

Humboldt County Child Welfare System Review Report

Prepared for Humboldt County

By the National Indian Child Welfare Association

July 14, 2016



NICWA

National Indian Child Welfare Association
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HUMBOLDT COUNTY CHILD WELFARE SYSTEM REVIEW REPORT

I. EXECUTIVE SUMMARY

With the passage of the Indian Child Welfare Act of 1978 (ICWA) (25 U.S.C. § 1901 et.seq.) and subsequent changes in other state and federal child welfare law, tribal governments began advocating for closer examinations of state and local child welfare systems and the impact of their services with American Indian and Alaska Native (AI/AN) children and families. Greater awareness of the inequities in many public child welfare systems for AI/AN families and children became more widely recognized, and state and local child welfare agencies began to respond to new federal ICWA requirements designed to reduce out-of-home placements for AI/AN children and avoid family break up. These efforts included greater engagement between tribal/state/county governments in human services, enhanced data collection, increased access for AI/AN families to tribal and Indian organization culturally based services, tribal participation in agency case planning and court proceedings, and joint planning between tribal and state/local governments to address inequities in public child welfare systems. Despite ongoing efforts, AI/AN children and families nationally are still disproportionately represented in public child welfare systems at over two times their population rate and are often subject to more intensive involvement and longer stays in state child welfare systems.

In late 2010 the California Department of Social Services received a federal grant to reduce the overrepresentation of African-American, American Indian, and LGBTQ youth in foster care. Humboldt County was one of four California counties that received a California Partners in Permanency (CAPP) grant. The Humboldt County grant was focused on reducing the overrepresentation of AI/AN children in its county foster care system. In 2015 AI/AN children comprised 7% of the child population in Humboldt County they represent approximately 38% of the foster care population. In 2014 Humboldt County Child Welfare Services (CWS) in partnership with local federally recognized tribal governments and tribal communities requested the help of an independent, outside organization to help conduct a service system review of Humboldt County child welfare services to AI/AN children and families. In 2015 Humboldt County contracted with the National Indian Child Welfare Association (NICWA) to perform the service system review, which was designed to answer four core questions. They were:

- 1) What factors contribute to AI/AN children being removed from their homes at a higher rate than the general population?
- 2) How are the needs for stability, nurturance and maintenance of cultural, and tribal relations addressed for AI/AN children who are in the Humboldt County CWS system?

- 3) What systems are currently in place to ensure that all services required by AI/AN children and families involved with Humboldt County CWS are culturally appropriate, and
- 4) What changes can be made to improve culturally appropriate services for AI/AN children and their families?

NICWA utilized a redundant, mixed-methods design intended to yield reasonably reliable answers to the review questions, examining both quantitative and qualitative data. The review design collected AI/AN data through a review of case files of AI/AN children who were recently in care in the Humboldt County child welfare system, analysis of local child welfare data (aggregate data), key informant interviews, focus groups, policy analysis, budget analysis, and service system analysis. Representatives from Humboldt County department leadership, program managers, supervisors, caseworkers, cultural coaches, juvenile court, county counsel, education, juvenile probation, contracting agencies, cultural coaches, and licensed caregivers. Representatives from tribal leadership, judicial systems, social services, elders, and community advocates were also interviewed.

The service assessment produced several key findings related to the status of AI/AN children and families served by the Humboldt County child welfare system. They are discussed in detail in the findings section of this report. Key findings include the following:

- Humboldt County CWS is effective in their work to identify AI/AN children early in the child welfare process, provide less restrictive alternatives to removal of children when addressing child safety and parent rehabilitation, and locate and place children with relatives when they cannot be safely maintained in the home. Challenges include reducing AI/AN child and family overrepresentation at critical points in the child welfare system and reducing the length of stay that AI/AN children and families have in care.
- There are considerable structural issues that AI/AN families face that create unhealthy levels of family stress that place them at greater risk for child abuse and neglect. Structural issues, like poverty and geographic isolation, are generally out of the control of families.
- Historic and intergenerational trauma is a fundamental concern for most, if not all, of the AI/AN families that come into care. Culturally appropriate, mental health services are not readily available in most cases to treat the trauma that is the root of many of the behaviors that bring families to the attention of the child welfare system. In addition, for families that are at high risk for abuse or neglect, but have not come into the child welfare system, there are few resources or supports for them in Humboldt County, especially in the rural areas where they often live.
- The relationship between the Humboldt Department of Health and Human Services and local tribal governments and tribal communities is in need of further attention, and a revised strategy on how to address concerns between the parties and pave a way forward for a more productive and equitable relationship. In addition, there are differences between how individual tribes and Humboldt County CWS view definitions of child harm and their approach to addressing risk factors present in particular cases.

- Humboldt County CWS strives to nurture and support maintenance of essential tribal and cultural connections with AI/AN families and children, but available opportunities are inconsistently applied or underutilized in many cases.
- Ensuring the availability of culturally appropriate services is key to improving outcomes for AI/AN children and families. Humboldt County CWS has mechanisms in place to reinforce these efforts, but they are not well integrated into a system that can produce consistent outcomes.
- Humboldt County CWS workforce, like many public child welfare workforces, needs additional stability and support to improve performance and improve outcomes for AI/AN children and families.
- Policy enhancements are needed to produce greater clarity for CWS workers, tribal partners, and caregivers regarding their role and responsibilities. In addition, there is a lack of intergovernmental agreements defining roles and responsibilities for CWS and tribal partners on the full continuum of child welfare services and to improve tribal capacity to provide culturally appropriate mental health services by accessing available federal/state/local funding.
- The current statewide and local data system are not sufficient to provide necessary information on the status of AI/AN children and families in the Humboldt County CWS to identify service trends and inform important program decisions.

The report provides descriptions of recommendations in each of the areas related to the findings. Key recommendations include the following:

- The Humboldt County Department Leadership need to engage tribal governments and tribal communities to revisit the strategies for addressing concerns regarding the needs of AI/AN families and children in the CWS system and the best responses for addressing those needs.
- A thorough examination of how to increase the availability of culturally appropriate services for AI/AN families in the CWS system needs to occur with special emphasis given to how additional trauma informed services can be provided.
- Many AI/AN families in Humboldt County have significant exposure to risk factors for child abuse and neglect, yet are not in the child welfare system. These are families where prevention and early intervention services could be highly beneficial to keeping children safe and avoiding removals from their homes. We recommend that Humboldt County examine how these services are provided to this population, clarify in policy the intent and availability of these services, and establish strategies for ensuring that all at-risk families can have reasonable access to culturally appropriate prevention and early intervention services.
- Access to CWS staff and services in remote areas of Humboldt County is challenging for many of the AI/AN families in and near tribal communities. Having reasonable and consistent access to CWS staff and services is paramount to families being successful. We recommend that the Department continue their move to regionalizing services and ensuring that every tribal community has equitable and reasonable access to CWS staff and services.

- Quality practice in child welfare, as much if not more than policy compliance, drives outcomes for families and children. Currently, practice is inconsistent in many areas and accountability mechanisms for ensuring quality practice are not meeting their intended purposes. We recommend Humboldt County CWS improve their accountability processes to ensure that consistent and quality practice occurs with all families.
- While there are ongoing, successful efforts to stabilize the CWS workforce, there is additional work to do to reduce caseloads and better equip staff to provide meaningful, culturally appropriate services to AI/AN families. We recommend additional efforts to stabilize the workforce including further reduction of caseloads, improve and more regularly provide training that meets the needs of the populations served, and increase the diversity of CWS staff to reflect the populations they serve.
- Humboldt County CWS has created additional policy through desk guides to assist staff in understanding their role and protocols for service, including the implementation of the Humboldt Practice Model. However, additional policy is needed to provide comprehensive guidance to not only CWS staff, but also tribal and contract agency partners. Comprehensive intergovernmental agreements should be developed with tribal partners to support the desired relationship, tribal and CWS capacity, and roles and responsibilities of each party for all phases of the child welfare system. Contract agencies need to have a clearer understanding of how the Humboldt County and tribal government relationship shapes and informs their role in the child welfare system.
- High quality data that tracks services and outcomes is necessary for department leadership to understand important data trends, make informed program decisions, and work effectively with their tribal partners. The current statewide and local data systems do not track several critical data elements needed to understand the status of AI/AN children and families served by Humboldt County CWS and inform important program decisions. We recommend that the Department with tribal partners identify gaps in data collection and devise a plan to address these gaps and share information with tribal partners.

