

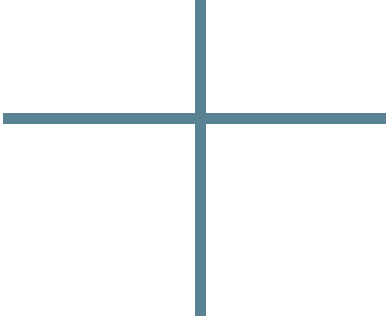
CHILD & FAMILY TEAMS REPORT 2020



DECEMBER 2020



**CALIFORNIA
TRIBAL FAMILIES
COALITION**



CHILD AND FAMILY TEAMS REPORT 2020



ACKNOWLEDGEMENTS

The Board of Directors and the staff at CTFC would like to acknowledge and thank the North Fork Rancheria for its dedication, support and generosity in allowing for the creation of this report and its recommendations. We would also like to express our deep gratitude to all the tribal ICWA representatives and ICWA advocates for their time, wisdom and guidance in the development of this report. Thank you for sharing your stories, concerns and insights. We will work hard to honor them by seeing the recommendations of this report realized.

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**CALIFORNIA TRIBAL
FAMILIES COALITION**



[HTTPS://WWW.CALTRIBALFAMILIES.ORG/](https://www.caltribalfamilies.org/)

The mission of the California Tribal Families Coalition is to promote and protect the health, safety and welfare of tribal children and families, which are inherent tribal governmental functions and are at the core of tribal sovereignty and tribal governance.

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EXECUTIVE SUMMARY

At the time of its passage in 1978, the Indian Child Welfare Act (ICWA), was landmark civil rights legislation. When California passed SB 678 in 2006 to adopt federal ICWA protections into California law, it was again a landmark moment. Unfortunately, even many years later the promise and potential of these landmarks has not been realized.

In 2017, a dedicated group of elected California tribal leaders formed the ICWA Task Force, to propel forward a unified effort in the implementation of ICWA in California. After a year of investigation, the Task Force delivered their findings regarding ICWA compliance in California to Attorney General Xavier Becerra. The mandate of the Task Force Report was clear: California must do better to protect tribes and tribal families, and to realize the promise of the ICWA.

Soon after the delivery of the Task Force Report, the California Tribal Families Coalition (CTFC) was formed at the direction of tribal leaders to ensure the recommendations of the Report did not languish, without action, leaving their promise untested. Follow through on the recommendations of the Task Force Report is critical for California tribes, as California is the epicenter of ICWA. California Courts see more ICWA appeals than all other states combined and are the home of some of the most divisive and controversial cases involving the ICWA.

As a state at the cutting edge of child welfare innovation and reform, California must fulfill the promises made to Indian tribes, Indian communities and Indian families in 1978, in 2006 with the passage of SB 678 (known as Cal-ICWA), and again with the issuance of the Task Force Report in 2017. CTFC has worked since its inception to see that the commitments made to tribes are honored and the State and counties are tested and held accountable for their failures.

EXECUTIVE SUMMARY CONT.

ABOUT THIS REPORT

This report addresses concerns raised by tribal representatives regarding state mandated use of Child and Family Teams (CFTs) for cases involving Indian children during the COVID-19 pandemic.

Listening must be our starting point in these efforts. It is essential that the voices of tribes and tribal people be at the center of our progress. By first listening to tribal leaders and the community we are modeling an important component of how we achieve ICWA compliance.

CTFC conducted a comprehensive legal and practice review of the CFT model, including holding three regional Listening Sessions, individual interviews, and written surveys with over 30 tribal representatives from across the state. Findings from these sessions were coded and illustrated as challenges and opportunities. The opportunities also include positions articulated by tribal representatives that would improve the CFT process for tribal families and communities. Our recommendations are aimed at bringing the CFT process into the folds of ICWA mandates, with specific recommendations for policy makers, county social workers, and parents and families.

As was stated in the original Task Force Report: “To achieve the promise of the ICWA...there must more than episodic rallying cries and well-meaning grant cycle initiatives; there must be a vigilant force that demands more than mere lip service to compliance.” This report attempts to honor the focus of the Task Force Report. As we look to the 45th anniversary of the ICWA, we must hold ourselves to a higher standard, test ourselves, and work to achieve the articulated national and state policies to protect Indian children and preserve Indian tribes. **Thank you for joining us.**

SECTION 1: INTRODUCTION

BACKGROUND

The California Child and Family Team (CFT) process is a teaming and collaboration model that seeks to build better working relationships between county workers, families and other providers. Effective implementation of the CFT process will foster greater ICWA compliance.

In 1978, Congress passed the Indian Child Welfare Act (ICWA) in response to the high removal rates (as many as 35%) of Indian children from their homes with placement into non-Indian foster homes.[1] Despite ICWA's passage more than 40 years ago, Indian children continue to be removed at disproportionate rates. In a 2017 report, American Indian/Alaska Native children were overrepresented in foster care “at a rate 2.7 times greater than their proportion in the general population.”[2] In 2018, American Indian children in California constituted the second largest per capita group in foster care and were 4.7 times more likely to be in foster care than white children.[3] California is home to approximately 723,000 Native Americans[4] and nearly one-fifth, or 110, of all the federally recognized tribes in the United States. While California has made progress toward greater ICWA compliance through the passage of Cal-ICWA, the legislation known as SB 678 (2006, Ducheny), and the integration of the federal ICWA regulations with AB 3176 (2018, Waldron), there is still work to be done. As new reforms to the child welfare system are adopted they often ignore the special protections afforded by the ICWA for tribal children.

KEY FINDINGS

- CFT practice would improve with **ICWA compliance**.
- **Family-focused** and **culturally-specific** CFTs serve a key role in preserving tribal families.
- Fostering **inclusion** and a **culture of respect** for the family and the tribe is essential to achieve the purpose of CFTs for tribal families.
- **Well-trained** county workers and facilitators positively influence case progress and the success of CFTs.
- CFTs that include **prior preparation with the family** and prior **collaboration with the tribe** are more successful.

SECTION 2: HISTORY OF THE CFT

ABOUT THE CHILD & FAMILY TEAM PROCESS

Team-based practices are not new to California child welfare. Since 1997, California child welfare practice has used various team-based practices, such as Wraparound, Safety Organized Practice, and Team Decision Making. While each practice was team-based and focused on collaboration, not every child in foster care benefited from such practices.

In the 2002 case, *Katie A. v. Bonta*, foster children sued the Los Angeles Department of Children and Family Services for failure to provide community-based and home-based mental health services to children at-risk of or in foster care. In 2011, California settled its portion by creating Pathways to Mental Health Services to address deficiencies in child welfare practices. The California Department of Health Care Services then created the Core Practice Model to provide a comprehensive approach for delivering services in “a coordinated manner, based in home or community settings, and tailored to meet the needs of individual children and families.”[5]

In 2015, building upon the *Katie A.* settlement, CDSS issued the *California’s Child Welfare Continuum of Care Reform* report that reviewed California’s progress in keeping children in their communities.[6] The report spurred the adoption of the Integrated Core Practice Model (ICPM),[7] legislative action to provide the statutory and policy framework for California’s Continuum of Care Reform (CCR), and the mandated use of CFTs for all foster children.[8] The CFT is meant to achieve goals and progress through CFT meetings (CFTMs) as the primary vehicle for the team-based process.[9]

The CFT is “A group of individuals that includes the child or youth, family members, professionals, natural community supports, and other individuals identified by the family who are invested in the child, youth, and family’s success.”[10]

The CFT model requires the team, through the CFTM, to inform critical decision-making in all aspects of child welfare practice from engagement, assessment and planning to monitoring.

