

MRS Conference Call Notes
July 2011

Counties Participating 7/21: Alexander, Chatham, Forsyth, Gates, Harnett, Henderson, Jackson, McDowell, Nash, New Hanover, Orange, Person, Stokes, Yadkin, Yancey.

Counties Participating 7/27: Cleveland, Davidson, Davie, Forsyth, Granville, Harnett, Hoke, Jackson, Madison, Pitt, Scotland.

Counties Participating 7/28: Alamance, Forsyth, Guilford, Henderson, Iredell, Pender, Swain, Union.

Agenda

- Letters from the Division
- Intro to Tribal Forms – Emily Jackson, NC DSS
- Honoring Culture, Preserving Connections; Assessments, CFTS, Foster Care and Beyond, WorkFirst and Family Support
- Any other discussion

News from Raleigh

Letters:

- Work First Letter (15-2011) – WF Planning for the Biennial Planning – used to be required to hold community meetings for this plan, but is no longer required, although this is probably still best practice.
- Work First Biennial County Plan (17/2011) – Clarification of the First Letter
- Foster Care Board Payments rates and attachment of Child Placing Agencies (16/11).

Other Announcements

- McDowell county and their EMS are doing a training regarding death investigations. It is free. Will be sending out information over the list serve.
- Marcella and Kendra – former foster care youth doing internships at the Division.

DSS Tribal Relative Search Forms

powerpoint presented by Emily Jackson, NCDSS

- Two new forms regarding with exploring if families have Native American Heritage

North Carolina Tribes (Slide 2)

- There are 8 tribes in NC, but only one, the Eastern Band of Cherokee (EBCI) is federally recognized – so only these are protected by the provisions of the Federal Indian Child Welfare Act.
- The other 7 tribes: Lumbee, Sapony, Meherrin, Occaneechi Band of the Saponi Nation, Haliwa-Saponi, Waccamaw-Siouan, and Coharie are State recognized tribes.

Children of Federal vs. State Recognized Tribes (Slide 3)

- EBCI (or other federally recognized tribal) children are protected under the Indian Child Welfare Act (ICWA)
- ICWA sets out federal requirements regarding removal and placement of Indian children in foster or adoptive homes and allows the child's tribe to intervene in the case.
- In recognition of the fact that there is no such law for state recognized tribal children, NC enacted General Statute 143B-139.5A, An Act to Require Collaboration Between the Division of Social Services, the Commission on Indian Affairs, and the NC Directors of Social Services Association on Indian Child Welfare Issues.
- GS 143B-139.5A states that the above stated organizations should collaborate "in a manner consistent with federal law."
- In further defining how this can be accomplished the statute states that those organizations should collaborate on the "development of a reliable process through which Indian Children within the child welfare system can be identified."
- DSS 5335 and 5336 were created out of this directive.

How These Forms Were Created (Slide 4)

- Before drafting DSS 5335 and 5336 NCDSS consulted with individuals from the following organizations: Robeson County DSS, Lumbee Tribe, the NC Indian Child Welfare Taskforce (whose membership includes members of several of NC's state tribes), Jordan Institute for Families, Jackson County DSS, the Director's Association, and the NC Attorney General's Office.
- Additionally, those groups reviewed several drafts of the forms before they were presented to Children's Services.
- Around this same time State Legislature, through a House Study Subcommittee to Preserve the Culture and Customs of Indian Children, was holding hearings to assess whether to make changes to state law in order to bring about equal consideration for children from state recognized tribes.
- NCDSS attended these hearings and reported on the progress of these forms. When the House convened in December 2010 their final report endorsed DSS continued work on the forms.

The Division Hopes that these forms will....

- Will assist counties in extending two of the key ICWA provisions to state-recognized tribes: (1) identification of American Indian children and (2) notification to tribes of DSS involvement.
- Will be a communication tool and serve as a first step in engaging tribes with county DSS agencies.
- Will, in some cases, prevent foster care placement by locating kinship resources earlier in a case.

When to use the DSS 5335 and 5336 forms: (Slides 6 and 7)

- In all substantiated or in need of services cases social workers are already required to inquire about a parent/caretaker's Indian ancestry, the new forms just require that the worker *also* ask about the parent/caretaker's state tribal ancestry, in addition to their federal tribal ancestry.

- If a parent/caretaker declares that they have no tribal heritage AND there is no other indication that the child may have tribal heritage, the social worker does not need to use either form.
- If the parent/caretaker says they are either members of a state tribe or they believe they may have membership in a state tribe the social worker should fill out Section A of the DSS 5335 with the family and send a copy of Section A along with Section B to the identified tribe or tribes.
- If there is no parent or guardian available and/or they are unwilling to provide information to the social worker AND the social worker has information from some other source (i.e.: a teacher, other relative, or another adult familiar with the child) that the child may have tribal heritage the social worker should fill out Section A of the DSS 5336 and send it along with Section B to the tribe or tribes.

Tribal Resource Information (Slide 8)

- The Commission of Indian Affairs has compiled a list of contact people for each of the state recognized tribes and tribal organizations.
- The people on this list have agreed to be the tribal liaisons for any initial tribe-DSS communication.
- The tribal contact list can be found on the Commission's website:
<http://www.doa.state.nc.us/cia/tribesorg.htm>

Potential benefits to having tribal involvement (Slide 9)

- May prevent placement of a child into stranger foster care
- May provide additional connections and/or resources for the child and family
- May provide a tribal advocate for the family and/or child
- May provide additional support for the family during meetings, in court, etc.