II. INTRODUCTION

A. Background

Humboldt County Department of Health and Human Services—Children and Family Services Division is the primary agency responsible for the administration of programs designed to serve families and children involved in the Humboldt County child welfare system. Concerned about high numbers of American Indian children in the system, the county secured a federal grant through California Partners for Permanency (CAPP), one of four California counties to be selected. The purpose of the grant is to reduce the number of children in long-term foster care. The Humboldt County effort focuses on American Indian/Alaska Native (AI/AN) children who are over-represented in the county system. The County established a CAPP Advisory Committee, including representation from the eight federally recognized tribes and other tribal communities located in the county,

which conducted a case review, guided the design and beginning implementation of a new Humboldt Practice Model, and initiated many discussions and activities with the intent of better serving and supporting Humboldt County families. Department leadership and the CAPP Advisory Committee agreed to request the assistance of an outside organization to conduct an independent child welfare systems review to study how AI/AN families are served by the department, to identify what is working well and what improvements can be made. The National Indian Child Welfare Association (NICWA) was selected to conduct the review. This report summarizes the findings and recommendations of that review.

B. Purpose/goals of review

CAPP's project goals in Humboldt County are to (1) reduce long-term foster care and (2) improve child well-being, with the focus on maintaining tribal connections for children involved in the child welfare system.

Toward those ends, the child welfare system review would research and answer the following questions:

- 5) What factors contribute to AI/AN children being removed from their homes at a higher rate than the general population?
- 6) How are the needs for stability, nurturance, and maintenance of cultural and tribal relations addressed for AI/AN children who are in the Humboldt County CWS system?
- 7) What systems are currently in place to ensure that all services required by AI/AN children and families involved with Humboldt County child welfare services (CWS) are culturally appropriate?
- 8) What changes can be made to improve culturally appropriate services for AI/AN children and their families?

NICWA's vision for the review: "The department will have a set of stakeholder-endorsed, data-informed options for reducing disproportionate removal, decreasing long-term out-of-home placements, improving well-being outcomes through culturally appropriate services, and enhancing tribal connections for AI/AN children in the child welfare system."

It should be pointed out that this review was focused on the key study questions. It was not intended, nor was it, a comprehensive review of Humboldt County's compliance with the federal Indian Child Welfare Act (25 U.S.C. §1901 et. seq.) or related state law.

C. NICWA capabilities and team

The National Indian Child Welfare Association (NICWA), established in 1983, is a Portland, Oregon-based 501(c)(3) nonprofit dedicated to the well-being of AI/AN children and families and is a nationally recognized resource for AI/AN child welfare policy and evaluation. NICWA has over 20 years of experience in

evaluation and has completed many similar comprehensive reviews of child welfare systems at state, county, and tribal levels. Each of the team members were selected for their expertise and experience related to systems review work with AI/AN children, families, and communities.

The NICWA project team for Humboldt County's child welfare system review:

- David Simmons, NICWA government affairs and advocacy director—project management, case review, policy, budget and data review and analysis, case review, and coordination with Humboldt County project team.
- John R. George, senior consultant—policy, budget, data review and analysis, and case review.
- Terry L. Cross, NICWA senior advisor—case review and consultation to project.
- Cori Matthew, NICWA program and policy director—focus groups and interviews, case review.
- Alton Spencer, NICWA community development specialist—focus groups and interviews.
- Alexis Contreras, NICWA project coordinator—project organization, data analysis, and documentation.
- Jen Rountree, NICWA research manager—data analysis.

D. Methodology

NICWA utilized a redundant, mixed-methods design intended to yield reasonably reliable answers to the review questions, examining both quantitative and qualitative data. Project activities included:

- Focus groups of AI/AN foster parents and kinship caregivers, and AI/AN stakeholders and advocates (limitations: no AI/AN youth or parents interviewed despite efforts to do so).
- Interviews with key informants including tribal elders, tribal leadership, tribal and county attorneys, tribal and county juvenile court judges, tribal and county social workers, social work supervisors, social work administrators, and service providers.
- Examination of child welfare system rules and regulations, laws and policies, resource allocations, service array, job functions, education, training and skill development, systems of accountability, and other documents relevant to the project.
- Completion of a review of cases, with care to include representative samples of cases involving Family Maintenance (voluntary and court mandated), and Family Reunification and Permanency Planning cases
- Analysis of Humboldt County child welfare data (aggregate, non-identifying data).

It should be noted that the data captured and analyzed for this report contained data from cases involving both AI/AN children and parents who are members or eligible for membership in federally recognized tribes and those that have documentable ancestry from a federally or non federally recognized tribe (i.e., state-recognized tribe). This allowed the most consistent and reliable approach to data collection for this report and follows State of California Division 31 regulatory approaches to data collection and CAPP methods and processes as well.

E. Acknowledgements

The NICWA Team wishes to publicly acknowledge and express our appreciation to all who participated actively in the systems review, including county staff and leadership, tribal community members, tribal staff and leadership, service providers, coaches, caregivers, and family members. All were very forthcoming with both their concerns and their best ideas on how to improve outcomes for AI/AN families and their children.

Special thanks go to members of the CAPP Advisory Committee, CWS leadership, and staff who worked tirelessly to respond to our many questions and requests for data and documents.

III. DATA FINDINGS

The NICWA team analyzed Humboldt County data regarding AI/AN families and children for the most recent three years (2013–2015), and did comparative analysis with White families and children on data points where we felt such comparison of outcomes would be useful to project goals. The detailed data, as we analyzed it for purposes of the project, is included with this report as Appendix A.

Here we will provide a social profile of Humboldt County AI/AN children and families involved with the child welfare system, based on what we learned through examination of local data. We organize this in large extent by decision points and stages in the “life” of child welfare cases and in some instances we delve deeper where doing so would result in greater understanding of the issues.

All things being equal...

We begin with the premise that child abuse and neglect reports involving AI/AN children occur nationally at a rate proportionate to their population in the overall United States population.¹ However, rates for this population become increasingly disproportionate at other key decision points in the child welfare process (assignment for investigation, substantiation of child abuse and/or neglect allegations, and

¹ U.S. Department of Health & Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children’s Bureau. (2016). Child maltreatment 2014. Available from <http://www.acf.hhs.gov/programs/cb/research-data-technology/statistics-research/child-maltreatment>

removal from the home and placement in out-of-home care). These national trends have been documented in studies that look at racial equity in child welfare for children of color.^{2 3}

With AI/AN children representing 7% of the child population of Humboldt County, we would expect that—absent external influences and/or institutional bias—we would see them represented at 7% in the child welfare population. Likewise, White children comprise 77% of the Humboldt County population, so we would expect to see them represented in the child welfare population at 77%.

Reports of child abuse or neglect

The public child welfare process begins with a report to CWS of possible abuse or neglect of a child. In Humboldt County, reports concerning AI/AN children comprise roughly 23% of the total number of reports CWS receives. Compared to the 7% representation in the county population, this is a disproportionality rate of 3.3 times the expected rate. This rate has remained steady for the three-year period. By contrast, reports involving White children are roughly 60% of the total number, which is .78 or approximately three-quarters of the number of reports that would be expected for this population. A rate of 1.0 in any data category indicates a proportionate rate for that population. Any rate under 1.0 indicates under representation, and any rate over 1.0 indicates over representation in a particular data category.