The California Legislature determined that child welfare services works best when services are provided in a “framework that integrates service planning and delivery among multiple service systems... [u]sing a team-based approach, such as a child and family team[,]...increases efficiency...by increasing coordination of formal services and integrating the natural and informal supports available to the child/youth and family.”[10] Despite positive intentions in the development of CFT and ICPM, tribal input was not sought nor contemplated, and failed to incorporate ICWA mandates. As a result, the CFT process developed prescriptive requirements to maintain fidelity that were not piloted, vetted, or evaluated for implementation with tribal children and families or compliance with ICWA.

INDIGENOUS ORIGINS OF THE CFT PROCESS

CFTs are not new to Indigenous communities as the origins are derived from New Zealand's “Family Group Conferencing.” In 1989, New Zealand passed the “Children, Young Persons and Their Families Act” in response to the disproportionate rates of removal and out-of-community placement of Maori children. The legislation required “Family Group Conferencing” in all child welfare related matters to include Maori families in the traditional practice of collective decision making. While the roots of CFTs come from Indigenous communities, the promise of the model may only be realized when it is truly adapted to fit the tribal community it is used in.

It is reported that 14 years following the implementation of “Family Group Conferencing,” 53% of Maori children involved in child welfare were in family placements. Rooted in traditional Maori practices, Family Group Conferencing is one of the first practice models that brought families directly into child welfare decision making.

- FROM FAMILY GROUP CONFERENCING: AN INDIGENOUS APPROACH TO COMPLIANCE WITH THE INDIAN CHILD WELFARE ACT [11]

SECTION 3: ABOUT

ABOUT THIS REPORT

This project seeks to investigate concerns disclosed to California Tribal Families Coalition by tribal representatives regarding state mandated use of Child and Family Teams for cases involving Indian children during the COVID-19 pandemic.

Prompted by the many calls and emails received from tribes across California about ever emerging implementation issues associated with this mandated statewide practice model, California Tribal Families Coalition conducted a comprehensive legal and practice review of the implementation of the CFT model from the perspective of tribal leaders and representatives.

Three Regional Listening Sessions - Individual Interviews - Written Surveys

**Over 30 tribal representatives from
across the state.**

To investigate the concerns brought to our attention, California Tribal Families Coalition Policy Director Blair Kreuzer, and partners Mica Llerandi and Dr. Cutcha Risling Baldy conducted three regional Listening Sessions, individual interviews, and written surveys with over thirty tribal representatives from across the state. Questions of tribal representatives focused on what is working well, what is not working well, and recommendations for improvement in the current implementation of the CFT process in California. A draft of this report, inclusive of recommendations, was reviewed with tribal representatives to ensure it is reflective of their shared experiences and recommendations.

California tribes report that while the principles of the CFT process comport with Tribal cultural practices, the current implementation in California is lacking and not in alignment with Indigenous practices evident in the Maori or other Indigenous models.

This report seeks to illuminate the ways in which the promise of the CFT process in child welfare is failing California tribal Families and communities and what can be done about it.

CHILD AND FAMILY TEAM (CFT) FAQs

What is a child and family team?

CFTs, while not new in California, became a requirement for all foster children/youth with the 2015 passage of Assembly Bill (AB) 403, the Continuum of Care Reform (CCR).

CFTs are a team-based, collaborative practice to engage the foster child/youth, family members, professionals, and other supports in the decision making process surrounding safety, permanency, and the well-being of the foster child/youth. During meetings, team members are encouraged to speak openly to coordinate care and services for the child/family.

Who are CFT members?

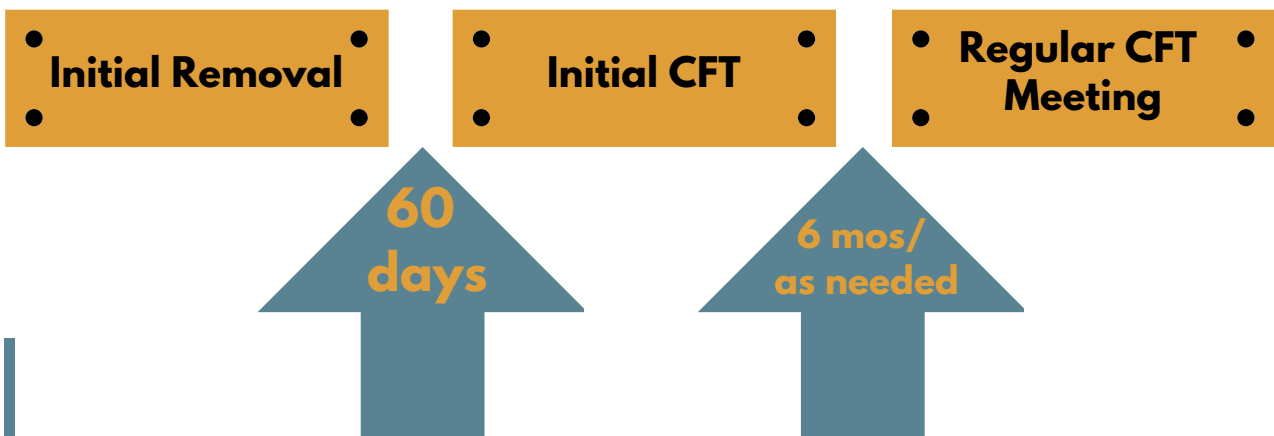
The required members are: the child/youth; the child's family and other important people for the child/youth; the caregiver; county social worker; representative for FFA/residential program; county mental health representative; CASA; and, the representative from the child/youth's tribe.

Optional members: other formal or informal supports, such as educational professional, coaches, and friends.

When are CFT meetings held?

Initial meetings should be held within 60 days of the date a child has entered foster care. Then every 6 months, or as needed. If the child/youth is receiving ICC/IHBS/TFC, should be every 90 days.

Best practice: the meetings should be held to address emerging issues and before making decisions.



CHILD AND FAMILY TEAM (CFT) FAQs CONT.

Where are CFT meetings held?

Meetings should be at a convenient location for family member participation.

Best practice: meetings should be held in family homes.

Why are CFTs and meetings important?

CFTs are intended to increase communication between various individuals in the child/youth and family's life. CFT meetings are to be convened to create and monitor the case plan, to discuss placement changes, safety planning, service changes, or any other needs of the child/youth and family.

Tribal representatives serve as an important link for the child/youth and family to culturally appropriate services and cultural supports. Tribal representatives on the CFT are able to provide guidance, interpretation, feedback, and resources to support the child/youth and family with cultural values in mind. Before any decisions are made, a CFT meeting should be convened and tribal representatives must be involved as a component of active efforts.

How are CFT meetings conducted?

CFT meetings should be structured in order to meet the needs of the family and youth. Every meeting should have a facilitator that: explains the purpose of the meeting, who is in attendance at the meeting, and the structure of the meeting. The meeting agenda should be developed with the team and reflect the voice of the child/youth and family.

