the deep commitment of its leadership. At the center are Co-Chairs Diana Dooley, Secretary of Health and Human Services; Leslie Heimov, Executive Director, Children's Law Center of California (CLC), and Hon. Stacy Boulware Eurie, Presiding Juvenile Judge, Superior Court of Sacramento. Co-Chairs Heimov and Boulware Eurie also serve on the Executive Committee, which meets to track the team's progress on a weekly basis. Executive Committee members include Chris Cleary, Judicial Council of California; CSEC Action Team staff members Kate Walker Brown and Jasmine Amons, National Center for Youth Law (NCYL); and Susan Abrams and John Skoglund, CLC. The Executive Committee regularly meets with the California Department of Social Services (CDSS) leadership, and Action Team staff have monthly meetings with the California Department of Social Services Child Trafficking Response Unit.

Finally, the CSEC Action Team is fortunate to receive meaningful advice and ideas from its Advisory Board, comprised of 10 adult survivors of childhood commercial sexual exploitation.

## 2016-2017 Activities and Accomplishments

In 2016-2017, the CSEC Action Team successfully carried out several major steps designed to move California towards its goal of more effectively identifying and serving CSEC as child abuse victims. Primarily, it continued its focus on supporting implementation of the state-funded CSEC Program, as well as helping counties navigate complex implementation challenges following the passage of Senate Bill 1322.

CSEC Action Team recent accomplishments include:

**Best Practices and Education.** The CSEC Action Team is a go-to resource for counties as they navigate and implement new CSEC program, policy, and practice requirements. Action Team staff and Advisory Board members presented at conferences and judicial trainings throughout the state, discussing changes in California policy and elevating emerging best practices from county and nonprofit partners. Additionally, many counties used the CSEC Action Team's revised Memorandum of Understanding Template to participate in Year Two of the CSEC Program.

**Advisory Board.** In June 2017, the CSEC Action Team celebrated the survivor Advisory Board's first anniversary. The Advisory Board is comprised of ten adult survivors of child sex trafficking and is the first state-sponsored committee of its kind. Members provide expert feedback on state and local policy and practice, improving how California responds to this population while also increasing awareness of the Advisory Board as a resource to counties. Within the last year, Advisory Board Members engaged in 17 unique consultations; shaped the Senate Bill 794 (Chapter 425, Statutes of 2016) missing/runaway youth debrief interview forms for counties; trained new judges, Court Appointed Special Advocates (CASA) staff and volunteers, high school youth, and California service and placement providers; helped update the Foster Youth Bill of Rights; provided input on CSEC training curricula for students and caregivers; and led three policy workgroups. The Hiring Survivors Work Group surveyed over 400 California entities serving CSEC and received 52 complete responses – including over 20 from child welfare agencies – that identified major barriers to hiring and maintaining survivors of trafficking on staff. The Educating Lawmakers Work Group spent a day at the State Capitol educating over 20 legislative offices on CSEC, the importance of training child-serving agents, and the CSEC Program's impact on counties. The Outreach

Work Group distributed a survey to the 20 non-CSEC Program counties to better understand their reasons for non-participation and identify what resources they need to fulfill other statewide CSEC requirements.

**Technical Assistance and Analysis.** CSEC Action Team staff regularly provided various CDSS units – including Child Trafficking Response Unit, Permanency, and Continuum of Care Reform-with feedback on resources and other forms of technical assistance related to county practices and major recent policy changes, including Senate Bills 855, 794, 1322, and Continuum of Care Reform.

### 2017-2018 Goals and Objectives

For the 2017-2018 year, the Ending Commercial Sexual Exploitation of Children Action Team will focus on the following goals:

- **County Guidance and Implementation Support.** Continuing to collaborate with the California Department of Social Services to guarantee counties receive expert, accessible, and integrated guidance and technical assistance for fulfilling all new and existing requirements regarding CSEC.
- **Centering on survivors and support the efforts of the Advisory Board.** Sharing and coordinating professional development opportunities, managing and facilitating official statewide consultation sessions, and opportunities, staffing policy project work groups, and liaising with the full CSEC Action Team.
- **Technical Assistance to the State.** Continuing to provide expert technical assistance to California Department of Social Services. Elevating and helping troubleshoot implementation challenges arising across the state. Developing resources on critical topics as identified, including harm reduction.
- **Educating Stakeholders and the Broader Public on CSEC and Critical Policy Issues.** Organizing trainings and relevant policy discussions at CSEC Action Team meetings. Highlighting opportunities for Advisory Board members to provide feedback and host trainings and/or webinars. Discussing policy changes and emerging best practices through trainings, presentations, and conferences throughout California and nation



## COUNCIL MEMBERSHIP

1. Diana Dooley, Co-Chair Secretary, Health and Human Services Agency
2. Hon. Vance Raye, Co-Chair Administrative Presiding Justice, Third District Court of Appeal
3. Pam Ahlin Director, California Department of State Hospitals
4. H.J. David Ambroz Disney Television Group; Former Foster Youth
5. Joy Anderson Policy Coordinator, California Youth Connection; Former Foster Youth
6. Nancy Bargmann Director, California Department of Developmental Services
7. Vincent Bartle Student, University of California, Berkeley; Former Foster Youth
8. Lisa Bates Deputy Director, Housing Policy Development Division, California Department of Housing
9. Karen Baylor, Ph.D. Deputy Director, Mental Health and Substance Use Disorder Services, CA DHCS
10. Ken Berrick President and CEO Seneca Family of Agencies
11. Dana Blackwell Senior Director, Strategic Consulting, Casey Family Programs
12. Hon. Stacy Boulware Eurie Presiding Juvenile Court Judge, Superior Court of California, Sacramento County
13. Sheila Boxley President and CEO, Prevent Child Abuse California
14. Phillip Browning Director, Los Angeles County Department of Children and Family Services
15. Mary Butler Napa County Chief Probation Officer
16. Hon. Carolyn Caietti Presiding Judge, San Diego Superior Court Juvenile Division
17. Hon. Kansan Chu Member, California State Assembly
18. Rebekah Couch Parent Advocate
19. Lori Cox Director, Alameda County Social Services Agency
20. Paul Curtis Executive Director, California Coalition for Youth
21. Leah Davis Parent Advocate
22. Hon. Leonard Edwards (Ret.) Retired Judge, Superior Court of California, Santa Clara County; Judicial Council/CFFC Volunteer
23. Hon. Susan Eggman, Ph.D. Member, California State Assembly
24. Patrick Gardner Director, Young Minds Advocacy Project
25. William (Bill) Grimm Senior Attorney, National Center for Youth Law
26. Leslie Heimov Executive Director, Children's Law Center of California
27. Vanessa Hernandez Legislative Coordinator, California Youth Connection; Former Foster Youth
28. Howard Himes Director, Napa County Health and Human Services Agency
29. Martin Hoshino Administrative Director, Judicial Council of California
30. Kathryn Icenhower, Ph.D. Executive Director, SHIELDS for Families, Inc.
31. Gordon Jackson Assistant Superintendent, California Department of Education
32. Hon. Hannah-Beth Jackson Member, California State Senate
33. Jennifer Kent Director, California Department of Health Care Services
34. Hon. Elizabeth Lee Trial Court Judge, Superior Court of California, San Mateo County
35. Will Lightbourne Director, California Department of Social Services
36. John Lipp Executive Director, California Court Appointed Special Advocates
37. Camille Maben Executive Director, California First 5
38. Aubrey Manuel President, California State Care Providers Association
39. Frank Mecca Executive Director, County Welfare Directors Association of California
40. Mike Minor Director, Division of Juvenile Justice, Calif. Dept. of Corrections and Rehabilitation
41. Michael Newman Deputy Attorney General, Bureau of Children's Justice, Calif. Department of Justice
42. Cheryl Rave Crave Productions; Foster-Adoptive Parent
43. Terry Rooney, Ph.D. Director, Colusa County Behavioral Health Services Department
44. Carroll Schroeder Executive Director, California Alliance of Child and Family Services
45. Cherie Schroeder Yolo County Foster and Kinship Care Education Program; Foster Parent
46. Hon. Shawna Schwarz Juvenile Court Judge, Superior Court of California, Santa Clara County
47. Karen Stapf Walters Executive Director, California State Board of Education
48. Michelle Francois Traiman Director of FosterEd, National Center for Youth Law
49. Rochelle Trochtenberg California Ombudsperson for Foster Youth; Former Foster Youth
50. Sarah Tyson Dean, California Community Colleges Chancellor's Office
51. Daniel Webster, Ph.D. Principal Investigator, California Child Welfare Indicators Project, U.C. Berkeley
52. Hon. Scott Wiener Member, California State Senate
53. Hon. Claudette White Chief Judge, Quechan Tribal Court, Fort Yuma Indian Reservation



