

California Children's Justice Act Task Force TRIBAL SERVICES NEEDS ASSESSMENT REPORT

OCTOBER 2018



Submitted by

Kelly L Jarvis, Ph.D.
NPC Research
jarvis@npcresearch.com

Juliette R. Mackin, Ph.D.
NPC Research
mackin@npcresearch.com

Rae Trotta
NPC Research
trotta@npcresearch.com

Acknowledgements

NPC Research would like to thank the National Indian Justice Center (NIJC) staff members for their help conducting this needs assessment. The study was greatly aided by the time and assistance of Christy Garcia, Kelly Myers, Carol Oliva, and Ben Myers, as well as the Center's willingness to share information and directly support the study recruitment efforts. We are grateful for their collaboration.

Much appreciation goes to the NIJC's expert panel, whose members reviewed and provided feedback on the draft report.

We could not have produced this report without the generous contribution of time by many individuals who participated in interviews and completed the survey. We thank them for their perspectives and contributions to this effort.



Table of Contents

EXECUTIVE SUMMARY.....	1
INTRODUCTION.....	1
Study Goals.....	2
Study Methods.....	2
This Report.....	3
ONLINE SURVEY.....	4
Methods.....	4
Results.....	6
TELEPHONE INTERVIEWS.....	17
Methods.....	17
Results.....	18
SUMMARY AND RECOMMENDATIONS.....	31
Summary.....	31
Recommendations.....	35

EXECUTIVE SUMMARY

The California Children’s Justice Act (CJA) Task Force funds training and service programs to improve the system response for children who have experienced abuse, neglect, or exposure to domestic violence. California is home to more than 100 Native American Tribes, and Native children are overrepresented in the state child welfare system. Notably, very few Tribes have their own independent child welfare system. Most frequently, the county-level (i.e., state-run) system is the dominant local child welfare system, and Tribal child welfare workers collaborate with the county-level child welfare workers to serve families.

With help from the National Indian Justice Center, NPC Research conducted a needs assessment among Tribal communities in California to gather Tribal perspectives on the needs of the Indian child welfare system and other systems designed to serve Native children who have been abused, neglected, or exposed to domestic violence. The current needs assessment gathered information from a broad population of respondents through the use of an online survey and more detailed information from a smaller number of individual telephone interviews with key Tribal stakeholders. Results shed light on the most pressing needs within child welfare services as seen by the individuals who are working directly with and within those systems.

Online Survey Results

Of the 88 individuals who completed a survey: More than half felt it was *very true* or *mostly true* of their local system that: there is a focus

on what is best for the child; staff are caring; agencies have family-friendly practices; there is focus on child abuse/neglect prevention; and there is focus on family preservation and reunification.

Roughly one third of respondents thought it was *not at all true* or *slightly true* that their local system involved good collaboration between agencies, effective in-home supports, well-coordinated wraparound services, or resources to meet basic needs. Forty percent felt that it was *not at all true* or *slightly true* that their local system used culturally specific services or approaches.

In general, respondents from federal, state, and county agencies gave the most positive ratings, and respondents from Tribes gave the lowest ratings, suggesting a difference in perspectives about their local systems.

When asked about the greatest strength of their local systems, respondents indicated caring staff (19%), collaboration between different agencies (14%), access to resources to help families meet their basic needs (12%), and a focus of family preservation (12%).

When asked about the greatest needs of their local systems, nearly two thirds of respondents reported housing for families and training for staff who work with children/families. More than half of the respondents named mental health and substance use treatment services, coordination between different agencies, educational and training resources for parents, and willing foster parents.

Notably, respondents who worked in Tribes, Tribal organizations, and other sectors named *staff training* as one of the greatest needs, whereas those who worked in federal, state, and county agencies saw *staff retention* as most needed.

Telephone Interview Results

Sixteen people were interviewed: nine people directly represented 30 Tribes, three people worked with Tribes all around the state, and four people represented the state's Office of Tribal Affairs. Interviewees overwhelmingly described the critical nature of the relationship between the counties and the Tribes, and how the quality of this collaboration forms the basis for the functioning of the child welfare system in Native communities.

County-Tribe relationship. Interviewees articulated several ways in which the relationship between Tribes and counties can be improved to benefit the child welfare system. These included: improving the cultural awareness and understanding among county staff, better aligning county procedures with Tribal values and systems, ensuring adequate staffing levels and reducing turnover, providing sufficient staff training, and increasing cooperative efforts. Some interviewees offered ideas for promising practices that have yielded good county-Tribe collaboration in their areas.

Understanding and implementation of ICWA. Interviewees reported several ways that the implementation of ICWA in their local communities could be improved, including enhancing knowledge regarding the law among county social workers and judges, increasing compliance and active efforts, and ensuring that the

state understands and values the history and intent of ICWA.

Cultural competence. Interviewees thought that it was important for the county and state to respect Tribal sovereignty, to reduce cultural bias in their processes, to recognize and work to correct institutional racism and effects of historical trauma, and to acknowledge the Tribal worldview as a cultural strength. Some interviewees described specific approaches used by county staff that have been beneficial in their areas.

Supportive services for children and families. There was a thorough understanding of the social, behavioral, and economic challenges that face many Native communities, how these challenges are more severe in rural or remote areas, and the types of services needed to help families surmount these difficulties to either avoid contact with the child welfare system or regain custody of children.

Summary

Survey respondents and interviewees described a range of pressing needs to improve the system response to maltreated and at-risk children in Tribal communities, such as ensuring adequate numbers of appropriately trained staff, increasing ICWA understanding and compliance, and improving cultural competence throughout the system, including the provision of culturally appropriate services. Many people offered examples of how the system in their area functions collaboratively and effectively. In summary, a successful system response to Native children in the child welfare system relies on a solid, respectful, and consistent collaboration between counties and Tribes.

INTRODUCTION

The California Children’s Justice Act (CJA) Task Force funds training and service programs to improve the system response for children who have experienced abuse, neglect, or exposure to domestic violence. In particular, the mission of the CJA Task Force is to promote activities that improve the:

- handling of child abuse and neglect cases, particularly cases of child sexual abuse and exploitation, in a manner which limits additional trauma to the child victim;
- handling of cases of suspected child abuse or neglect-related fatalities; investigation and prosecution of cases of child abuse and neglect, particularly child sexual abuse and exploitation; and
- handling of cases involving children with disabilities or serious health-related problems who are victims of abuse or neglect.

To achieve this, the CJA Task Force funds multiple programs offering trainings and intervention services designed to support a more effective and compassionate system response.

In addition to its fundamental purpose, the CJA Task Force also maintains a commitment to reach Native American children. California is home to more than 100 Tribes, and Native children are overrepresented in the state child welfare system. For the past 5 years, the Task Force has funded the Native American Children Training Forum (CF), a program

operated by the National Indian Justice Center (NIJC) that provided technology resources and training to Tribal entities to improve the capacity of the child welfare system in Tribal communities. In 2017, NPC Research (NPC) conducted a brief evaluation of the technology component of the CF program. (Results were provided to the Task Force in an earlier report.)

In 2018, the Task Force hired NPC to conduct a needs assessment among Tribal communities in California (not just those impacted by the CF program). For this effort, NPC collaborated with NIJC to gather Tribal perspectives on needs regarding the Indian child welfare system and other systems designed to serve Native children who have been abused, neglected, or exposed to domestic violence. This report presents the methods and results of this study.

During the review of existing materials for this needs assessment, NPC learned that, in 2015, the California ICWA Compliance Task Force was formed, as a result of meetings between Tribes and the Bureau of Children’s Justice within the Office of the Attorney General, to gather information about ICWA implementation failures throughout the state. ICWA is a fundamental component of the child welfare system in Native communities and was among key areas of inquiry for the current needs assessment. Therefore, in order to provide the CJA Task Force with the most comprehensive information possible,

the ICWA Task Force’s full report (submitted to the State Attorney General in 2017) is being submitted to the CJA Task Force along with this needs assessment report compiled by NPC.

Study Goals

The current study sought to better understand the needs of the systems serving Native children who have been, or are at risk of being, maltreated. The study endeavored to gather: (a) information from a broad population of tribal respondents through the use of an online survey and (b) more detailed information from a smaller number of individual telephone interviews with key Tribal stakeholders. The goal of the study was to shed light on the most pressing needs within child welfare services as seen by those individuals who are working directly with and within those systems.

The needs assessment explored aspects of system functioning, including internal operations of the child welfare system, such as staff training, coordination, and turnover, as well as coordination between the child welfare system and other systems such as the courts, law enforcement, and community services. The study also inquired about areas of greatest strength and need in Tribes’ local systems and about suggestions to address perceived needs.

This study specifically sought to gather Tribal perspectives about child welfare needs in their communities. As such, NPC and NIJC’s efforts to recruit participants centered pri-

marily around reaching Native American individuals working with the child welfare system. As a result, this study’s sample consists mainly of Native people or those working in Native organizations. In some instances, staff from county, state, and federal agencies provided information, and these data are included in the current report. However, it is important to point out that this study intended to gather Tribal feedback on system functioning, and it should not be seen as a comprehensive system assessment.

Findings will help inform the provision of effective support to Native American children who have been abused, neglected, or exposed to violence.

Study Methods

The current needs assessment was grounded in collaboration with the NIJC and incorporated two research methodologies that yielded quantitative and qualitative data: an online survey and telephone interviews.

Collaboration

With prior work together as a foundation, NPC collaborated with NIJC to establish the data collection parameters for the needs assessment study. In particular, NPC was able to leverage NIJC’s relationships with Tribes and Tribal organizations in California and was granted access to NIJC’s established listserv to reach a broad population of potential study participants. NIJC’s expansive reach with Tribal communities throughout the state enabled NPC to invite individuals from various Tribes and Tribal organizations, different regions of the state, and different geographic

contexts (e.g., urban, remote) to participate. This reach helped NPC to gather the perspectives of a broader cross-section of people and to increase the representativeness of the study findings.

Online survey

NPC developed an online survey for this study that inquired about the respondent's local child welfare system, including the system's greatest strengths and needs. NIJC sent an invitation to complete the online survey to several hundreds of individuals through multiple listservs. Almost 100 people submitted a completed survey.

Telephone interviews

Using NIJC's contact lists, NPC staff selected a sample of 25 individuals, from various regions of the state, with whom to conduct an in-depth telephone interview. These interviews allowed the collection of more detailed and nuanced perspectives. Ultimately, 16 people were interviewed. Of these, nine people directly represented 30 Tribes, three people worked with Tribes all around the state, and four people represented the state's Office of Tribal Affairs.