What assessments are conducted in the CFT process?

The Child and Adolescent Needs and Strengths (CANS) is a multipurpose tool that supports decision-making, including determining a child/youth's level of care and service planning, and should be used to monitor the outcome of services. Assessments like the CANS are not new to California and should be used early in the case as part of the CFT process to track and monitor a child/youth's needs.

The CANS is usually completed by a behavioral health specialist or designated CWS staff after gathering information from the child/youth and the family. CANS should be reviewed every six months or updated as needed.

CFTS AS A COMPONENT OF ACTIVE EFFORTS

CFTs are required for all children/youth in foster care and are the vehicle for providing child welfare services.[12]

California CFTs were not developed with tribal community input. However, through collaboration with tribes, the CFT model could and should be aligned with ICWA. Since child welfare services are provided through CFTs, county child welfare agencies must demonstrate “active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family” in the CFT process.[13]

WHAT ARE "ACTIVE EFFORTS?"

“Active efforts” are “affirmative, active, thorough, and timely efforts intended primarily to maintain or reunite an Indian child with their family.”[14] Active efforts must be provided “consistent with the prevailing social and cultural conditions” of the Indian child’s tribe and conducted in partnership with family and tribe. [15] The county must uniquely tailor efforts and services to the case. California law provides 11 examples of active efforts, four relating to CFTs are:

1. Conducting a comprehensive assessment of the circumstances of the Indian child’s family, with a focus on safe reunification as the most desirable goal.
2. Identifying appropriate services and helping the parents overcome barriers, including actively assisting the parents in obtaining those services.
3. Identifying, notifying, and inviting representatives of the Indian child’s tribe to participate in providing support and services to the child’s family and in family team meetings, permanency planning, and resolution of placement issues.
4. Conducting or causing to be conducted a diligent search for the Indian child’s extended family members and contacting and consulting with extended family members to provide family structure and support for the Indian child and the Indian child’s parents.[16]

ACTIVE EFFORTS AND CFT VALUES

Active efforts interlay nicely with the California CFT process and ICPM. The Medi-Cal Manual explains that the CFT process is focused on ensuring collaboration and reflecting cultural preference. CFTs are successful when the process includes collaboration and cooperation among CFT members, as members can discuss interventions and treatment plans, assess whether services are working, and if any changes need to be made.[17] With members providing unique perspectives, often with a cultural lens, the CFT process is successful when each member's input is valued and incorporated. The ICPM and CFT guiding principles focus on this cultural component within the Medi-Cal Manual, stating:

“Culture is recognized as the wisdom, healing traditions, and transmitted values that bind people from one generation to another. ...Professionals must ensure that the service plan supports the achievement of goals for change and is integrated into the youth’s and family’s cultures. Cultural humility and openness to learning foster successful empowerment and better outcomes.”[18]

Department of Health Care Services, Medi-Cal Manual, p.12 (Jan. 2018)

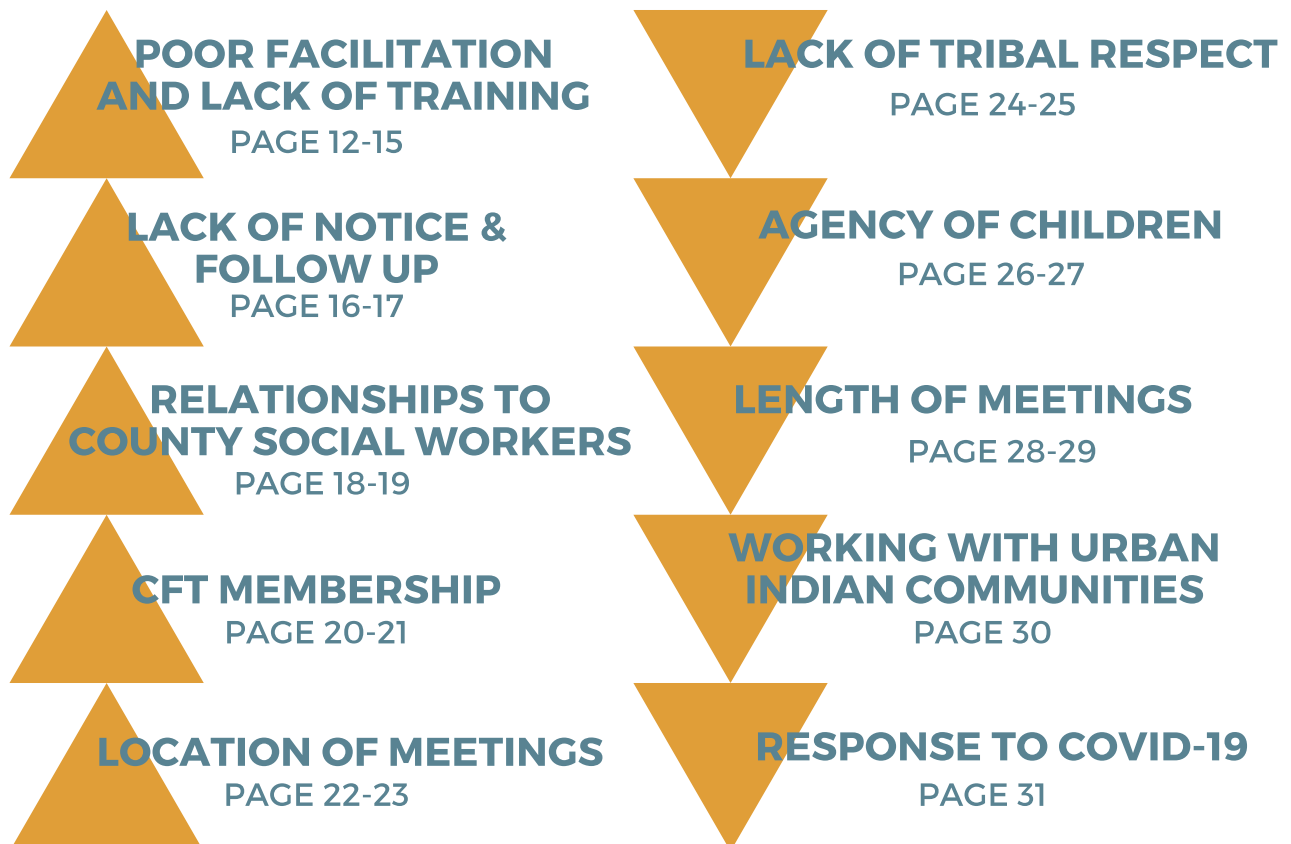
Ultimately, the CFT process relies on family and community to provide an appropriate cultural response for the child and family. This is especially true in efforts to connect the family to community-based resources and solutions. The ICPM and CFT processes recognize the important role of culture in achieving positive outcomes for the family. Beyond better outcomes, including culturally appropriate services in a case plan, is a guiding principle of the CFT process and a requirement of active efforts under the ICWA. As a holistic, family-centered process, it is very important for the county social workers to consult and engage with tribal representatives, who are the experts in the tribe's social and cultural standards. Partnering with the tribal representative in decision making through the CFT, whether developing a case plan that best serves the family or exploring the best placement for an Indian child, is imperative.

