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## 2019 STATEWIDE ICW CASE REVIEW REPORT



Washington State Department of  
**CHILDREN, YOUTH & FAMILIES**

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## Vision

### Washington State Department of Children, Youth & Families Commitment

The Washington State Department of Children, Youth & Families (DCYF) commitment to the Indian Child Welfare Act (ICWA)<sup>1</sup> requires:

- Protecting the essential tribal relations and best interests of Indian children by promoting practices designed to prevent out-of-home placement of Indian children that is inconsistent with the rights of the parents, the health, safety or welfare of the children, or the interests of their tribe.
- When placement away from the parent or Indian custodian is necessary, the placement reflects and honors the unique values of the child's tribal culture and is best able to assist the Indian child in establishing, developing and maintaining a political, cultural, social and spiritual relationship with the tribe and tribal community.

## Background and Purpose

### Washington State Indian Child Welfare (ICW) Case Review

DCYF follows a government-to-government approach to seek consultation and participation by representatives of tribal governments in policy development and service program activities. DCYF is committed to a government-to-government approach through consultation with Federally Recognized Tribes of Washington State, and to work in collaboration with Recognized American Indian Organizations (RAIOs) and individual American Indians and Alaska Natives to ensure quality and comprehensive service delivery to all Indian children and families served.

To fulfill this commitment, in 2003 the Washington State Indian Child Welfare (ICW) Case Review was developed in collaboration with Washington State Tribes and the former Children's Administration – now DCYF's child welfare services. The ICW Case Review is the result of ongoing collaboration between Washington State Tribes, RAIOS, the Tribal Policy Advisory Committee (TPAC) and DCYF. The first ICW Case Review was conducted in 2007. Subsequent reviews have occurred in 2009, 2012 and 2015. The ICW Case Review Tool was developed to evaluate ICWA compliance and the quality of ICW social work practice in all areas of the state through assessing compliance in meeting:

- The requirements of the Federal Indian Child Welfare Act (ICWA);
- The Washington Indian Child Welfare Act (WICWA);
- DCYF Indian Child Welfare Policies and Procedures; and
- Memoranda of Agreement between Washington State Tribes and DCYF.

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<sup>1</sup> Based on the legislative findings of the Washington State Indian Child Welfare Act, Laws of 2011, ch. 309 § 3.

## Goals of ICW Case Review

- Evaluating compliance with Washington State and federal ICWA. The state and federal ICWA apply to Indian children who are (1) members of tribes or (2) eligible for membership and the biological child of a member. The tribe must be a federally recognized tribe(s) including recognized Alaska Native regional corporations and Alaska Native villages.
- Evaluating the quality of culturally competent case management for all Indian families. This includes families where the child meets ICWA's definition of an Indian child.
- Enhancing staff development and understanding of ICW practice by utilizing the ICW Case Review for training and skill building. The ICW Case Review identifies ICWA requirements and the elements of sound culturally competent case management with references to the WICWA and DCYF ICW Policies and Procedures.
- The ICW Case Review results lay the groundwork for improving the quality of ICW social work at the regional and statewide level. Specific practice areas include:
  - Early identification of Indian children
  - Early engagement and ongoing collaboration with Tribes
  - Active efforts to provide services to parents and families to prevent the removal of the child, or to safely return the child home
  - Timely legal notice to Tribes of dependency actions

## Components of ICW Case Review

Cases included in the review are from all program areas served by DCYF which include:

- Child Protective Services (CPS) Investigations
- Family Assessment Response (FAR) Interventions
- Family Voluntary Services (FVS)
- Child and Family Welfare Services (CFWS)
- Family Reconciliation Services (FRS)

## ICW Case Review Design

The 2019 ICW Case Review Tool was comprised of 43 questions that are divided into eight practice areas. Five sections are devoted to ICW compliance and quality of practice, and the last three sections focus on child safety, well-being and permanency. All ICW compliance questions reference ICWA, DCYF policy, the WICWA or the Washington State Tribal/State Agreement. The ICW Case Review Tool is designed to be used for multiple purposes:

- Systematic statewide ICW Case Reviews
- Training tool for DCYF caseworkers and managers on the requirements of ICWA and DCYF ICW policy
- Local regional and/or office reviews of ICW cases to be conducted by DCYF staff and Tribes

The 2019 ICW Case Review was facilitated by the Office of Tribal Relations in collaboration with the Central Case Review Team (CCRT) and conducted by a team of reviewers, comprised of:

- Tribal representatives
- RAIO representatives
- Casey Family Programs
- Court Partners
- Alliance Trainers
- DCYF caseworkers and managers

All DCYF reviewers were identified by the region to participate in the review process.

Reviews occurred in six locations across the state. The Office of Tribal Relations developed a random sample, coordinated logistical arrangements of the review and hosted each of the six reviews. The CCRT facilitated consensus building and assisted reviewers to ensure inter-rater reliability. There were different Tribal, RAIO and review participants at each of the six locations. All participants attended training on the ICW Case Review process and tool. The ICW Case Review design includes:

- Four-day reviews that begin on Tuesday and end on Friday
- Review of each case by at least two team members
- Feedback sheets completed on each case reviewed identifying strengths and areas needing improvement. The feedback sheets are provided to the caseworker, supervisor and administrators at the end of the review
- A review team debrief at the end of the third day to discuss the regional results. During the debrief, the team identifies practice themes, strengths, areas needing improvement and systemic issues
- An exit meeting on the fourth day with local administrators, supervisors and caseworkers. The review team provides feedback on the regional ICW practice themes.

There were five non-ICWA questions within the Culturally Competent Case Management section which were developed to be companion questions to the ICWA case management questions. These five questions are not included within the main body of the report, but are included as Appendix A at the end of this report.

## Washington Statewide 2019 ICW Report Overview

The 2019 ICW Case Review occurred from July 8 to Aug. 16, 2019. Reviews occurred in six locations across the state, one review in each region. At each location, cases were from field offices throughout that region.

### ICW Case Review Sample

A random sample of 138 cases was reviewed. The sample was stratified to be representative of the proportion of ICW cases served by each office within the region. The sample included cases of children or parents identified as Native American in FamLink, the DCYF State Automated Child Welfare Information System (SACWIS). For out-of-home cases when there were multiple children in the family, the case was evaluated regarding one randomly selected child. Cases were open in one or more of the months from July 2018 to December 2018. The case sample was designed so that approximately 50% of families were primarily affiliated with a Washington State Tribe.

Cases were classified as either an in-home case or an out-of-home case according to the Children’s Bureau federal review definition.

- **In-home service cases:** The case remained open 45 consecutive days or more to provide in-home services and/or to monitor child safety. All children remained in the home during the last 12 months.
- **Out-of-home care cases:** The identified child was in out-of-home care 24 hours or more through court action or a Voluntary Placement Agreement (VPA) during the last 12 months. The child may have returned home within the last year or had siblings who remained in the home.

In-Home Cases	Out-Of-Home Cases	Total Cases
26	112	138

The cases reviewed were classified as ICWA or Non-ICWA. In-home cases were classified as “ICWA Eligible” if one of the children in the family home was either a member or the child of a member and eligible for membership with a federally recognized tribe. It is recognized that ICWA does not apply to in-home cases and the ICWA specific questions were not applicable to in-home cases. The designation of “ICWA Eligible” was for classification purposes only. The number of cases reviewed for each classification is as follows:

Out-Of-Home ICWA	In-Home ICWA Eligible	Out-Of-Home Non-ICWA	In-Home Non-ICWA Eligible
77	8	35	18

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The number of cases reviewed from each region were as follows:

Region	In-Home Cases	Out-Of-Home Cases	Total
Region 1	5	20	25
Region 2	4	12	16
Region 3	6	16	22
Region 4	3	28	31
Region 5	3	17	20
Region 6	6	18	24
<b>Total</b>	<b>26</b>	<b>112</b>	<b>138</b>

### Tribal Affiliation of the Children Included in the Review

Tribal affiliation included all Tribes identified by a parent or family member including:

- Tribes that have determined the child’s Indian status as a member, eligible for membership, or non-member
- Tribes whose determination of the child’s Indian status was still pending
- Tribes identified by a parent or family member, with whom inquiry of Indian status was not completed with the identified Tribe

Children were identified by Tribal affiliation in an effort to assess if there were practice differences when serving families from federally recognized Washington State Tribes versus out-of-state federally recognized Tribes and non-federally recognized tribes or Canadian First Nations.

