



COUNTY OF HUMBOLDT

For the meeting of: 12/14/2021

File #: 21-1742

To: Board of Supervisors

From: DHHS: Social Services

Agenda Section: Consent

SUBJECT:

Professional Services Agreement with Richard England Regarding the Provision of Expert Witness Services in Accordance with the Indian Child Welfare Act

RECOMMENDATION(S):

That the Board of Supervisors:

1. Approve, and authorize the Chair of the Board to execute, the attached professional services agreement with Richard England regarding the provision of expert witness services in accordance with the Indian Child Welfare Act in an amount not to exceed Ninety Thousand Dollars (\$90,000.00) for the period of January 1, 2022 through June 30, 2023;
2. Authorize the Department of Health and Human Services - Child Welfare Services Director, or a designee thereof, to execute any and all subsequent amendments to the attached professional services agreement with Richard England, after review and approval by County Counsel, Risk Management and the County Administrative Office; and
3. Direct the Clerk of the Board to return one (1) fully executed original copy of the attached professional services agreement with Richard England to the Department of Health and Human Services - Contract Unit for further processing.

SOURCE OF FUNDING:

Social Services Fund (1160)

DISCUSSION:

At the foundation of the Indian Child Welfare Act is the federal policy that it is in the best interest of the Indian child to retain tribal ties and cultural heritage, and in the interest of the tribe to preserve its future generations. It establishes standards with higher evidentiary requirements when an Indian child is the subject of a child custody proceeding. Specifically, expert witness testimony regarding whether the continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child must be considered before the state court can order an involuntary foster care placement of a child or the termination of parental rights. In addition, the standards for the removal of an Indian child and the termination of parental rights of the child require that the court consider evidence concerning the prevailing social and cultural standards of the Indian child's tribe, including, without limitation, family organization and child-rearing practices.

Since 2013, Richard England has provided expert witness services as required by the Indian Child Welfare Act. The expert witness services provided by Richard England include, without limitation, reviewing case records, police reports and case notes and conducting interviews as necessary to complete an evaluation. The expert witness opinion reports prepared by Richard England are used by the Humboldt County Department of Health and Human Services - Child Welfare Services (“DHHS - Child Welfare Services”) to determine whether: continued custody by the parents or Indian custodian will likely result in serious physical or emotional harm to the child; placement preference has been followed in accordance with the Indian Child Welfare Act; and active efforts were taken to prevent the breakup of an Indian family as required by the Indian Child Welfare Act.

The attached professional services agreement with Richard England will allow for the continued provision of expert witness services in accordance with the Indian Child Welfare Act for the period of January 1, 2022 through June 30, 2023.

Accordingly, DHHS - Child Welfare Services recommends that the Board approve, and authorize the Chair of the Board to execute, the attached professional services agreement with Richard England regarding the provision of expert witness services in accordance with the Indian Child Welfare Act for the period of January 1, 2022 through June 30, 2023. It is also recommended that the Board authorize the DHHS - Child Welfare Services Director, or a designee thereof, to execute any and all subsequent amendments to the attached professional services agreement with Richard England, after review and approval by County Counsel, Risk Management and the County Administrative Office, in order to avoid any unnecessary delays in the provision of needed expert witness services.

FINANCIAL IMPACT:

The attached professional services agreement with Richard England has a maximum amount payable of \$90,000 for the period of January 1, 2022 through June 30, 2023. In no event shall the maximum amount paid under attached professional services agreement with Richard England exceed \$30,000 for fiscal year (FY) 2021-22 and \$60,000 for FY 2022-23. However, in the event local, state or federal funding is reduced or eliminated, the County of Humboldt may reduce the above-referenced maximum amount payable or terminate the attached professional services agreement with Richard England in its entirety.

Expenditure appropriations related to the attached professional services agreement with Richard England have been included in the approved FY 2021-22 budget for DHHS - Social Services budget unit 1160-508. Funding for the attached professional services agreement with Richard England is available through state and local realignment revenues received by DHHS - Child Welfare Services. As a result, approval of the attached professional services agreement with Richard England will not impact the Humboldt County General Fund.

STRATEGIC FRAMEWORK:

The recommended actions support the Board of Supervisors’ Strategic Framework by protecting vulnerable populations, creating opportunities for improved safety and health, enforcing laws and regulations to protect residents and providing community-appropriate levels of services.

OTHER AGENCY INVOLVEMENT:

Various local tribal organizations

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board may choose not to approve the attached professional services agreement with Richard England regarding the provision of expert witness services in accordance with the Indian Child Welfare Act. However, this alternative is not recommended as it would severely limit DHHS - Child Welfare Services' ability to meet the requirements of the Indian Child Welfare Act.

ATTACHMENTS:

1. Professional Services Agreement with Richard England Regarding the Provision of Expert Witness Services in Accordance with the Indian Child Welfare Act

PREVIOUS ACTION/REFERRAL:

Board Order No.: C-25

Meeting of: 12/16/2019

File No.: 19-1677