Who makes the reports

We looked at who makes reports of possible child abuse or neglect, and did not see striking differences between the experience for White and AI/AN families. In both instances, nearly 8% of reports are filed by family members. School personnel make around 12% of the referrals, slightly more involving AI/AN families. The largest reporter type is “Other Professional,” accounting for about 29% of reports for AI/AN families and 25.4% for White families. Mandated reporters (those required by law to report), including counselors, government agencies, CWS staff, medical and school personnel and other professionals, account for 57.4% of reports regarding AI/AN children and 60.2% of reports regarding White children.

What the reports are about

We looked at the types of allegations or concerns made in reports of possible child abuse or neglect, and did not see significant differences between reports about AI/AN and White families. General neglect and physical abuse are reported at almost the same rates for AI/AN families as White families; sexual abuse is slightly higher

² Hill, R. B. Casey-Center for the Study of Social Policy Alliance for Racial Equity in Child Welfare, Race Matters Consortium Westat. (2007). *An analysis of racial/ethnic disproportionality and disparity at the national, state, and county levels*. Seattle, WA: Casey Family Programs.

³ Woods, S., & Summers, A. (2014). Technical assistance bulletin: Disproportionality rates for children of color in foster care (Fiscal Year 2012). National Council of Juvenile and Family Court Judges: Reno, NV.

for AI/AN families (10.1%) than for White families (8.8%). The largest allegation types regarding AI/AN families are general neglect (55.4%), physical abuse (18.4%), emotional abuse (13%), and sexual abuse (10.1%). It should be understood that at the reporting level these are expressions of concern for the welfare of a child, which have yet to be screened in/out or substantiated.

Reports screened in and assigned for investigation

Reports of possible abuse or neglect are not automatically assigned for investigation; they are screened to determine whether what is reported meets the legal definition of abuse or neglect and otherwise meet the criteria for CWS intervention after initial scrutiny. Typically a third to half of reports are screened in and assigned for investigation, and that is the case for Humboldt County as well. Humboldt County AI/AN children are over-represented at this decision point, comprising between 25–26% of the assignments consistently over the three years; this is just over three times their population rate. We keep in mind that the over-representation in assigned cases is compounded by the already existing over-representation in initial reports. Investigations regarding White children are between 60–63% of the total, or just under 80% of their representation in the population. Comparing screen-ins against initial reports for each population over the three-year period, the screen-in rate for AI/AN families averaged 37.7%; for White families 39.6%. It should be noted that in 2013 this rate was at 42.7% for AI/AN families, which decreased significantly each year to 31.5% in 2015.

Substantiations of child abuse or neglect at conclusion of investigation

The investigating Emergency Response (ER) worker determines, with supervisory oversight, whether the allegation of child abuse or neglect is supported by the evidence. Substantiations involving AI/AN families were 31.7% of the total substantiations for 2013, 34.7% for 2014, and 26.2% for 2015. We note the positive trend-line ending in 2015 for AI/AN families, but this still leaves us with disproportionality of over three times (down from almost five in 2014). We continue to keep in mind that this over-representation compounds with that of reports at intake and screen-in decisions. White families, by contrast, continue at this stage to be under-represented, at about 84% of what would be expected for their population in 2014 and 2015.

We also looked at a comparison within each population group of assigned vs. substantiated cases, to determine what percentage of those assigned resulted in substantiation at the end of investigation. For the three-year period, the rate fluctuated between 26% to 31.1% for AI/AN families, and 24% to 36.6% for White families. The overall substantiation rate (initial reports vs. substantiations) for AI/AN (8.7%) and White (8.5%) children was very similar.

Substantiation rates by allegation type

In this measure we were interested in seeing the rate at which initial reports by allegation were substantiated at conclusion of investigation, for each population. Combining the data for the three years, AI/AN families were substantiated for “severe neglect” and “at-risk due to sibling abuse” at a significantly higher rate than White families, meaning that these two allegation types were found to be true much more often than they were for White families. However, the raw numbers within these categories are relatively small so there needs to be care in how much value can be assigned to these differences. The largest allegation type, “general neglect” comprises 71.7% (AI/AN) and 73.8% (White) of the substantiations for both populations. This is important to note because families that are considered neglectful, as opposed to physically or sexually abusive, are most likely to respond well to supportive services that can help a child remain in the home safely without need of removal. It should also be noted that substantiation rates are particularly low for both populations in the categories of “emotional abuse,” “physical abuse,” and “sexual abuse.” This may reflect the complexities of investigation and “proving” these allegations, data entry related considerations, or other practice related issues.

Cases opened for Family Maintenance services as a result of investigation

In this measure we wanted to ascertain the rate at which substantiated investigations resulted in cases being opened for Family Maintenance (FM) services. These are cases where levels of immediate harm to the children are lower than in other cases and children can remain in the home safely with supportive services for the family. To keep families together and provide Active Efforts to prevent removal as required by ICWA, we would expect to see a high rate of FM case openings for AI/AN families, and we did. In this instance we see the disproportionality as a positive, for families to receive the help needed to provide safe and stable care. Over 40% of FM case openings for 2013 were for AI/AN families, 33% for 2014, and 37% for 2015. White families were represented in these case openings at rates between 43.9% to 60.4% well below rates that would be expected based upon this population’s numbers.

Children placed out-of-home for the first time

This is the rate at which children are removed from their homes and placed into some form of substitute care, either on an emergency basis or during or at the conclusion of an investigation. During 2015, 36 AI/AN children were removed under such circumstances, out of a total for Humboldt County of 170 new placements. This is 21.2%, at a disproportionality rate of 3.0. Note that this is just slightly lower than the substantiation disproportionality rate. Also note that the 2015 rate was a significant drop from the two previous years (disproportionality rates of 4.9 and 4.1 over their population rate of 7%); this can’t be called a trend as of yet, but it is hopeful. White children continue to be under-represented in initial placements, still averaging around 75% of what would be expected given their population.

Number of children in out-of-home placement

We looked at the total number of children in care at any point during the calendar year, including children newly-placed during the year, children who exit care at any point during the year, and children who are in care for all twelve months. For 2015, a total of 367 children were in care, of whom 131 were AI/AN children, or 35.7%, which is a disproportionality rate of five times their population rate. We note that the disproportion is reduced from the previous two years (5.3 in 2014 and 5.6 in 2013). Rates are likewise striking for White children who comprise only 52.9% of children in care in 2015, which was an increase from 2013 and 2014 rates, but still well below their population numbers of 77%.

Children placed with relative

In 2015, 58% of AI/AN children who were in out-of-home placement were able to be placed with a relative compared with 40.7% of White children. The previous two years, relative placement rates for AI/AN children were above 57%. This indicates strong efforts to meet the placement requirements under ICWA and the suggested practice guidelines for excellence in child welfare practice. Few jurisdictions have relative placement rates this high for AI/AN children, and this is an area of strength for Humboldt County CWS.

Exits from placement due to Family Reunification

We were interested in seeing to what extent AI/AN children are successfully reunified with their families upon exiting care. Here we see significant variation by year. In 2013, of AI/AN children exiting care, 73% exited due to reunification with their family; 53.7% in 2014, and 40.6% in 2015. For White children, the percentages in order by year starting with 2013 are 61.8%, 48.1%, and 42.2%. It should be noted that there is a significant decrease in rates starting in 2013 for both populations, indicating a negative trend line towards significantly fewer percentages of children being reunified with their families.