# CALIFORNIA CHILD WELFARE COUNCIL



**MEETING AGENDA**  
**Wednesday, September 4<sup>th</sup>, 2019**  
**9:30 a.m. – 12:30 p.m.**

**California Judicial Council**  
**455 Golden Gate Avenue, 3<sup>rd</sup> Floor**  
**San Francisco, CA 94102**

**PLEASE SEE ATTACHMENT FOR CONFERENCE CALL INFORMATION**

TIME	ITEM	PRESENTERS
9:30	<b>Call to Order:</b> Introduction of Council Members and Public Attendees; Announcements; and Context Setting	<i>Secretary Mark Ghaly</i> <i>Justice Vance Raye</i>
9:40	<b>Action Item:</b> Approve Discussion Highlights from June 5 Meeting	<i>Justice Vance Raye</i>
9:45	<b>Introductions:</b> Kris Perry, Deputy Secretary for Early Childhood Development	<i>Secretary Mark Ghaly</i>
10:00	<b>Action Item: Committees</b> <ul style="list-style-type: none"><li>- Establish the Mental Health Committee</li><li>- Establish the Department of Youth and Community Restoration Committee</li></ul>	<i>Justice Vance Raye</i> <i>Secretary Mark Ghaly</i>
10:45	<b>Information Item:</b> PEI & Lifelong Impacts of Child Welfare Involvement	<i>David Swanson Hollinger, Co-Chair PEI &amp; Prevention Cabinet Representative</i>
11:15	<b>Action Item: Resolution Regarding Laptop Donations</b>	<i>Kim Johnson, Director, Department of Social Services</i>
11:20	<b>Discussion Item:</b> CWC Priorities, Committees, and Annual Report	<i>Justice Vance Raye</i>
11:30	<b>Committee and Task Force Updates</b> <ul style="list-style-type: none"><li>✓ Permanency Committee</li></ul>	<i>Bob Friend and Chris Stoner-Mertz</i>

TIME	ITEM	PRESENTERS
	<ul style="list-style-type: none"> <li>✓ Child Development and Successful Youth Transitions Committee</li> <li>✓ Data Linkage and Information Sharing Committee</li> <li>✓ Out-of-County Mental Health Services Task Force</li> <li>✓ Ending Commercial Sexual Exploitation of Children Action Team</li> </ul>	<i>Rochelle Trochtenberg</i>  <i>Daniel Webster &amp; Alicia Sandoval</i>  <i>Jennifer Kent</i>  <i>Leslie Heimov and Judge Stacy Boulware Eurie</i>
12:15	Public Comment and Closing	<i>Members of the Public</i>
12:30	Full Council Adjourns	<i>Secretary Mark Ghaly</i> <i>Justice Vance Raye</i>
12:30	Lunch and Networking	<i>All</i>  <b><i>*Please note that lunch will not be provided.</i></b>
1:00	Committee Meetings	<i>All</i>
4:00	Committees Adjourn	<i>All</i>

The order in which agenda items are considered may be subject to change. Public comment is taken prior to a vote on any agenda item as well as at the end of the meeting. If you wish to speak, place your name on the sign-in list. Prior to making your comments, please state your name for the record and identify any group or organization you represent. Depending on the number of individuals wishing to address the council, the Co-Chairs may establish specific time limits on presentations.

If presenters intend to provide exhibits or handouts to the council members, copies must be provided to Paula Villescaz or Chris Cleary, whose contact information is listed below, at least ten days prior to the council meeting for distribution to the council members and to the public in attendance at the meeting. Materials available for this meeting are posted on our Web site at: <http://www.chhs.ca.gov/Pages/CACChildWelfareCouncil.aspx> no later than ten days preceding the meeting. Any person who wishes to request this notice or other meeting materials in an alternative format, requires translation services, or needs any disability-related modification or accommodation, including auxiliary aids or services, which would enable that person to participate at the meeting must make that request at least seven days prior to the meeting date to:

Marymichael Smrdeli or  
Paula Villescaz  
Child Welfare Council  
1600 9<sup>th</sup> St., Room 460, Sacramento, CA 95814  
[Marymichael.smrdeli@jud.ca.gov](mailto:Marymichael.smrdeli@jud.ca.gov) or  
[Paula.Villescaz@chhs.ca.gov](mailto:Paula.Villescaz@chhs.ca.gov)

**PUBLIC NOTICE AND REMOTE ACCESS TO COUNCIL AND COMMITTEE MEETINGS**

**California Child Welfare Council**

Public notice shall be given for the date, time, location and conference call number of all Council meetings and the meetings must be accessible to the public. If a Council member joins the meeting via conference call, public notice must be given for the location from which the Council member is calling, and the location must be accessible to the public. No public notice or disclosure of location is required for non-Council members to join the meeting via conference call.

**Child Welfare Council Committees and Workgroups**

Members of Council Committees and Workgroups meet after Council meetings and may meet in between meetings to carrying out approved Council work plans. Meetings and conference calls are convened by the respective chairs of these groups and do not need to be noticed publicly if membership on the group is less than a quorum of the full Council. If membership on the group constitutes a quorum of the full Council or more, then public notice must be given for the date, time location and conference call number of the meeting and the meeting must be accessible to the public.

**CALL-IN NUMBER: Full Council meeting from 9:30 AM to 12:30 PM**

Toll Free: 1-877-820-7831  
Participant Passcode: 683957

**CALL IN NUMBERS: Committee meetings from 1:00 PM to 4:00 PM**

**Permanency Committee**

Toll Free: 1-877-820-7831  
Participant Passcode: 683957

**Child Development Committee**

Toll Free: 1-877-820-7831  
Participant Passcode 627396

**Data Linkage Committee**

Toll Free: 1-877-820-7831  
Participant Passcode: 202211

**Early Intervention Committee**

Toll Free: 1-877-820-7831  
Participant Passcode: 170662

**PARTICIPATION INFORMATION: CSEC Action Team meeting from 1:00 PM to 4:00 PM**

The CSEC Action Team will be utilizing **Zoom** technology to create a more interactive experience for remote participants. **Remote participants *must register at this link***. It is all **for the meeting using Go To Webinar**. After registering, you will receive a confirmation email containing information about joining the webinar.

# Commercial Sexual Exploitation of Children (CSEC) Action Team



**WORKING TOGETHER  
TO PROTECT  
EXPLOITED CHILDREN**

A Workgroup of the

California Child Welfare Council

(916) 653 2902

[cwcouncil@chhs.ca.gov](mailto:cwcouncil@chhs.ca.gov)

600 Ninth Street, Suite 460, Sacramento

September 4, 2019 | 1 – 4 pm | Judicial Council of California, 455 Golden Gate Ave, San Francisco, CA 94102 | To participate remotely, register in advance through Zoom: <https://tinyurl.com/yy8be4sn>

## AGENDA

Time	Item	Facilitator(s)
1:00pm	<b>Welcome &amp; Introductions</b>	Judge Stacy Boulware Eurie, Co-Chair Leslie Heimov, Co-Chair
1:10pm	<b>CSE in Native &amp; Tribal Communities</b> <ul style="list-style-type: none"><li>• Historical &amp; cultural context</li><li>• What we know – intersection of MMIW and CSE; what CSE looks like in tribal communities</li><li>• System partners &amp; responses</li><li>• Gaps in knowledge &amp; services; how to access culturally appropriate services</li></ul>	Judge Claudette White, San Manuel Band of Mission Indians Sheri Freemont, Casey Family Programs Annita Lucchesi, Sovereign Bodies Institute Raechel Smith, Children’s Law Center of California
2:30pm	<b>Break</b>	
2:45pm	<b>Alpine County/Washoe Tribe Collaboration</b>	Suzanne Garcia, Tribal Law and Policy Institute Nichole Williamson, Alpine County Health & Human Services
3:10pm	<b>Next Steps &amp; Takeaways</b>	Judge Boulware Eurie, Leslie Heimov
3:20pm	<b>CDSS – New ACINs</b>	Kelley Hartman Barr, Ashley Bray, Child Trafficking Response Unit
3:30pm	<b>Survivor Advisory Board Workgroup Updates</b>	SAB Members
3:40pm	<b>Data Workgroup Update</b>	Judge Boulware Eurie, Leslie Heimov
3:50pm	<b>Member Opportunities &amp; Announcements</b>	All





