



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
CHILDREN'S ADMINISTRATION
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May 31, 2013

To: Children's Administration All Staff
From: Randy Hart, Deputy Assistant Secretary *Randy Hart*
Subject: Update to Indian Child Welfare

During the past few months through different processes we have had the opportunity to look at our current practice and evaluate where we can make improvements to better serve Indian children and families. Two areas are the first to be targeted for improvement. Those areas are the Indian Child Welfare policies, and the Memorandums of Agreement for the provision of child welfare services, formerly known as the Local Agreements.

Indian Child Welfare Policy Revision

Recommendations from the ICW Case Review included updating the confusing policies and outdated information to bring policy in line with both the Federal and Washington State Indian Child Welfare Act (WSICWA).

The process for reviewing and updating the Indian Child Welfare policies will be lengthy, and will require collaboration between Children's Administration and the tribes, with consultation with our Attorney General's office and the Indian Policy Advisory Committee (IPAC) or their designees.

One change has been identified and will be the removal of Section 11.01 through 11.356. These sections pertain to:

- Legal notification to non-federally recognized tribes. Both federal and state law requires legal notification only to Federally Recognized Tribes.
- Dependency guardianship actions.

- Involuntary Termination of Parental Rights for Non-Federally Recognized US Indian Tribes

These sections would inappropriately afford rights that are not provided under either the federal or state ICW acts to non-federally recognized tribes.

Memorandums of Agreement (formerly known as Local Agreements)

Secretary Kevin Quigley has directed Children's Administration to complete the updating of Memorandums of Agreements (MOAs), also known as Local Agreements with the Tribes. The agreements are based on the principles of government to government, and are designed to:

- Establish guidelines for response to child protective services and child welfare cases.
- Be specific to the tribe who enters into the agreement with CA.
- Recognize the sovereignty of the Tribe and the State of Washington and each sovereign's interest.
- Clarify the roles and responsibilities of the Tribe and CA
- Enhance coordination and cooperation between the Tribe and CA
- Provide appropriate child welfare services to Indian children who are under the jurisdiction of the tribal court and coordinate with the Tribe when the children are in the custody of CA and under the jurisdiction of a state juvenile court.

Many of these agreements have not been renewed or updated for several years. This is an opportunity to engage Tribes to enter into a working agreement that will have the overreaching purpose of improved service delivery for Indian children and families. An informational sheet with a flow chart for the routing of these agreements is posted on the CA website under the ICW tab.

As these changes move forward, we will need your help to implement in your regions. We will continue to update as changes occur. If you have further questions contact Cheryl Rich, ICW Program Supervisor, 360-902-0239 or Cheryl.Rich@dshs.wa.gov