Re-openings of closed cases involving children in their own homes

We wanted to see to what extent children re-entered the child welfare system after their CWS case was closed, either Family Maintenance or Family Reunification, with a child at home with their family. Impressively, of all case closings for the three-year period, 2013–2015, with children at home at the time of closing (687), only nine (1.3%) have had new child abuse or neglect allegations resulting in the case being re-opened. For AI/AN family cases which closed during this time (180), only two (1.1%) have re-opened. Given the rate of screened-in cases assigned for investigation, substantiation of allegations of child maltreatment for AI/AN families, and the concerns raised by tribes that the county is not always responding to reports of child abuse and neglect at the level the tribes feel is appropriate, we suggest a more thorough examination of these numbers. In a number of the cases we reviewed we noticed high numbers of reports for many of the families, both during and after the case was closed, but few assignments for investigation or substantiation of the allegation after investigation.

Terminations of parental rights (TPR)

In years 2013–2015, of all of the TPRs that occurred, the numbers involving White families increased each year starting with 64.3% in 2013 and ending in 2015 with 78.3%. For AI/AN children, the numbers vary considerably by year, but have been trending downward. For 2013, 28.6% of all TPRs involved AI/AN families. This decreased to 24.2% in 2014 and again in 2015 to 10.9%. This positive trend for AI/AN families may be due to tribal and county efforts to secure permanent homes AI/AN children that do not require TPR, such as guardianship or tribal customary adoption. A number of tribes in Humboldt County told us that they did not support conventional adoptions that utilized termination of parental rights for their children. Conventional adoptions present serious challenges to AI/AN children maintaining their tribal affiliation and connection to their extended family and culture.

Adoptions

While the numbers of adoptions of AI/AN children were relatively low in 2013 and 2014, the number in 2015 doubled from the previous year comprising 39.1% of all adoptions finalized in that year. The numbers of White children adopted were disproportionately low in 2013 (60%), but spiked in 2014 (70.3%) and dropped significantly in 2015 (58.7%). With the overall numbers of AI/AN children adopted being relatively low and not knowing how many of the adoptions involved tribal customary adoptions, it is difficult to understand the reasons behind the dramatic increase in 2015. Nonetheless, the increase in 2015 demands a closer look to understand what is behind this change.

Length of stay for Family Maintenance, Family Reunification, and Permanency Planning cases

We were interested in learning what the average length of stay in care was for AI/AN children in each of the three different service categories. This data looks at all of the open cases in each service category and finds the average number of days these cases have been open at a specific window of time in each of the last four years (2013–2016). In each of the different service categories and at each point of time over the four years, AI/AN children have been in care significantly longer than their White counterparts. In Family Maintenance cases AI/AN children have been in care on average 153–252 days longer than White children. In Family Reunification cases they have been in care on average 156–208 days longer than White children, and in Permanency Planning cases they have been in care 64–393 days longer than White children. It should also be noted that the average length of stay in Permanency Planning cases for each population has decreased each year, a good sign, but the rate of decrease has been over two times greater for White children (34.4%) as compared to AI/AN children (16.7%).

Summary

One area of strength for Humboldt County CWS is their effort to work with significant numbers of AI/AN families as Family Maintenance cases, which does not require removing children from their homes as long as they can be safely maintained in the home with supportive services. This has the potential to reduce trauma to children and enhance efforts to nurture and maintain the connection children have with their family. Another area of strength is CWS's efforts to place AI/AN children in relative homes when they cannot be maintained safely within their own home, helping maintain children's connection to their extended family, tribe, and culture. Areas for growth include reducing the disproportionality found in many of the data measures, such as the number of AI/AN children in out-of-home care and longer length of stay in care. While this report is able to assess the question of how AI/AN children and families are being served by Humboldt County CWS and identify the key factors that contribute to disproportionality, questions related to understanding the specific impact of each of these factors will require greater examination by Humboldt County in coordination with their tribal and service provider partners.

IV. FINDINGS RELATED TO SYSTEM REVIEW QUESTIONS

Common themes emerged from the above-reported data, the experiences of people in Humboldt County (both within and those who interact with or are served by the child welfare system) as shared in focus groups and key informant interviews, and what we learned by reviewing cases and studying policy, budget, and other documents. The NICWA team further deliberated and reached consensus on the conclusions below. We should point out what is already widely understood, that the issues are complex. We attempt here to provide honed findings and recommendations, those that will be the most helpful, manageable, and strategically significant in terms of next steps.

A. What factors contribute to AI/AN children being removed from their homes at a higher rate than the general population?

The reasons children are placed out-of-home vary, but substance abuse by parents is a primary accompanying factor. Our case review generally supported that law enforcement or CWS/court had little choice but to place, when they took action to do so. We found ourselves wishing for more culturally specific prevention and early-intervention services, which if available and applied at an earlier point, may have reduced or eliminated the need for imminent-risk placement.

1. Structural issues:

Many of the matters that bring AI/AN families to the attention of CWS in Humboldt County have their origins in things they have little or no control over.

Poverty and high unemployment, within a number of the AI/AN communities and many of the families that are served by Humboldt County CWS, are underlying contributors to family stress and difficulties in coping. Of risk assessment investigations involving Humboldt County AI/AN families and resulting in substantiation findings, just under three-quarters of the substantiated findings are of “general neglect” and another 8% are of “severe neglect.” The related issue of housing is also a factor, with limited affordable housing available, frequent moves, and family stress increase.

Geographic isolation and transportation challenges were mentioned frequently, in focus groups and interviews, and in case record review, as making it harder for families to take care of their business and communicate effectively with Humboldt County CWS and judicial staff, including making it difficult to get access to supportive services when needed.

Institutional bias is certainly a factor as well in all of the above, carrying over from colonial assumptions about Native people and federal government actions over time and elimination of Indigenous cultures. While this is difficult to quantify and document in a child welfare system review, there is no question that it is a factor. The challenges inherent in serving AI/AN people appropriately and meaningfully toward equitable outcomes within the context of mainstream government agencies are evident in Humboldt County as they are elsewhere. Some of the challenges include a CWS workforce that is by and large not reflective of the populations they serve and has varying levels of knowledge of populations that are different than them and limited skills to work effectively with AI/AN families in ways that are different than what are often taught and prescribed by mainstream institutions. The consequences of not addressing these challenges effectively can be seen in some of the disproportionate outcome data and the responses of tribal families and communities that question the understanding the department has concerning critical decisions they make on a daily basis that impact AI/AN families and communities.

2. Historic/intergenerational trauma:

All AI/AN families in America have been affected in permanent ways by federal and state colonial policies and actions including removal, genocide, terminations of tribes, efforts toward assimilation, establishment of reservations, boarding schools, and high removals of AI/AN children both before and after the Indian Child Welfare Act of 1978 went into effect. These traumatic actions and their effects are both historic and current, resulting in higher family stress and in unhealthy coping mechanisms such as substance abuse, violence, poor decision-making, and parental incapacity at times. Without intensive, culturally appropriate healing interventions, this trauma has been handed down from generation to generation and makes it especially

difficult for many families to find their way with balance and health. In our case reviews and in key informant interviews and focus groups we discovered that mental health services in general were often not provided to the families, and there was little to no evidence of whether the services provided were trauma informed or culturally specific. Case file documentation regarding these services was inconsistent and lacked sufficient detail to determine whether mental health services were effective and whether tribal partners were sufficiently engaged in the process of determining the appropriate services and ensuring access.