**CSEC ACTION TEAM**  
QUARTERLY MEETING | SEPTEMBER 4, 2019  
SAN FRANCISCO, CA

WORKING TOGETHER  
**TO PROTECT**  
EXPLOITED CHILDREN

## CALLING INTO THE MEETING

- \* Register in advance to receive your call-in information
  - \* <https://tinyurl.com/yy8be4sn>
- \* Please complete our survey at the end of the meeting
  - <http://tinyurl.com/CSECATSurvey>

**Need help accessing Zoom?**  
Email [mcontreras@youthlaw.org](mailto:mcontreras@youthlaw.org)

# ROADMAP

1. Welcome & Introductions
2. CSE in Native & Tribal Communities – Historical context, what we know, current issues
3. Break
4. CSE in Native & Tribal Communities – Alpine County/Washoe Tribe collaboration
5. CDSS – New ACINs
6. Survivor Advisory Board Workgroup Updates
7. Data and Outcomes Workgroup
8. Member Opportunities & Report Outs

3

# Welcome

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## CSE in Native & Tribal Communities

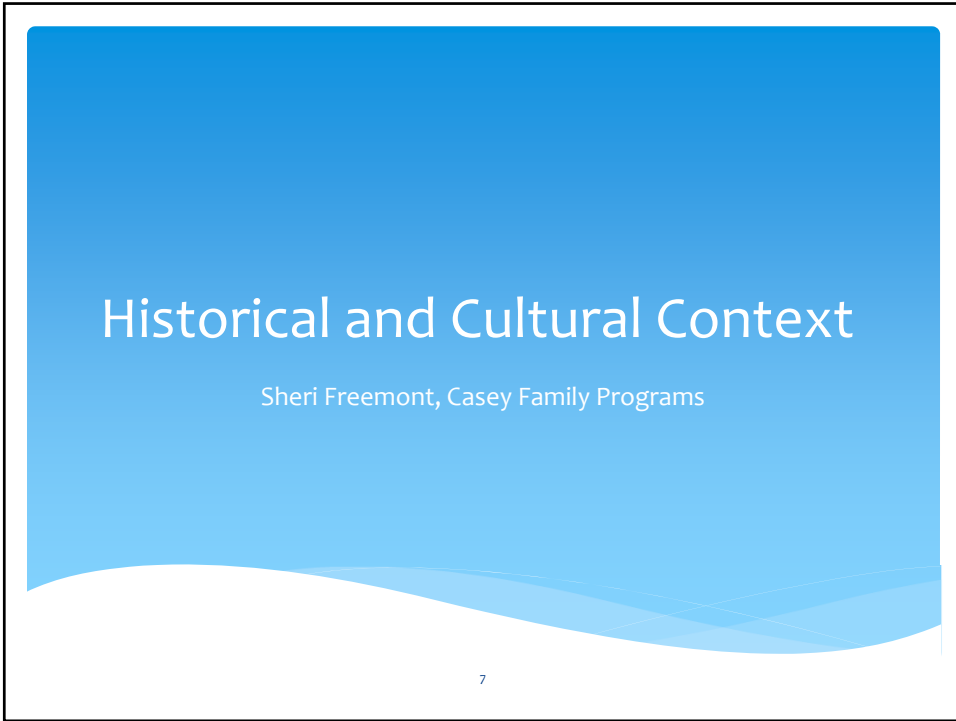
- \* Judge Claudette White, San Manuel Band of Mission Indians
- \* Sheri Freemont, Casey Family Programs
- \* Annita Lucchesi, Sovereign Bodies Institute
- \* Raechel Smith, Children's Law Center of California

5

## Setting the Stage

- Judge Claudette White, San Manuel Band of Mission Indians

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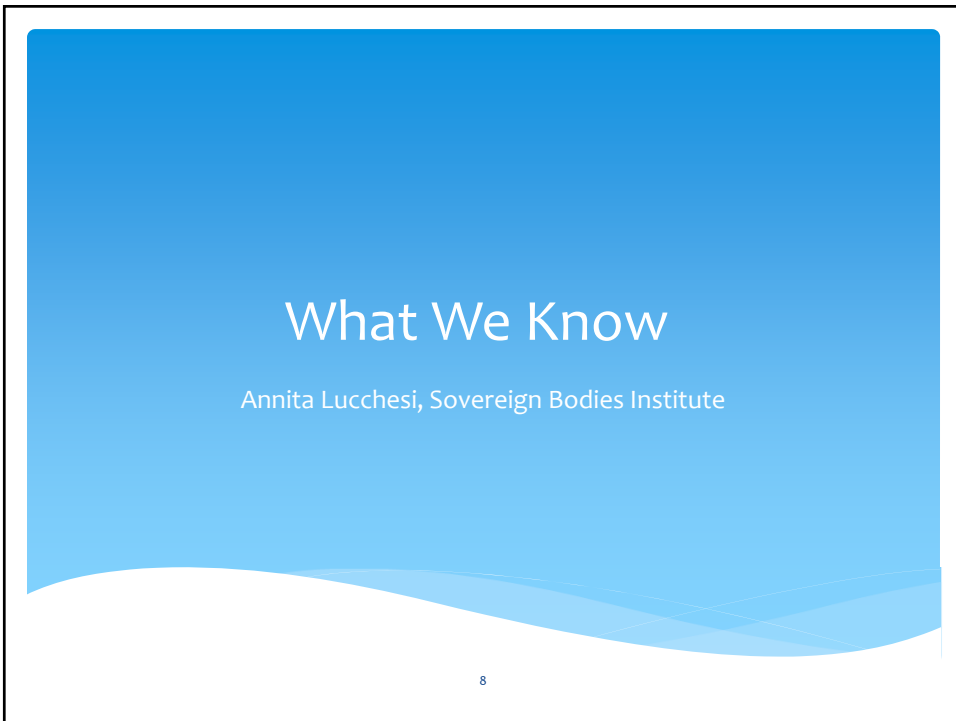


Historical and Cultural Context

Sheri Freemont, Casey Family Programs

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What We Know

Annita Lucchesi, Sovereign Bodies Institute

8

This slide features a blue gradient background with a white wavy shape at the bottom. The title 'What We Know' is centered in a large white font, and the presenter's name 'Annita Lucchesi, Sovereign Bodies Institute' is centered below it in a smaller white font. The number '8' is centered at the bottom of the slide.

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# Sexually Exploited in Foster Care Indigenous Youth

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By Raechel Ibarra

## Successes

Providers are starting to ask about specific needs of Indigenous youth in Foster Care

Providers are starting to understand the complex trauma of Indigenous youth

Task Forces and Collaboratives are inviting Tribal organizations into the Urban conversation

Native special skills workers at the county level

## Challenges with Placement

- No Native American Foster Care Agency
- Finding ICWA approved homes
- ICWA approved homes are at capacity
- Multiple generations live in one household and share bedroom
- Delay in response from tribes delay the approval for placement.
- No response from BIA or Tribe
- The spirit of ICWA isn't applied when the youth is not enrolled, but the parents are.
- The follow through to see if children are eligible for enrollment. Priority is placement and not enrollment.