This Report

This report presents the results of this needs assessment. Findings are presented in two sections: (1) Results of the Online Survey, and (2) Results of the Telephone Interviews. The final section summarizes the results and offers several data-based recommendations.

ONLINE SURVEY

Methods

Outreach and Sampling

NPC worked with NIJC to discern appropriate lists of potential respondents for the online survey from NIJC's contacts and listserv rosters. NIJC maintains lists of people who have registered for trainings, participated in expert panels, or have been grantees, as well as lists of ICWA contacts. NPC created and posted the online survey, and NIJC staff sent invitation emails to 700 addresses across the various lists. Because of the large number, emails were sent over the course of multiple days, between June 29th and July 2nd. Of the 700 email addresses, 451 were verified as active. Once duplicates were removed, 346 unique individuals remained in the sample. Recipients were given until July 16th to complete the survey. Four reminder emails were sent between July 6th and 16th. The survey was officially closed and data downloaded on July 21st.

Respondents

Of the 346 email invitations, 94 respondents submitted complete surveys, yielding a 27% response rate (there were an additional 53 partially complete surveys, but it appeared some of them were surveys that a respondent started, stopped, and then subsequently started and completed another survey). Of the 94 people who completed surveys, six respondents were determined to be from outside of California and their

surveys were therefore omitted from analysis. The remaining 88 respondents constitute the analytic sample for this report.

Professional affiliation. Because the email invitation list was diverse, respondents were asked about the type of organization for which they worked and the position they held within that organization. As seen in Table 1 (next page), 32% of respondents worked for a Tribe or Rancheria, 23% worked for a Tribal or Native organization (e.g., a health organization that works with Native populations), 18% worked for a state, county, municipal, or federal agency, 16% worked for a non-Tribal nonprofit organization, and 6% were otherwise employed (e.g., consultants, educators).

Throughout this report, respondents were categorized into four professional affiliations: (1) *Tribe/Rancheria*, (2) *Tribal or Native organization*, (3) *federal/state/county agency*, (4) *other sectors (e.g., nonprofit, university, independent consultants)*. Responses among these groups were compared to assess any differences in perception based on professional affiliation.

Also seen in Table 1, respondents represented a range of sectors, staff positions, and levels of leadership. For example, 28% were case workers or social workers, 27% were agency managers or administrators, 15% were service providers, 11% were court or legal staff, and 6% were in Tribal leadership.

Community size. Respondents were asked about the size of the community in which they worked. Communities were classified into four categories, as defined by the US census:¹

- *Frontier/remote* – total population less than 2,500 people, and more than 1 hour from town, and less than 6 people per square mile;
- *Rural* – total population less than 50,000 people and a nonmetropolitan area;
- *Suburban* – total population less than 50,000 and less than 1,000 people per square mile; and
- *Urban* – total population greater than 50,000 people and greater than 1,000 per square mile.

Of the 88 survey respondents:

- 10 (11%) reported working in frontier/remote areas;
- 25 (29%) in rural communities;
- 7 (8%) in suburban communities;
- 20 (23%) in urban communities; and
- 26 (30%) worked in multiple types of communities (e.g., worked across an entire county that includes both urban and rural areas).

Throughout this report, respondents working in frontier, rural, suburban, and urban communities were compared in order to assess whether perceptions varied by geographic context.

Table 1. Characteristics of Respondents

Total number of respondents with a completed survey	88
Professional Affiliation	%
Tribe/Rancheria	32%
Tribal or Native organization	23%
Nonprofit organization	16%
County or municipal agency	15%
State agency	2%
University/higher education	2%
Federal agency	1%
Other	4%
Position	%
Case worker, social worker	28%
Agency manager/administrator	27%
Supervisor of case workers	18%
Service provider	15%
Court/legal staff	11%
Tribal leadership	6%
Advocate	6%
Trainer/educator	6%
Mentor/peer support	5%
Foster parent	2%
Law enforcement	1%
Other	5%
Community Size/Type	%
Frontier/remote	11%
Rural	29%
Suburban	8%
Urban	23%
Multiple communities of different sizes	30%

¹ These categories are based on definitions from the U.S. Census Bureau and the National Rural Health Association.

Results

The online survey asked respondents about various aspects of their local child welfare system, defined as “any agencies and staff that contribute to identifying children who may be at risk of maltreatment, investigating or deciding if children have been neglected or abused, or serving families or children that are part of child welfare cases. This includes courts and legal staff, law enforcement, case workers and case managers, advocates, service providers, or other individuals or departments that help protect Indian children from abuse and neglect.” Results of the online survey are presented in the following sections:

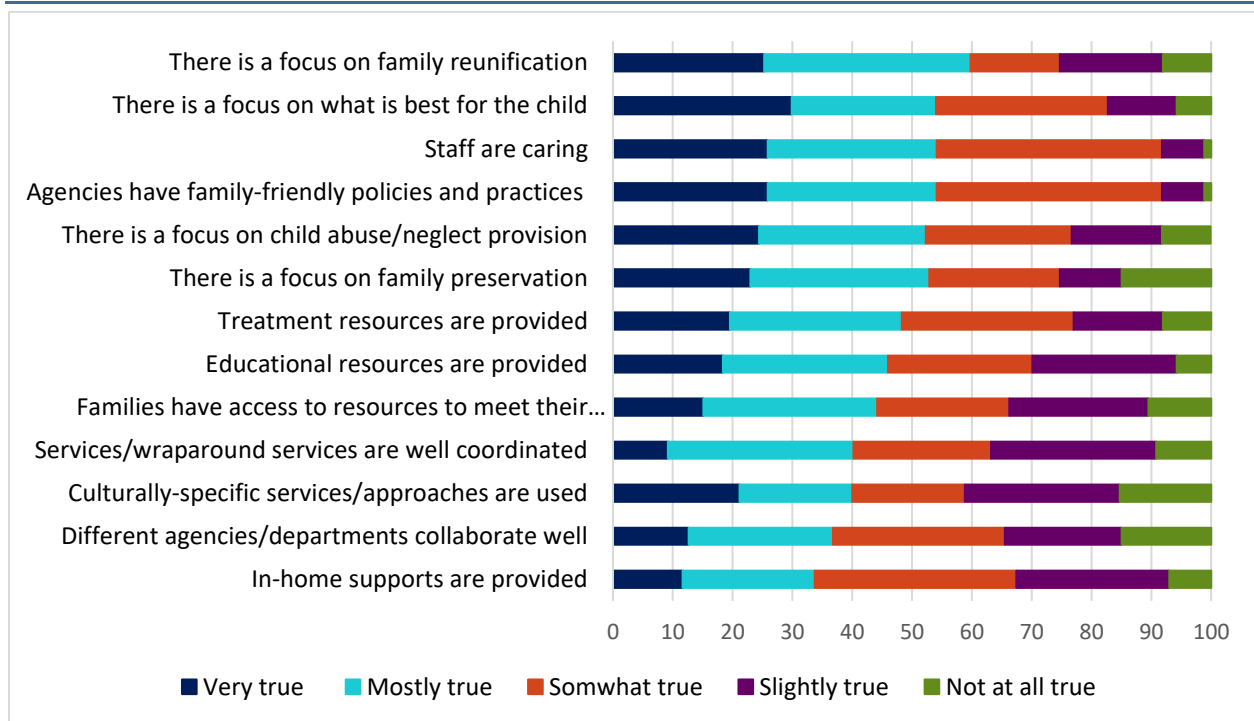
- Characteristics of the local child welfare system;
- Greatest strength of the local system;

- Coordination of agencies within the local system;
- Needs of the local system;
- Greatest need of the local system;
- Highest funding priority to improve the local system.

Characteristics of Local Child Welfare System

Respondents were given a list of 13 positive characteristics and asked to rate the extent to which each characteristic was true of their local system on a scale from 0 (*not true at all*) to 4 (*very true*). Because the characteristics were all positive, higher scores indicate a more positive perception of the local system. Figure 1 shows the results.

Figure 1. Characteristics of Local Child Welfare System



Respondents identified several areas in which their local child welfare system showed high capacity. In particular, more than half of the respondents felt it was *very true* or *mostly true* of their local system that: there is a focus on what is best for the child; staff are caring; agencies have family-friendly practices; there is focus on child abuse/neglect prevention; and there is focus on family preservation and reunification.

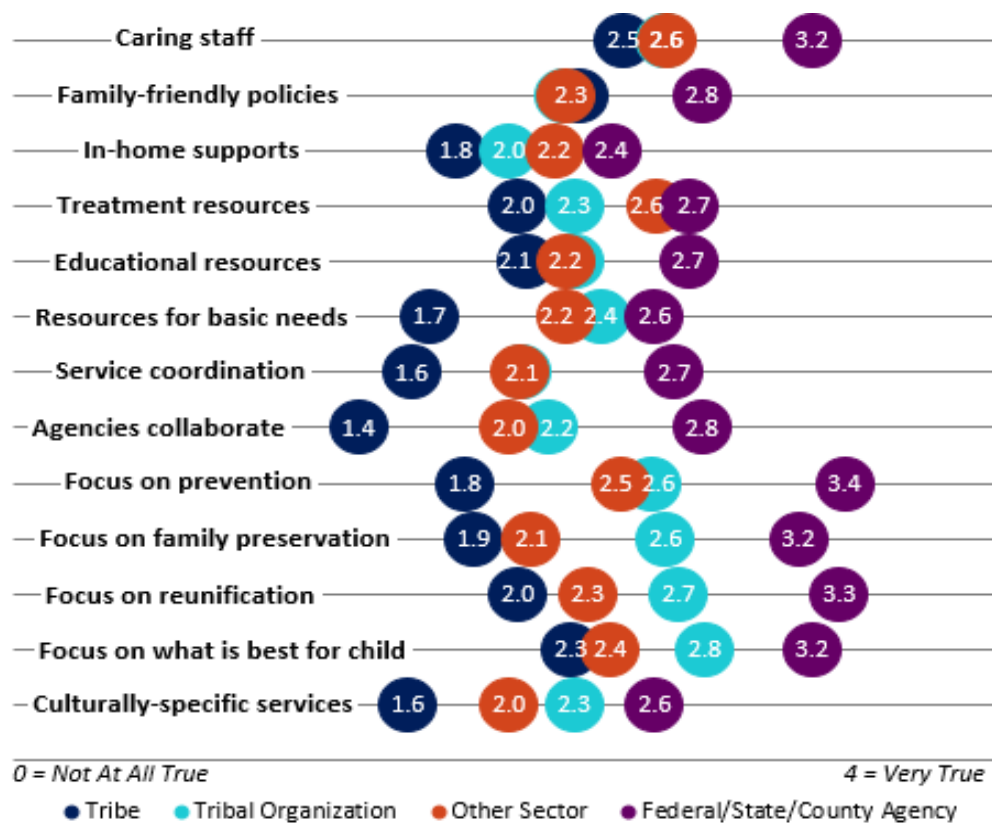
In contrast, respondents also highlighted areas in which the system lacked sufficient capacity. Roughly one third of respondents thought it was *not at all true* or *slightly true* that their lo-

cal system involved good collaboration between agencies/departments, effective in-home supports, well-coordinated wraparound services, or that families had access to resources that meet basic needs. Of note, 40% of respondents felt that it was *not at all true* or *slightly true* that their local system used culturally specific services or approaches.