SECTION 4: FINDINGS

REINFORCING ICWA MANDATES THROUGH CFTS

The Listening Sessions highlighted that the CFT process interferes with ICWA compliance, resulting in a cascade of consequences for Indian children and families.

This report includes findings gathered from Listening Sessions with tribal representatives who frequently participate in CFTs. To highlight the current reality of the CFT process with tribal communities, the findings are divided into challenges and opportunities. The opportunities also includes positions articulated by tribal representatives that would improve the CFT process for tribal families and communities. The next few pages provide a discussion on the findings.



POOR FACILITATION OF CFTS

Active efforts must be “conducted in partnership with the Indian child and Indian child’s parents, extended family members, Indian custodians, and tribe.”[19] This foundational ICWA mandate for partnership and collaboration with tribal communities is not occurring within the CFT process.

“Usually we are informed by phone of the date with no in-depth collaboration about how the meeting is run, or any inside collaboration... the assumption is that it is their meeting.”

CDSS guidance stresses the importance of “prepar[ing] a child, youth, and family, as well as professionals, to participate in a CFT meeting”.[20] In necessary preparatory discussions, facilitators are expected to explain the purpose to the team members, develop the meeting agenda to reflect the voice of the child and family, and include an opportunity for members to share questions or concerns.[21]

In facilitating meetings, the facilitators should ensure the meetings are “conducted in a way that engenders trust and reflects the child, youth, and family’s cultural preferences and norms.”[22] Despite this guidance, many tribal representatives reported that child welfare workers and facilitators do not explain the process clearly nor facilitate active engagement with the child/youth, family and tribal representative.

“Have the tribal social worker and the child welfare worker co-facilitate the meeting and be open to having the meeting in a way that the family wants it and where the family wants it. Maybe they want it in their home, maybe they want it outdoors in a circle at the tribal hall. Be open to that. Be open to not being so sterile in that square room and look at the wishes from the family.”

POOR FACILITATION OF CFTS

CHALLENGES

Meetings are confusing.

Parents, family members, and other support persons do not understand the purpose of the meeting or their role.

Meetings are disjointed.

County social workers take on too many roles.

Families perceive CFTMs as punitive.

CFTMs are conducted in a prescriptive manner, resulting in families feeling afraid to speak up or have honest discussions.

CFTM optics create power dynamics.

Families associate facilitators standing in front of the room writing on the board with teachers in boarding schools. Case plans remain rigid and formulaic, despite input and recommendations.

CFT leaders use terms that are confusing.

Often families do not know what happened at the CFTM and seek explanation from tribal workers after the meeting.

Third-party facilitators do not have a rapport with the family.

This hinders open and honest communication and creates confusion as to who is leading the CFTM.

OPPORTUNITIES

Increase understanding of the CFT's importance.

Explain the purpose and structure of the meeting and the roles of the members.

Allow CFT members to serve in different roles.

Other CFT members can serve as facilitator or note taker.

Train facilitators to encourage discussion.

This will allow the families to guide discussion and goals and will allow for further collaboration from the entire team.

Train professionals to understand historical trauma.

Refrain from having the facilitator at the head of the classroom; instead, rearrange the meeting room so all team members feel on equal ground.

Conduct meetings without adjectives or professional terminology.

Create a list of frequently used terms for team members to reference.

Allow tribal reps to facilitate.

When tribal social workers are allowed to lead or facilitate the CFTM, there is noticeable and positive impact. Families felt more at ease and open to engage in the process. Tribal reps are often trusted people in the family's lives.

LACK OF TRAINING

County social workers lack training regarding tribes as sovereign governmental entities, how to partner and engage with tribes, and how to effectively work with Indian families and communities.

ICWA was passed to remedy states' failure to "[r]ecognize the essential tribal relations of Indian people and their cultural and social standards prevailing in Indian communities and family."^[23] Based on the Listening Sessions held, it is evident that county social workers continue to lack basic understanding of tribal governmental structures and tribal community standards and practices. This lack of understanding impairs the ability of county social workers to effectively partner with tribal representatives and tribal children and families.

ICWA and Cal-ICWA require inviting tribal participation in all aspects of a child welfare case involving an Indian child. Tribal involvement provides the bridge to greater understanding of a tribal child and family's history, culture and community. Unfortunately, this opportunity is often missed and many county child welfare workers do not engage tribal representatives in the CFT process. Because of this lack of collaboration, the CFT process does not then reflect the culture and preferences of the child, youth, and family. Per the Medi-Cal Manual, "No single individual, agency, or service provider works independently. Working as part of a team positively impacts decision-making."^[24]

"If they took six months in the tribe's shoes, they might get a sense of how much the tribe is balancing with its work and then also how much [the tribe] is left out of the decision-making."

LACK OF TRAINING

CHALLENGES

Counties lack understanding of how a tribe operates and functions.

County social workers often lack an understanding of the tribal decision making process (which differs from tribe to tribe) and the competing demands a tribal representative may face in his or her role.

County social workers do not understand how or why the tribe is involved in state child welfare cases.

Due to a lack of understanding of the basic principles of ICWA, county social workers may not understand the requirements for tribal involvement in all aspects of a case, including CFTs.

Domestic violence cases and histories are not considered.

In cases involving domestic violence, facilitators and counties do not always understand the full domestic violence dynamics present in the family.

OPPORTUNITIES

Provide opportunities for county social workers to intern with tribes before starting their county positions.

Such opportunities will provide county social workers with a basic understanding of tribal communities and peoples.

County social workers should receive training to understand the role of tribes in child welfare cases.

Trainings should include the importance of tribal collaboration, the history of tribal peoples and also the social context for historical trauma and community resilience.

County social workers and facilitators need to be aware of domestic violence dynamics that exist in the family, not just limited to the parents.

Training in warnings and red flags for domestic violence will help ensure that all parties feel safe and able to participate in the process.

LACK OF NOTICE & FOLLOW UP

Active efforts include notifying and inviting tribal representatives to participate in CFTMs.[25] While there is no clear or specific guidance about notice requirements to CFT members, CDSS guidance states that meetings should be “scheduled at times convenient for family member participants.”[26] The Listening Sessions revealed lack of timely notice and follow up often felt like the rule rather than the exception.

“I definitely was called the day of [the CFTM] like, ‘why aren’t you here? We’re having the CFT right now’... and I was not involved in any way, shape, or form in the preparation or knowing that this was happening.”

For the initial CFTM “it is important to identify and engage potential team members immediately,” with subsequent meetings “scheduled at the end of each meeting when participants are present.”[27] The facilitator has the responsibility of “manag[ing] the logistics of the meeting, including scheduling” and “ensuring participation of all team members.”[28]

Tribal representatives shared that there are many challenges with ensuring all team members receive timely notice of meetings. CFTs are designed to bring the team together to address challenges and case planning for the family. Through the CFTM, teams will create a plan of action with next steps for members and parents. Similar to initial notice, there is a lack of timely follow up regarding team decisions and action steps. Too often plans are unilaterally changed by the county social worker without notifying the team. As a result, tribes and families often feel like their voices do not matter and that the CFTM is pointless.

LACK OF NOTICE & FOLLOW UP

CHALLENGES

Poor working relationships.