## Indian Education Act

### What is the Indian Education Program described by Title VII of the Civil Rights Act?

*According to the Department of Education, "the Indian Education program supports the efforts of school districts, Indian tribes and organizations, postsecondary institutions (like colleges and universities), and other entities to meet the unique educational and culturally related academic needs of American Indian and Alaska Native students so that they can meet the same challenging state student academic achievement standards as all other students."*

- For youth without guardians, parents or Indian custodians, education rights holders are not available
- No transportation to Indian Education programs and centers
- Many providers are not aware of the program or that Indian Children have this resource available

## Youth Detention Facilities

- No access to Spiritual leaders for Indigenous youth in custody
- No identified Spiritual leaders in Sacramento County for Indigenous youth
- No cultural programming available for Indigenous youth
- Youth cannot burn medicine or hold medicine in youth detention centers
- The crossover between dependency and delinquency. When tribal youth is in custody, law enforcement does not ask about their ethnicity and assumes their race or ethnic background. This allows the youth to be invisible while in custody

## Culture is Prevention

- Indigenous youth are moved away from their communities
- Youth are not connected to tribal people while in placement
- Youth cannot attend sweat lodges without permission from county workers.
- Youth cannot burn medicine
- Indigenous youth in group homes must earn points to attend cultural gatherings
- No access to storytellers, talking circles, gathering, traditional food making
- Lack of Native American survivor leaders
- Culture is a basic need shoes vs. dancing

## Resources in Sacramento County

WEAVE American Indian\Alaska Native team 916-920-2952

SNAHC Youth Advocate: 916-341-0575

Inter-Tribal Council of California: 916-973-9581

Native American Education Program: 916-686-7712

Shingle Springs Tribal TANF: 1-888-688-6816

Red Women Rising: [www.redwomenrising.org](http://www.redwomenrising.org)

## ALPINE COUNTY/WASHOE TRIBE COLLABORATION

- \* Suzanne Garcia, Tribal Law and Policy Institute
- \* Nichole Williamson, Alpine County Health & Human Services

# ALPINE COUNTY WASHOE TRIBE CSEC RESPONSE

NICHOLE WILLIAMSON, ALPINE COUNTY DEPARTMENT OF HEALTH AND HUMAN RESOURCES

SUZANNE M. GARCIA, TRIBAL LAW AND POLICY INSTITUTE



**WASHOE LANDS**  
Present And Pre-European Contact Lands Of The Washoe Indian Tribe Of Nevada And California

### TIMELINE

**Since time immemorial** – lived in the Sierra from Honey Lake down to Mono Lake – including Lake Tahoe

**1844** John Fremont and Kit Carson come through region

**1848** gold rush, **1860** Comstock Lode in Virginia City

**1908** Douglas County enacts law declaring all native people in town limits after sundown to be a public nuisance unless they were servants. Law stayed on the books until 1974.

**1917** First colonies in Nevada established



### TIMELINE (CON'T)

- 1936 Indian Reorganization Act
- 1970 Hung a lel ti established in California
- 1996 Tribe resumes exclusive jurisdiction over child custody proceedings under ICWA – memo drafted
- 2007 Negotiations on collaboration begin – memo holding things up
- 2012 Change in County leadership
- 2014 MOU signed
- 2018 CSEC Protocol work begins



- ❖ Recognized:
  - ❖ The Tribe's jurisdiction over child dependency cases that arise in Washoe Indian Country
  - ❖ That Alpine County HHS has authority to provide public health and human services
  - ❖ That Alpine County must investigate and respond to all allegations of child abuse and neglect
  - ❖ That community members in the County are citizens of not just the tribe, but also that County, State and United States
- ❖ **Affirmed the Tribe and HHS's commitment to a mutually supportive working relationship to provide supportive services**

### 2014 MOU

The 'wherefores'






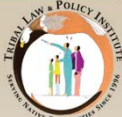
- Train and engage Alpine County staff;
- Cross-train staff and stakeholders (especially tribal partners) about CSEC in Indian Country and about the tribal, state, and federal requirements that must be met;
- Discuss roles each party & stakeholder will play in identifying and reporting CSEC both when child is in care and when a child goes missing from care;
- Finalize screening tools that each party & stakeholder will use;
- Finalize cross-reporting protocols;
- To discuss data collection requirements and facilitate a discussion on roles/responsibilities for meeting those requirements. Facilitate discussion on data sharing with the Washoe Tribe and other partners;
- Create protocols to memorialize agreed upon roles and responsibilities;
- Train staff CSEC protocols and tools– walk through
- Develop awareness campaigns and prevention campaigns.
- To train/engage community
- Evaluate/CQI – loop back in a couple of months and see if the protocols are meeting your needs.

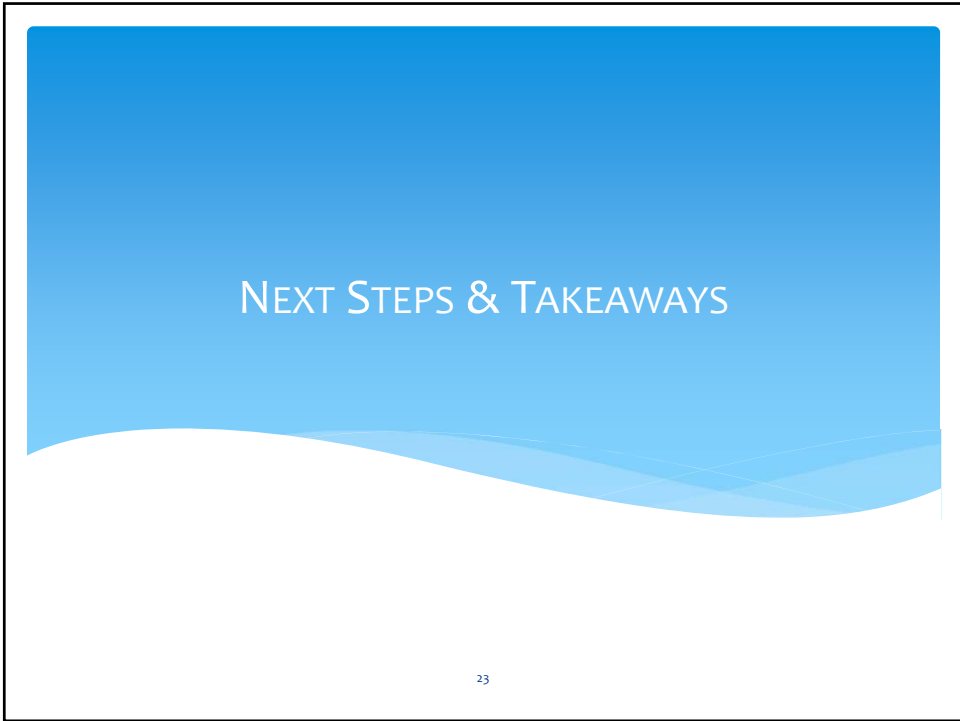
## THE CSEC PROJECT

### Objectives



Why	When	Who	Notifications
<ul style="list-style-type: none"> <li>•Child screens in</li> <li>•Imminent safety at risk, and</li> <li>•Placement decision must be made</li> </ul>	2 hours (follow up MDT no later than 23 hours after first decision made to hold MDT)	<ul style="list-style-type: none"> <li>•Child welfare</li> <li>•LEO</li> <li>Optional members if you can get them</li> </ul>	<ul style="list-style-type: none"> <li>•Mandatory MDT members are notified no later than the next morning and 23 hour MDT set</li> <li>•Optional MDT members get looped in as needed for the 23 hour meeting</li> <li>•Washoe Social Services: ASAP but notification no less than the next morning;</li> <li>•Washoe PD: Might be assisting, if not, will be cross notified by Washoe Social Services;</li> <li>•Washoe DV -might be assisting; if not, will be cross notified by WPD</li> <li>•County probation - ACSO will notify no later than next morning;</li> <li>•Medical as needed</li> <li>•Mental health as needed</li> <li>•If absent from care - NCMEC w/ in 24 hours</li> </ul>
<ul style="list-style-type: none"> <li>•Child screens in,</li> <li>•No safety risk, but</li> <li>•Placement decision must be made</li> </ul>	23 hours	<ul style="list-style-type: none"> <li>•Child welfare</li> <li>•LEO</li> <li>•DV/SA</li> <li>Optional members as needed</li> </ul>	BH, MH and probation brought in as needed
<ul style="list-style-type: none"> <li>•Child screens in,</li> <li>•No safety risk,</li> <li>•No placement decision</li> </ul>	7 days	<ul style="list-style-type: none"> <li>Child welfare</li> <li>LEO</li> <li>Optional members as determined by the MDT.</li> </ul>	