Across all 13 characteristics, the average ratings on the 0 to 4 scale were between 2.0 and 2.7, corresponding with *somewhat true*.

Differences by professional affiliation. Ratings differed across respondents from each of the four professional affiliations. Figure 2 shows the average ratings for each group.

Figure 2. Average Ratings for Each Professional Affiliation Group



Respondents who worked for Tribes or Rancherias and those who worked in other sectors (e.g., nonprofits) rated their local systems most highly for having caring staff. Tribal organizations rated both caring staff members and a focus on family preservation as the attributes most strongly reflective of their local systems. Those who worked for federal, state, or county agencies noted their systems' focus on child abuse/neglect prevention and focus on family reunification as the truest characteristics.

In general, across all characteristics, respondents from federal, state, and county agencies gave the highest ratings, and respondents from Tribes gave the lowest ratings, suggesting a general difference in perspectives about their local child welfare systems.

Beyond these general trends, a few differences were found to be statistically significant—that is, the difference in ratings is greater than what one would expect to occur by chance. Specifically, when compared to staff from Tribes and other sectors, staff from federal, state, and county agencies rated their local systems as having better coordination between different agencies, more extensive use of culturally specific services, and stronger focus on family preservation, reunification, and what is best for the child. Moreover, staff from federal, state, and county agencies also rated their local systems as having a stronger focus on child maltreatment prevention than did respondents from the other three groups, and as being more effective at coordinating wrap-around services than did staff from Tribes.

Notably, few Tribes have their own independent child welfare system. In most cases, the county-level (i.e., state-run) system is the dominant local child welfare system, and Tribal child welfare workers collaborate with the county-level child welfare workers to serve families. Thus, in some instances, it is possible that respondents in the Tribal group may be describing the same local system as respondents in the federal, state, county agency group. Thus, the differences in perception are noteworthy.

Differences by community size. Modest variation was noted among respondents working in different geographical contexts. In general, those from urban areas tended to report that each of the system attributes was more readily available in their local system than did respondents from other geographic contexts. This was particularly true for in-home supports, treatment resources, and educational resources.

Greatest Strength of Local Child Welfare System

Respondents were asked to review a list of 15 system characteristics and choose which one represented the *greatest strength* of their local system. There was notable diversity in their answers (see Table 2, next page). Nineteen percent of respondents reported that caring staff were their local system's greatest strength, 14% said collaboration between different agencies, 12% reported access to resources to help families meet their basic needs, and 12% reported having a focus of family preservation.

Very few respondents mentioned in-home supports, culturally specific services, willing foster parents, family-friendly policies, and coordination of wraparound services as a strength of their local system.

Differences by professional affiliation. Responses among individuals from the four professional affiliation groups showed some differences, although there was considerable variability within each group. No single characteristic was endorsed by more than one quarter of respondents.

Respondents who worked for Tribes indicated that their local systems' greatest strengths were caring staff (19%), access to help families meet basic needs (15%), a focus on family preservation (15%), and collaboration between different agencies (15%).

Respondents working for Tribal/Native organizations most commonly reported system strength was collaboration between different agencies (20%).

Staff at federal, state, or county government agencies reported the greatest strengths of their local system were caring staff (24%) and a focus on family reunification (18%).

Table 2. Local System Greatest Strength

System Attribute	%
Caring staff	19%
Collaboration between different agencies	14%
Access to resources to help families meet basic needs	12%
Focus on family preservation	12%
Focus on what is best for the child	8%
Focus on child abuse/neglect prevention	7%
Focus on family reunification	7%
Availability of treatment resources	6%
In-home supports	4%
Culturally specific services	4%
Willing foster parents	2%
Family-friendly policies and practices	1%
Availability of educational resources	1%
Coordination of services/ wrap-around services	1%
Other	4%

Those from nonprofits and other sectors thought their local systems’ greatest strengths were caring staff (23%) and access to re-sources to help families meet basic needs (14%).

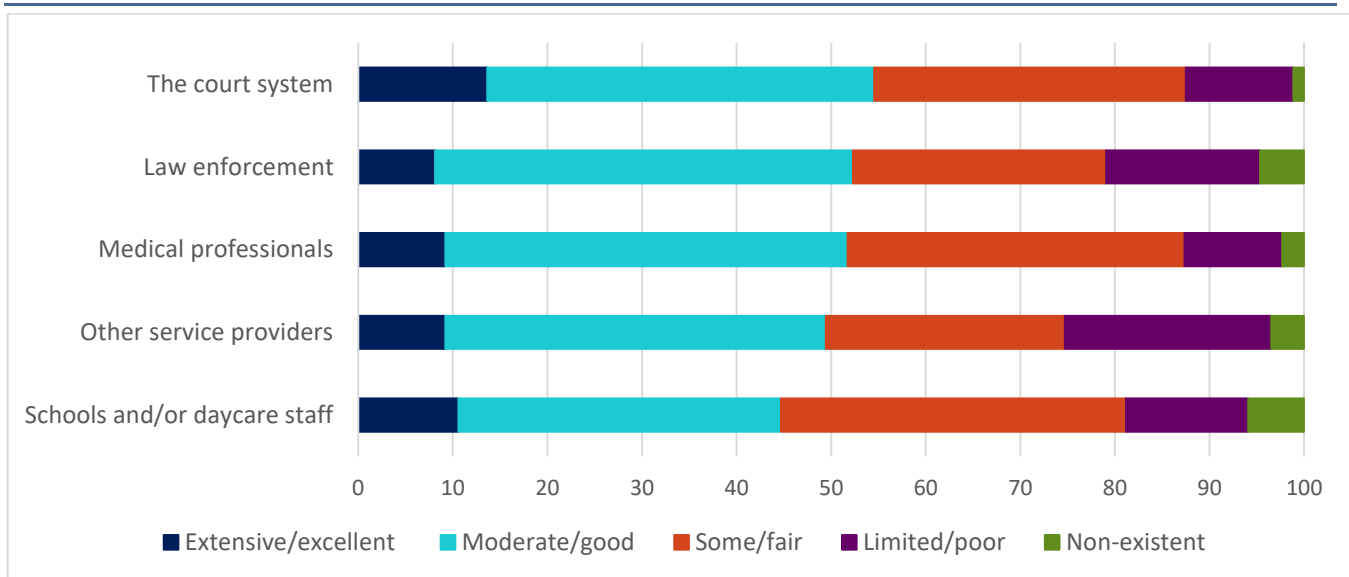
Differences by community size. Although answers were diverse across respondents, there was modest agreement on strengths. Respondents from remote/frontier areas indicated that their systems’ greatest strengths were a focus on family preservation (20%) and on family reunification (20%). Respondents working in rural areas reported that their local systems’ greatest strengths were caring staff (25%) and access to resources to help families meet basic needs (17%). Suburban respondents thought their systems’ greatest strengths were having a focus on what is best for the

child (29%) and on family reunification (29%). Urban respondents noted their local strengths as collaboration between different agencies or departments (23%) and caring staff (19%).

Inter-Agency Coordination

Because there are many different agencies involved in caring for children who have been, or are at risk of being, abused or neglected, respondents were asked about the level of coordination between some of the agencies routinely involved in child welfare services. Specifically, respondents were asked about coordination between child welfare workers and the following: the court system, law enforcement, medical professionals, service providers (e.g., substance use or mental health treatment, parenting educators), and schools. Figure 3 shows the results.

Figure 3. Level of Coordination among Agencies



Roughly half of the respondents reported effective coordination between child welfare workers and the court system, law enforcement, medical professionals, and service providers. Specifically, about 50% of respondents rated these as either *excellent* or *good*. By contrast, at least 20% of respondents described coordination between child welfare workers and service providers and schools as *limited/poor* or *non-existent*.

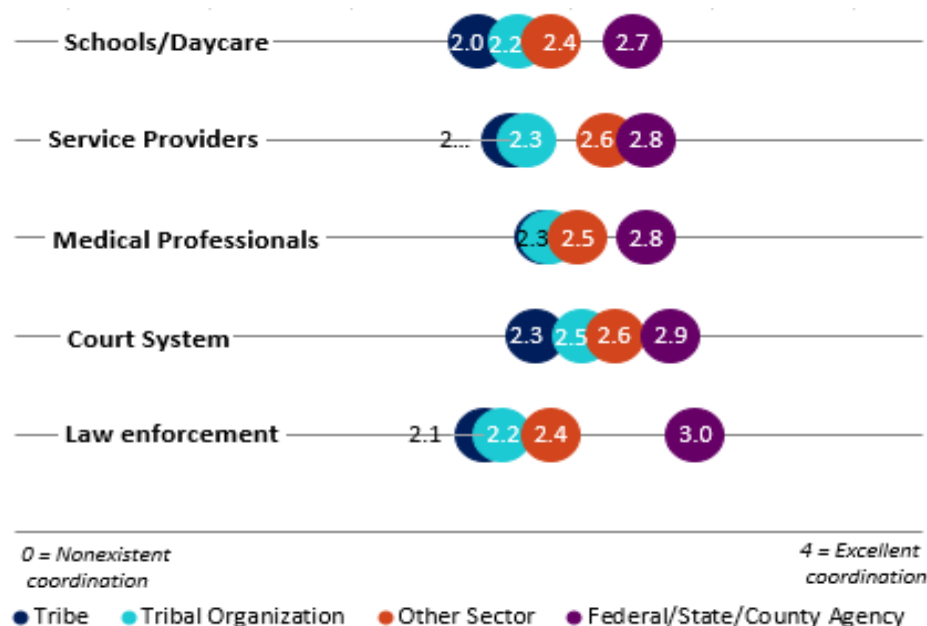
Overall, decent levels of coordination between child welfare workers and staff within ancillary agencies were reported. The average ratings were just above the mid-point on the response scale—that is, most items had an average rating around 2.5 on a scale of 0 (*non-existent*) to 4 (*excellent*).