Poor relationships between tribal representatives and county social workers often result in late or no notice about meetings. Strained relationships also lead to a general lack of communication between meetings on necessary decisions and action steps.

Tribal representatives are being excluded.

Without proper and adequate notice of meetings or confirmation of meetings, many tribal representatives are effectively excluded from the CFT process.

Lack of clear consistent follow up after each CFTM.

There is a lack of clear follow up after CFTM's. This lack of follow up includes documentation of the agreed upon plan, and when and where future meetings will be held. Lack of clear follow-up creates anxiety and confusion for the CFT members.

OPPORTUNITIES

Develop a positive relationship with tribal representatives.

Clear, consistent and frequent communication between county social workers and tribal representatives engenders trust. Trust forms the basis of good working relationships and effective partnerships.

Avoid late notice.

Schedule subsequent meetings at the end of a current meeting. If scheduling the first meeting, reach out to the tribal representative to coordinate best times for the initial CFTM. Be sure to inform the tribal representative of the selected date of the initial CFTM.

Follow-up and confirm plans and next meeting times or locations.

County social workers may switch between CFTMs, a new social worker has a wonderful opportunity to develop rapport with tribal representatives by communicating with tribal representatives with follow-up or reminder emails. Follow up after each CFTM should confirm the developed plan and the next meeting time or location.

RELATIONSHIP TO COUNTY SOCIAL WORKERS

Poor working relationships between county child welfare workers and tribal representatives and families disproportionately affect the success of CFT meetings and/or case outcomes for families.

Collaboration is essential in the CFT process. California law requires that active efforts “shall be conducted in partnership with the Indian child and the Indian child’s parents, extended family members, Indian custodians, and tribe.”[29] Under the ICPM, collaboration is a foundational concept and CFT members must be willing to “share the power and responsibility for decision-making with others when working toward common goals, seeking mutual understanding of perspectives and sharing respect between members, recognizing and appreciating the importance of divergent opinions in finding effective and individually customized solutions to complex problems.”[30]

The goal of the CFT process is to open communication and increase dialogue between the county workers, tribes, and families. However, in practice, the relationship with the county social worker usually affects the inclusion of the tribe, tribal support, the family, and family supports. Many tribal representatives shared that CFT success was very dependent on the county social worker's relationship with the tribal representative and the family.

RELATIONSHIP TO COUNTY SOCIAL WORKERS

CHALLENGES

Poor working relationships.

Relationships between tribal representatives and county social workers have significant impacts on the CFT process.

Poor relationships between the parents and the county child worker.

This often results in parents feeling terrified or feeling distrustful of the county. Poor relationships also affect the quality of services provided to families.

Counties experience consistent turnover in social workers.

This often negates the impacts of positive working relationships.

County social workers carry biases into their cases.

County social workers like or dislike for families impairs the worker's ability to provide equitable services. In combating this inequity, tribal representative often have to serve as both advocate and mediator on the family's behalf.

OPPORTUNITIES

Reach out to tribal representatives when engaging with parents.

Collaboration can assist county social workers in establishing and developing relationships with parents.

Encourage social workers to involve tribal representatives when a new county social worker is assigned to the case.

The tribal representative will often be the one consistent provider in the family's life. In addition to the family knowing the tribal representative, the tribal worker will have greater historical knowledge of the family.

Trainings for social workers to understand how their conscious and unconscious biases may affect their work with a family.

Include trainings and coaching to understand implicit bias and its effects on collaboration with tribal representatives and tribal families.

CFT MEMBERSHIP

Members of the CFT must include the child, the family, the Indian Custodian and a representative of the child's or youth's tribe.[31] CFT members, including the county social worker and the family, often lack clarity on who must be included on the CFT and members roles and responsibilities.

“I talked with the social worker on the phone at about 2:30, and talked with the mom prior to that. Then I get a call at 3:00 letting me know that they're going to have a CFT, and that CFT was going to happen as we were on the phone. I asked them if the mom was aware of it. How was she supposed to be able to get her support system there, you know, other than me?”

The CFT is a “group of individuals who are convened by the placing agency and who are engaged through a variety of team-based processes to identify the strengths and needs of the child or youth and their family, and to help achieve positive outcomes for safety, permanency, and well-being.”[32] Tribal representatives shared that county social workers do not understand who must be included on the CFT; do not explain the roles of those members who are included; and, do not understand how to manage members meeting attendance to mitigate impacts of negative family dynamics.

CFT MEMBERSHIP

CHALLENGES

Tribal family members are less willing to share when they don't know what their role is.

The lack of family preparation prior to a CFTM results in tribal families being unwilling to fully engage in an untested/unfamiliar process.

Unknown family dynamics can affect participation in meetings.

In cases involving domestic violence, facilitators and counties do not always understand the full domestic violence dynamics present in the family.

Disallowing attorneys acting as the tribal representative from participating in CFT's excludes the voice of the tribe.

Based on ICWA, the tribal representative is solely chosen at the discretion of the tribe. Barring attorneys wholesale from participation on CFT's and in CFTM's can effectively exclude the tribe.

OPPORTUNITIES

Explain the roles of CFT members at the beginning of meetings.

This will allay any fears or concerns about a party's participation during a meeting.

Communicate with the tribal representative to learn more about the dynamics between the family.

Often, the tribal representative knows about a family's history, triggers, or areas of concerns to highlight. Ultimately, any increased communication with the tribal representative will help ensure a smoother CFT process.

Ensure that tribal representatives and tribal family members attend the meeting.

Talk with the child/youth and parents about the CFT purpose and help the family identify important persons for CFTs. It is also important to talk with the tribal representative about who should be included on the team. If the tribe's designated representative is an attorney they must be allowed to participate.

LOCATION OF MEETINGS

County social workers often do not consider the locations of meetings and how distance and lack of transportation may pose barriers to a tribal family's participation.

“Eight-five percent of [our CFTs] are on our tribal site. Most of our families live in this general area and they often feel more comfortable being here in our tribal office.”

California law requires that not only should county welfare workers help parents “overcome barriers” by “actively assisting” the parents in “utilizing and accessing” resources, but when that is not possible, “considering alternative ways to address the needs of the family.”^[33] This principle of active efforts is found in CDSS CFTM guidance, specifically that CFTMs should be scheduled at “locations convenient for family member participation.”^[34] Unfortunately, many tribal representatives raised concerns with the location of CFTMs.

LOCATION OF MEETINGS

CHALLENGES

County offices and locations are perceived as sterile.

There are often no windows, and they feel uncomfortable or intimidating to the family.

Meeting locations are difficult to access.

They are off public transportation routes and require families to organize transportation or find alternative means of transportation.

Virtual meetings are difficult for some tribes and families to participate in.

Some CFTMs are conducted by phone or virtually. Many tribes and tribal families live in areas without reliable cellphone or internet access. Some members also lack equipment to access virtual meetings.

OPPORTUNITIES

CFTMs encouraged to be at locations convenient for the family.

Flexibility in location affords the family choice and increases comfort during CFTM, while providing an opportunity to see the family in their home setting. Convenient locations support greater participation in the process.

Suggest meeting on tribal lands and at tribal buildings.

Often tribal offices are not as far away as traveling to county seats or towns. This affords the CFT members an opportunity to see the family in a comfortable setting and allow the child to maintain a connection with their tribal community.