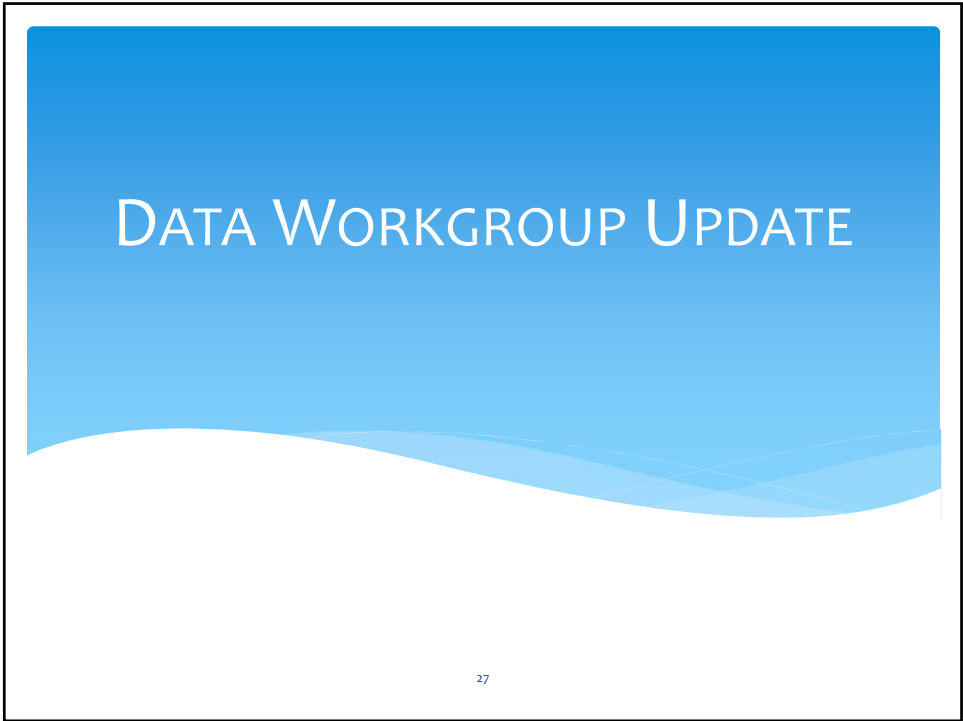
## New ACINs

- \* **Harm Reduction – Social Workers** ([ACIN I-28-19](#))
- \* **Harm Reduction – Probation Officers** ([ACIN I-50-19](#))
- \* **Recommended Practices for Serving Commercially Sexually Exploited Children Missing from Care** ([ACIN I-14-19](#))

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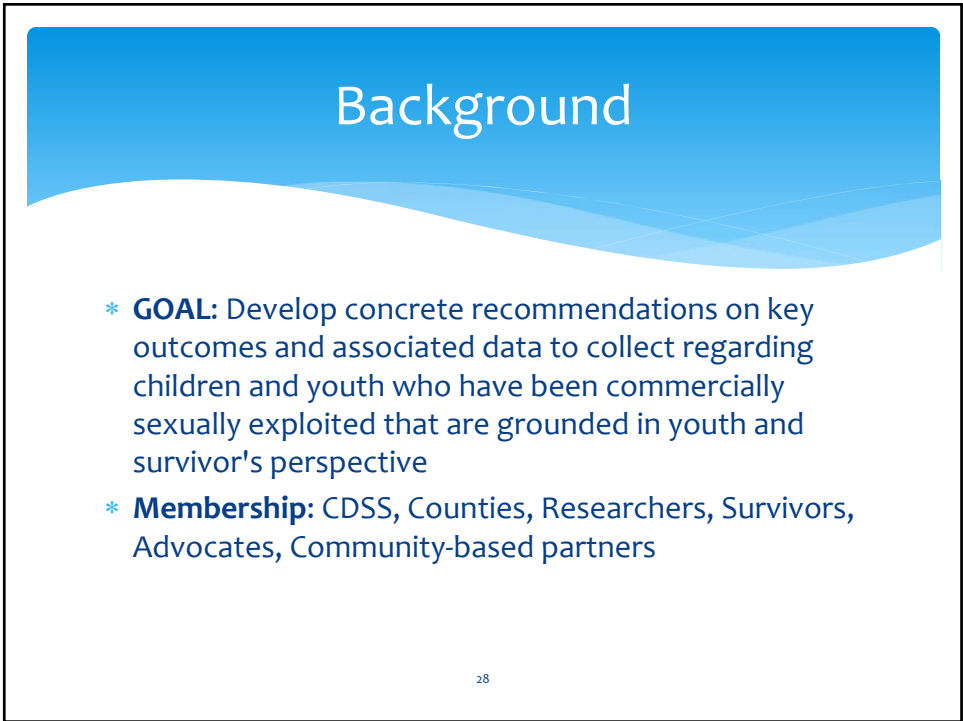
## SURVIVOR ADVISORY BOARD WORKGROUP UPDATES

26



# DATA WORKGROUP UPDATE

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# Background

- \* **GOAL:** Develop concrete recommendations on key outcomes and associated data to collect regarding children and youth who have been commercially sexually exploited that are grounded in youth and survivor's perspective
- \* **Membership:** CDSS, Counties, Researchers, Survivors, Advocates, Community-based partners

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## Example Outcomes – All Sources

	Alternate definitions, interpretations, or ways to measure (i.e. how your agency defines this outcome)	Other buckets where this fits	Already captured? (Y/N)	By whom?	How measured?	Possible to capture? (Y/N)	By whom?	How measured?	Heavy lift? (Y/N)	NOTES: As much as possible, please add a COMMENT to any cell you have a note/question about.	
Physical safety	Abuse in foster care		Y	CWS/CMS	CCWIP measure S1 - Maltreatment in Foster Care						
	Active placement in OOH care		Y	CWS/CMS	Open placement provider when the child has a family reunification case type.					It cannot be assumed that a family reunification case type means that the child was successfully placed in a home or facility.	
	Can "being in a physically safe/secure location" include shelter and/or safe house? Transitional housing? Could be further delineated to show "environmental safety" and biological/physical safety										
	Death & critical incidents		Y	CWS/CMS	Form SOC 826. Field on the client table that indicates date and allows for a narrative field indicating cause of death						
	Entries to foster care		Y	CWS/CMS	CCWIP measure Entries to Foster Care						
	Physical violence		Y	Law Enforcement	Victims of Crime benefits receipt, Law enforcement crime reports						
	re-entry into foster care		Y	CWS/CMS	CCWIP measure 3-P4						
	Recurrence of maltreatment		Y	CWS/CMS	CCWIP measure 3-S2					This is an area that would benefit from a specific recommendation for how all counties should document unique re-victimization incidents.	
	referrals and substantiations		Y	CWS/CMS	CCWIP allegations substantiations						
	Sexual assault		Y	Law Enforcement	Victims of Crime benefits receipt, Law enforcement crime reports						
	Substantiated allegations of physical or sexual abuse		Y	CWS/CMS	Allegations identified as CSEC referrals						
	Suicide Risk	Mental Health	Y	DHCS	CANS "self-mutilation"					DHCS recently mandated the use of CAN for medical children/youth, CDSS will have access to CANS data, but will need to get permission to use for this purpose	
Suicide Risk	Mental Health	Y	DHCS	CANS other self-harm					DHCS recently mandated the use of CAN		

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## Examples of Data Available CWS/CMS

	Alternate definitions, interpretations, or ways to measure (i.e. how your agency defines this outcome)	Other buckets where this fits	Already captured? (Y/N)	By whom?	How measured?	Possible to capture? (Y/N)	By whom?	How measured?	Heavy lift? (Y/N)	NOTES: As much as possible, please add a COMMENT to any cell you have a note/question about.
<b>Safety</b>										
Access to routine/ ongoing medical care	Timely Health/Dental Exams		Y	CWS/CMS	CCWIP Measure 5B Timely Health/Dental Exams					
Living situation related to relative exploitation risk	placement type		Y	CWS/CMS	Placement type: foster family home, group home, etc.					
Physical safety	Abuse in foster care		Y	CWS/CMS	CCWIP measure S1 - Maltreatment in Foster Care					
	Active placement in OOH care		Y	CWS/CMS	Open placement provider when the child has a family reunification case type.					It cannot be assumed that a family reunification case type means that the child was successfully placed in a home or facility.
	Death & critical incidents		Y	CWS/CMS	Form SOC 826. Field on the client table that indicates date and allows for a narrative field indicating cause of death					
	Entries to foster care		Y	CWS/CMS	CCWIP measure Entries to Foster Care					NEED definition or clarity
	re-entry into foster care		Y	CWS/CMS	CCWIP measure 3-P4					
	Recurrence of maltreatment		Y	CWS/CMS	CCWIP measure 3-S2					This is an area that would benefit from a specific recommendation for how all counties should document unique re-victimization incidents. Recurrence of maltreatment refers to a substantiated referral of maltreatment following another substantiated referral of maltreatment. The Federal measure looks at recurrence within 12 months. Any type of maltreatment can count as a recurrence, however, for CSEC-affected youth, we may want to focus exclusively on exploitation referrals. Of what?
	referrals and substantiations		Y	CWS/CMS	CCWIP allegations substantiations					Need to focus on a specific subset of referrals/substantiations that are unique to CSEC-affected youth. This includes exploitation, but may also include other allegation types as well.
Substantiated allegations of physical or sexual abuse		Y	CWS/CMS	Allegations identified as CSEC referrals						