3. Inadequacy of culturally specific prevention and early intervention services: While excellent examples can be found of tribal and other culturally based programs and approaches that support AI/AN families in Humboldt County to keep their children safely at home, the existing capacity of these supportive services does not match the needs of the many families who are experiencing difficulties and are at risk of children being placed out-of-home. While CWS documents describing integration of services as a means to enable service strategies for prevention, early intervention, and indicated services with at-risk populations, we did not see much evidence of these services being in place or improved outcomes as a result.
4. Inadequacy of culturally specific therapeutic and healing services: Considering the debilitating effects of historic and intergenerational trauma, which affects so many AI/AN families in Humboldt County, the need is great for traditional healing and other culturally appropriate therapeutic services. While examples exist in the communities, these services are not readily available, nor actively enough supported by the county, and the need for such services goes far beyond current capacity in terms of what we were able to identify.
5. Differences exist between how CWS and individual tribes define and view child harm and risk and there is variance between tribes too. This impacts how tribes view CWS accountability in serving their communities and how CWS thinks about their mandates and the best way to comply with those in coordination with their tribal partners. This issue does not explain why children come into care, but it does highlight a very important opportunity (and necessity) to hear each other and to work toward building some consensus based on what tribes consider to be best for their communities and what constraints CWS has to operate within. This can only be undertaken after some relationship building and repair work is done, and with a renewed sense of shared responsibility and joint planning.

B. How does the relationship between local tribal governments and Humboldt County Department of Health and Human Services impact services to American Indian children and families?

The importance of this relationship cannot be overstated. It impacts services significantly to the detriment or to the benefit of AI/AN families in Humboldt County. Our assessment on the current relationship is a mix of positives and negatives, but we see hope and opportunity in the new leadership of the department. Mistrust between the department and tribes made it more challenging to conduct a comprehensive child welfare systems review, placing limitations on our ability to interview community members to the extent we had hoped to.

1. The Humboldt County CWS were not designed with AI/AN families or tribal communities in mind. The same holds true for any other mainstream child welfare system in the country. Both historic and current distrust creates barriers to effective communication and collaboration. Tribal respondents in the interviews and focus groups expressed their frustration with the department's lack of attention to their needs and recommendations on how to improve services going back many years. Leadership sets the tone for how things will go, what will be expected, how tribal communities, tribal governments, and AI/AN families will be regarded and served by the agency. We see the current leadership team at the department taking steps to address these concerns and creating the possibility that repair work could be done. A new kind of relationship with the tribes is needed if there are to be improvements in outcomes for AI/AN children and families.
2. At the director, manager, supervisor, and line levels of the department, we see and hear of examples of great work being done to work collaboratively and to include and engage tribes in decision-making and in the provision of services for AI/AN families. Identification of AI/AN children and initial notification of the child's tribe through electronic and phone communication happen consistently and quickly at CWS intake in most instances (supplemental to official notification of court proceedings as required by ICWA).
3. While there are positive efforts by the department leadership and casework staff to engage tribes and improve collaboration with the tribes, we also hear many examples of very poor communication and collaboration in cases involving CWS staff. There is great inconsistency in this aspect of CWS practice; hopefully full implementation of the Humboldt Practice Model will help address this issue. After initial identification of a child as an Indian child and initial notification of the tribe, things appear to go in very different ways depending upon the CWS staff assigned. It would not be acceptable if how CWS engages with the tribe and the family, how the case progresses, and

what outcomes are reached are determined by which social worker is assigned to the case.

4. An example of where communication and collaboration are widely inconsistent is on the matter of getting information about what happens on a report of possible child abuse or neglect involving a child of the tribe. Reports are said to be often screened out without tribal staff being consulted or notified of the decision, even when they are aware of the family situation, may be providing supportive services, or were the reporting party. Another area of inconsistency is on tribal involvement in investigations. It is said that often CWS staff proceed without the involvement of tribal staff, who sometimes are not even aware an investigation is underway. We believe the Humboldt Practice Model provides guidance that can help reduce these kinds of problems. Supervisory oversight will be important as well.
5. While efforts to address these issues are occurring, success will not be achieved without greater focus, structure, and inclusiveness. The focus will need to be thoughtful and intentional, planned and transparent. Structures will need to be jointly developed, with the framework and guiding principles/values to be initially determined at leadership levels. Inclusion will need to be broad and include the voices of youth, parents, and other caregivers. Clarity will be needed in defining what the relationship should look like at the management and casework levels, and there are many people in CWS and at the tribes who have the vision and can provide guidance for that work.
6. As noted above, CWS and individual tribes at times do not share the same definitions of risk and harm, and of when it is necessary to remove a child from his/her family home. These things are seen in different ways, and it will be important that forums are created to come to some common understanding. It is a major sticking point in the relationships.
7. There are no written agreements between the tribes and the department, other than the Standing Agreement, that provide a comprehensive description for both parties of their roles and responsibilities with regard to child protection and child welfare services. The Standing Agreement and accompanying desk guides provide a level of understanding for CWS staff of the protocols they are bound to, but this is primarily a document for CWS and does not address tribal expectations or protocols. Intergovernmental agreements provide a higher level of certainty for both parties, typically include provisions that focus on policy and practice considerations in all phases of child protection and child welfare services, and are developed and structured to honor the government-to-government relationship between the two entities. The significant turnover in staff at both tribal and county

agencies is a complicating factor for ensuring continuity of practice and policy and we believe the lack of formal intergovernmental agreements has contributed to confusion over the proper roles each government should play, how they execute these roles, and desired outcomes for AI/AN families.

C. How are the needs for stability, nurturance, and maintenance of cultural and tribal relations addressed for AI/AN youth in the Humboldt County child welfare system?

The NICWA team found a mix of exemplary and unacceptable practices; things that are working well and things that will require a lot of development, as follows:

1. The Humboldt Practice Model:

This is an impressive child welfare practice model, which provides the framework for addressing the above needs effectively if appropriate culturally specific services are available. We extend congratulations to the CAPP Advisory Committee and many others who did the work to develop the model. There is every reason to believe (once everyone is trained and skilled in the practice) it will have a positive effect on outcomes for AI/AN children and families. This conclusion was supported by the NICWA team's case review observations of noted improvements in practice in more recent case activity after staff had been trained and supported in the Humboldt Practice Model. We saw more tribal engagement with more eyes and ears involved in these cases and emphasis on how these families are supported together by CWS and the tribe.

2. Training and support for CWS staff:

With guidance and joint work with the CAPP Advisory Committee and department administration, additional supports have been put in place to bolster and reinforce the Humboldt Practice Model and to provide an ongoing emphasis on cultural issues in practice. Examples are cross-cultural and other local training related to the Humboldt Practice Model and cultural coaches being routinely involved in case staffings regarding AI/AN families.

3. Tribal resources and supports:

The eight federally recognized tribes and other local tribal communities served by Humboldt County each have services and staff available (of varying capacities) to support families and to work collaboratively with CWS staff, and (as we saw in focus groups and interviews) are eager to do so. Tribal child welfare staff and service providers, relatives and other community members who watch out and advocate for children, and Native caregivers all work to provide cultural connections and stability for children. Tribal cultural activities are open and available to children and youth in care.

4. Practice positives noted in data and case review:

Of Family Maintenance case openings following investigation, a disproportionately high number were opening services for AI/AN families, demonstrating Humboldt County's commitment to keeping families together when possible and in keeping with the spirit of the Indian Child Welfare Act. In 2015, almost 38% of the cases involving AI/AN children and families that were opened after investigation became Family Maintenance cases.

Of AI/AN children in placement, the NICWA team noted a high rate (between 43–52% over three years) of the placements were with relative families. This demonstrates a commitment to families, keeping family members engaged and not giving up on parents.

Of AI/AN children who remained at home while being served by CWS or were reunified with their families from out-of-home placement prior to case closure since the beginning of 2013, a very low number (2 of 180, or just 1.1%) have come back into the CWS system since.