Frequently Asked Questions (Slide 10 and 11)

- How does this affect how I work with Indian children from the Eastern Band of Cherokee or other federally recognized tribes?
- The DSS 5335 and 5336 should not replace any forms and/or procedures that a county has in place for working with EBCI or other children covered under ICWA.
- A county may utilize the 5335 and/or 5336 forms in ICWA cases if desired, but the practices a county has in place to satisfy the provisions of ICWA should remain in place.
- What about MEPA?
- MEPA, the Multiethnic Placement Act: prohibits states and other entities that are involved in foster care or adoption placements from, (1) delaying or denying a child's foster care or adoptive placement on the basis of the child's or the prospective parent's race, color, or national origin; (2) denying to any individual the opportunity to become a foster or adoptive parent on the basis of the prospective parent's or the child's race, color, or national origin; and (3) it requires that, to remain eligible for federal assistance for their child welfare programs, states must diligently recruit foster and adoptive parents who reflect the racial and ethnic diversity of the children in the state who need foster and adoptive homes.
- Since MEPA is a federal law it will apply to all child welfare cases, regardless of federal or state tribal status.

Questions

- 5336 – is that only when you get custody of a child and a parent refuses to give you info about their tribal history?
 - Both forms are only used in substantiated or In Need of Services cases. 5336 if parent or guardian is unavailable or refusing to cooperate and the social worker has some information from someone else in the child's life that the child has some Indian heritage. This one would likely be rarely used.
- Letter to tribal leaders implies that you have taken custody, but in instructions say to use them in all substantiated or In Need of Services so why would we say to the tribes that we have custody when we may have only had a substantiation.....this is contradictory to the instructions.
 - These forms have been revised many times – this is an error we will correct.
- 5335 section A – if the answer is “no ancestry” do you leave all the other ones blank?
 - No, if the parent said no history, don't use the forms at all, just note in documentation that they said there was no Indian heritage.
- How do families prove that they are a member of a tribe?
 - They don't have to prove it, they only have to say they think they have the heritage, and then it is on the DSS to explore that with the tribe.
- These forms are not required for federal tribes (EBCI). If you are working with EBCI and already have policies in place that work, don't rock the boat.
- In the event that you have a Native American child from the Eastern Band who also has Lumbee heritage – are you then required to complete these forms?
- Sometimes there is some friction between the two tribes.
 - If you have a specific situation like this, contact the Division.

Honoring Culture

- There are pow-wows that youth and social workers can both attend to understand Native American culture.
- When we take children into custody from other cultures we encourage workers to inform foster parents to include or serve some of the foods children are accustomed to eating.
- Take children in care to cultural parades and festivals.
- Should foster parents attend cultural training? Is cultural awareness a part of the MAPP program for foster parents?
 - Small portion of a MAPP session touches on the surface of culture. Probably not as much as needs to be,
- Some of the kids in group homes become uncomfortable because they are required to go to Christian church or something that is a requirement of the home but they may be of another faith (or no faith) and it is not fair to make them participate. This is particularly true around Christmas when we need to be sensitive to those who do not celebrate that holiday.
- A social worker attended a cultural festival with a case management family and they taught her about their heritage at the event.
 - Important for many reasons, not only does social worker learn things, it gives the family a change to be the teachers, shares power, and probably had fun together as well!

- Arranged for a Hispanic child in foster care who was in a group home to do respite with a licensed Hispanic foster family
- Many local Universities sponsor or host International Week on campus. This is a wonderful opportunity for Foster Parents and children to attend. Caseworkers may also benefit. Many universities also sponsor cultural events
- It is not just the families that we are working with that are important but need to be aware of our own culture and the cultures of the social workers and how those cultures might impact the work we do with families because of our own cultures influence everything we do, how we do it, and how we interpret and value things. Need to be aware of this.
- A had a case where a family member offered to host Christmas for the family so that a child in foster care could be with his family over the holiday (a day visit supervised and hosted by the family that did not require the foster parent to rearrange their holiday plans).
- Have kids in LINKS educate each other about their cultures
- Two websites containing info regarding upcoming tribal cultural events:
<http://www.doa.state.nc.us/cia/calendar/> AND
http://500nations.com/North_Carolina_Events.asp
- Struggle to get Native American foster homes. Jackson has about 1/3 of the children in custody are native American but only 1 Native am foster homes, but working on PSA's and other recruiting tools.
- Robeson and Pitt did community dialogs to recruit Native American foster homes. They had a lot of success, more than doubling their previous number of Native American foster homes.
- Hoke County was part of the community dialogue with Robeson and we have been involved in this effort for over 2 years...in Hoke, we have not had success in recruiting Native American homes.
- Community partner asked why the social worker was asking about Indian heritage because they thought she was trying to get at possible substance abuse. Be mindful of what other people may be thinking about what you are asking.
- One county has a unit that specifically works with Latino population – includes bilingual assessor and an in-home services worker.
- Another county had a situation in an in-home services case where there was a family they thought was Hispanic, but the mother actually spoke a different dialect and they had to find someone to talk to her. The issue was about the child's medical needs, and no one had ever realized that the Mom did not speak Spanish well enough to understand the medical terminology. Once they found someone to speak her language so she could have a precise understanding of the medical needs of her child things have changed dramatically and they are making fantastic progress. It was very eye-opening!

August meeting dates: 18th, 23rd, 24th