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## Recommendations

- \* Data standardization
- \* Outcomes
- \* Incorporating Youth & Survivor Voice


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## MEMBER OPPORTUNITIES & REPORT-OUTS

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**PLEASE COMPLETE OUR  
MEETING SURVEY:**  
<http://tinyurl.com/CSECATSurvey>



**THANK YOU**

**CSEC Action Team Staff**

**Maria Contreras**  
National Center for Youth Law  
[mcontreras@youthlaw.org](mailto:mcontreras@youthlaw.org)

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**Future CSEC Action Team Meetings:**  
*December 6<sup>th</sup>, 2019 – San Francisco*

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Update on Rules and Forms, Legislation and Comments on Federal Register requests for comments

At its September 24, 2019 meeting, the Judicial Council approved Indian Child Welfare Act rules and forms proposal. The proposal as approved is available here:

<https://jcc.legistar.com/View.ashx?M=F&ID=7684873&GUID=52B4C6B1-F704-458F-BF42-EB1AA4F82000>

Recently enacted legislation of interest to the Forum:

AB 686 [http://leginfo.legislature.ca.gov/faces/billCompareClient.xhtml?bill\\_id=201920200AB686](http://leginfo.legislature.ca.gov/faces/billCompareClient.xhtml?bill_id=201920200AB686) among other things will change the RFA process and in particular how it relates to ICWA and tribal children and requires the Judicial Council to develop rules and forms to permit remote appearances by tribes in ICWA cases free of charge no later than July 1, 2021;

AB 175 [http://leginfo.legislature.ca.gov/faces/billCompareClient.xhtml?bill\\_id=201920200AB175](http://leginfo.legislature.ca.gov/faces/billCompareClient.xhtml?bill_id=201920200AB175) amends the foster care bill of rights to recognize the rights of all Indian children in foster care (dependency and delinquency) to maintain their cultural and political connections





## JUDICIAL COUNCIL OF CALIFORNIA

### GOVERNMENTAL AFFAIRS

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TANI G. CANTIL-SAKAUYE  
Chief Justice of California  
Chair of the Judicial Council

MARTIN HOSHINO  
Administrative Director

CORY T. JASPERSON  
Director, Governmental Affairs

August 28, 2019

Office of Management and Budget's Desk Officer for the  
Department of the Interior

*Submitted via email: OIRA\_Submission@omb.eop.gov*

Subject: Comments for OMB Control Number 1076-0111

Enclosed please find comments approved for submission by the Judicial Council of California.

Should you have any questions or require additional information, please contact me at 916-323-3121.

Sincerely,

Cory T. Jasperson  
Director, Governmental Affairs

CTJ/AL/yc-s

Enclosure

cc: Ms. Evangeline M. Campbell  
Mr. Martin Hoshino, Administrative Director, Judicial Council of California  
Ms. Ann Gilmour, Attorney, Center for Families, Children and the Courts

***Comments for OMB Control Number 1076-0111:***

1. Payment for Appointed Counsel Should Include Appointed Counsel for Tribes.

When the Indian Child Welfare Act (ICWA) was enacted in 1978 it recognized that “there is no resource that is more vital to the continued existence and integrity of Indian tribes than their children and that the United States has a direct interest, as trustee, in protecting Indian children who are members of or are eligible for membership in an Indian tribe.” (25 U.S.C. § 1901(3).)

ICWA provided tribes with most of the substantive rights of other parties to Indian child custody proceedings involving Indian children. However, the promise of ICWA to allow tribes to exercise their sovereignty and jurisdiction over child custody proceedings involving their children is undermined by the failure to provide appointed counsel for tribes, a resource that is provided to all other parties to a child custody proceeding.

As noted by the Bureau of Indian Affairs (Bureau) in its final rule on the ICWA regulations published in the Federal Register on June 14, 2016 (81 Fed.Reg. 38778–38875, hereafter “Final Rule”), since its passage in 1978, implementation and interpretation of the act across and even within states has been inconsistent, resulting in disparate application of the act. (Final Rule, at p. 38778.)

In fulfillment of the federal government’s acknowledged trust responsibility to Indian tribes and people (25 U.S.C. § 1901(2)), the act creates minimum federal standards for the removal of Indian children from their families and the placement of these children in foster or adoptive homes, and confirms tribal interest in and jurisdiction over child custody proceedings involving Indian children. (25 U.S.C. § 1902; Final Rule, at p. 38779.) However, unlike other federal statutes setting standards for state courts to follow in child welfare cases, the act contains no enforcement mechanism and imposes no federal accountability on state courts or agencies. Attorneys for agencies, parents, and children are charged with advocating for their clients and may not advocate for proper application and enforcement of the provisions of the act.

This means that in practice, it falls to tribes to fight for the full, consistent, and robust application of the act, yet tribes are the only parties to the child custody proceeding who are not entitled to appointed counsel. This has placed a heavy and unfair burden on tribes throughout the country. Many tribes are small, with limited staff and budgets, yet they are expected to engage in child custody proceedings involving Indian children, many of whom are involved in child custody proceedings in states throughout the country. This severely restricts tribes’ ability to fully participate in these cases. Many of the failures in ICWA implementation identified by the Bureau and discussed in the Final Rule are a direct result of this inability of tribes to fully participate to uphold ICWA requirements.

The provisions for payment of appointed counsel in ICWA cases should be expanded to include counsel for tribes that can demonstrate a financial need. If payment for appointed counsel is

expanded, the process for appointment of counsel for tribes should be consistent with tribal sovereignty and autonomy.

## 2. Procedures for Claiming Payment for Appointed Counsel Should Be Simplified.

Since its enactment in 1978, the Indian Child Welfare Act (25 U.S.C. § 1901 et seq.) has provided that the federal government pay for appointed counsel for Indian parents involved in state court child custody proceedings governed by ICWA when relevant state laws do not provide for payment:

“In any case in which the court determines indigency, the parent or Indian custodian shall have the right to court-appointed counsel in any removal, placement, or termination proceeding. The court may, in its discretion, appoint counsel for the child upon a finding that such appointment is in the best interest of the child. Where State law makes no provision for appointment of counsel in such proceedings, the court shall promptly notify the Secretary upon appointment of counsel, and the Secretary, upon certification of the presiding judge, shall pay reasonable fees and expenses out of funds which may be appropriated pursuant to [section 13 of this title].” (25 U.S.C. §1912(b))

Section 1912(b) is implemented in the Federal Regulations at 25 C.F.R. § 23.13. In the request for comment, it states that the Bureau receives two requests for payment from state courts per year under the section and estimates that the total annual time burden on state courts for these requests is six hours. Two applications for funding annually from throughout the country indicates that very little use is being made of the procedures set out in the regulations. Further, given the number of reported appeals from the Interior Board of Indian Appeals (IBIA) concerning denials of requests for funding under part 23.13, it appears that the current regulations are not achieving their purpose. The Bureau may wish to revise the regulations to clarify them and adopt forms to assist courts and attorneys.

Since 1982 there have been at least 18 reported IBIA appeals concerning denials of requests for certification or payment of attorney fees under part 23.13. Eight of these appeals originated in the Bureau’s Pacific Region. Most of the discussion in these appeals relates to confusion as to whether the appeal should be taken to the IBIA or to the Assistant Secretary. The regulations set out different procedures if the appeal is from denial of certification of eligibility for payment or a denial of a request for payment itself. This is confusing on its face as evidenced by the appeals.

Substantively, the overwhelming basis for denials (of either certification or payment) is lack of available funding. This was at least one of the underlying reasons for denial in six of the cases. In five of the reported cases the reason for denial was confusion over the procedural requirements of the regulations.

This background reflects a need to revise the procedures set out in 25 C.F.R. § 23.13 to clarify the requirements and create forms related to payment of appointed counsel in ICWA cases. It

also reflects the need for congress to appropriate realistic funding. Unless these steps are taken, requests for reimbursement for the costs of appointed counsel will continue to be an exercise in frustration resulting in fruitless appeals that do nothing to meet the Bureau's responsibility to Indian children.