Provide transportation or alternative means of participation.

If meetings cannot be held in accessible locations for the family, active efforts requires accommodations be provided. County social workers should offer to provide transportation or virtual means of participation for families.

LACK OF TRIBAL RESPECT

Tribal representatives have a unique understanding of their communities and are concerned about child safety and welfare, too. In spite of the requirements that CFTs must include the tribal voice, tribal representatives report feeling disrespected or ignored, hindering collaboration and the goals of the CFT.

“I had a tribal member who was at a CFT and despite the facilitator laying the ground rules of no interruptions, no talking over, the social worker ended up seriously offending the tribal member because every time the tribal member talked or tried to talk, they talked over that person. And it was intense circumstances, an intense situation. It’s such a small tribe, it really put people off of future participation in CFTs.”

California law requires active efforts must be provided in a “manner consistent with the prevailing social and cultural conditions and way of life of the Indian child’s tribe” to the “maximum extent possible.”[35] The emphasis of complying with the tribe’s social and cultural standards highlights the important role of tribes in child welfare cases. The CFT process acknowledges the importance of team member input and CDSS guidance notes that CFTs are successful when collaboration and cooperation exists among CFT members, as members can discuss interventions and treatment plans, assess whether services are working, and if any changes need to be made.[36] Unfortunately, tribal representatives shared that collaboration in this regard is much more difficult when team members feel ignored, disrespected or blamed for unpopular positions.

LACK OF TRIBAL RESPECT

CHALLENGES

Tribal attendance is treated like a “check box” requirement.

County social workers downplay the importance of the tribe's involvement in the CFT process. Because tribal representatives are not seen as partners in this process they do not receive regular updates and information about the case.

County social workers do not provide clarity to team members about the decision making process, including what decisions are preempted by ICWA.

The CFT meeting agenda is not framed by what is and is not open to a decision by the team. This causes unnecessary confusion, leaving team members feeling like their voice is not being heard.

County social workers blame tribal representatives for unpopular positions.

This includes things such as delays in expanding visits or returning a child home. Often, this is the county social worker's opinion, but they will attribute it to the tribal representative so the parents won't be upset with them.

OPPORTUNITIES

Increase collaboration between county and tribal representatives.

Providing county social workers with training on how to collaborate with tribal representatives can increase compliance with ICWA mandates and ensure robust support is provided to the family.

CFT meetings must include clarity about roles and responsibilities in decision making.

CFT meetings must include clear guidance to participants about what decisions can be made as a team and what decisions are prescribed by law. For example, decisions around the permanent plan and placement are restricted by ICWA and Cal-ICWA.

The county social worker, as the representative of the placing agency, has the responsibility to ensure the child is safe.

Discussing safety concerns and plans with the CFT is important, but the county social worker must be clear about the agency's ultimate responsibility in ensuring plans maintain child safety.

AGENCY OF CHILDREN

CDSS guidance states that “[i]t is only a CFT meeting if decisions about goals and strategies to achieve them are made with involvement of the child[/]youth.”[37] Despite this guidance, child/youth involvement was reportedly not prioritized.

“One child disclosed information that the county was not prepared for. This would have derailed their agenda for the meeting. When the child opened up in the CFT “it felt like the county and their social workers were just trying to nip it in the bud and keep them quiet.” Felt like agendas were being pushed instead of lifting up the family and trying to repair the relationships.”

California law recognizes the importance of an Indian child to their tribe stating: “There is no resource that is more vital to the continued existence and integrity of Indian tribes than their children.”[38] Indian children are very important to tribal communities, not just for the tribe's continued existence, but because Indian children are sacred.[39] Child/youth involvement is similarly, recognized in CDSS guidance, which states the child/youth’s voice and preferences are an “integral part of the CFT process.”[40] This guidance also notes that as the child/youth is the “best expert” about their own lives, the team should take into account the child/youth’s preferences, “unless these preferences pose a child, youth, or community safety issue or conflict with court orders.”[41] Despite tribal voices highlighting the importance of the child/youth and CDSS guidance about the child/youth’s involvement, children/youth were reportedly largely absent from CFTMs.

AGENCY OF CHILDREN

CHALLENGES

Lack of child/youth involvement in CFTMs.

Child/youth involvement was reportedly lacking in most CFTMs. The voice of the child/youth is a necessary part of the CFT process.

Children/youth do not see their roles in CFTs as important or that they have a voice in the outcome of the meetings.

Without proper preparation the child/youth cannot fully participate and therefore may disengage from the CFT process.

OPPORTUNITIES

Prepare child/youth to attend the CFTM can increase involvement.

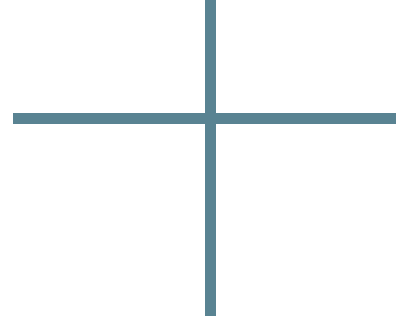
Find out the worries and needs of youth, explain the purpose of the meeting, what will be decided and who will be there.

Ensure child/youth have transportation and/or accessibility to attend the CFTM.

Provide or arrange transportation for child/youth to the meeting. If transportation cannot be provided, ensure the child/youth can participate by phone or virtually.

Ensuring the language of the CFTM is occurring at a level the child/youth understands.

Incorporating the child/youth's statements or recommendations in the plan will help the child/youth feel empowered and involved in the outcomes of their case.



LENGTH OF MEETINGS

Length of CFTMS are reported to be either too short or too long not taking into consideration the particular needs of the child/youth or family.



While CFTMs must be scheduled every 6 months for the team to “provide input on the development of a child and family plan that is strengths-based, needs-driven, and culturally relevant,” there is no mandate for the length of meetings.[42] CDSS guidance states that meeting duration should be set by the team and the duration will “look different for each family” because the “services and supports to the family should always be individualized to meet their needs.”[43]

Despite this guidance, tribal representatives raised concerns with the length of CFTMs.



LENGTH OF MEETINGS

CHALLENGES

There is a lot of variation in the length of meetings.

Some meetings are lasting three hours long and others kept to a standard 45-minutes.

Long meetings (3 hours) are difficult for families.

Long meetings take a lot of energy and are often emotionally draining.

Prescribed 45-minutes meetings often feel rushed.

This prevents families from being able to truly share their thoughts and experiences.

OPPORTUNITIES

CDSS Guidance on the length of CFTMs is that they should be flexible and altered to meet the needs of the family.

County social workers should be trained on current CDSS guidance that requires flexibility in the length of the CFTM.

Ensure that CFT members needs are met during long meetings.

Many tribal representatives reported that culturally, many meetings involve food. If a meeting is likely to be a longer meeting, coordinating potluck style meetings may help the CFT process.

Afford flexibility in the CFTM.

Allow families to feel valued and involved in the CFTM. Be flexible in the meeting length and structure to address the family's needs. Each family member should be asked how the meeting should be structured, if they would like notes to be visible, how they would like the chairs arranged, etc. Additionally, space should be provided for each family member to provide input.