It is important to note that the survey did not explicitly ask about coordination between Indian child welfare workers and county-level

child welfare workers. Several comments written into other open-ended items indicated that the communication between these entities was inadequate and that this lack of coordination presented significant challenges for the local system.

Differences by professional affiliation. Figure 4 shows the average ratings for each item given by respondents with different professional affiliations. In general, across all of the items, respondents from federal, state, and county agencies tended to report the highest levels of coordination, and respondents from Tribes tended to report the lowest levels. One difference reached statistical significance: Respondents from federal, state, and county agencies rated coordination between child welfare workers and law enforcement agencies as more effective than did respondents from the other three professional affiliations.

Figure 4. Average Ratings for Each Item Given by Respondents with Different Professional Affiliations: Coordination between Child Welfare Workers and Professionals



Differences by community size. There were no statistically significant differences in the average ratings among respondents from different geographical contexts. However, those working in rural communities reported the lowest levels of coordination between child welfare workers and staff in law enforcement, the court system, schools, and other service provider agencies.

Needs of Local Child Welfare System

Respondents were given a list of 16 system attributes and asked to indicate which, if any, were needs of their local child welfare system. Table 3 (following page) shows these results.

In general, respondents indicated that their local systems had many needs. All of the listed 16 characteristics were endorsed as a need by at least 30% of respondents. The most frequently endorsed needs (reported by nearly two thirds of respondents) were housing for families and training for staff who work with children/families. Other frequently endorsed needs (reported by more than half of the respondents) included mental health and substance use treatment services, coordination between different agencies, educational and training resources for parents/families, and willing foster parents.

A small number of respondents (6%) wrote in “other” needs. Most of these indicated a need for culturally specific services or approaches.

Differences by professional affiliation. Looking at the most frequently endorsed needs by the professional affiliation groups revealed some interesting trends (see Table 3). For example, respondents from Tribes, Tribal organizations, and other sectors ranked training for staff who

work with children and families highly as a need, but this need ranked lower among respondents from federal, state, and county agencies. Further, those from Tribes and Tribal organizations also noted a strong need for better coordination among agencies, while respondents from federal, state, and county agencies did not endorse this need as highly. In contrast, those from federal, state, and county agencies rated better staff retention as a strong need, while this was not echoed by respondents from the other three groups.

The most frequently endorsed needs among the groups were:

- Tribe/Rancheria staff: treatment services (71%), coordination among different agencies (61%), and training for staff who work with children and families (57%).
- Tribal/Native organization staff: training for staff who work with children and families (80%), housing resources (70%), coordination among different agencies (60%), willing foster care parents (60%), and training for supervisors/managers (60%).
- Federal/state/county agency staff: better staff retention (less turnover; 78%), housing resources (78%), and willing foster care parents (72%).
- Other sector staff: training for staff who work with children and families (64%), housing resources (64%) and transportation assistance (64%).

Table 3. Child Welfare System Needs by Professional Affiliation

Which of the following are needs of your local system?	Full Sample	Professional Affiliation			
		Tribe/ Rancheria	Tribal Org.	Federal, State, County Agency	Other
Number of respondents	88	28	20	18	22
Housing resources	64%	50%	70%	78%	64%
Training for staff who work with children/families	61%	57%	80%	45%	64%
Treatment services (e.g., mental health care, substance use treatment)	58%	71%	50%	61%	46%
Coordination between different agencies	56%	61%	60%	44%	55%
Educational or training resources for parents/guardians/families	52%	54%	50%	50%	55%
Willing foster care parents	51%	46%	60%	72%	32%
Training for supervisors/managers	50%	32%	60%	56%	59%
Peer support/mentors for parents/guardians	50%	43%	50%	67%	46%
Transportation resources	49%	46%	30%	56%	64%
Child care resources or respite care resources for families	49%	39%	55%	67%	41%
Educational resources for children/youth	47%	54%	30%	39%	59%
Better staff retention (less turnover)	46%	29%	50%	78%	36%
Quicker crisis response (e.g., more staff, more law enforcement, after-hours support)	43%	39%	55%	50%	32%
Training for administrators/ policy makers	38%	25%	45%	33%	50%
Technology resources/access	31%	21%	45%	33%	27%
Health/safety resources (e.g., safe water, medical/dental care)	30%	14%	25%	44%	41%
Other	6%	0%	5%	6%	0%

Differences by community size. The most frequently endorsed needs by respondents working in different geographical areas showed modest consistency. Those working in urban areas most often reported needing housing for families (70%), training for staff who work with children and families (55%), and better coordination between agencies (55%).

Respondents working in suburban areas most often reported a need for mental health or substance use treatment services (86%) and child care resources (86%), followed by better coordination between agencies (71%), willing foster care parents (71%), peer mentor/supports for parents (71%), and educational or training resources for parents (71%).

Those in rural areas most often needed willing foster care parents (64%), training for staff who work with children and families (60%), and quicker crisis responses (60%).

Respondents working in frontier/remote areas most often cited a need for training for staff who work with children and families (80%), treatment services (70%), and better coordination among agencies (70%).

Greatest Need of Local Child Welfare System

Respondents were asked to review the list of system attributes and indicate which one represented the *greatest need* of their local child welfare system. Table 4 on the next page shows these results.

Across the full sample of 88 respondents, there was notable variability in the choice of the greatest local need. Seventeen percent of individuals indicated that their local system's greatest need was training for staff who work

with children and families, and another 15% reported better staff retention was their greatest need, and 14% indicated the need for additional staff.

In addition, approximately 10% of respondents noted that their local systems most needed better coordination among different agencies, housing resources, or available mental health and substance use treatment services.

Differences by professional affiliation. With regard to the greatest need of their local system, respondents within professional affiliation groups showed some consistency (see Table 4). Those who worked for Tribes or Rancherias reported the greatest need as training for staff who work with children and families (21%) and coordination between different agencies (18%). Respondents who worked in Tribal or Native organizations reported the greatest need as additional staff (30%) and training for staff who work with children and families (25%). Those who worked for federal, state, or county agencies indicated their greatest need as better staff retention (28%) and additional staff (22%). Lastly, those who worked in other sectors saw housing resources (23%) and training for staff who worked with children and families (18%) as the greatest local need.

Notably, staff from Tribes, Tribal organizations, and other sectors named staff training as one of the greatest needs, whereas staff from federal, state, and county agencies saw staff retention as most needed.

Table 4. Greatest Need of Child Welfare System by Professional Affiliation

Greatest Need of Local System	Full Sample	Professional Affiliation			
		Tribe	Tribal Org.	Federal, State, County Agency	Other
Number of respondents	88	28	20	18	22
Training for staff who work with children/families	17%	21%	25%	0%	18%
Better staff retention (less turnover)	15%	7%	15%	28%	14%
Additional staff	14%	4%	30%	22%	5%
Coordination between different agencies	10%	18%	15%	0%	5%
Housing resources	10%	7%	0%	11%	23%
Treatment services (e.g., mental health care, substance use treatment)	9%	11%	5%	6%	14%
Training for supervisors/managers	6%	4%	0%	17%	5%
Training for administrators/ policy makers	6%	14%	0%	0%	5%
Peer support/mentors for parents/ guardians	3%	4%	0%	6%	5%
Willing foster care parents	3%	7%	0%	6%	0%
Educational or training resources for parents/ guardians/families	1%	0%	0%	6%	0%
Health/safety resources (e.g., safe water, medical/dental care)	1%	4%	0%	0%	0%
Quicker crisis response (e.g., more staff, more law enforcement, afterhours support)	1%	0%	5%	0%	0%
Other	3%	0%	5%	0%	9%

Differences by community size. The greatest needs identified by respondents working in different geographic contexts were compared. Interestingly, responses from those working in urban areas mirrored those working in remote areas. The greatest needs identified by both groups were better staff retention (20%) and housing resources (20%). Suburban respondents reported that training for supervisors and managers was the greatest need (29%). Those working in rural areas stated that their greatest system need was training for staff who work with children and families (28%) and training for administrators and policy makers (20%).

Highest Funding Priority

Respondents were asked what they perceived to be the highest funding priority for their community—specifically, where funding would have the biggest positive impact on the child welfare system in their local community. This question was open-ended, and respondents wrote in a free text answer.

Of the 88 survey respondents, 72 (82%) answered this question. Responses clustered around several themes (see Table 5), including:

- Supportive and wrap-around services, such as substance use treatment, mental health treatment, childcare, parenting classes, anger management classes, and domestic violence services;
- Housing resources, including transitional housing, shelters, and affordable housing;
- Native foster care families;
- Training for staff;
- Additional staff, better staff retention (less turnover);

- Better coordination and communication with the county;
- Culturally specific services;
- Emphasis on family preservation, including the provision of in-home supports before children are removed;
- Legal assistance and better coordination with the justice system;
- ICWA training, including the designation of a specialized ICWA unit;
- Prevention services; and
- Financial support to help families meet basic needs.

Table 5. Highest Funding Priority

Priority	%
Supportive services	33%
Housing	18%
Tribal foster care families	15%
Staff training	15%
Additional staffing/less turnover	11%
Better coordination with county	8%
Culturally specific services	7%
Emphasis on family preservation and provision of in-home support	6%
Legal services/coordination with justice system	6%
ICWA training/specialized unit	3%
Prevention services	3%
Financial support for families to meet basic needs	3%



TELEPHONE INTERVIEWS

Methods

Outreach and Sampling

To develop a list of people to interview, NPC conducted Internet searches to find Tribes, Native organizations, and individuals and organizations that have expertise in and a connection to ICWA. The study goal was to interview 25 individuals.