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TANI G. CANTIL-SAKAUYE  
Chief Justice of California  
Chair of the Judicial Council

MARTIN HOSHINO  
Administrative Director

CORY T. JASPERSON  
Director, Governmental Affairs

September 19, 2019

Ms. Elizabeth Appel  
Office of Regulatory Affairs & Collaborative Action  
Indian Affairs, U.S. Department of the Interior  
1849 C. Street N.W., MS 3642  
Washington, DC 20240

*Submitted via email: [consultation@bia.gov](mailto:consultation@bia.gov)*

Subject: Comments for RIN 1076-AF46

Dear Ms. Appel:

Enclosed please find comments approved for submission by the Judicial Council of California.

Should you have any questions or require additional information, please contact me at 916-323-3121.

Sincerely,

Cory T. Jaspersen  
Director, Governmental Affairs

CTJ/AL/yc-s  
Enclosure

cc: Mr. Martin Hoshino, Administrative Director, Judicial Council of California  
Ms. Ann Gilmour, Attorney, Center for Families, Children and the Courts

*Comments from Judicial Council of California for RIN 1076-AF46:*

There is agreement that the process for updating and publishing a list of tribal courts should be simplified so that the list can be as accurate and up to date as possible. However, it is the recommendation of the Judicial Council of California, based on study and review of the Tribal Court–State Court Forum, that the Bureau of Indian Affairs (Bureau) should be publishing and updating a more comprehensive list of tribal courts throughout the country rather than the very limited list of tribal courts that is currently being published and that is being proposed. The proposed rule would deal only with Courts of Indian Offenses and would not include a comprehensive list of tribal courts throughout the country, which the Judicial Council views as insufficient.

There are generally three types of tribal courts in the United States. There are tribal courts established under tribal constitutions adopted under the Indian Reorganization Act, courts of Indian Offenses established under the Code of Federal Regulations (“CFR courts”), and traditional or customary courts such as those existing in many of the Pueblos.<sup>1</sup> Currently the list of CFR courts published under 25 C.F.R. § 11.100 lists only 12 courts serving Indian country of certain specified tribes. There are many more tribal courts than just these CFR courts. For example, a list maintained by the Tribal Law and Policy Institute contains 331 tribal courts in addition to the CFR courts.<sup>2</sup> It is not clear how up to date or accurate the information on this list is. In a random sampling of 20 of the links to tribal court websites contained in the directory, only 8, or just under half, were not working. Also, the list of tribal courts for the state of Washington set out in this list does not correspond to the list of tribal courts maintained by the Washington court system itself.<sup>3</sup> Nor does the information concerning tribal courts in Arizona correspond with the list of tribal courts and contact information maintained by Arizona government agencies.<sup>4</sup> Likewise, the National American Indian Court Judges Association also maintains a National Directory of Tribal Justice Systems,<sup>5</sup> but again, it does not appear that this resource is regularly maintained or updated. Currently the link is not available. These are just examples illustrating the complications that state courts and agencies may have in trying to determine whether a tribe has a tribal court, what type of jurisdiction that tribal court exercises, and how to contact that tribal court when there is no authoritative list of tribal courts maintained by the Bureau.

This challenge is pertinent considering the regulations recently enacted by the Bureau concerning the Indian Child Welfare Act (25 C.F.R. part 23) that, among other things, mandate that state

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<sup>1</sup> *Cohen’s Handbook of Federal Indian Law* (LexisNexis 2005), pp. 265 et seq.

<sup>2</sup> Tribal Court Clearinghouse, [www.tribal-institute.org/lists/justice.htm](http://www.tribal-institute.org/lists/justice.htm).

<sup>3</sup> Washington State Court Directory: Tribal Courts, [www.courts.wa.gov/court\\_dir/orgs/134.html](http://www.courts.wa.gov/court_dir/orgs/134.html).

<sup>4</sup> Arizona Health Care Cost Containment System (Arizona’s Medicaid agency), Arizona Tribal Court Contact List, [www.azahcccs.gov/AmericanIndians/Downloads/Procedures/tribal-court-contact-list.pdf](http://www.azahcccs.gov/AmericanIndians/Downloads/Procedures/tribal-court-contact-list.pdf).

<sup>5</sup> [www.naicja.org/our-programs/directory](http://www.naicja.org/our-programs/directory).

courts and agencies contact tribal courts when tribal children and families come into the state court system.

25 C.F.R. § 23.2 defines “tribal court” broadly:

Tribal court means a court with jurisdiction over child-custody proceedings and which is either a Court of Indian Offenses, a court established and operated under the code or custom of an Indian Tribe, or any other administrative body of a Tribe vested with authority over child-custody proceedings.

25 C.F.R. § 23.110 mandates the following:

Subject to 25 U.S.C. § 1919 (Agreements between States and Indian Tribes) and § 23.113 (emergency proceedings), the following limitations on a State court’s jurisdiction apply:

(a) The court in any voluntary or involuntary child-custody proceeding involving an Indian child must determine the residence and domicile of the Indian child. If either the residence or domicile is on a reservation where the Tribe exercises exclusive jurisdiction over child-custody proceedings, the State court must expeditiously notify the Tribal court of the pending dismissal based on the Tribe’s exclusive jurisdiction, dismiss the State-court child-custody proceeding, and ensure that the Tribal court is sent all information regarding the Indian child-custody proceeding, including, but not limited to, the pleadings and any court record.

(b) If the child is a ward of a Tribal court, the State court must expeditiously notify the Tribal court of the pending dismissal, dismiss the State court child-custody proceeding, and ensure that the Tribal court is sent all information regarding the Indian child-custody proceeding, including, but not limited to, the pleadings and any court record.

In addition, 25 C.F.R. § 23.116 imposes a mandate on state courts to interact with tribal courts whenever a petition to transfer a proceeding to tribal court is made in a child custody proceeding governed by the Indian Child Welfare Act:

Upon receipt of a transfer petition, the State court must ensure that the Tribal court is promptly notified in writing of the transfer petition. This notification may request a timely response regarding whether the Tribal court wishes to decline the transfer.

Agencies and courts in California may come into contact with families and children affiliated with tribes throughout the country. State agencies and courts do not have ready access to information about the governmental status of reservation lands and whether any tribe has successfully petitioned to resume exclusive jurisdiction over child welfare matters. This

information is within the knowledge of the tribe and the federal government, more specifically the Bureau.

When the Indian Child Welfare Act was enacted in 1978, for the first time a duty was imposed on state courts to send notice to a child's Indian tribe when the child was involved in state court child custody proceedings covered by the act. (25 U.S.C. § 1912(a).) In recognition of the fact that state courts did not have the necessary expertise to ensure notice was properly provided to the tribes, as part of the initial regulations enacted following ICWA, the Bureau undertook to create, maintain, and publish in the Federal Register a list of agents for service of these notices. Now that federal regulations create a similar obligation to give notice to tribal courts of certain state court proceedings, the Bureau should create, maintain, and publish a comprehensive list of tribal courts and their contact information to which state courts and agencies can have ready access in the same way it undertook to create, maintain, and publish a list of agents for service of ICWA notices.

In further recognition of the particular challenges that state courts and agencies may have in complying with certain requirements of ICWA and the special expertise that the Bureau has in these issues, subpart H of the ICWA regulations (25 C.F.R. §§ 23.81–23.83) mandates that the Secretary of the Interior or designee or area director for the Bureau provide assistance to state courts and parties in identifying qualified expert witnesses to serve in ICWA cases, identifying interpreters to serve in such cases, and locating the biological parents or prior Indian custodians of an adopted Indian child whose adoption has been terminated. In addition, 25 C.F.R. § 23.105 stipulates that if a court or agency is having difficulty contacting a tribe, it “should seek assistance in contacting the Indian Tribe from the BIA local or regional office or the BIA’s Central Office in Washington, DC.” Overall, these provisions are designed to reduce the burden on state courts and agencies and help ensure compliance with the requirements of ICWA. They also reflect the federal government’s trust responsibility to Indian children, parents, Indian custodians, and tribes to ensure that ICWA mandates are fulfilled.