5. Inconsistencies in practice:

From case review, data analysis, interviews, and listening to the stories of social workers, tribal staff, and caregivers, it is evident that wide variations exist in CWS practice with respect to serving AI/AN families. Some social workers were routinely lauded for their exemplary engagement and shared work with tribal communities and in their work with families, and others who had established a track record of being uncomfortable with these aspects of their work often served families poorly. These variations were apparent in our review of case records as well.

Humboldt County has the responsibility to ensure a degree of consistency in practice. It cannot be acceptable that two families receive widely different services and supports from CWS in similar case circumstances simply because of social worker assignment. It is unclear whether full implementation of the Humboldt Practice Model will fully address this issue, but the model is based upon sound practice standards that require culturally competent knowledge and skills. Supervisors and managers have the responsibility to provide this assurance.

6. Case plans and services are generally inadequate to the needs identified:

In reviewing cases, we found few case plans that were specific to the issues identified through the Emergency Response investigation or that were culturally focused. Services provided seemed to primarily consist of calls between CWS staff and tribal child welfare staff with few if any details or visits with the parents by CWS staff. Often CWS would rely on tribal staff to provide support, which would be fine if done in collaboration and with agreement, which was not always the case. We found few instances in which it was clear

that families received the services that were indicated. Mental health services, even though available through mobile means, were often not provided when requested, and not culturally appropriate so not considered useful, especially in addressing serious and chronic trauma related issues.

Interviews and focus groups substantiated the frustration that services often have very limited availability, if at all, or that they are not available in remote areas of the county where many of the tribal families live.

While general or severe neglect was the substantiated finding in almost 80% of the cases involving AI/AN families, much of it due to substance abuse, the overall response which would make a difference for families was often not clear. The same is true for families in which the substantiation was about emotional abuse, physical, or sexual abuse, all of which had low substantiation rates relative to the number of reports made alleging these types of abuse. We suggest a comprehensive needs assessment and new thinking about what the array of services should be and how to make them available.

D. What systems are currently in place to ensure that all services required by AI/AN families involved with CWS are culturally appropriate?

There are requirements and checks and balances, but the consensus is that specific to this question, the current systems together do not “ensure” that all services are culturally appropriate. This would be a different standard from “we will if we can, or if we have time” or “we will, to the extent we know about such services.” In focus groups, interviews, and in case review, the general observation was that there is no requirement and no system of assurance for families; instead, there is encouragement and some important supports which are not universally available to all families. The NICWA team believes further work is needed in this area. Some of the current “systems” that encourage the provision of culturally appropriate services:

1. The federal Indian Child Welfare Act and regulations,
2. Other federal and state policy which encourages cultural considerations and engagement of tribes and extended family,
3. The county juvenile court system, which tribal officials seemed to have confidence in,
4. The Humboldt Practice Model, which places value on providing services appropriate to the cultural values of children and families being served,
5. Cultural coaches in place at CWS, with involvement in case staffings and coaching of CWS staff under defined circumstances, and
6. Supervisors and managers, the quality check-points of the child welfare system.

In our review of cases we found little evidence of the involvement of supervisors or managers in decision-making or in routine review of case files. Their signatures did not appear on key documents such as screening, investigative summaries, court reports, progress reports, or case closure reports. We were told that supervisors and managers do review and approve these documents and these are documented in the electronic case files and in other forms that may not be present in the paper case file. While we were provided with the reasons for not including supervisor and manager signatures in case files, we also discovered gaps in consistency between case files where signatures would be expected. Overall, there appears to be gaps in consistency and a need for improvements regarding supervisor and manager accountability measures. In reviewing CWS policy and accountability documents, we did not find a clear definition of how supervisors and managers ensure accountability for case decision making.

We want to make it clear that while the establishment and effective implementation of policy is key to ensuring consistency and quality in child welfare practice, good and consistent practice will have a greater effect on improving outcomes. When practice standards are raised and reinforced through training and quality supervision, policy compliance will follow in most cases.

E. How do CWS workforce issues affect services for AI/AN children and families?

Several critical issues directly or indirectly impede the provision of services:

1. Job descriptions and qualifications for CWS positions that have responsibility to provide services to AI/AN families and working together with tribal services make no mention of these important functions of their work; merely that they are to “respect cultural differences.” Leadership job descriptions mention working together with “stakeholders,” but this reference does not encompass their important role in government-to-government work together with tribes. The required or desired qualifications make no mention of experience, training, or understanding of tribal cultures as important in qualifying applicants to do this work.
2. Workforce diversity for Humboldt County CWS and mental health staff is insufficiently matched with the populations being served. We recognize there are challenges in hiring and retaining AI/AN staff; it is important that the department have a strategy for doing so. Until there are greater numbers of AI/AN staff doing the work, the department will be primarily mainstream in its own culture and in how it sees and relates with communities. Certainly there are staff who have the understanding and the temperament to do this work, and we have seen that demonstrated in case review and in outcomes, but we refer here to the organizational culture of who is the department and who represents the department, by and large. Client services (trust, and all that

goes with it) are improved when community people can see themselves represented in the agency.

3. Staff turnover has a major impact on the work, which the department is well aware of and attempting to address. Almost three-quarters of the CWS social work staff have been on the job less than three years.
4. Training for CWS staff is not adequate to the requirements of the work. Locally provided cultural training and training related to the Humboldt Practice Model appears to be excellent and timely, but not integrated into new staff orientation and conducted on a regular basis for other staff that have completed their orientation. The three-month orientation provides three days of cultural training in the final week, but nothing specific to working with tribes and AI/AN communities that was evident in the curriculum summary. Core training provided by UC Davis does not include any content related to working with AI/AN families or communities in the first year of training. The second year of training includes a day on Indian child welfare, but it is not required (i.e., there is an array of training classes which can be “individualized” by the worker and supervisor, so they can select the ones they want). Year two classes can be taken in the first year as well, again at the discretion of the worker and supervisor. We are told there are changes occurring in the core curriculum provided by UC Davis, but this was not available for review during the assessment.
5. Workload of CWS staff is a constant and continuing concern, which places real limits on the quality and quantity of work being done in Emergency Response primarily (35 open investigations per staff vs. Child Welfare League of America (CWLA) national recommended standard of 12 active cases per month). Staff in the “ongoing” units (with caseloads averaging 18.7) are in better shape to meet the requirements and national standards (17 unless Family Centered Casework, in which case no more than 12 is recommended).

Additionally, it is widely recognized that Indian child welfare cases may require additional time and work to meet the active efforts requirement of the Indian Child Welfare Act. In addition, the geographic remoteness of many parts of Humboldt County where many AI/AN families live can add additional time spent trying to communicate with families and driving to different locations where tribal families and tribal agencies are located. The Humboldt County Department has some recognition of this additional workload, but is struggling to match resources and capacity with need in concrete terms.

We should note that a comprehensive time study is the most reliable and accurate way to measure workload for child welfare staff; the numbers above may not tell the whole story.

A strong advantage Humboldt County CWS has is that the workload for supervisors and managers is at or below the CWLA standard. This is an important advantage, especially at this stage of development in implementing the Humboldt Practice Model and partnership development with tribes, as supervisors and managers bear the responsibility for ensuring that their staff have fidelity with the practice model and are front line in helping develop and maintain leadership relationships with tribal leadership in similar positions. In any child welfare organization, they are the quality control and those who ensure consistency in practice across the agency. They need to be fully prepared and equipped to carry out these accountability functions while providing critical support to the work and to the staff who are doing the work.

F. Are there department policies which create barriers or lack sufficient clarity to guide practice toward desired outcomes?