NPC accessed a list of ICWA contact people compiled and maintained by the Bureau of Indian Affairs (BIA), which includes a person for each Tribe with whom the BIA can communicate notifications regarding ICWA. Out of the 110 Tribes in California, NPC randomly selected 25 Tribes (about 20%) and then compiled information about the geographic location of each Tribe within the state. The initial list underrepresented Tribes in the southern region of the state, so an additional four Tribes from just the southern list were randomly selected for inclusion. NPC also ensured that some of the selected Tribes had Tribal Courts, as this would impact their processing of dependency cases. NPC also located a list of ICWA contacts and expert witnesses in California from the California Judicial Council website. Of these two lists, an additional 5 people (approximately 20%) were randomly selected for inclusion. Because of initial challenges reaching the goal of 25 interviews, NPC later added the other expert witnesses if they were from Tribes.

Once the list of individuals to be interviewed was established, NPC searched the Internet

and made phone calls to find missing information, such as the contact person's name for a specific a Tribe (sometimes the ICWA list just included a job title and not a name) or the phone number or email address for the listed contact person. Through this exploration, NPC identified one Tribe that did not have current contact information for any Tribal representatives, and several Tribes and organizations where the listed contact person had left the position or changed jobs (6), died (2), or was on maternity leave (2).

After this search, 30 individuals remained on the interview list.

Respondents

Potential interviewees were contacted by phone and email from June 13, 2018, through September 7, 2018. Overall, 30 individual Tribes (or Tribal consortia) were contacted, and direct phone or email conversations occurred with 27 of them (that is, NPC staff talked with someone in person or received an email, phone, or text reply). Five of the Tribes were small and opted not to engage in an interview due to their limited ICWA experience. Seven Tribes were larger, had extensive ICWA experience, and completed interviews. NPC also interviewed representatives from four Native organizations, two of which serve all of the California Tribes and two of which serve a combined total of 16 Tribes. In addition, NPC interviewed one expert witness and one certified ICWA worker, both of whom serve multiple Tribes (any that ask for services), as well as

four staff members from the California Department of Social Services (DSS) ICWA Unit and Office of Tribal Affairs.

Overall, multiple contacts were made to reach each person on the interview list. Successful connections required an average of 3 ½ contact attempts by NPC (usually a combination of email and phone messages over multiple days, different days of the week and times of day, and in most cases across several weeks). An average of 4 ¼ contacts were attempted for the individuals who were never successfully reached and with whom interviews were not completed.

Results

Interviewees were asked several questions about their perceptions of, and experience with, their local child welfare system, specifically areas that could be improved to support better system functioning for Native children. Responses across all interviews with Tribal-affiliated individuals were summarized for main emergent themes. Themes clustered into four general areas: (a) the relationship between Tribes and counties, (b) understanding and implementing ICWA, (c) cultural competence, and (d) needed supportive services. Responses from a group interview with Department of Social Services (DSS) staff were summarized separately, but along these same themes.

Critical Importance of the Relationship between Tribes and Counties

Overwhelmingly, respondents described the importance of the relationship between Tribes and the counties. Because most Tribes do not have their own independent child welfare systems, they must work with California's system, which is overseen by a state agency (Department of Social Services; DSS) and implemented at the county-level (e.g., county Child Protective Services; CPS). Likewise, the Indian Child Welfare Act (ICWA)² is a federal law, but it is implemented at the county level. As a result, the working relationship between the Tribal child welfare workers and county child welfare workers and courts (especially judges) defines, in large part, the functioning of the local system. Every interviewee underscored this point emphatically.

The relationship between the Tribe and the County is critical to providing effective services to children and families. If this foundation is not healthy, several challenges arise.

Respondents recognized that California's 58 counties vary in their approach to working with the Tribes and their implementation of ICWA. Four Tribal respondents reported having good collaborative relationships with their county agencies and workers, while others described contentious relationships characterized by little cooperation and a stark lack of cultural competence by county staff. A couple

² Indian Child Welfare Act of 1978 (ICWA) ((Pub.L. 95–608, 92 Stat. 3069, enacted November 8, 1978), codified at 25 U.S.C. §§ 1901–1963.)

of respondents worked in Tribal territories that crossed county lines and noted how different their working relationships were with two adjacent counties.

What is needed?

Respondents articulated several ways in which relationships between Tribes and counties can be improved to benefit the child welfare system. These included: improving the cultural awareness and understanding among county staff, better aligning county procedures with Tribal values and systems, ensuring adequate staffing levels and reducing turnover, providing sufficient staff training, and increasing cooperative efforts.

Improve cultural understanding among county staff. Two thirds of the respondents felt that county child welfare workers often lacked an understanding of Tribal culture and that this created difficulties for their collaboration and for the Tribal families involved in the system. One interviewee explained, “Within child welfare, sometimes things are pathologized that are just part of the culture.” For example, if a parent does not hold eye contact or looks scared during a discussion, county staff might interpret this as guilt or hiding something, as opposed to intergenerational trauma and fear of authority. Moreover, there are cultural subtleties—such as how to behave when going into someone’s home—that can impact how the relationship between the county social worker and the family is built. Understanding these cultural and historical nuances could improve county workers’ interactions with Tribal families and their interpretations of each other’s behaviors.

Some respondents also wanted county staff to better understand the sensitive context for Tribes navigating the county child welfare system, given historical trauma, and how the ramifications of adoption are seen as severe and undesirable on many levels. One respondent offered that county staff needs to understand “what a Native American child is, not just to the family but to the community.”

Better align county procedures with Tribal values. Half of the respondents noted how county procedures are often misaligned with Tribal values and systems, which compounds the lack of cultural competence among county workers in the field who are abiding by these protocols, often to the detriment of their Tribal relationships. One respondent gave an example of a county worker offered a cup of tea when visiting a Native family. County procedures dictate that the worker not accept anything, but Tribal customs prioritize the provision of food or drink to a guest, and having that gesture declined may create an unnecessary rift. This person explained that county workers should be “able to accept a cup of tea because that is how the Native American treats you. You are taught in [county] child welfare not to do that. But it’s your first contact. If you can make a connection when you first meet, it will help. Be able to recognize what their custom is and bend some of the rules and take a soda or an Indian taco without it being a criminal offense. It’s a way of communicating. It’s a rejection if you decline food or don’t want to sit.”

Respondents described other aspects of county policies that felt contradictory to Tribal values, and therefore created some tension.

These rules included the county's strict timelines, especially when considering the termination of parental rights (adoption). In general, Tribal respondents felt that the decision to move forward with adoption, especially when it meant removing children from the reservation, should never be rushed or driven by timelines. One respondent put it this way, "[Tribes] don't like timelines and they don't like to hear the word adoption. If we go to an adoption, it is the one thing the Tribe will consider only after exhausting all measures. And it takes the time it takes. It's different for different families and different situations. Timelines are not always in the best interest of the child." Another respondent echoed this sentiment and commented that working with county social workers can sometimes feel like a "power struggle" and there are certain red flags for Tribal staff, "...such as if the [county] worker starts out with a plan for adoption. We use adoption as a last resort. It can be the best, but it's not common."

Ensure adequate staffing levels and staff retention over time. Two-thirds of respondents noted that their local county child welfare offices are persistently understaffed and plagued by staff turnover. Respondents noted that constant staff turnover hampers relationship building and prevents the establishment of institutional knowledge within the agency—i.e., once a county social worker is adept at working with Tribal families, she leaves and is replaced by someone newer who needs to be trained all over again. One respondent said, "The lack of employees and retention are bigger issues than training." Another reported, "You can train and train and train, but until

you have the structure in place to maintain that knowledge and have it implemented in practice, it doesn't work."

One respondent acknowledged the challenge of hiring for county child welfare positions, as the work is often emotionally draining and requires a diverse set of skills. "When you are going into homes, your life or the child's life might be in danger. If there is someone who is drunk and beating up the family, your immediate job is the safety of the child....You also have to know the law and juvenile court and cultural issues ...You have to write court reports...It's such an encompassing job...It's hard to hire for this."

Because of the high turnover rate, relatively inexperienced social workers are often promoted to supervisory positions before they have solidified their skills, which impacts the training and supervision they are able to offer to new staff. One respondent noted, "There is so much turnover. They put people on the frontlines who aren't experienced." Another person lamented that the county social workers sent to their Tribe are often "green."

In addition to county staffing, over half of the respondents also mentioned that Tribal child welfare offices are critically understaffed and under-resourced. The staff shortage causes existing personnel to wear multiple hats and manage long lists of divergent responsibilities, which one interviewee described as "crazy-making." A lack of financial resources prevents the hiring of additional staff, as well as limits the ability for staff to conduct important duties, such as pay for plane tickets for Tribal

workers to check on children placed in other states.

Provide sufficient staff training. In addition to the fundamental social work training needs created by county staff turnover and relatively inexperienced field staff, Tribal respondents overwhelmingly reported that county and state staff needed training with regard to Native American culture and ICWA implementation. One respondent felt that, with regard to ICWA in their county, Tribal workers fill this gap. “We are always training the [social workers] and the court. We have to tell them they are supposed to do active efforts prior to the removal.”

Increase cooperative efforts. Respondents resoundingly stated the need for better cooperation between counties and Tribes, as this is the foundation for the local system. All of the previous suggestions—e.g., adequate staffing, better training, better staff retention—are all in the service of supporting better collaboration. Tribal interviewees also strongly expressed the need to be included in the county’s efforts and decisions. They want to be integrally involved in the process of determining what happens to their children and they want those efforts to follow the federal law. Consistent with Tribal values, they recognize this possibility as being inherently based in good working relationships. One person stated, “We need a joint system of people who are talking with each other.”

One respondent commented that the segmentation of the state system can make collaboration difficult. The different county staff, proto-

cols, and systems at each phase of the dependency process reduce consistency and complicate relationship building. “Child welfare is so broken up.... Investigations, case work, foster care, are all different steps with different staff and different departments.”

Another respondent thought that the most pressing funding priority to improve the system is to get people working more closely. “Many counties have working groups and some are falling apart because they don’t have funding or others haven’t been able to get them started. Someone needs to take the lead and organize [the collaboration].”

What works?

Despite the clear recognition of breakdowns in the system, respondents also identified existing strengths and promising practices. Nearly half of the respondents noted the individual variation in county case workers and were encouraged by those workers who educated themselves about cultural nuances and how to work with Tribal families without being “the White man walking in.” Respondents were grateful for these efforts and felt that they paid off in terms of creating an environment of respect and collaboration with the family and Tribal staff.