Primary Tribal Affiliation of the Child	Number of Cases
Washington State Tribe	61
Out-Of-State Tribe	77
Non-Federally Recognized Tribe or Canadian First Nation	0

## Children with Washington State Tribal Affiliation

There are 29 federally recognized Tribes in Washington state. The following chart identifies each Tribe's location and the number of children included in the review from each federally recognized Washington State Tribe. Some children were affiliated with more than one Tribe.

Washington State Federally Recognized Tribes		Number of Children
Region 1	Confederated Tribes of the Colville Reservation	8
	Kalispel Tribe of Indians	0
	Spokane Tribe of Indians	2
Region 2	Confederated Tribes and Bands of the Yakama Nation	11
Region 3	Lummi Nation	5
	Nooksack Indian Tribe	4
	Samish Indian Tribe	1
	Sauk-Suiattle Indian Tribe	2
	Stillaguamish Tribe of Indians	0
	Swinomish Indian Tribal Community	3
	Tulalip Tribe	2
	Upper Skagit Indian Tribe	4
Region 4	Muckleshoot Indian Tribe	5
	Snoqualmie Indian Tribe	2
Region 5	Port Gamble S'Klallam Tribe	0
	Puyallup Tribe	8
	Suquamish Tribe	1
Region 6	Confederated Tribes of the Chehalis Reservation	0
	Cowlitz Indian Tribe	9

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	Hoh Indian Tribe	3
	Jamestown S’Klallam Tribe	1
	Lower Elwha Klallam Tribe	1
	Makah Tribe	4
	Nisqually Indian Tribe	4
	Quileute Tribe	5
	Quinault Indian Nation	13
	Shoalwater Bay Indian Tribe	0
	Skokomish Indian Tribe	2
	Squaxin Island Tribe	2

### Children with Out-of-State Federally Recognized Tribal Affiliation

The following chart identifies the number of children included in the review from out-of-state federally recognized Tribes. Many children had multiple Tribal affiliations.

Out-Of-State Federally Recognized Tribal Affiliation	Number of Children
Aleut (Egegik Village)	3
Angoon Community Association	1
Apache (unspecified)	1
Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation	1
Bad River Band of the Lake Superior Chippewa	3
Blackfeet Tribe of the Blackfeet Indian Reservation of Montana	10
Central Council of Tlingit Haida	11
Cherokee (Unspecified)	18
Cherokee Nation	7

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Cheyenne River Sioux	2
Chickasaw Nation	3
Chippewa (Unspecified)	2
Chippewa Cree Tribe of the Rocky Boys Reservation	2
Choctaw (Unspecified)	2
Choctaw Nation of Oklahoma	2
Citizen Potawatomi Nation, Oklahoma	1
Coeur D'Alene Tribe	2
Comanche Nation	1
Confederated Salish and Kootenai Tribes of the Flathead Reservation	2
Confederated Tribes of Siletz Indians of Oregon	2
Confederated Tribes of the Grand Ronde Community of Oregon	2
Confederated Tribes of the Umitilla Reservation	7
Confederated Tribes of the Warm Springs Reservation of Oregon	2
Cook Inlet Native Association	1
Fort Belknap Indian Community	2
Fort McDermitt Paiute Shoshone Tribe	1
Hoonah Indian Association, Tlingit and Haida	1
Kashia Band of Pomo Indians of Stewarts Point	1
Klamath Tribes	2
Leech Lake Band of Ojibwe	1
Metlakatla Indian Community	2
Native Village of Afognak	1

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Navajo Nation	1
Nez Perce Tribe	2
Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation	2
Oglala Sioux Tribe	3
Organized Village of Kake	1
Rosebud Sioux Tribe of the Rosebud Indian Reservation	2
Saint Paul Aleut	1
Seneca Nation of Indians	2
Seneca-Cayuga Tribe of Oklahoma	1
Sioux (unspecified)	3
Sitka Tribe of Alaska	1
Tangirnaq Native Village	1
Tonawanda Band of Seneca	1
Tonawanda Band of Seneca	1
Tsimshian Tribe	1
Turtle Mountain Band of Chippewa Indians	2
United Keetoowah Band of Cherokee Indians in Oklahoma	1
White Earth Band of Minnesota Chippewa Tribe	2
Witchita and Affiliated Tribes of Oklahoma	1
Yakutat Tlingit Tribe	2

## Statewide ICW Case Review Results

### Comparison of Results to Standard Office Reviews and Past ICW Reviews

It is important to note that the results of this review **cannot** be compared to the results of field office review completed by the Central Case Review Team. The statewide ICWA review was completed with a review tool utilizing questions and rating criteria, which are not comparable to the questions and rating criteria utilized within the Children's Bureau Onsite Review Instrument. While some of the questions are similar in structure, the case sampling and rating criteria are not comparable.

Comparison of 2015 ICW case review results with 2019 case review results. As noted above, a note of caution regarding the comparison of previous ICW reviews to the 2019 ICW case review. Previous ICW reviews included case sampling of CPS investigation only cases and CPS-FAR intervention cases. These cases are often short in duration (under 45 days) and do not include services to the family. The purpose of including these cases in the past was to assure the department met policy requirements of inquiry to identify Native American families involved with the Department from the inception of the case. During the 2019 ICW review, case sampling criteria utilized the federal definition of a case as an in-home case or an out-of-home case. In addition, since the previous ICW review in 2015, there have been updates to policy expectations and practice clarification which have occurred. Based on these policy updates and practice expectations, individual question wording and rating criteria were adjusted to match these requirements. The 2015 ICW review questions which remain the most comparable to the 2019 ICW review results are summarized in Appendix B at the end of this report.

### Statewide Practice Themes

#### Strengths:

The practice areas below are identified as strengths with a review rating result of 80% or higher.

#### 1. Comprehensive ancestry charts

- In 85% (83 of 98) of the cases that required an ancestry chart for the purposes of inquiry, comprehensive genealogical information was gathered from the parents or relatives which included the child's, parents' and grandparents' full name, date and place of birth and tribal affiliation.

#### 2. Second inquiry with federally recognized Tribes to determine Indian status

- In 83% (34 of 41) of the cases, when the federally recognized Tribe(s) did not respond to the initial inquiry to determine Indian status, a second inquiry was made to the Tribe(s).
- In 91% (31 of 34) of the cases, the second inquiry was made to a federally recognized tribe within 60 days of the first inquiry.

#### 3. LICWAC staffing

- In 92% (11 of 12) of the cases in which a LICWAC occurred, while inquiry with a federally recognized tribe was pending the LICWAC staffing was held or attempts were made to schedule the staffing within 60 days of learning the child may be Indian.

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#### 4. Placement Preference

- In 94% (31 of 33) of the cases in which the tribes placement preference was identified, the placement preference was assessed for suitability and the child was placed with the Tribe's preferred placement; or, the Tribe's placement preference was assessed for suitability and was not followed due to safety or well-being concerns for the child and there were follow-up efforts to resolve the differences with the Tribe(s) in a timely and collaborative manner and a resolution was reached; or, a resolution was unable to be reached and the court found good cause not to follow the placement preference of the Tribe(s) by clear and convincing evidence.

#### 5. Child safety in out-of-home care

- In 89% (99 of 111) of the cases of children placed in out-of-home care, risk and safety threats were adequately identified, assessed and addressed. Children were placed with a safe relative, other suitable person or foster home and if safety threats were identified regarding the child's out-of-home caregiver, all threats were assessed and addressed.

#### 6. Meeting the educational needs of the children

- In 95% (69 of 82) of the cases that remained open for services or safety monitoring, the child's educational needs were adequately assessed and appropriate services were provided when needs were identified. When the child's Tribe had educational resources there was ongoing collaboration with the Tribe regarding meeting the child's educational needs.

#### Areas Needing Improvement:

The practice areas below are identified as areas needing improvement with a review rating result lower than 70%.

##### 1. Asking the father or paternal relatives if the child had American Indian/Alaska Native ancestry

- In 61% (62 of 101) of the cases, the father or paternal relatives were asked if the child had American Indian/Alaska Native ancestry.
- In 64% (38 of 59) of the cases, the father was asked timely if the child had American Indian/Alaska Native ancestry. This applied to cases that were opened within the past two years.