1. Desk guide enhancements are needed to provide clarity and consistency in practice related areas. Currently, the existing desk guides do a good job of explaining protocols for the general service they address, but in some cases they omit important information about federal law, such as the Indian Child Welfare Act, or they are missing language that could improve understanding of the need and opportunity to collaborate with tribes.
2. Gaps in local policy and agreements are needed to supplement required state and federal law requirements addressing services to AI/AN children and families. Because the state of California is referred to as a "PL 280 state," a reference to a federal law that stipulates that tribes and states share concurrent jurisdiction in areas like child welfare, there is critical need to establish local policy and inter-governmental agreements with tribes to clarify the roles and responsibilities of each party. In order to successfully implement not only state Division 31 policy in Humboldt County, but also the Humboldt Practice Model and desk guides, local policy is needed to bridge gaps and create better understanding of the expectations and accountability measures involved.
3. Caregiver support and training is a critically identified area for additional development. Caregivers that participated in focus groups almost universally expressed their dismay at how little support they receive from CWS, how difficult it is to obtain accurate information about what is expected of them, and what they are entitled to regarding services and supports.

G. Does the department's budget provide for appropriate services to improve outcomes for AI/AN families?

Because of the department's integrated budget approach, it was difficult to isolate budget items supporting services for families. With help from a Humboldt County fiscal department staff member, we were able to trace how some of the federal, state, and local funds are being used to support children and families in the child welfare system, however, it was not possible to identify how much of the available funding is actually supporting services to AI/AN children and families. The funding strategies being employed by the county leverage available funding in several key areas and help provide flexibility in how services are provided, but responses from key informant interviews and focus groups still raise questions about gaps in service, sometimes outside the control of CWS and DHHS, but still critical to family success, such as housing and support from educational and juvenile justice systems.

There are very few contracts providing services, and no apparent inter-governmental agreements with tribes for provision of services to families. It does not appear that funds received by the department to support and provide services have been shared with the tribes to the extent they could and probably should be. Current leadership at the department is interested in exploring ways to leverage funding to increase services available in the communities.

Because of the integrated budget concept, the director of social services currently does not appear to have sufficient authority over the CWS budget for services, and is unable to make informed and timely decisions regarding budget matters as would be needed to make improvements in outcomes, without negotiating with other department staff.

H. Data drives knowledge, which in turn drives decision making and accountability.

Currently, the department utilizes a variety of data systems to piece together their data reports (state and local county systems). We observed that the current systems do not work well together, are not always reliable, and limit the ability of the department officials to identify critical data trends. Furthermore, the county needs to update and enhance the data measures it is using to capture critical data that neither the state nor local county system are currently capturing regarding the status of AI/AN children and families. With the onset of the new Indian Child Welfare Act regulations, all states (and presumably counties) will be required to collect new data elements that measure ICWA implementation and outcomes for AI/AN children in their care. A number of states have developed their own systems in this regard and could be helpful to Humboldt County in enhancing their system. In addition,

we see opportunities for CWS to also improve service provider performance data regarding services to AI/AN children and families and measurements of adherence to and outcomes related to the Humboldt Practice Model.

V. RECOMMENDATIONS

Following on the above findings, we decided to offer recommendations on actions we consider the most urgent and which, if undertaken successfully, will make further improvements possible upon further review.

A. Partnership/collaboration/shared responsibility with tribes

Our over-riding recommendation is that Humboldt County leadership approach leadership of the eight federally recognized tribes and other tribal communities of the county and invite them to join in discussions focused on the hopes and needs of families. The new DHHS and CWS leadership team at the department have begun pursuing improvements in the tribal and county relationship. We are encouraged by this and suggest these efforts focus even more on developing a mutually respectful relationship with the tribes. Through a process of sharing and acknowledging how things have been, to date, it may be possible to jointly design a child welfare system based on a shared responsibility to support the healing of families rather than just rescuing and protecting children. Discussions would of necessity include a mutual understanding of structural issues that hinder family functioning and what concretely can be done about them in Humboldt County.

We see such a process as beginning with high-level commitments from the Humboldt County Board of Supervisors, the Humboldt Department and tribal leadership to undertake it, and to committed staff and other potential resources to the effort.

We suggest a comprehensive needs assessment and planning process, with significant input from families, youth, and others who have a stake in the well-being of tribal children.

Agreement is needed between the department and the tribes on how “active efforts” and “imminent risk of harm” are defined. Currently these are often seen in different ways as applied in individual cases, based on mainstream vs. cultural context. Coming to a systems-level government-to-government understanding on these definitions will be an important accomplishment.

Our hope is that the process would result in a redefined relationship and a redesigned joint understanding of what child welfare means for tribal families,

including clarity about how the tribes and the department work together to support families in being successful.

Protocols can then be developed to lay out the principles and values of a new relationship and the expectations and procedural requirements to carry it out, including processes for problem-solving and resolution of conflicts as they may arise. Protocols should spell out how the relationship is to be carried out at the leadership, management, supervisory, and casework levels.

In addition to protocols, it is hoped that inter-governmental agreements could result, between the department and tribes, arranging for the provision of accessible and culturally appropriate services.

B. Culturally appropriate services to address intergenerational trauma

It is clear that the underlying issue contributing to AI/AN family dysfunction and removal of children in Humboldt County (as is elsewhere) is unresolved pain from intergenerational trauma, regardless of the immediate ways in which it is manifested through parental behavior.

Our recommendation is that in all cases of families involved in the child welfare system, the department and tribes develop the means to make appropriate traditional and other intensive healing services available.

This may require creative thinking about how mental health funding can be utilized or new funding streams found to support services which are provided through tribal or individual healing practitioners rather than just through the county mental health staff. More (and targeted) mental health services are needed to support children in out-of-home care and their caregivers as well as parents. We noted during interviews and focus groups, as well as our service system assessment, that there are gaps in the level of accessibility to mental health services for both AI/AN children and their parents. We also did not see any evidence of the department encouraging or establishing the development of intergovernmental agreements between the department and tribal governments to increase access to Medi-Cal treatment funding. This is an important opportunity, especially given the high level of need for increased trauma informed services and the exceptionally high federal match rate that states can claim for services to AI/AN families. We strongly encourage the department to work with tribal partners to explore opportunities in this area.

We recommend the department examine whether service dollars are expended proportionately for the populations it serves and make adjustments to ensure this happens.

C. Prevention and early-intervention services

Consistent with the department's strategy and stated intent of focusing on prevention and early-intervention for at-risk populations (a concept we fully support), we recommend that the department clarify in policy and in culturally appropriate services what this means for AI/AN families who are experiencing difficulties, but who are not (as yet) involved with the child welfare system.

A related recommendation is that the department gives serious consideration to supporting tribally designed family resource centers in each tribal community.

An early-intervention strategy available through many child welfare agencies is the use of voluntary placement agreements through which families can request temporary or respite care for their child to facilitate a parent's need for treatment. These types of placements need to have very careful and clearly stated parameters regarding their use, such as number of days permitted, ability of parents to demand return of children without formality or contingencies unless child protection issues are evidenced, and court oversight. We did not see such agreements in Humboldt County, and recommend the department consider this as it develops and strengthens its array of preventive services.

D. Accessibility of services

It is recommended that the department make appropriate services accessible to families in their communities, rather than expecting people to travel to where services are located (which has proven to be unsuccessful for long enough to declare it time to take a different approach). Supporting tribes in expanding their service capacity is one path, expanding services provided through community professionals is another. The traveling mental health van was a good idea, but impractical for AI/AN families who did not experience these services as being appropriate and helpful for them. Having child welfare and mental health professionals assigned to and located in or near tribal communities is needed. The NICWA team fully supports the planned regionalization of department staff and services as well.

E. Quality of CWS Practice

We recommend the department develop its accountability structures to ensure greater consistency in how practice and decision-making occurs with respect to AI/AN families. Systems should be in place to ensure that significant variations in practice and decision-making do not occur from worker to worker.