One Tribal respondent highlighted the potential for Tribal and county workers to support each other and leverage their respective resources to facilitate system functioning. Specifically, the county brings an authority to coerce parents into services, and Tribal staff brings expertise in the local context, family history, and capacity for supervision. Working together can

create a mutually reinforcing system. However, such cooperation hinges on the county notifying the Tribe of the case and involving them in the process. This interviewee said, “If you [the county] are called to investigate one of our cases, give me the courtesy to tell me about it and invite me to do it together. I don’t have your authority. If I hear about abuse, I can go three or four times and they don’t answer the door. I can call in the state, and they will answer the door because they are afraid of you. I lighten your caseload and you help me with mine. I can oversee the services and make sure the requirements are being done. I can tell you who the fathers are. I can tell you which family to place the child with. I know the relatives, even if they aren’t on the reservation.”

In this same way, the role of an ICWA expert witness can be a unique point of collaboration for the county and the Tribe by providing a neutral voice on parental capacity, particularly in cases where the parent is deemed unfit to care for the child. If the expert is known to the Tribe and trusted, the decision to remove a child can be more easily accepted and facilitated. Because the expert is external to the Tribe and can deliver this decision from a neutral position, it can be easier to discuss with the parent without them feeling alienated from the broader support of the Tribe, which can be important for their recovery.

Understanding and Implementation of ICWA

Two-thirds of respondents reported that county and state staff had insufficient knowledge of ICWA, both in terms of the actual law and its requirements (e.g., notice

practices, active efforts) and the law’s history and intention. This lack of knowledge translated into failure to fulfill obligations stipulated in the law and to implement it appropriately. In addition, respondents felt it is important for county and state workers to understand the historical reasons for ICWA and the need to honor the sovereignty of the Tribes and their right to raise and care for their children. One respondent explained that county staff must be educated about ICWA so that “they don’t see it as a racial or cultural need. That it’s federal law. They need to know the sovereignty of the Tribes and respect that.”

In some instances, county policies run counter to Tribal values and create dissonance in what constitutes the best interests of the child. For Tribes, keeping Native children connected to their Tribal heritage is paramount. For counties, more pragmatic issues (e.g., housing adequacy) can often be deemed more important than heritage. As one respondent put it, “We need to look at the Tribe before we look at White foster care. If I have a good, loving relative placement that is a home that can nurture the child, be there for them, and nurture with culture and traditions... If it’s a 2-bedroom house and they already have five children living there, it may still be the best placement, compared to a White family with more rooms in their home but no cultural knowledge.”

What is needed?

Respondents reported several ways that the implementation of ICWA in their local communities could be improved, including enhancing knowledge regarding the law among county social workers and judges, increasing compliance and active efforts, and ensuring that the



state understands and values the intent of ICWA.

Enhance ICWA knowledge among county social workers and judges. Two thirds of respondents expressed disappointment and frustration at the lack of ICWA knowledge among county social workers. Several also described the uncomfortable experience of trying to educate county workers about the law, while trying remain cooperative. This lack of knowledge is compounded by staff turnover.

Half of the respondents also reported that their judges were not knowledgeable about ICWA. One respondent noted this gap in the system, “Judges aren’t required to receive ICWA training, and most don’t do it unless they think it’s important. That is a big hole that needs to be fixed.” Respondents described the delicate nature of trying to educate judges who do not appear to know the law, knowing that they could be thrown out of the courtroom for appearing insolent. One interviewee described the frequent experience with their local court, “The judge often doesn’t know about the new ICWA regulations. You have to prompt them without embarrassing them. We have to pretend that we are just reminding them when we know that they really don’t know.”

Increase ICWA compliance. All respondents acknowledged the variability in ICWA compliance among the counties—some counties perform well, and others do not. Half of the respondents explained that the lack of ICWA

knowledge in many counties resulted in non-compliance with the law. They noted how, in these jurisdictions, the mandated “active efforts” did not routinely happen.

A couple of respondents mentioned the recent lawsuit in Humboldt County regarding the implementation of ICWA and how the county is in the process of updating their internal procedures to comply with law. One respondent worked with a Tribe directly impacted by this lawsuit and stated that the old county procedures had created an agency environment that worked against Tribes and did not support active efforts or collaboration. She explained it this way, “[Their policies] are severely outdated, so staff are working off of an old culture in their agency, not the current law. There is lots of room for cultural bias and racism and institutional racism.” These interviewees were hopeful that the lawsuit would help to prompt more consistent ICWA compliance across the state.³

Ensure that state/county understands and values the intent of ICWA. One of the primary intentions of ICWA is to help ensure that Native American children whose parents cannot care for them remain, whenever possible, in the care of their Tribe. This intention serves the child and respects Tribal sovereignty. Three respondents expressed frustration that their local counties minimally follow ICWA—that is, the procedures (e.g., notification) are followed, but the intent of the law (i.e., keeping Native children with their Tribes) is largely

³ NPC recommends that CJA Task Force members read the final report by the California ICWA Compliance Task Force submitted to the State Attorney General in 2017, which describes ICWA compliance issues throughout the state

ignored. One respondent explained, “[The county] needs to think about tradition when it comes to [foster care] placement. Children are resilient, but we want them to adapt to their own culture. That is who they are....A whole tribe is willing to back you up. We have traditions, values, a belief system. You will never be alone. Maybe your parents aren’t in circumstances that are preferable, but you have aunts and uncles and people who want to form relationships with you. You have a place where you belong.... We have people trying to take that away from our Native cultures. We are fighting against it every day.”

Respondents lamented that, too often, county staff jump to White family foster care without fully considering other options within the Tribe. One respondent remembered, “We were placing children with grandparents, cousins, aunts. Auntie might not have been biological, but she was the aunt. These were nuances that made a difference in the child’s life. If they are 4 or 5 years old and they get taken out of the home for a year, that is a big deal. Just sticking them in a home where they have no relationship isn’t good. We were trying to circumvent some of the trauma. The Tribal community is already traumatized.” Another respondent noted, “People think if a foster family is financially better off, then it’s better. That is not our way. It’s not our Tribal system.”

What works?

Three respondents reported having (currently or previously) a specialized ICWA unit in their county child welfare office, staffed with consistent social workers who were trained in ICWA and working with Tribes. All three individuals noted how this specialized unit greatly

improved their local system. One respondent described working with the ICWA unit that used to exist in their county, “When they are well staffed and trained, it’s magical. We meet with the ICWA Unit monthly and we invite the adoption staff. That is really nice. We use their facility and they use ours. They are a player in our child protection team meeting. We talk about the numbers, they staff the teams with our professionals, and we jointly create a 3-month case plan.” After describing this “magical” experience, this respondent went on to say that the ICWA Unit has since been dismantled due to county staffing changes and the effects this change has had on their local system. “We’ve lost the momentum. We are working with people who don’t even know about the protocol or how to enter the reservation. We sling shot back to the beginning.”

Similarly, another respondent who had a good relationship with the county extolled the benefits of having an assigned ICWA liaison in the county office. This dedicated position opened the door for communication, including joint monthly meetings and cross-training through which the Tribal social workers provided ICWA and social/cultural training for county workers.

With regard to positive practices in the legal system, respondents in Tribes with good relationships with their local courts described the importance of consistently attending ICWA hearings. One court established quarterly meetings with Tribal counsel to maintain open communication about ICWA, and this was appreciated and embraced by the Tribal staff and created an overall sense of collaboration.

Another Tribal interviewee described the benefit of accessible legal representation. Her Tribe has a contract with California Indian Legal Services, and this legal support has significantly benefitted them with their ICWA cases and navigating the court system. This respondent wished they could offer legal representation in this way to every child in the welfare system.

Cultural Competence at Every Level

Tribal respondents described struggling against a lack of cultural competence within state and county agencies. This experience included negative interactions with state and county staff (e.g., “they demote us with the language they use”), which was often recognized as a by-product of a biased culture within state and county agencies that perpetuates institutional racism against Native Americans—in particular, an ingrained belief that Native Americans are inherently incapable parents. This experience also included perceiving that the county did not respect Tribal sovereignty and would step in as the dominant decision-maker to mandate the process, and that the Tribal worldview—seen by Tribes and allies as a cultural strength—was largely ignored.

What is needed?

Respondents thought that it was important for the county and state to respect Tribal sovereignty, to reduce cultural bias in their processes, to recognize and work to correct institutional racism and effects of historical trauma, and to acknowledge the Tribal worldview as a cultural strength.

Respect for Tribal sovereignty. Three-quarters of respondents reported that the counties

tend to show a lack of respect for the sovereignty of the Tribes. Respondents described cases in which county staff approached Tribal child welfare cases with an air of authority, sending the message that the county’s way (perceived as the “White way”) is superior and supersedes Tribal protocols. When faced with this attitude, Tribal respondents felt that their deference, not their collaboration, was being demanded. As sovereign nations, they understand their position is equally authoritative to the counties’—which would make inter-agency cooperation the most appropriate strategy—however, they often feel unable to balance the relationship in a way that feels truly collaborative. One respondent explained how directives by the county fall flat with Tribes. “You can’t just go in and say we want to give you \$500,000 and you need to do this and this and this, and we need a report in 6 months....It should be an engagement effort with them, rather than the White man coming in and giving them blankets. It is going to take some work. When you figure out where you want to spend your money, then go to them and say this is what we are looking at. How would you work with this or how can we help you? Can you help us work together? That would be the way to do the best job.”

Reduce cultural bias in procedures. More than half of the respondents perceived that cultural bias influences county procedures. This bias typically results in Native perspectives being dismissed without being heard, and Native families being forced to traverse a system rife with protocols that contradict their way of being, which further stacks the odds against them. One interviewee explained, “When you

get into the state, there is a clash between the White man's way of doing it and the Indian way. People [from the state] don't want to sit down and listen."

One respondent familiar with several Tribes around the state explained a fundamental difference in the approaches taken by Tribes and counties to working with families, and how a corresponding management style can preserve biases in agency culture. "Tribal folks take much more time to understand the whole person, integrate what is going on in the family, in the economic environment. When we interact with the state and county child welfare staff, there is lots of stress. They are dealing with lots of regulations. They are following rules and being sheep, rather than understanding and solving the problem. Those [county] supervisors are punitive and keep people in their place...which maintains the existing bias and creates difficulty in Tribal communities."

Respondents pointed out that many aspects of the county child welfare process were constructed without Native communities in mind and without their input. It is possible that these protocols could be modified to better accommodate a Native population—such as defining how to conduct a culturally appropriate investigation and how to certify Tribal foster care homes—but these modifications would take some collaborative consideration and additional staff training, which would require the state to prioritize it.