WORKING WITH URBAN INDIAN COMMUNITIES

California has the largest percentage of American Indians/Alaska Natives (AI/AN)[44], and with nearly seven out of 10 AI/AN living in or near a city[45], it is important to understand the unique challenges urban Indian communities experience. As a result of federal Indian policies, including assimilation and termination policies, many AI/NA relocated, moved, or were displaced to Californian cities. As a result, urban Indian populations are diverse, with any given city having members of federally and non-federally recognized tribes. Even still, the diaspora of Indigenous peoples from their Indigenous homelands has inflicted challenges associated with disconnection with their Indigenous communities.

CHALLENGES

Urban Indians may have greater difficulty connecting with their tribe.

Whether due to their Tribe being located out of state, or the family not being certain of their Indian heritage, many urban Indian families do not have the support of tribal representatives at the CFTMs.

County social workers have greater difficulty connecting with tribes.

Due to the immense diversity of tribal families represented in urban areas, county workers are reported as having greater difficulty in connecting with tribal representatives and including them in the CFT process.

OPPORTUNITIES

Urban Indian Centers exist to connect urban Indians to community.

Urban Indian centers may have staff who can participate in CFTs to provide cultural support to the family. In lieu of direct support, staff may connect family to tribal or cultural resources.

Urban Indian Centers are knowledgeable about ICWA and issues affecting Urban Indians.

Urban Indian Centers can provide a person with information about ICWA and their Tribe. Staff at these centers are likely to have knowledge that may assist in targeting culturally appropriate services.

RESPONSE TO COVID-19

There were a number of changes in response to the ongoing COVID-19 pandemic, which required modification to the CFT process. Tribal representatives noted that adaptations to CFTs vary by region with tribal families facing challenges participating. It was further noted that this is not unique to the pandemic, but also occurs during natural disasters, such as fires. One tribal representative noticed an increase in attendance at the meetings because CFTMs are being offered over the phone or virtually. Other tribal representatives described difficulty for families in engaging in meetings virtually.

CHALLENGES

Conducting meetings over the phone or Zoom is difficult.

Not all CFT members have cellular phones or internet access. Some tribal representatives reported facilitating an engaging meeting for families was much more difficult virtually.

There are learning gaps between CFT members and Social Workers using Zoom.

Elders often have issues with virtual meetings and this has proven to be a barrier during the COVID-19 pandemic. Social Workers are often still learning how to use Zoom features.

OPPORTUNITIES

Creative solutions to meetings are valued.

“Porch side” visits, where social workers meet families in their yards or safe outdoor spaces shows the family that they are valued and that the county social worker is willing to make extra effort to support the family.

Provide CFT members with a Zoom guide sheet on how to access the Zoom meeting from multiple platforms.

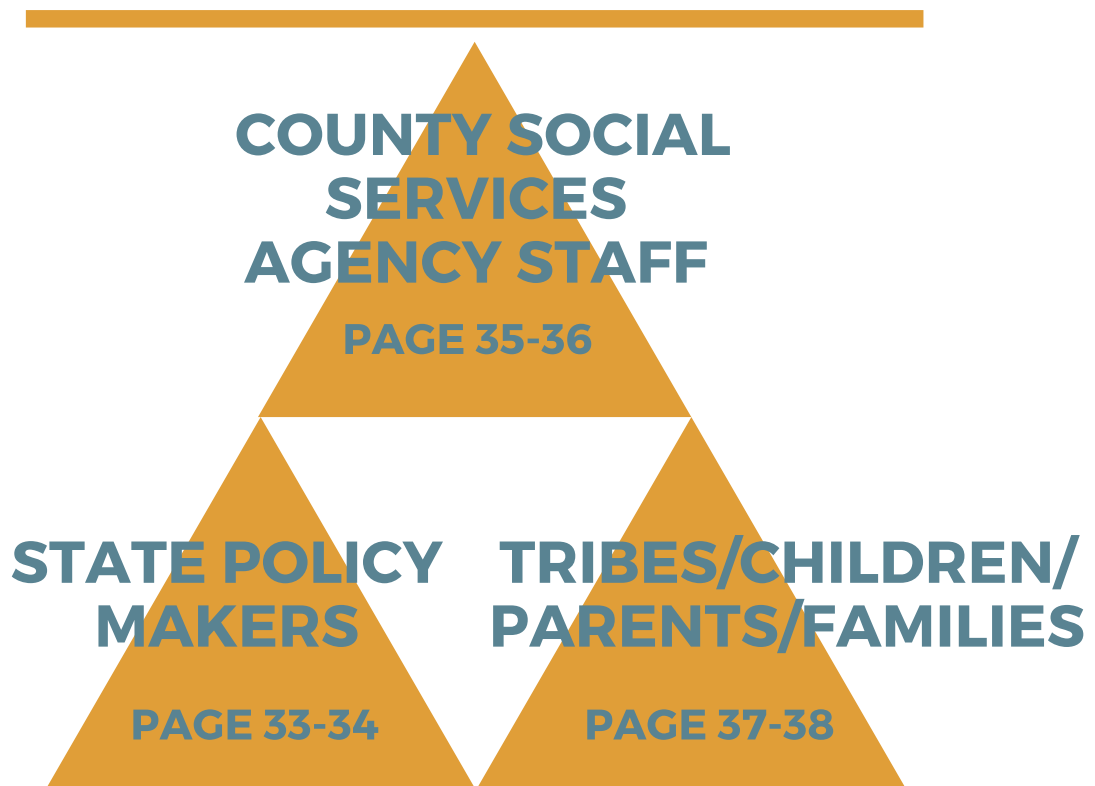
Facilitators should reach out to the team members to ensure everyone is able to access the platform or have alternative ways to participate. Ideally, this should happen before the meeting is scheduled to occur so as to not run into the meeting time.

SECTION 5: RECOMMENDATIONS

RECOMMENDATIONS

While legislation enabling the CFT process did not actively contemplate ICWA, many of the ICWA mandates align with the purpose of the CFT process. In reviewing the legislative reform to California child welfare practice and the implementation of the CFT, it is clear that the Legislature sought a holistic, child and family centered process for all children in foster care. ICWA, often referred to as the "gold standard" for child welfare practice similarly requires engagement of family and tribal supports for culturally appropriate services. Other ICWA mandates, including active efforts requirements and placement preferences, could and should align with the CFT process. Thus, when properly implemented, CFTs can increase ICWA compliance.

As a result of the listening sessions, our recommendations are aimed at bringing the CFT process into the folds of ICWA mandates, with specific recommendations for policy makers, county social workers, and parents and families.



RECOMMENDATIONS FOR STATE POLICY MAKERS

1 - Develop a CFT tribal collaboration guide & associated policies for counties.

CDSS should fund the development of a standalone guide addressing CFTs involving Indian children that would provide specific guidance for child welfare agencies on the integration of ICWA mandates, complying with active efforts, and collaborating and engaging with tribal families. It is critical for this Guide to be developed through a tribal collaboration process.

2 - Legislation to comply with ICWA's active efforts requirements.

Amend W&IC section 361.7 to mandate that any teaming model used by California's counties must include guidance regarding the higher active efforts standard required in cases involving Indian children.

3 - Legislation to comply with ICWA placement preferences.