##### 2. Contact with the federally recognized Tribe at case opening

- In 57% (24 of 42) of the cases, when it was known at case opening that the child was a member or eligible for membership with a federally recognized Tribe, the Tribe was contacted within 24 hours of being assigned the case as per policy.
- In 48% (47 of 97) of the cases, when it was known at case opening that the child was a member or eligible for membership with a federally recognized Tribe, the Tribe was contacted within one working day to confirm the child's Indian status and to notify the Tribe(s) of case assignment. This applied to federally recognized Washington State and out-of-state Tribes for cases that were opened within the past two years.

##### 3. Completing the Indian Identity Request form at the initial visit and uploading the form

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- In 36% (36 of 101) of the cases, the mother or maternal relatives were asked to complete the Indian Identity Request form at the initial visit.
- In 26% (23 of 89) of the cases, the father or paternal relatives were asked to complete the Indian Identity Request form at the initial visit.
- In 63% (49 of 78) of the cases, the Indian Identity Request form was uploaded into FamLink.

#### **4. Referral to the Native American inquiry (NAIR) unit and initial inquiry**

- In 48% (47 of 97) of the cases, when Indian ancestry was identified with a federally recognized tribe the caseworker provided a complete referral to the NAIR unit within 10 working days of learning the information.
- In 44% (43 of 97) of the cases, the initial inquiry to federally recognized tribes was completed within 30 days from the time Indian ancestry was identified.

#### **5. LICWAC staffing**

- In 29% (12 of 41) of the cases, the case was staffed with LICWAC when an inquiry was pending with a federally recognized tribe.
- In 56% (9 of 16) of the cases, the case was staffed with LICWAC for guidance when the child's Tribe(s) was unavailable or the tribe was in agreement with guidance from the LICWAC occurring.

#### **6. Ongoing active efforts to provide and engage the mother and father in services**

- In 44% (30 of 68) of the cases that remained open for in-home or out-of-home services, there were ongoing active efforts to provide services to the father including engaging and actively working with the father to complete services.
- In 64% (46 of 72) of the cases that remained open for in-home or out-of-home services, there were ongoing active efforts to provide services to the mother including engaging and actively working with the mother to complete services.
- In 43% (30 of 69) of the cases that remained open for in-home or out-of-home services, there were timely and diligent efforts to engage the parent in services, including services offered by tribes and Indian organizations when possible.

#### **7. Collaboration with Tribe(s) in case planning**

- In 54% (14 of 26) of the cases, when the child was a member or eligible for membership with a Washington State federally recognized Tribe(s), the Tribe was contacted within one working day to discuss case planning when the case was opened in-home services, out-of-home services or when there was an emergency removal of a child in the last year.
- In 49% (37 of 75) of the cases of children who were a member or eligible for membership with a federally recognized tribe, there were ongoing efforts to collaborate with the tribe in case planning.
- In 60% (30 of 50) of the cases of children who were a member or eligible for membership with a federally recognized Tribe, the Tribe was notified in a timely manner and encouraged to participate in FTDM staffing when placement of the child or a placement move was being considered.

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**8. Cultural support of the child**

- In 67% (51 of 76) of the cases of children placed in out-of-home care and ICWA applied, there were ongoing efforts to support the child's contact with his/her parents and extended family members.
- In 38% (29 of 76) of the cases of children placed in out-of-home care who were a member or eligible for membership with a federally recognized Tribe, ongoing efforts were made to encourage and support the child's participation in Tribal customs and activities specific to the child's Tribe.

**9. Court Requirements**

- In 57% (25 of 44) of the cases of children where ICWA applied, the federally recognized Tribe was notified prior to dependency fact-finding, guardianship fact-finding and termination hearings.
- In 67% (51 of 76) of the cases of children where ICWA applied, the federally recognized tribe was notified prior to all dependency review hearings within the last year.
- In 58% (18 of 31) of the cases of children where ICWA applied, there was a qualified expert witness for all dependency fact-finding, guardianship fact-finding and termination proceedings in the last two years.

**10. Placement Preference**

- In 46% (33 of 72) of the cases of children placed in out-of-home care where ICWA applied, efforts were made to identify the Tribe's placement preference. This included efforts to consult with the Tribe prior to making a non-emergent placement decision and efforts to consult with the Tribe in a timely manner after an emergency placement occurred. This measure goes beyond documenting that the tribe was in agreement with the placement, identifying specifically the tribe's placement preference.

**11. Assessing and addressing child safety in the family home**

- In 51% (37 of 72) of the cases of children who resided in the family home during the last year, risk and safety threats were adequately identified, assessed and addressed.

**12. Meeting the physical and mental/behavioral health needs of children**

- In 61% (47 of 77) of the cases when ICWA applied, the child's physical health needs were adequately assessed and appropriate health services were provided when needs were identified; including routine well-child and dental exams. When the child's Tribe had health resources, there was ongoing collaboration with the Tribe regarding meeting the child's health needs.
- In 57% (25 of 44) of the cases when ICWA applied, the child's mental/behavioral health needs were adequately assessed and appropriate services were provided when needs were identified. When the child's Tribe had mental health resources, there was ongoing collaboration with the Tribe regarding meeting the child's mental health needs.

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### 13. Actions to achieve permanency

- In 38% (29 of 77) of the cases of children who resided in out-of-home care during the last year, the child returned home during the last year or there were sufficient and timely efforts made to achieve permanency for the child in the last year.

## Statewide Practice Themes and Recommendations for Improvement Plans

### 1. Improve Early Engagement of Tribes

When it was known at case opening that the child was a member of a federally recognized Tribe or the biological child of a member and eligible for membership, notification to the child's Tribe within one working day of case opening was inconsistent. Timely notification at case opening provides the Tribe the opportunity to take jurisdiction, intervene or partner in the CPS investigation, CPS-FAR intervention, voluntary services, or child custody proceedings. Notification and collaboration with the child's Tribe early in the case has implications for reducing disproportionality and improving outcomes for Indian children including:

- Reducing the safety threats for the child and providing an alternative to out-of-home placement through the provision of culturally appropriate services
- Identifying safe relatives as placement resources
- Preventing delays in permanency and reducing the length of stay for children

When the child's Indian status is unknown at case opening, the caseworker should inquire with both sides of the family, if available, at the initial contact with the family to determine if the child(ren) has any Native American ancestry. When the father or paternal relatives were available, they were asked if the child had American Indian/Alaska Native ancestry 61% of the time. This was a decrease from 70% achieved during the 2015 ICW review. Inquiry with the mother or maternal relatives continues to remain higher than with fathers or paternal relatives. Improvement is needed in the area of asking both sides of the child's family at initial contact and involving the Tribe in the case discussion at the earliest possible moment.

When there is reliable information that a child is a member of a federally recognized Tribe(s) or the biological child of a member and eligible for membership, intakes should be provided to the Tribe(s). If the child's Indian status is unknown, detailed intake information should not be disclosed to the Tribe. The NAIR process is in place to assist the primary caseworker in identifying the child's status with the Tribe; however, this does not preclude the primary caseworker from reaching out to the Tribe early in the case. When there is reliable information and a reason to know the child is a member or eligible for membership, such as the family providing documentation of their status with the Tribe, the primary caseworker does not need to wait for the NAIR process to be completed prior to reaching out to the Tribe.

- **Specialization of ICW offices, units, designated caseworkers**

Throughout the state, there are some regions that utilized specialized ICW offices, units or designated ICW caseworkers. The quality of ICW social work practice and adherence to ICWA requirements was stronger in the regions, offices and units where specialized sections are utilized. When workers are

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part of a specialized section, there is an increased knowledge of the requirements of the law and the development of working relationships with Tribal partners. Within capacity, it recommended that regions consider the implementation of specialized ICW offices, units or designated caseworkers where it is feasible to do so given the number of ICWA cases being served in that area.

## 2. Utilization of Verified Sources for Ancestry Charts

Throughout the statewide ICW review, it was difficult for reviewers to determine where ancestry information was gathered. When information was gathered from the mother/maternal family and the father/paternal family and documented on the IIR form, that information would often be transferred onto the ancestry chart utilized by NAIR to complete inquiry letters with federally recognized Tribes to determine the child's Indian status with the Tribe. During the statewide review, the reviewers had a difficult time identifying where additional Tribal information added to the ancestry chart was gathered from, if the additional information was verified and if the family was informed that the additional information was being added to their ancestry chart.