A related recommendation is that the role of supervisors and managers be further clarified with respect to their quality assurance and case oversight responsibilities. We have been told that they are involved in case decision-

making and case review and approval, but the review team saw no documentation of their involvement and no description in department policy about their role in accountability for casework practice and decisions. The department might consider developing a practice model for supervisors and for managers.

The Humboldt Practice Model is exemplary as a framework to understand families in cultural context and to develop plans with families to address stresses and problems they face. It should help to develop consistency in practice. We recommend the department continue on the path toward full implementation of the Humboldt model.

The department should develop the skills of staff in developing and implementing case plans that are specific to the needs identified through family assessment, include access to culturally appropriate services in each case, and focus on risk-reduction to facilitate early return of children who are in out-of-home care. People want and need substantive, meaningful services, and the department should work together with tribes to identify what those are and ensure they are provided.

How CWS staff engage with and share information and responsibility with tribal social services is of considerable concern. This is a critical component of casework practice with tribal families. Tribal engagement in investigations and in decision-making with respect to tribal member families is very inconsistent and inadequately documented in case plans, notes, and progress reports. Even communication to the tribe about decisions made does not occur routinely. We recommend that the department establish clear policy and procedural expectations and standards of practice with respect to these imperatives, and that supervisors ensure accountability that they are carried out.

F. Workforce Issues

We recommend that the department take whatever combination of actions it can to address the high rate of turnover of CWS staff and the difficulties in keeping positions filled. We know this is already a high priority and department leaders are working on it. We fully support their doing so, as the consequences of this issue in terms of client relationships as well as having so many youthful and unseasoned staff can be significant on quality of practice and confidence in the high-level work required when children and families are involved.

We recommend the department review and amend job descriptions and qualifications to reflect that the job involves working together with tribes and providing services to AI/AN families, and that appropriate consideration be

given to the necessary temperament and skills during the hiring process. In addition, we understand previously there was a policy to hire only Master of Social Work trained social workers as investigators and case management positions. While this is preferred it is not always necessary if there is a thorough and well supported training system in place for new and continuing workers. The department should also recognize the limitations that many Master of Social Work students will have with regard to working cross culturally with AI/AN families and communities, so we recommend that the department consider how their training will supplement that of the universities and colleges nearby, and identify opportunities to address gaps in academic curriculums related to child welfare practice knowledge and skills.

Further, we recommend that the department establish a goal to work toward having the ethnic diversity of its staff reflect the people it serves. This is critically important in terms of client relations, the quality of cultural practice of the agency, and the quality and consciousness of the circumstances and needs of the county's communities as ideas are generated or situations responded to within the agency.

High workload for casework staff, particularly in Emergency Response, can have devastating consequences on thoroughness of risk-assessment investigations and on quality of decision-making. We noted very low substantiation rates for child abuse allegations (as opposed to neglect), and wonder if workload as well as training and preparedness for those types of investigations are an issue. We recommend the department take action to understand workload issues and their impact, and to address them.

The Indian Child Welfare Act requires that active efforts be made to keep AI/AN families together and to prevent child removal and placement. This is a different standard of service, many times requiring greater amounts of staff time to carry out effectively. In general, we did not see active efforts in the cases we reviewed, and it has been said that some staff feel they do not have time to do active efforts. We recommend that the department develop a method of weighting workload requirements for ICWA cases to recognize this work and to facilitate Humboldt County compliance with federal and state law.

Related to consistency of practice is the issue of how CWS staff are qualified and assigned to cases involving AI/AN families or children. We recommend that the department consider how tribes can be involved in the selection of staff who have demonstrated that they have the temperament, enthusiasm, understanding and appropriate skills to provide services to their members.

In reviewing training curricula for CWS staff, it appeared to us that academy training on Indian Child Welfare came too late in the process (not until the

second year, unless requested by worker and supervisor) and is optional even then (at the discretion of the worker and supervisor). We recommend that the department consider adopting a standing policy that it will have all staff complete that component within the first three–six months. Locally provided cultural training was reported as being excellent and helpful, and Humboldt County’s use of cultural coaches is innovative and praiseworthy.

G. Policy Issues

All of the caregivers that participated in focus group interviews identified inconsistencies in the level of supports provided for things like financial resources to support children in care, access to child care, and supports for caregivers. In many cases, the level of support seemed to depend upon the case manager they were working with. When caregivers were asked if they knew of any policies that addressed their concerns, few of them were able to identify any. We recommend that policy be clarified to identify supports available for both relative and non-relative caregivers and disseminated routinely in a format that is easy for caregivers to understand and use. Several of the caregivers, both relative and non-relative, reported being asked to supervise visitations on a regular basis. While some of them said they were okay with this responsibility, they universally said they would like more clarity on the expectations for this role and more communication and support from the caseworker they were working with. We recommend the department develop policy that provides clarity for caregivers in this role and expectations for case managers on their responsibility in supporting caregivers supervising or facilitating visits. This policy should be developed in consultation with caregivers.

Case reviews and focus group discussions revealed gaps in understanding and access to trauma-related services (mental health services). Decisions about how services are provided and who provides them seems unclear for AI/AN children and parents in the child welfare system. County mental health staff expressed concern that CWS did not understand how their services should be used and did not utilize them as often as they could. In addition, there were conflicting reports about the availability of mental health services for AI/AN children from a local Indian organization that offered mental health services and few reports of tribal mental health services available or being used on a regular basis (traditional or clinic based). We recommend that the department do a thorough examination of the accessibility and cultural appropriateness of mental health services for AI/AN children and families in the county child welfare system and pursue the establishment of policy (agreements with tribes and/or local providers) that sets out the protocols for accessing and providing services. This should be done in consultation with tribes and local providers. We suggest special emphasis be given to establishing agreements that empower tribes, and Indian organizations are

key providers of these services whenever possible. We make special note of the lack of intergovernmental agreements with tribes to increase access to Medi-Cal treatment services, especially given the high need for trauma informed, culturally appropriate mental health services.

While it was not examined in our case review, it was widely reported to us that tribal families are often turned down for CWS services or supports or referrals screened out on the basis that a family is part of a tribal community and that the tribe “should” be able to address the issue. Whether perception or reality, we recommend that the department’s policies reflect that the county has responsibility to provide services for tribal families on the same basis as it does for other populations in the county.

H. Data Collection

The current statewide and local data system is unable to provide all of the critical information needed by Humboldt County CWS to track critical service trends for AI/AN families and children, ensure accountability, and inform important program decisions. Tribal partners also need access to this information to understand how their children and families are doing in the Humboldt County CWS. We recommend that the department with tribal partners identify gaps in the current information collection systems and devise strategies for addressing these gaps and sharing information with tribal partners.

VI. **CONCLUSION**

While significant progress still needs to be made to improve services and outcomes for AI/AN children and families, it needs to be acknowledged that the department and CWS leadership are making significant efforts to address many of these challenges. The most critical challenge will be the mending of the relationship between the department and tribal governments and tribal communities, and re strategizing a way to move forward in a more productive and equitable manner. The establishment of a new relationship will go a long way towards building momentum to address concerns regarding quality and consistency in practice, differences in how Humboldt County CWS and individual tribes view critical practice decisions, ensuring access to culturally appropriate services throughout the child welfare system, and ensuring full collaboration between the parties with roles and responsibilities that are clearly delineated. It is our belief that many opportunities exist and much interest in seeing needed changes come to the Humboldt County CWS for AI/AN children and families, so we are optimistic that the parties can find common ground to begin a process for reconciliation and meaningful reform going forward.

VII. **APPENDIX**

A. Selected CWS aggregate data for AI/AN and White children and families



NICWA

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Protecting Our Children • Preserving Our Culture

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