The failure of the Bureau to maintain and provide to state courts and agencies a list of tribal courts and contact information for those courts imposes an undue burden on state courts and agencies in fulfilling ICWA mandates and is an abdication of the federal government’s responsibilities to Indian children, parents, Indian custodians, and tribes. If state courts and agencies are not able to easily determine whether there is a tribal court they should be contacting, and how to contact that court, it is much more likely that state courts and agencies will mistakenly maintain jurisdiction over cases that should be dismissed under 25 U.S.C. § 1911(a) and 25 C.F.R. § 23.110, that cases will be disrupted, and that Indian tribes and tribal courts will be deprived of their right to exercise jurisdiction over child custody cases.

The Bureau should compile information on which reservations are subject to the exclusive child welfare jurisdiction of a tribe and which tribes have tribal courts—and include the contact information for those courts—and make this information readily available to state agencies and courts as part of the assistance to state courts mandated by subpart H of the ICWA regulations. Doing so will facilitate state court compliance, improve accuracy and efficiency, reduce the



burden on state courts, and fulfill the federal government's trust responsibility to Indian people and tribes.

*Total Estimated Number of Annual Responses:* 7,063.

*Estimated Completion Time per Response:* Varies from 4 hours to 122 hours.

*Total Estimated Number of Annual Burden Hours:* 127,127 hours.

*Respondent's Obligation:* Required to Obtain a Benefit.

*Frequency of Collection:* Annually.

*Total Estimated Annual Nonhour Burden Cost:* \$0.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

**Elizabeth K. Appel,**

*Director, Office of Regulatory Affairs and Collaborative Action – Indian Affairs.*

[FR Doc. 2019-21424 Filed 10-1-19; 8:45 am]

BILLING CODE 4337-15-P

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

[190A2100DD/AAKC001030/  
A0A501010.999900 253G; OMB Control  
Number 1076-0186]

#### Agency Information Collection Activities; Indian Child Welfare Act (ICWA) Proceedings in State Court

**AGENCY:** Bureau of Indian Affairs,  
Interior.

**ACTION:** Notice of information collection;  
request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, we, the Bureau of Indian Affairs (BIA) are proposing to renew an information collection.

**DATES:** Interested persons are invited to submit comments on or before December 2, 2019.

**ADDRESSES:** Send your comments on this information collection request (ICR) by mail to the Mrs. Evangeline M. Campbell, 1849 C Street NW, Mail Stop 3645, Washington, DC 20240; fax: (202) 513-208-5113; email: [Evangeline.Campbell@bia.gov](mailto:Evangeline.Campbell@bia.gov). Please reference OMB Control Number 1076-0186 in the subject line of your comments.

**FOR FURTHER INFORMATION CONTACT:** To request additional information about this ICR, contact Mrs. Evangeline M. Campbell, (202) 513-7621.

**SUPPLEMENTARY INFORMATION:** In accordance with the Paperwork

Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the BIA; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the BIA enhance the quality, utility, and clarity of the information to be collected; and (5) how might the BIA minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

**Abstract:** The Indian Child Welfare Act (ICWA or Act), 25 U.S.C. 1901 *et seq.*, imposes certain requirements for child custody proceedings that occur in State court when a child is an "Indian child." The regulations, primarily located in Subpart I of 25 CFR 23, provide procedural guidance for implementing ICWA, which necessarily involves information collections to determine whether the child is Indian, provide notice to the Tribe and parents or Indian custodians, and maintain records. The information collections are conducted during a civil action (*i.e.*, a child custody proceeding). While these civil actions occur in State court, and the U.S. is not a party to the civil action, the civil action is subject to the Federal statutory requirements of ICWA, which the Secretary of the Interior oversees under the Act and general authority to manage Indian affairs under 25 U.S.C. 2 and 9.

*Title of Collection:* Indian Child Welfare Act (ICWA) Proceedings in State.

*OMB Control Number:* 1076-0186.

*Form Number:* None.

*Type of Review:* Extension of a currently approved collection.

*Respondents/Affected Public:* Individuals/households and State/Tribal governments.

*Total Estimated Number of Annual Respondents:* 7,556.

*Total Estimated Number of Annual Responses:* 98,069.

*Estimated Completion Time per*

*Response:* Varies from 15 minutes to 12 hours, depending on the activity.

*Total Estimated Number of Annual Burden Hours:* 301,811.

*Respondent's Obligation:* Required to Obtain or Retain a Benefit.

*Frequency of Collection:* On occasion.

*Total Estimated Annual Non-hour Burden Cost:* \$309,630.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

**Elizabeth K. Appel,**

*Director, Office of Regulatory Affairs and Collaborative Action – Indian Affairs.*

[FR Doc. 2019-21423 Filed 10-1-19; 8:45 am]

BILLING CODE 4337-15-P

## DEPARTMENT OF THE INTERIOR

### Office of the Secretary

[DOI-2019-0007; BLM-19X.LLW0240000.  
L10500000.PC0000.LXSIPALE0000]

#### Privacy Act of 1974; System of Records

**AGENCY:** Office of the Secretary, Interior.

**ACTION:** Notice of a new system of records.

**SUMMARY:** Pursuant to the provisions of the Privacy Act of 1974, as amended, the Department of the Interior is issuing a public notice of its intent to create the Department of the Interior Privacy Act system of records titled, "INTERIOR/DOI-20, Paleontological Resources Preservation System." This system of records helps the Department of the Interior implement the Paleontological Resources Preservation Act and manage, preserve and protect paleontological resources on Federal lands under the jurisdiction of the Department of the Interior. This newly established system will be included in the Department of the Interior's inventory of record systems.



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**\*\*UPDATE: THE \$139 RATE AT MYSTIC LAKE HAS BEEN EXTENDED THROUGH  
FRIDAY, OCTOBER 4, 2019\*\***

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**\*DRAFT\* AGENDA**

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**COURT CLERK I TRAINING & CERTIFICATION \*CLOSED\***

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## SHUTTLE INFORMATION

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2400 Mystic Lake Boulevard  
Prior Lake, Minnesota 55372  
(800) 262-7799

<https://www.mysticlake.com/hotel>

#### LODGING:

You can make your lodging reservations by [clicking here](#) or by calling the Mystic Lake Hotel at 952-445-9000 or toll free at 800-262-7799 and ask for "Reservations". Identify yourself as participating in the **2019 NAICJA ANNUAL CONFERENCE** to ensure that you receive the discounted group rate of **\$139.00 PER NIGHT**. A sales tax of 7.375% and 3% room tax will be added. **BLOCK CODE IS NAICJA 2019.**

**RESERVATIONS MUST BE MADE BY WEDNESDAY, SEPTEMBER 18, 2019 TO GET THIS SPECIAL GROUP RATE.**

- o Rates include airport shuttle service from/to MSP International Airport Terminal 1-Lindberg located 22 miles from the hotel.
- o For participants who arrive at Terminal 2-Humphrey, complimentary Light Rail Transit is available to Terminal 1-Lindberg.
- o Shuttle service will be provided on **MONDAY, OCTOBER 14, 2019, TUESDAY, OCTOBER 15, 2019 AND FRIDAY, OCTOBER 18, 2019**. Shuttle schedule will be posted Summer 2019.

#### WHO SHOULD ATTEND:

- Tribal Court Judges, Peacemakers and Other Tribal Dispute Resolvers
  - Tribal Court System Personnel
  - Tribal Leaders
  - Tribal Organizational Staff
  - Federal Indian Law and Tribal Law Attorneys and Scholars
  - Federal and State Judiciaries and Court Personnel
  - Law Students
  - Anyone Interested in Tribal Justice Developments
-

## HIGHLIGHTS

PRE-CONFERENCE SESSIONS--FREE WITH CONFERENCE REGISTRATION!

TUESDAY, OCTOBER 15, 2019

8:30 A.M. TO 5:00 P.M.

1) COURT CLERK 1 AND 2 TRAINING AND CERTIFICATION, MINNETONKA 1

2) CENTER FOR COURT INNOVATION--DV SESSION, MINNETONKA 4

\*SILENT AUCTION AND DINNER RECEPTION\*

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WITH QUESTIONS, PLEASE CONTACT:

CONTACT BRIDGET MCCLESKEY  
NAICJA CONFERENCE CONSULTANT  
EMAIL: [CONFLOOR@GMAIL.COM](mailto:CONFLOOR@GMAIL.COM) OR (907) 854-9470

REBEKAH HORSECHIEF  
NAICJA PROGRAM COORDINATOR  
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