The ancestry charts have a section that states which source information was gathered from and who gathered the information; however, it is unknown how the information gathered was verified. Noted informational sources on the ancestry chart included Facebook, Ancestry.com, Accurint, Aces, DOH, FamLink, SEMS, Barcode, FamilyTreeNow, CSO, WHALES, among others. During the review, there were concerns expressed by the Tribal and DCYF reviewers regarding some of the sources used to gather information and documenting the unverified information on a family ancestry chart. Consideration should be given to the development of verified sources to be utilized when gathering ancestry information. The development of a list of verified sources of information should be completed in collaboration with our Tribal partners.

## 3. Improved Documentation

Documentation of social work activities during the life of the case would improve the ability to track active efforts and compliance with ICWA. During a discussion of the ICW case review, the reviewers would state they could tell some things were happening on the case but they could not determine what specific activities were completed to arrive at conclusions. For instance, there may have been inquiry letters sent by NAIR to federally recognized Tribes but there was no IIR form in the file and no case note documentation of what information was gathered from the mother or the father. In other cases a child would return home or achieve another form of permanency; however, there was no clear documentation of how the decision was made and the critical thinking behind the decision. Reviewers noted throughout the statewide review that it was difficult to determine if a case was ICWA or Non-ICWA. This will be discussed further in the system recommendation of the report.

Improved documentation through case notes, comprehensive family evaluations and court reports regarding the department's efforts to maintain the child's cultural connections is an area that requires improvement. During the review, it was difficult for the reviewers to determine how the child's cultural needs were being met. There appeared to be an over-reliance on the foster parent to assure the child's cultural needs were met without verification or facilitation by the primary caseworker to assure this was occurring. Documented efforts to provide the child with cultural resources specific to the child's Tribe occurred in 38% of the ICWA cases when the child was placed in out-of-home care. When children, who are a member or eligible for membership with a federally recognized Tribe, are placed in

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out-of-home care, making ongoing efforts to encourage and support the child's participation in Tribal customs and activities specific to the child's Tribe is beneficial to the child.

When identifying a Tribe's placement preference, a modification in how this information is documented is recommended. Case file documentation would often identify that the 'Tribe was in agreement' with the placement or 'the Tribe was informed of the placement'; however, clear documentation of the Tribe's placement preference was often not located. While the Tribe may be in agreement with the placement completed by the department, this may or may not be the Tribe's preferred placement.

#### **4. Locating Absent Parents and Providing Active Efforts**

Across the state, reviewers consistently noted a lack of caseworker efforts to locate absent parents. The increased use of the regional parent locator process and concerted efforts to contact a parent once information is provided by the locator would assist to improve caseworker engagement of the mother and the father in the case planning activities. In addition, when absent parents are not located the department is potentially not identifying half of the child's relatives to maintain cultural connections and relative placement.

Active efforts to provide culturally appropriate services to prevent removal of a child or safely return a child home including actively working with the parent to engage in services, was an area of practice that remained inconsistent. When active efforts are made, disproportionality is impacted by allowing parents to gain parenting skills while maintaining cultural connections to the family, community and Tribe beyond simply providing referrals to services. Throughout the state, active efforts with the mother remain higher than with the father.

Active efforts also include identifying and encouraging involvement in community services and resources specifically for Indian families. Referring families to services, resources and activities maintain cultural connections. Specific training for caseworkers regarding active efforts is necessary and is discussed further in the Systemic Recommendations below.

#### **5. Assist Families with the Completion of Paperwork**

During the review process, it was difficult to determine if the primary caseworker was meeting with the mother, father or care provider to discuss the required paperwork. Meeting with the mother and/or the father to complete the report to the court in a collaborative manner would assist the engagement of the parent in the case planning process and potentially improve outcomes for children through parental acceptance and agreement of the case plan recommendations.

There were noted delays in the completion of the home study process for children placed in relative care. One of the delays identified included the completion of paperwork to initiate the home study process by the Licensing Division. Meeting with the relative placement in-person shortly after the child is placed in their care to complete the home study application together would assist in a completed home study in a timely manner.

#### **6. Increase Shared Planning Meetings**

The use of shared planning meetings was inconsistent across the state. LICWAC staffing's, while inquiry was pending with a federally recognized Tribe, occurred in 29% of the cases reviewed which required staffing. Completion of a LICWAC staffing when a child has been placed in out-of-home care or placement is being considered while inquiry is pending may result in earlier Tribal engagement in the case planning and assist in providing early services to children.

Permanency planning meetings every 6 months until the child achieves permanency were not occurring on a consistent basis across the state. Adherence to the permanency planning meeting policy, to include inviting the necessary parties to the meeting in a timely manner (including Tribes) may assist in moving cases towards permanency.

## Statewide Systemic Issues and Recommendations for Improvement

### 1. Native American Evidence Based Providers

During the review, it was identified that throughout the state there is a lack of in-home evidence-based providers who are Native American. Evidence-based providers such as Incredible Years, Parent-Child Interactive Services, Positive Parenting and others all have service providers which enter the family home to provide their service. During the statewide review through conversations with Tribal and Department reviewers, it was determined that a Native American provider going into the family home of the mother and/or father to provide evidence-based services was not available.

There are many Tribal partners who are providing services to Native American families, such as Positive Indian Parenting; however, some of the services provided by the Tribal partners are not contracted through the Department. Some Tribal partners have expressed that going through the contract process and meeting the requirements of the Department would put a strain on their existing resources and ability to provide the service to as many families as possible. An example of the additional strain on resources would be the completion of written reports regarding the mother, father or family progress with the recommended service. Report writing or providing court testimony takes an extensive amount of time away from direct provider service being provided to a family. In addition, becoming certified in some of the evidence-based provider services is an expensive endeavor which not all providers are able to complete. Further exploration and development of evidence-based Native American service providers who enter family homes would be beneficial to the Native American children served by the Department.

### 2. ICWA Case Identification

Across the state, reviewers had a difficult time initially identifying if a case was an ICWA case or a Non-ICWA case. In several cases, there was conflicting information in the case file regarding the child's Indian status with the Tribe. The conflicting information was in relation to the child's Indian status being reported differently in various areas of the case file. The child's Indian status with a Tribe may have been documented differently on the child's person card (ICW tab), the court report, the court order, Tribal letters to the department, primary caseworker case note documentation and supervisor case note documentation. A case file should be easily identifiable as ICWA or Non-ICWA. In several cases, it did not appear that information in the electronic case file was updated when information was received from the Tribe verifying the child's status. Primary caseworkers assigned to the case do not

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have access to the ICW tab on the child's person card; however, there is already an established procedure in place for this information to be updated. Consistent application of this procedure would improve the conflicting information in the case file. ICW related documents are not consistently filed within the ICW specific section of the case file and oftentimes, ICW documents were scattered throughout the case file in the legal section, correspondence section, family section and reports section. Maintaining a consistent filing process of ICWA related documents would decrease the inconsistent reporting of the child's Indian status.

### **3. ICWA Training**

ICWA specific training is no longer mandatory and is at the discretion of the regions to send new caseworkers to the ICWA specific training provided by the Alliance for Child Welfare Excellence. The training, which incorporates ICWA requirements, is weaved through all training components for new caseworkers; however, there is a concern that the ICWA specific information is not retained by new caseworkers due to the abundance of information a new worker receives during the first three months of training. Involving a Tribal representative from the trainee's specific catchment area during training would be valuable to the learning process. This collaboration would assist caseworkers in understanding the "why" behind implementation of ICWA. Having a Tribal representative present at trainings would be similar to having a foster parent present during PRIDE training or a youth present during Regional Core Training (RCT) to talk about their experience working with the Department. This collaboration would also develop a relationship between the state caseworker and the Tribal social worker, specifically if there are in-service trainings at the local office and Tribal partners located geographically close to that particular office are included.

Quality supervision is an important factor in improving quality ICWA social work. Increasing ICWA related training will have a positive impact in relation to the areas of early engagement and ongoing collaboration with the Tribes identified as statewide recommendations for quality assurance and improvement.