Amend W&IC Section 16010.7 to include a section regarding Indian children, mandating that a change of placement for an Indian child must include notice to the child's Indian tribe, inclusion of the tribe in developing any placement preservation strategy, and clarifying that ICWA's placement preferences must be complied with for all placements of an Indian child. Amendments to this Section should further clarify that a good finding must be secured from a court prior to deviating from ICWA's placement preferences.

Amend W&IC Section 16501.1(d) to mandate compliance with the ICWA placement preferences for Indian children.

4 - Expand CORE training

The ICWA Core training should be expanded to two full days. Day one should focus on tribal engagement, including implementing child and family teaming where the child is an Indian child. Day two should focus on legal compliance with ICWA.

RECOMMENDATIONS FOR STATE POLICY MAKERS PT. II

5 - Provide funding and guidance to allow for flexibility in selecting CFTM facilitators

Provide funding and guidance to create a core group of tribal CFTM facilitators in a county. Provide funding to support tribal organization staff training as facilitators, and compensation for serving as facilitators. Creating a pool of tribal CFTM facilitators will provide flexibility in the selection of a CFTM facilitator that allows the CFT to adapt and meet the needs of the family.

6 - Collect fidelity data on CFT in tribal communities.

A fidelity tool should be created and implemented that includes ICWA mandates and feedback from tribal children, families and representatives. This tool can assist California in gathering data to monitor and adapt implementation of the CFT model in tribal communities.

7 - Develop active efforts guidance specific to the CFT process during COVID-19/natural disasters

Develop guidance regarding active efforts requirements to assist Indian children and families in overcoming barriers to participation (such as transportation, child-care and/or access to technology) in the CFT process during COVID-19 and natural disasters. Guidance should highlight that ICWA is not suspended during disasters, but rather planning needs to occur to ensure supports are readily available. This should, at minimum, be incorporated into the State's Title IV-B plan disaster plan.

RECOMMENDATIONS FOR COUNTY SOCIAL SERVICES AGENCY STAFF

1 - Participate and engage in ongoing training for staff.

Provide training on ICWA mandates and how they align with CFTs to agency staff. Provide staff opportunities to learn more about the cultural values and operation of tribes. Greater understanding of ICWA and tribal operations helps tribal representatives and county social workers collaborate and assist one another. Include cross-training opportunities between tribal and county workers, visiting and tours of tribal lands, touring tribal organizational structures, and shadowing tribal social workers to understand workers demands and challenges.

2 - Ensure compliance with active efforts by providing necessary accommodations, during pandemics and other disasters.

Active efforts is not a checklist of activities, but rather must be applied on a case-by-case basis. Counties must train social workers on actively assisting Indian families during pandemics and natural disasters. Counties must increase their efforts to foster participation in the CFT process, including technological support or other assistance.

3 - Support training and compensation for tribal individuals to serve as facilitators.

Not every CFTM requires a tribal facilitator, but providing options for tribal representatives to serve as CFT facilitators provides flexibility in the CFTM to achieve the CFT's purposes. Tribal representatives are familiar and constant workers in the tribal families' lives. Tribal representatives leading CFTMs shifts dynamics and leads to greater collaboration. Creating a core group of tribal facilitators within a county to serve the needs of all Indian children and families allows the CFT to be culturally supportive of Indian families and tribal communities.

RECOMMENDATIONS FOR COUNTY SOCIAL SERVICES AGENCY STAFF PT. II

4 - Seek out opportunities to attend community and cultural events to foster engagement with tribal communities.

Many tribal communities offer free and public events for the community. Learning and participating in cultural events demonstrates the county social worker's commitment to working with tribal communities.

5 - Seek feedback from tribal representatives & families about the CFT process.

Provide diverse opportunities for tribal families and representatives to provide feedback on the

CFT process. Feedback can be sought:

- During CFTMs;
- Through feedback forms; and,
- Through individual interviews.

Feedback should be captured within fidelity data to inform local practice improvement and shared with CDSS to inform statewide policy and be included in their data dashboard.

6 - CFTs must be inclusive and meet the unique needs of the tribe and family.

County child welfare agencies must actively promote the inclusion of mandated CFT participants, including tribal representatives. Not all tribes, especially out-of-state tribes, have a tribal representative who can attend the CFTM. Many tribes rely on their tribal attorneys to attend the CFTM, thus invitations to CFTMs must be extended to the tribe's chosen representative.

Additionally, with urban Indians, the tribe may not be able to participate, and efforts must be undertaken to include urban Indian centers to attend meetings. Urban Indian center staff may be able to serve as a cultural liaison for the family. The center's staff may also be able to connect the family to their tribe and other local tribal communities.

RECOMMENDATIONS FOR TRIBES, CHILDREN, PARENTS & FAMILIES

1 - Children and parents should know their rights regarding child and family teaming.

California Department of Social Services has a CFT handout for parents and youth regarding the CFT. The handouts provide general information about the CFT. [46] Foster youth have specific rights and these rights extend to the CFT process.[47]

2 - Tribes should create tribally specific collaboration checklists for county child welfare agencies.

This collaboration checklist can specify multiple issues such as how to include the tribe in planning, facilitating, and organizing meetings, best form of communication with the tribe, and discussing how the tribe can assist the family.

3 - Parents, children/youth, tribes, and families may provide feedback to your county or state ombudsperson about your experience in the CFT process.

Providing feedback to the county or state ombudsperson is a way to officially register complaints regarding child welfare services activities, such as the CFT process. Complaints, and accompanying resolutions, made to ombudspersons are tracked by the state and can lead to important policy changes.

RECOMMENDATIONS FOR TRIBES, CHILDREN, PARENTS & FAMILIES PT. II

4 - Invite county social workers to attend tribal community events

This can help to build relationships with the community outside of working through individual cases. This can also foster cultural awareness and humility in county social workers.

5 - Seek local supports.

Many tribal families are not located in the same county or near a tribe's ancestral lands. This creates challenges for supporting the tribal family. Many tribal representatives develop positive relationships with local area tribes or Indian organizations to provide support to the tribal family outside of their service territory.

6 - Seek training in team facilitation.

Tribal families and supports can serve as facilitators in CFTMs. As a facilitator, tribal family members and support persons can allow the parents or children/youth to feel more comfortable in the CFTM.



SECTION 6: APPENDIX
APPENDIX

39 Report Authors

40 References

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[44] United States Census Bureau, The American Indian and Alaska Native Population: 2010, p.6 (January 2012) <<https://www.census.gov/history/pdf/c2010br-10.pdf>> (as of Dec. 9, 2020).

[45] Urban Indian Health Commission, Invisible Tribes: Urban Indians and Their Health in a Changing World, p.5 (Oct. 13, 2015) <<https://www2.census.gov/cac/nac/meetings/2015-10-13/invisible-tribes.pdf>> (as of Dec. 9, 2020).

[46] California Department of Social Services, ACIN No. 1-14-18: Dissemination and Use of the “What is a Child and Family Team (CFT)?” Brochures Designed for Youth, Parents, and Professionals (Mar. 13, 2018), <<https://www.advokids.org/wp-content/uploads/2018/11/CFT-Brochures.3.14.18.pdf>> (as of Nov. 9, 2020).

[47] Welf. & Inst. Code, sect. 16001.9.