Recognize and rectify institutional racism and address historical trauma. Half of the respondents mentioned racism or institutional racism

as negatively impacting their local child welfare system. Several respondents referenced an "old mentality that Natives are not capable of raising babies," reflecting a pre-existing bias against Native parents and how this preconception results in a disproportionate number of Native children in the foster care system. Respondents also reported systemic discrimination against Tribal staff. "Counties believe that Tribal social workers and Tribal law enforcement aren't real social workers or police, even though the Tribal staff often have the same level of experience and education." The perception of racism extended into the legal system, "The biggest fight is getting the state courts to understand that we aren't stupid. They don't understand historical trauma."

One respondent who is familiar with several Tribes described the impact of historical trauma on Native families involved with the child welfare system and how ignoring this influence further victimizes Indian people and compounds the existing traumas that lead to system involvement. This respondent felt that a major funding priority should be to create a child welfare system that does not emphasize the removal of children, "to deconstruct the incentives of removal and placement away from the family. For the Tribal community, our biggest challenge is that people live from a victimized point of view. It's hard to support a family in transition with the community addicted to drama and trauma. People are waiting for permission to do the right thing. Tribes get stuck in the recurrent loop of trauma and feeling helpless about it. It's hard not to live up to that expectation."

Acknowledge Tribal worldview and strengths.

One third of respondents felt that county and state agencies ignored the Tribal worldview when working with Native people, which caused tension in the collaboration. These respondents felt that the Tribal perspective was a strength of their community and that it deserved to be acknowledged and respected as a system attribute. For instance, this worldview sees children as a community resource, with the community having the responsibility – and desire – to raise its children. All members of the community are the child’s extended family and have a role in teaching, protecting, and supporting the child. Respondents noted that the Tribal worldview also provides an important foundation for individual Tribal members’ healing, as well as an opportunity to strengthen the system and service collaboration. One interviewee offered, “If we could learn to work together as a unit..., we could do it better. Look at our culture and value system as superior [for the Native child]. Imagine what we could offer.”

What works?

When considering how to confront the perception that Tribal staff are less educated or less well trained, one Tribe established a relationship with the local university that educates and trains social workers and then instituted a practice of sending Tribal social workers to join a several-week course that covers ICWA and other field issues. Having the Tribal workers in this course served two purposes: (1) It established relationships between Tribal workers and the newly trained social workers who may end up working for the county, and (2) It confirmed a common training platform. Therefore,

in the field, these county social workers would recognize that their Tribal counterparts received the same training and should be considered a professional equal. The Tribal staff person in charge of this program simultaneously highlighted its usefulness and lamented needing to do it, “We have to bulldoze our way in or they look down at us. We need to show that we have the same training as them.”

Open communication between counties and Tribes about needs and resources can result in effective problem solving. One respondent described a situation where the county would not approve a Tribal foster care placement for a child due to the size of the house in which the proposed guardian lived. The Tribal worker was able to secure bigger housing for the guardian through Tribal housing (a resource not available through the county), and the placement was made, enabling the child to stay on the reservation.

One Tribal respondent described how their county child welfare office hired multiple Tribal social workers, thus ensuring that their field staff had sufficient cultural competence to work with Tribes. All of the Tribe’s assigned county social workers are Native, which has facilitated smooth collaboration.

Supportive Services for Children and Families

Among interviewees, there was a thorough understanding of the social, behavioral, and economic challenges that face many Native communities, how these challenges are more severe in rural or remote areas, and the types of services needed to help families surmount these difficulties to either avoid contact with

the child welfare system or regain custody of children.

What is needed?

Respondents described a need for ancillary support and culturally specific services for parents and children, a need for Tribal foster care families, and a need for prevention programming.

Ancillary and culturally specific services.

Three-quarters of respondents identified service access as a strong need in Tribal communities. They expressed needs for mental health services, alcohol and drug treatment services, and trauma-informed support services for children. Needs for childcare and transportation were also mentioned. Within these, several respondents noted that culturally specific services were needed and sparsely available. One respondent stated, “There is not a lot of programs out there, especially those that are culturally appropriate or sensitive for our [Tribal] members. Even the larger services here are severely lacking for everybody. The access is really difficult. People can’t get into treatment or mental health services.”

Over half of the respondents thought that Tribes should be assisted to develop their own internal service systems. They felt as though the services would be more accessible, appropriate, and effective if they were provided by and for Tribal members.

Tribal foster care families. Just under half of respondents noted a need to identify more Tribal families for foster care placement in order to keep Native children in their communities. One respondent lamented how the lack of Tribal foster care families, especially in smaller

Tribes, combined with the general lack of supportive services culminates in Native children being lost to adoption outside of the Tribe. She said, “The smaller tribes are losing their children to adoption. They don’t always have foster homes [in the Tribe] to get children back. Some Tribes are doing well and some aren’t.... We are losing our members, but we don’t have the resources to help them or bring them back. Do we bring children back to the reservations where there isn’t help for them? It’s really a challenging question.”

Emphasis on prevention. Three respondents emphasized the need to focus on prevention services. When asked how the child welfare system could be improved, one respondent stated, “What brings people into child welfare? Substance abuse, the stress of poverty What we are doing is trying to do more front-end work. How do we identify those families that are struggling and do some outreach before they fall into the hands of child welfare?” Two other respondents described plans to work with pregnant mothers, to promote healthy parenting and prevent child welfare system involvement down the line.

What works?

While more than half of respondents thought the optimal solution was for Tribes to have their own independent child welfare systems, only a couple of respondents were from Tribes that were large enough to have an existing internal service structure. These respondents discussed the successes they have had providing their own services or managing their own Tribal courts. The consensus was that Tribal-run systems were better able to respond to Tribal communities’ needs.

It was understood that smaller Tribes do not realistically have the resources to form their own independent systems. A couple of respondents encouraged the formation of a Tribal consortium among smaller Tribes, whereby resources can be collectively developed and shared.

DSS Interviewee Perspectives

Four DSS staff members participated in a group interview to share their perspectives on the Indian child welfare system around the state. Interviewees were affiliated with DSS's Office of Tribal Affairs (OTA), established in 2017. The goal of the OTA is to manage government-to-government relationships with the Tribes, to create an access point for Tribes to have a relationship with the state, and to create strategies for integrating Tribes into the work that DSS is doing (not just child welfare). The OTA's early focus has been on child welfare and ICWA issues because it emerged as an area of high and pressing need. The OTA is nascent, they are building a team and a foundation of documents, and they are coming up to speed on the current landscape around the state. Interviewees reported being aware of the wide variability in counties' implementation of ICWA and the quality of relationships with Tribes.

County-Tribe relationships. OTA staff reported that they are primarily tasked with providing high-level support for counties and developing a strategic plan to support Tribal-county relationships across the state. Their focus is on creating systemic change. However, they have received anecdotal feedback about the fundamental collaboration challenges that counties are having with Tribes. As one respondent

noted, "What we hear on the ground is that we don't have the staff to [make systemic change]. There seems to be a need for understanding Tribes and relationships with Tribes and with communication between counties and Tribes in their areas."

One interviewee commented on the need for a common language to unite the different players within the child welfare system and acknowledged that training would only be part of the solution. This person stated, "While training is a compelling need, it's not a singular approach. I am discovering the different frameworks, vocabulary, learning styles, etc., that people come to the table with. There needs to be a range of approaches to work with diverse audiences. There needs to be considerable policy work to create a common language. People have different frameworks for the terms they are using."

Another interviewee noted that a critical area of need for Tribes involves training on effectively utilizing their governmental authority to impact the state process. "They need to understand it and how to use it. It creates problems at every level and devolves into an issue of [the Tribes] thinking that people aren't sensitive to their needs and historical trauma."

ICWA implementation. Respondents acknowledged the challenges with ICWA being administered at the county level and the resultant inconsistencies across the 58 counties in the state. They were also forthcoming about areas in which the state has identified compliance shortcomings, such as problems with ICWA notification due to errors on the published Tribal

contacts list, and said that efforts were underway to correct known issues.

These interviewees understood the magnitude of the effort necessary to bring all counties into consistent compliance. One interviewee stated, “What we are learning is that getting to ICWA compliance and consistent implementation of ICWA law is multi-faceted. It’s not just training or having an MOU. It requires a system-wide overhaul.”

Respondents described the ICWA implementation overhaul as part of a larger “sea change that was already occurring in children welfare in California and nationally.” This broader change involves new state data system requirements, new reporting mandates, new ICWA rules, and new initiatives that, together, are changing the laws and administration of congregate care and foster care placements in California. They noted that, while Tribal voices are being sought for changes pertaining to ICWA, Tribes are largely left out of the conversations regarding broader state policies regarding child welfare reform.

Needed Services. Respondents noted a need to provide better support to Tribal foster parents. They understood the relative lack of appropriate placements for Indian children within their communities, and they recognized that these families often need additional support. Tribes have different processes; some have programs to provide ongoing support or supervision for foster families and others do not. There are myriad ways in which foster parents can be certified and/or reimbursed, and sometimes Tribal foster families are outside of these arrangements when they could be benefitting from them. State and county policies can also complicate Tribal placements that do not conform to county lines, which can result in few support services being offered. If the placement is with a family member who lives in a different county, according to one interviewee, “it raises incredible complexity (such as different Medicaid eligibility). These placements become very complicated, so the state and county usually ends up not dealing them. So, these families are not supported in a meaningful way.”

SUMMARY AND RECOMMENDATIONS

Summary

This report presents the results of needs assessment conducted to learn about the status of the child welfare system in Tribal communities around California. The study sought to gather the perspectives of Native individuals and those working in Native communities (it was not a comprehensive system assessment). An online survey was conducted with 88 respondents, most of whom were from or worked with Tribes; and a round of telephone interviews was conducted with 16 interviewees representing more than 25 Tribes, a few Tribal organizations that work across the state, and DSS's Office of Tribal Affairs. Both the survey and interview inquired about individuals' local child welfare systems, particularly aspects of the systems that are functioning well and aspects that are not. Results were a compelling statement of system needs that showed decent consistency across different regions.