### **4. Documentation of Tribal Legal Notice**

There are two ICW Case Review measures regarding compliance with legal notice to federally recognized Tribes. The first measure evaluates notice to the Tribe prior to a dependency fact-finding, guardianship fact-finding and/or termination hearing. In most, but not all, areas of the state, the Assistant Attorney General (AAG) sends this legal notice required by ICWA.

In many of the cases that were not achieved for legal notice of dependency fact-finding, guardianship fact-finding and termination hearings, the legal notice could not be located in the case file documentation. As mentioned in the documentation section above, in many cases the Tribe participated in the hearing, but it was unclear if the Tribe was provided Legal Notice or knew about the court hearing from another source. A standardized process with the AAG to receive a copy of the Legal Notice to the Tribe for case file documentation should be implemented.

The second measure applies to notification prior to all dependency review hearings regarding children who are a member of a federally recognized Tribe or a biological child of a member and eligible for membership. Practice across the state is inconsistent as to how this notice is provided. In most areas, the assigned caseworker is required to provide this notification. This area remains an area needing

improvement and occurred 67% of the time, which is an improvement from 48% during the 2015 ICW review.

#### **5. Utilization of a Qualified Expert Witness**

In 58% of the cases of children who are members of a federally recognized Tribe or eligible for membership, the child's Tribe was not contacted to identify a qualified expert witness for dependency fact-finding, guardianship fact-finding and termination proceedings. In a majority of the cases, a declaration from the qualified expert witness was not located in the case file. A qualified expert witness assists the court in the determination of whether the continued custody of the child or return of the child to the parent or Indian custodian, is likely to result in serious emotional or physical damage to the child. Additional training is necessary in the area of requesting a qualified expert witness from the child's Tribe or in the documentation that a qualified expert witness was present at the proceedings. During the regional exit meetings with administration and staff, multiple regions expressed an inability to identify and locate an expert witness specific to the child's tribal customs who was willing to participate in the hearing and provide the required testimony.

#### **6. Utilization of ICW Workload Ratios'**

Across the state, the utilization and application of the ICW case ratio is inconsistent when determining necessary staffing levels for regions and offices. Adherence to ICWA, active efforts with parents and collaboration with Tribal partners take an additional amount of social work time. The impact of workload in relation to ICWA social work should be taken into consideration at all levels of the Department from FTE allotment determinations to supervisor assignment determinations, particularly in non-ICWA specific offices and units. This inconsistency in "weighting" the amount of social work necessary to provide quality ICW caseworker results in caseworkers transferring out of ICW specific units.

#### **7. Worker Retention**

Few would dispute that turnover is a problem in child welfare. When adequate staff is not available to manage the workload, stress levels increase for those caseworkers who remain. The transfer of a case from one caseworker to another increases miscommunication, delays permanency and contributes to disproportionality in ICWA cases. High caseworker turnover affects the relationship with the family and can disrupt the continuity of services, leading to delayed permanency and disproportionality.

#### **8. File Upload Documentation**

During the 2019 review, both DCYF reviewers and Tribal partner reviewers noted a lack of consistency regarding what information is uploaded into the FamLink system. The development of a list of required to upload documents would be beneficial for consistency of what information is included as part of the electronic case file. In addition, there was a recommendation of creating a specific file upload folder that would contain all of the ICWA specific information for the file.

## **Statewide Results for Each Case Review Question**

Rating criteria for each question can be obtained through the *2019 Washington State Indian Child Welfare Case Review Tool*.

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## Inquiry of Indian Status

*(The questions in this section were designed to measure compliance and quality of practice regarding inquiry and determination of Indian status per WICWA.)*

### 1. Was the father, Indian custodian or paternal relatives asked if the child had American Indian/Alaska Native ancestry?

2019 Statewide	Region 1	Region 2	Region 3	Region 4	Region 5	Region 6
61% (62 of 101)	63% (10 of 16)	60% (6 of 10)	63% (10 of 16)	58% (14 of 24)	64% (9 of 14)	62% (13 of 21)

#### Statewide Results by Case Type

In-Home Cases	52% (13 of 25)
Out-Of-Home Cases	64% (49 of 76)

#### Primary Affiliation with a Washington State Tribe

64% (28 of 44)

### 2. Was the mother, Indian custodian or maternal relatives asked if the child had American Indian/Alaska Native ancestry?

2019 Statewide	Region 1	Region 2	Region 3	Region 4	Region 5	Region 6
79% (84 of 106)	100% (18)	100% (10)	63% (12 of 19)	83% (20 of 24)	73% (11 of 15)	65% (13 of 20)

#### Statewide Results by Case Type

In-Home Cases	76% (19 of 25)
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Out-Of-Home Cases	80% (65 of 81)
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<b>Primary Affiliation with a Washington State Tribe</b>
72% (34 of 47)

**3. If the mother, Indian custodian or maternal relatives were asked regarding the child’s Indian ancestry, were they asked timely?**

2019 Statewide	Region 1	Region 2	Region 3	Region 4	Region 5	Region 6
74% (59 of 80)	72% (13 of 18)	75% (6 of 8)	75% (9 of 12)	80% (16 of 20)	73% (8 of 11)	64% (7 of 11)

<b>Statewide Results by Case Type</b>	
In-Home Cases	70% (14 of 20)
Out-Of-Home Cases	75% (45 of 60)

<b>Primary Affiliation with a Washington State Tribe</b>
72% (23 of 32)

**4. If the father, Indian custodian or paternal relatives were asked regarding the child’s Indian ancestry, were they asked timely?**

2019 Statewide	Region 1	Region 2	Region 3	Region 4	Region 5	Region 6
64% (38 of 59)	55% (6 of 11)	50% (3 of 6)	67% (6 of 9)	57% (8 of 14)	78% (7 of 9)	80% (8 of 10)

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Statewide Results by Case Type	
In-Home Cases	54% (7 of 13)
Out-Of-Home Cases	67% (31 of 46)

Primary Affiliation with a Washington State Tribe
64% (14 of 22)

5. If it was known at case opening that the child was either (1) a member of a federally recognized Tribe(s) or (2) eligible for membership and the biological child of a member of a federally recognized Tribe(s), was the Tribe(s) contacted within 24 hours of being assigned the case per policy?

2019 Statewide	Region 1	Region 2	Region 3	Region 4	Region 5	Region 6
57% (24 of 42)	75% (6 of 8)	0% (0 of 2)	64% (7 of 11)	20% (1 of 5)	75% (6 of 8)	50% (4 of 8)

Statewide Results by Case Type	
In-Home Cases	29% (2 of 7)
Out-Of-Home Cases	63% (22 of 35)

Primary Affiliation with a Washington State Tribe
56% (18 of 32)

6. Was the mother, Indian custodian or maternal relatives asked to complete the Indian Identity Request (IIR) form (#09-761) at the initial visit per policy?

2019 Statewide	Region 1	Region 2	Region 3	Region 4	Region 5	Region 6
36% (36 of 101)	44% (8 of 18)	40% (4 of 10)	22% (4 of 18)	40% (10 of 25)	33% (5 of 15)	33% (5 of 15)

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Statewide Results by Case Type	
In-Home Cases	45% (10 of 22)
Out-Of-Home Cases	33% (26 of 79)

Primary Affiliation with a Washington State Tribe
19% (8 of 43)

7. Was the father, Indian custodian or paternal relatives asked to complete the Indian Identity Request (IIR) form (#09-761) at the initial visit per policy?

2019 Statewide	Region 1	Region 2	Region 3	Region 4	Region 5	Region 6
26% (23 of 89)	29% (4 of 14)	25% (2 of 8)	23% (3 of 13)	17% (4 of 24)	38% (5 of 13)	29% (5 of 17)

Statewide Results by Case Type	
In-Home Cases	31% (5 of 16)
Out-Of-Home Cases	25% (18 of 73)

Primary Affiliation with a Washington State Tribe
16% (6 of 37)

8. Was the Indian Identity Request form(s) uploaded into FamLink (#09-761)?

2019 Statewide	Region 1	Region 2	Region 3	Region 4	Region 5	Region 6
63% (49 of 78)	47% (8 of 17)	50% (3 of 6)	82% (9 of 11)	57% (12 of 21)	79% (11 of 14)	67% (6 of 9)

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Statewide Results by Case Type	
In-Home Cases	65% (13 of 20)
Out-Of-Home Cases	62% (36 of 58)

Primary Affiliation with a Washington State Tribe
52% (16 of 31)

9. If Indian ancestry was identified with a federally recognized Tribe, did the worker provide a complete referral to the Native American Inquiry Referral (NAIR) Unit within 10 working days of learning this information?