Summary of Online Survey Results

Respondents to the online survey offered balanced reflections of their local child welfare systems, noting strengths and areas of need. More than half of the respondents thought that their local child welfare system has caring staff and family-friendly practices; and focuses on what is best for the child, child abuse/neglect prevention, and family preservation and reunification. The characteristic that was most

frequently (40%) rated as not representative of the local system was use of culturally specific services or approaches. About one third of respondents also felt their local system lacked collaboration between agencies, in-home supports, wraparound services, or resources that help families meet basic needs. Federal, state, and county staff tended to rate their local systems more positively than did Tribal staff. Several types of services were reported to be more available in urban compared to rural areas, including in-home support, treatment resources, and educational resources. When asked about their local system's *greatest strength*, about one in five respondents said caring staff, which was the most frequently endorsed characteristic, although staff from Tribal/Native organizations most commonly reported collaboration between agencies.

About half of the respondents reported effective coordination between child welfare workers and the court system, law enforcement, medical professionals, and service providers. About one in five respondents felt coordination between child welfare workers and service providers and schools was poor. Federal, state, and county agencies tended to report the highest levels of inter-agency coordination, and respondents from Tribes tended to report the lowest levels. Notably, federal, state, and county workers rated coordination between child welfare workers and law enforcement as

significantly more effective than did respondents from other groups. Respondents from rural areas tended to report the lowest levels of coordination between child welfare workers and law enforcement, courts, schools, and service providers.

Respondents reported many needs of their local child welfare systems. The most frequently endorsed needs (reported by nearly two thirds of respondents) were housing for families and training for staff who work with children/families. More than half of respondents also rated mental health and substance use treatment services, coordination between different agencies, educational and training resources for parents/families, and willing foster parents as strong local needs. Staff from Tribes, Tribal organizations, and other sectors tended to rate training for staff who work with children and families and inter-agency coordination as greater needs than did staff from federal, state, or county agencies; whereas federal, state, and county staff tended to rate staff retention as a more prominent need. Treatment services were the most frequently rated need by Tribe/Rancheria staff, and training for staff who work with children and families was most frequently reported by staff of Tribal organizations and those working in other sectors. Housing was most frequently rated as a need by people in urban areas, while mental health and substance use treatment and child care were frequently rated by people in suburban areas. People in rural areas reported needing willing foster care parents, and people in frontier/remote areas indicated training for staff most frequently, though they also commonly noted that treatment services and coordination are

needed. When asked to indicate their system's *greatest need*, the most common response was staff training, followed by staff retention and additional staff. Housing was rated as the greatest need by 10% of the overall sample, but by 20% of people working in urban and remote areas.

Respondents' perceptions of the highest funding priority for their local system varied. One in three respondents indicated supportive and wrap-around services, such as substance use treatment, mental health treatment, childcare, parenting classes, anger management classes, and domestic violence services. Housing was proposed by almost in one in five respondents (18%), and Tribal foster care families and training were both rated as the priority by 15% of the sample. These priorities are interesting because they highlight the value of providing prevention, intervention, and skill-building services for families, as well as meeting their basic needs for safety and security, as a focus of the system that works to protect the welfare of children. These are proactive rather than reactive approaches.

Summary of Phone Interview Results

One of the main themes of the interviews was the critical importance of relationships between counties and Tribes regarding child welfare and the current variability in the quality of those relationships around the state. Interviewees suggested that relationships could be developed or enhanced by improving cultural understanding among county staff, ensuring adequate staffing levels and reducing turnover, providing sufficient staff training, better aligning county procedures with Tribal values

and systems, and increasing cooperative efforts. County case workers who are educated about cultural aspects of working with the Tribes are more likely to have positive interactions and relationships with Tribal families and staff and be able to more accurately interpret behaviors that may have cultural underpinnings. One way this education could occur is through the addition of culturally relevant curricula in schools of social work, so that staff receive information such as Tribal history, Tribal sovereignty, and its connection to ICWA, early in their training. Another approach would be through existing or augmented training provided through the county, state, and Tribes for employees. Additionally, county staff can learn experientially through the development of positive working relationships and communication with Tribal staff and community members.

Tribal and county staff also have the potential to leverage their respective resources to improve their local child welfare system and streamline their services. Open communication between counties and Tribes, regular inter-agency coordination meetings, and dedicated ICWA staff all served to support and improve existing collaborations. Tribes share the responsibility of maintaining contact and communication with county and state social services. Additionally, the use of ICWA expert witnesses supported both county and Tribal systems.

The second primary theme was the lack of knowledge among county workers regarding ICWA, and the resultant inadequate implementation of the law in many counties. Interviewees expressed serious concern about

county child welfare workers and judges who were not trained or knowledgeable about the law or their role in meeting legal obligations, nor about the intention of the legislation and why it is important. There was worry that county staff incorrectly perceived ICWA as a cultural or racial accommodation, not as federal law. The need for training on ICWA requirements was strongly voiced, even though such training is complicated by persistent staff turnover and, in some areas, the absence of positive relationships. Increased compliance with ICWA is essential and will require a system of monitoring and accountability to ensure that active efforts and sufficient collaboration are occurring. Suggestions to augment compliance included developing specialized ICWA units (or assigned ICWA liaisons) in county child welfare offices with sufficient numbers of consistent, trained social workers who work with Tribes; ensuring that Tribes have the resources and training to attend ICWA hearings; and providing access legal representation for Tribal members.

The need for cultural competence is broader than the child welfare system and reflects gaps in knowledge and understanding in federal, state, and county agencies, as well as the greater community and service systems. That said, county staff working with Native children and families have a responsibility to be aware of and sensitive to the needs and differences of the people in their caseload, and to work to identify and address their own biases and the institutional racism of the agencies in which they work. To achieve cultural competence, county and state agencies must respect Tribal sovereignty, reduce cultural biases, address

historical trauma, and acknowledge and incorporate Tribal cultural strengths in their services approaches in Native communities.

Interviewees discussed many areas of need for children and families, particularly highlighting the resource limitations in remote and frontier communities. Ancillary support services, culturally specific services, Tribal foster care homes, and prevention programming were frequently mentioned as areas of need. Tribal communities need accessible and reliable mental health services, addiction treatment, and trauma-informed supports, as well as childcare and transportation to support individuals' participation in services. Developing or expanding Tribal service systems, rather than relying on external services, would help ensure that services are locally accessible and culturally appropriate, and thus potentially increasing their participant engagement, retention, and effectiveness. In addition, having more Tribal foster care homes would enable Tribes to keep more of their children in their communities, rather than losing them to adoption outside the Tribe. Ideally, investing in prevention services will benefit children, families, and communities in the long term, such as providing parenting education to pregnant women and identifying and supporting families that are struggling to help them before issues worsen.

Limitations

It was, in many cases, difficult to find the right person to reach out to, and difficult to convince them to talk with us. The contacts were made without having personal or professional relationships with the sample; most of the

people we were contacting did not know us, the staff at Cal OES, or the CJA Task Force, though some of them knew people at the National Indian Justice Center or had at least heard of NIJC. There were several Tribal representatives who were vocal about their concerns about sharing information, worried about what the information would be used for, or needed to get permission from their Council to talk with us. There was also a high rate (five) of scheduled but never completed interviews. At least two of these were explicitly postponed due to fire emergencies (the summer of 2018 was rife with forest fire emergencies around the state) and we were never able to reconnect with the contacts.

Conclusion

Survey respondents and interviewees described a range of pressing needs to improve the system response to maltreated and at-risk children in Tribal communities. Improvements included ensuring adequate levels of staff, increasing staff retention, and providing sufficient training for staff, particularly county staff with regard to cultural competence. These system improvements will support better collaboration between counties and Tribes, which is essential to an effective and compassionate system response to child maltreatment. Further, increasing knowledge about ICWA among county social workers and judges is paramount, as this will support the consistent implementation of this law and help ensure that, whenever possible, Native children are cared for by relatives or Tribal members. Lastly, prioritizing the provision of culturally specific services will help support service engagement and effectiveness, and focusing on prevention will

help families avoid system involvement. In summary, a successful system response to Native children in the child welfare system relies on a solid, respectful, and consistent collaboration between counties and Tribes.

Recommendations

1. Require cultural competence, Tribal history and sovereignty, and ICWA training for county child welfare workers, supervisors/managers, and judges. Include information from local Tribes that the staff are most likely to work with.
2. Fund Tribes so they can hire staff internally to manage as many of the child welfare system functions as possible. For smaller Tribes this may mean providing prevention or treatment services and staff who can, when needed, consult on child welfare cases; and potentially developing consortia with other Tribes to have shared child welfare services. For large Tribes, this may also mean covering investigations, case management, and court processes.
3. Develop ICWA units in counties, with dedicated ICWA workers. Identify or hire staff who volunteer for this special role, including Tribal members when possible.
4. Work with Tribes to ensure every child has a Tribal member representing their cultural and family interests in any child welfare investigation or case.
5. Work with Tribes to ensure legal support is available for every child and family. How this recommendation is structured will look different depending on the Tribe, and could include having a trained ICWA advocate or legal representation to help navigate the court system and to be present at court hearings.
6. Establish regular meetings between county/state and Tribal staff to communicate, coordinate, share resources, and build relationships. Meetings are needed both to develop protocols and systems for working together, as well as to discuss and manage case-level questions and decisions.
7. Engage in state-level and regional discussions regarding the larger contextual and societal issues impacting families, such as shortages of affordable housing. Advocate for strategies to address this need as long-term approaches to building stability for families.
8. Work collaboratively (state/county and Tribal representatives) to identify and change policies and practices that reflect or perpetuate institutional racism. Incorporate (with Tribal involvement and permission) elements of the Tribes' worldview and traditions, to strengthen our overall child welfare systems. Examples include developing guidelines for how to conduct culturally appropriate investigations; systems to certify, support, and reimburse Tribal foster care homes; and supports and incentives for keeping children with the Tribal community and family whenever possible.

9. Collaborate with key partners at the state level, including holding meetings with the Department of Social Services OTA/ICWA staff, the California Tribal Families Coalition, the National Indian Justice Center, the Attorney General's Office, and interested Tribal representatives and allies, to advocate for and address the recommendations of the ICWA Compliance Task Force. These meetings will allow opportunities to gather feedback from key partners and update them about progress and the status of work toward shared goals.
10. Conduct workshops or trainings that involve both county and Tribal staff, to build relationships, facilitate communication, and reinforce the understanding that Tribal staff are competent professional partners.
11. Fund staff time to be involved in these system development/redevelopment processes, including planning and collaboration meetings and trainings.
12. Train Tribes on how to utilize their governmental authority to impact state processes.
13. Include Tribes in the ongoing state-level policy discussions related to child welfare reform (including, but not limited to, ICWA compliance work).