2019 Statewide	Region 1	Region 2	Region 3	Region 4	Region 5	Region 6
48% (47 of 97)	47% (7 of 15)	60% (6 of 10)	50% (8 of 16)	58% (14 of 24)	31% (4 of 13)	42% (8 of 19)

Statewide Results by Case Type	
In-Home Cases	26% (5 of 19)
Out-Of-Home Cases	54% (42 of 78)

Primary Affiliation with a Washington State Tribe
39% (17 of 44)

10. Was the initial inquiry to the federally recognized Tribe(s) completed within 30 days from the time Indian ancestry was identified?

2019 Statewide	Region 1	Region 2	Region 3	Region 4	Region 5	Region 6
44%	50%	40%	41%	46%	46%	41%

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(43 of 97)	(8 of 16)	(4 of 10)	(7 of 17)	(11 of 24)	(6 of 13)	(7 of 17)
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Statewide Results by Case Type	
In-Home Cases	42% (8 of 19)
Out-Of-Home Cases	45% (35 of 78)

Primary Affiliation with a Washington State Tribe
39% (17 of 44)

11. Was comprehensive genealogical information gathered to complete the ancestry chart?

2019 Statewide	Region 1	Region 2	Region 3	Region 4	Region 5	Region 6
85% (83 of 98)	81% (13 of 16)	90% (9 of 10)	81% (13 of 16)	79% (19 of 24)	92% (12 of 13)	89% (17 of 19)

Statewide Results by Case Type	
In-Home Cases	74% (14 of 19)
Out-Of-Home Cases	87% (69 of 79)

Primary Affiliation with a Washington State Tribe
95% (42 of 44)

12. If a federally recognized Tribe(s) did not respond to the initial inquiry to determine Indian status, was a second inquiry made to the Tribe(s)?

2019 Statewide	Region 1	Region 2	Region 3	Region 4	Region 5	Region 6

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83% (34 of 41)	83% (5 of 6)	100% (4)	83% (5 of 6)	80% (12 of 15)	100% (4)	67% (4 of 6)
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Statewide Results by Case Type	
In-Home Cases	75% (6 of 8)
Out-Of-Home Cases	85% (28 of 33)

Primary Affiliation with a Washington State Tribe
92% (11 of 12)

13. Was the second inquiry to the federally recognized Tribe(s) completed within 60 days of the first inquiry?

2019 Statewide	Region 1	Region 2	Region 3	Region 4	Region 5	Region 6
91% (31 of 34)	80% (4 of 5)	100% (4)	100% (5)	83% (10 of 12)	100% (4)	100% (4)

Statewide Results by Case Type	
In-Home Cases	100% (6)
Out-Of-Home Cases	89% (25 of 28)

Primary Affiliation with a Washington State Tribe
91% (10 of 11)

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14. Was the case staffed with the Local Indian Child Welfare Advisory Committee (LICWAC) when an inquiry was pending with a federally recognized Tribe?

2019 Statewide	Region 1	Region 2	Region 3	Region 4	Region 5	Region 6
29% (12 of 41)	63% (5 of 8)	25% (1 of 4)	0% (0 of 3)	7% (1 of 15)	25% (1 of 4)	57% (4 of 7)

Primary Affiliation with a Washington State Tribe

55% (6 of 11)

15. If the case was staffed with a LICWAC during the time inquiry was pending with the Tribe, did the LICWAC staffing occur timely?

2019 Statewide	Region 1	Region 2	Region 3	Region 4	Region 5	Region 6
92% (11 of 12)	80% (4 of 5)	100% (1)	NA	100% (1)	100% (1)	100% (4)

Primary Affiliation with a Washington State Tribe

83% (5 of 6)

## Active Efforts/Collaboration with Tribes

*(The questions in this section were designed to measure compliance and quality of practice regarding active efforts and collaboration with Tribes per federal and state ICWA.)*

### 16. Were ongoing active efforts made to provide services to the father or Indian custodian, including ongoing engagement to complete services?

2019 Statewide	Region 1	Region 2	Region 3	Region 4	Region 5	Region 6
44% (30 of 68)	50% (6 of 12)	80% (4 of 5)	18% (2 of 11)	70% (7 of 10)	47% (8 of 17)	23% (3 of 13)

#### Primary Affiliation with a Washington State Tribe

37% (15 of 41)

### 17. Were ongoing active efforts made to provide services to the mother or Indian custodian including ongoing engagement to complete services?

2019 Statewide	Region 1	Region 2	Region 3	Region 4	Region 5	Region 6
64% (46 of 72)	58% (7 of 12)	83% (5 of 6)	50% (6 of 12)	90% (9 of 10)	59% (10 of 17)	60% (9 of 15)

#### Primary Affiliation with a Washington State Tribe

56% (25 of 45)

### 18. Were ongoing efforts made to engage the child in case planning on an ongoing basis?

2019 Statewide	Region 1	Region 2	Region 3	Region 4	Region 5	Region 6
79%	60%	100%	60%	80%	100%	86%

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<b>Primary Affiliation with a Washington State Tribe</b>
72% (13 of 18)

**19. If the child was a member or the biological child of a member and eligible for membership with a Washington State federally recognized Tribe, was the Tribe(s) contacted within 24 hours of case assignment to discuss jurisdiction?**

2019 Statewide	Region 1	Region 2	Region 3	Region 4	Region 5	Region 6
54% (14 of 26)	60% (3 of 5)	NA	63% (5 of 8)	100% (1)	71% (5 of 7)	0% (0 of 5)

<b>Statewide Results by Case Type</b>	
In-Home Cases	50% (1 of 2)
Out-Of-Home Cases	54% (13 of 24)

**20. Were there ongoing efforts to consult and collaborate with the Indian child’s federally recognized Tribe(s) in case planning?**

2019 Statewide	Region 1	Region 2	Region 3	Region 4	Region 5	Region 6
49% (37 of 75)	43% (6 of 14)	50% (4 of 8)	83% (10 of 12)	70% (7 of 10)	41% (7 of 17)	21% (3 of 14)

<b>Primary Affiliation with a Washington State Tribe</b>
93% (25 of 27)

**21. If the Tribe or LICWAC did not concur with the child’s case plan and notified DCYF that an impasse existed, were the impasse procedures followed?**

2019 Statewide	Region 1	Region 2	Region 3	Region 4	Region 5	Region 6
N/A	N/A	N/A	N/A	N/A	N/A	N/A

An impasse is defined as a deadlock between DCYF, the LICWAC or the child’s Tribe regarding the child’s case plan. There were no applicable cases to this question in 2012, 2015 or 2019. This question remains in the ICW case review to serve as a reminder to Tribes and LICWACs that DCYF strongly encourages the use of these procedures as steps to resolve issues at the lowest possible level within the DCYF organizational structure recognizing that DCYF cannot impose these requirements on Tribes as Sovereign nations.

## Culturally Competent Case Management

(The questions in this section were designed to measure compliance and quality of practice regarding providing culturally competent case management.)

### 22. Did Family Team Decision Making (FTDM) staffing occur when placement of the child or a placement move was being considered?

2019 Statewide	Region 1	Region 2	Region 3	Region 4	Region 5	Region 6
79% (50 of 63)	100% (11)	83% (5 of 6)	75% (9 of 12)	80% (8 of 10)	77% (10 of 13)	64% (7 of 11)

#### Statewide Results by Case Type

In-Home Cases	100% (2)
Out-Of-Home Cases	79% (48 of 61)

#### Primary Affiliation with a Washington State Tribe

80% (32 of 40)

### 23. If FTDM staffing occurred, was the child's federally recognized Tribe(s) notified and encouraged to participate in the staffing in a timely manner?

2019 Statewide	Region 1	Region 2	Region 3	Region 4	Region 5	Region 6
60% (30 of 50)	38% (3 of 8)	67% (2 of 3)	78% (7 of 9)	75% (6 of 8)	50% (6 of 12)	60% (6 of 10)

#### Primary Affiliation with a Washington State Tribe

62% (21 of 34)

**24. Were timely and diligent efforts made to engage the parent or Indian custodian in reasonably available and culturally appropriate preventive, remedial or rehabilitative services, including services offered by tribes and Indian organizations if possible?**

2019 Statewide	Region 1	Region 2	Region 3	Region 4	Region 5	Region 6
43% (30 of 69)	42% (5 of 12)	17% (1 of 6)	58% (7 of 12)	55% (6 of 11)	44% (7 of 16)	33% (4 of 12)

**Primary Affiliation with a Washington State Tribe**

47% (20 of 43)

**25. When the child was placed in out-of-home care, were there ongoing efforts to support the child's contact with his/her parents and extended family members?**

2019 Statewide	Region 1	Region 2	Region 3	Region 4	Region 5	Region 6
67% (51 of 76)	80% (12 of 15)	75% (6 of 8)	67% (8 of 12)	80% (8 of 10)	59% (10 of 17)	50% (7 of 14)

**Primary Affiliation with a Washington State Tribe**

68% (32 of 47)

**26. When the child was placed in out-of-home care, were ongoing efforts made to encourage and support the child's participation in Tribal customs and activities specific to the child's Tribe?**

2019 Statewide	Region 1	Region 2	Region 3	Region 4	Region 5	Region 6
38% (29 of 76)	21% (3 of 14)	13% (1 of 8)	58% (7 of 12)	45% (5 of 11)	47% (8 of 17)	36% (5 of 14)

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**Primary Affiliation with a Washington State Tribe**

36% (17 of 47)

**27. Was the case staffed with LICWAC for consultation when the child’s Tribe(s) was unavailable or the Tribe was in agreement with consultation with the LICWAC?**

2019 Statewide	Region 1	Region 2	Region 3	Region 4	Region 5	Region 6
56% (9 of 16)	50% (2 of 4)	0% (1)	100% (1)	50% (1 of 2)	0% (2)	83% (5 of 6)

**Primary Affiliation with a Washington State Tribe**

67% (4 of 6)

## Court Requirements

*(The questions in this section were designed to measure compliance and quality of practice regarding notification to Tribes of court proceedings and providing an expert witness per federal and/or state ICWA.)*

### 28. Was the child's Tribe(s) given legal notice prior to dependency fact-findings, Title 13 guardianship fact-findings and termination fact findings?

2019 Statewide	Region 1	Region 2	Region 3	Region 4	Region 5	Region 6
57% (25 of 44)	44% (4 of 9)	80% (4 of 5)	50% (4 of 8)	50% (3 of 6)	75% (6 of 8)	50% (4 of 8)

#### Primary Affiliation with a Washington State Tribe

48% (13 of 27)

### 29. Was the child's Tribe(s) informed of all dependency reviews?

2019 Statewide	Region 1	Region 2	Region 3	Region 4	Region 5	Region 6
67% (51 of 76)	60% (9 of 15)	75% (6 of 8)	83% (10 of 12)	70% (7 of 10)	65% (11 of 17)	57% (8 of 14)

#### Primary Affiliation with a Washington State Tribe

66% (31 of 47)

### 30. Was there a qualified Indian expert witness for all dependency fact-finding, Title 13 guardianship fact-finding and termination fact finding hearings?

2019 Statewide	Region 1	Region 2	Region 3	Region 4	Region 5	Region 6
58%	86%	100%	80%	67%	0%	25%

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(18 of 31)	(6 of 7)	(2)	(4 of 5)	(4 of 6)	(3)	(2 of 8)
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<b>Primary Affiliation with a Washington State Tribe</b>
53% (10 of 19)

## Placement Preference

*(The questions in this section were designed to measure compliance and quality of practice regarding obtaining and following the placement preference of the Tribe.)*

### 31. Were efforts made to identify the Tribe's placement preference?

2019 Statewide	Region 1	Region 2	Region 3	Region 4	Region 5	Region 6
46% (33 of 72)	58% (7 of 12)	50% (4 of 8)	50% (6 of 12)	60% (6 of 10)	38% (6 of 16)	29% (4 of 14)

#### Primary Affiliation with a Washington State Tribe

45% (20 of 44)

### 32. Was the Tribe's placement preference followed?

2019 Statewide	Region 1	Region 2	Region 3	Region 4	Region 5	Region 6
94% (31 of 33)	100% (7)	75% (3 of 4)	100% (6)	83% (5 of 6)	100% (6)	100% (4)

#### Primary Affiliation with a Washington State Tribe

95% (19 of 20)

## Safety

*(The questions in this section were designed to measure quality of practice regarding identifying, assessing and addressing risk safety threats for children.)*

### 33. During the time the child(ren) was living in the family home, were risk and safety threats adequately identified, assessed and addressed?

2019 Statewide	Region 1	Region 2	Region 3	Region 4	Region 5	Region 6
51% (37 of 72)	47% (7 of 15)	14% (1 of 7)	43% (6 of 14)	58% (7 of 12)	89% (8 of 9)	53% (8 of 15)

#### Statewide Results by Case Type

In-Home Cases	62% (16 of 26)
Out-Of-Home Cases	46% (21 of 46)

#### Primary Affiliation with a Washington State Tribe

52% (17 of 33)

### 34. During the time the child was placed in out-of-home care, were risk and safety threats adequately identified, assessed and addressed?

2019 Statewide	Region 1	Region 2	Region 3	Region 4	Region 5	Region 6
89% (99 of 111)	90% (18 of 20)	100% (12)	75% (12 of 16)	93% (26 of 28)	94% (16 of 17)	83% (15 of 18)

#### Primary Affiliation with a Washington State Tribe

88% (44 of 50)

## Well-Being

*(The questions in this section were designed to measure quality of practice regarding assessing and addressing the well-being needs of children.)*

### 35. Were actions taken to assess and address the child(ren)'s educational/developmental needs?

2019 Statewide	Region 1	Region 2	Region 3	Region 4	Region 5	Region 6
95% (55 of 58)	90% (9 of 10)	100% (8)	89% (8 of 9)	100% (9)	100% (11)	91% (10 of 11)

#### Primary Affiliation with a Washington State Tribe

92% (33 of 36)

### 36. Were actions taken to assess and address the child(ren)'s physical health needs?

2019 Statewide	Region 1	Region 2	Region 3	Region 4	Region 5	Region 6
61% (47 of 77)	67% (10 of 15)	63% (5 of 8)	33% (4 of 12)	82% (9 of 11)	76% (13 of 17)	43% (6 of 14)

#### Primary Affiliation with a Washington State Tribe

60% (29 of 48)

### 37. Were actions taken to assess the child(ren)'s mental/behavioral health needs and offer culturally appropriate services when needs were identified?

2019 Statewide	Region 1	Region 2	Region 3	Region 4	Region 5	Region 6
57% (25 of 44)	44% (4 of 9)	75% (3 of 4)	50% (3 of 6)	80% (4 of 5)	50% (5 of 10)	60% (6 of 10)

**Primary Affiliation with a Washington State Tribe**

60% (18 of 30)

## Permanency

*(The questions in this section were designed to measure quality of practice regarding achieving permanency for children placed in out-of-home care.)*

**38. If the child was placed in out-of-home care, were there sufficient and timely actions per policy, federal and state law, including active efforts when ICWA applies taken to complete the permanent plan?**

2019 Statewide	Region 1	Region 2	Region 3	Region 4	Region 5	Region 6
38% (29 of 77)	60% (9 of 15)	38% (3 of 8)	8% (1 of 12)	55% (6 of 11)	29% (5 of 17)	36% (5 of 14)

### Primary Affiliation with a Washington State Tribe

31% (16 of 48)

### Average Length of Stay for Children When ICWA was Applicable

During the statewide review, one child aged out of foster care during the period under review. That child had been in out-of-home care for 47 months prior to aging out of foster care.

One child's case was transferred to Tribal Authority during the period under review. That child had been in DCYF foster care for 12 months prior to being transferred to Tribal Authority.

Of the children included in the statewide review, 62 children remained in out-of-home placement at the time of the statewide review.

Number of Children	Average Length of Stay
62	21.6 Months

Of the children included in the statewide review, 2 children completed a trial return home and had their dependency dismissed prior to the review.

Length of Stay in Out-of-Home Care	Length of Trial Return Home Prior to Dismissal of Dependency	Total Length of Stay
2 Months	8 Months	10 Months
4 Months	6 Months	10 Months

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Of the children included in the statewide review, 11 children were on a trial return home at the time of the review.

Length of Stay in Out-of-Home Care	Length of Trial Return Home	Total Length of Stay
8 Months	0 Months	8 Months
13 Months	7 Months	20 Months
7 Months	5 Months	12 Months
10 Months	3 Months	13 Months
29 Months	2 Months	31 Months
22 Months	7 Months	29 Months
10 Months	1 Months	11 Months
13 Months	4 Months	17 Months
9 Months	4 Months	13 Months
10 Months	3 Months	13 Months
21 Months	5 Months	26 Months
<b>13.8 Months</b>	<b>3.7 Months</b>	<b>17.5 Months</b>

Length of stay by age group for ICWA children included in the statewide review:

Age Group	Number of Children	Average Length of Stay
Birth - 4	42	17.8 Months
5 - 10	25	22.9 Months
11 - 18	10	30.0 Months

## Appendix A

### Non-ICWA Culturally Competent Case Management

The child was not a member or the biological child of a member and eligible for membership with a federally recognized Tribe and the court did not determine there was reason to know the child was an Indian child; however, the family self-identified as having Indian cultural heritage, e.g., Indian ancestry with a non-federally recognized Tribe, Canadian First Nation, or a descendant of a federally recognized tribe but not eligible for membership.

#### When ICWA did not apply but the father self-identified Indian cultural heritage, was there ongoing engagement with the father in culturally competent case planning?

2019 Statewide	Region 1	Region 2	Region 3	Region 4	Region 5	Region 6
20% (1 of 5)	0% (1)	0% (1)	NA	0% (1)	NA	50% (1 of 2)

#### When ICWA did not apply but the mother self-identified Indian cultural heritage, was there ongoing engagement with the mother in culturally competent case planning?

2019 Statewide	Region 1	Region 2	Region 3	Region 4	Region 5	Region 6
11% (1 of 9)	0% (1)	0% (1)	0% (1)	0% (5)	NA	100% (1)

#### When ICWA did not apply but the child/youth self-identified Indian cultural heritage, was there ongoing engagement with the child in culturally competent case planning?

2019 Statewide	Region 1	Region 2	Region 3	Region 4	Region 5	Region 6
50% (3 of 6)	0% (1)	NA	100% (2)	0% (1)	100% (1)	0% (1)

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When ICWA did not apply but the family self-identified Indian cultural heritage, were efforts made to identify and encourage involvement in community services and resources specifically for Indian families?

2019 Statewide	Region 1	Region 2	Region 3	Region 4	Region 5	Region 6
14% (2 of 14)	0% (1)	0% (2)	50% (1 of 2)	0% (6)	NA	33% (1 of 3)

When ICWA did not apply but the family self-identified Indian cultural heritage and the child was placed in out-of-home care, were ongoing efforts made to encourage and support the child’s participation in Tribal customs and activities?

2019 Statewide	Region 1	Region 2	Region 3	Region 4	Region 5	Region 6
23% (3 of 13)	100% (1)	0% (2)	100% (2)	0% (6)	NA	0% (2)

## Appendix B

Comparison of 2015 ICW case review results with 2019 case review results. As noted above, a note of caution regarding the comparison of previous ICW reviews to the 2019 ICW case review. Previous ICW reviews included case sampling of CPS investigation only cases and CPS-FAR intervention cases. These cases are often short in duration (under 45 days) and do not include services to the family. The purpose of including these cases in the past was to assure the department met policy requirements of inquiry to identify Native American families involved with the Department from the inception of the case. During the 2019 ICW review, case sampling criteria utilized the federal definition of a case as an in-home case or an out-of-home case. In addition, since the previous ICW review in 2015 there have been updates to policy expectations and practice clarification which have occurred. Based on these policy updates and practice expectations, individual question wording and rating criteria was adjusted to match these requirements. The 2015 ICW review questions which remain the most comparable to the 2019 ICW review results are summarized below.

Question	2015 Statewide Results	2019 Statewide Results
Was the father, Indian custodian or paternal relatives asked if the child had American Indian/Alaska Native ancestry?	70% (118 of 168)	61% (62 of 101)
Was the mother, Indian custodian or maternal relatives asked if the child had American Indian/Alaska Native ancestry?	93% (185 of 198)	79% (84 of 106)
Was the initial inquiry to the federally recognized Tribe(s) completed within 30 days from the time Indian ancestry was identified?	66% (67 of 102)	44% (43 of 97)
Was comprehensive genealogical information gathered to complete the ancestry chart?	71% (86 of 121)	85% (83 of 98)
If a federally recognized Tribe(s) did not respond to the initial inquiry to determine Indian status, was a second inquiry made to the Tribe(s)?	90% (38 of 42)	83% (34 of 41)
Was the second inquiry to the federally recognized Tribe(s) completed within 60 days of the first inquiry?	66% (25 of 38)	91% (31 of 34)
Was the case staffed with the Local Indian Child Welfare Advisory Committee (LICWAC) when inquiry was pending with a federally recognized Tribe?	22% (2 of 9)	29% (12 of 41)
If the case was staffed with a LICWAC during the time inquiry was pending with the Tribe, did the LICWAC staffing occur timely?	0% (0 of 2)	92% (11 of 12)

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Were ongoing active efforts made to provide services to the father or Indian custodian, including ongoing engagement to complete services?	37% (29 of 79)	44% (30 of 68)
Were ongoing active efforts made to provide services to the mother or Indian custodian including ongoing engagement to complete services?	52% (53 of 102)	64% (46 of 72)
Were ongoing efforts made to engage the child in case planning on an ongoing basis?	70% (44 of 63)	79% (22 of 28)
If the child was a member or the biological child of a member and eligible for membership with a Washington State federally recognized Tribe, was the Tribe(s) contacted within 24 hours of case assignment to discuss jurisdiction?	49% (41 of 38)	54% (14 of 26)
Were there ongoing efforts to consult and collaborate with the Indian child's federally recognized Tribe(s) in case planning?	48% (71 of 147)	49% (37 of 75)
If the Tribe or LICWAC did not concur with the child's case plan and notified DCYF that an impasse existed, were the impasse procedures followed?	N/A	N/A
Did a Family Team Decision Making (FTDM) staffing occur when placement of the child or a placement move was being considered?	83% (68 of 82)	79% (50 of 63)
If a FTDM staffing occurred, was the child's federally recognized Tribe(s) notified and encouraged to participate in the staffing in a timely manner?	59% (32 of 54)	60% (30 of 50)
When the child was placed in out-of-home care, were there ongoing efforts to support the child's contact with his/her parents and extended family members?	80% (57 of 71)	67% (51 of 76)
When the child was placed in out-of-home care, were ongoing efforts made to encourage and support the child's participation in Tribal customs and activities specific to the child's Tribe?	39% (26 of 67)	38% (29 of 76)
Was the case staffed with the LICWAC for consultation when the child's Tribe(s) was unavailable or the Tribe was in agreement with consultation with the LICWAC?	67% (4 of 6)	56% (9 of 16)
Was the child's Tribe(s) given legal notice prior to dependency fact findings, Title 13 guardianship fact findings and termination fact findings?	65% (26 of 40)	57% (25 of 44)
Was the child's Tribe(s) informed of all dependency reviews?	48% (31 of 64)	67% (51 of 76)

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Was there a qualified Indian expert witness for all dependency fact finding, Title 13 guardianship fact finding and termination fact finding hearings?	41% (12 of 29)	56% (18 of 32)
Were efforts made to identify the Tribe's placement preference?	75% (50 of 67)	46% (33 of 72)
Was the Tribe's placement preference followed?	95% (40 of 42)	94% (31 of 33)
During the time the child(ren) was living in the family home, were risk and safety threats adequately identified, assessed and addressed?	58% (90 of 156)	51% (37 of 72)
During the time the child was placed in out-of-home care, were risk and safety threats adequately identified, assessed and addressed?	88% (74 of 84)	89% (99 of 111)
Were actions taken to assess and address the child(ren)'s educational/developmental needs?	86% (72 of 84)	95% (55 of 58)
Were actions taken to assess and address the child(ren)'s physical health needs?	69% (69 of 100)	61% (47 of 77)
Were actions taken to assess the child(ren)'s mental/behavioral health needs and offer culturally appropriate services when needs were identified?	79% (55 of 70)	57% (25 of 44)