



2011 Annual Training Conference



The View from the Other Side of the Table





2011 Annual Training Conference



Gloria Anderson, Diversity and
Foreign Affairs Manager, DHS

Mary McNeVins, Indian Child Welfare Manager/
Tribal Liaison, DHS

Temre Yann, Child Welfare Supervisor,
Marion County DHS

Tom Carranza, CRB Field Staff

Improving Cultural Responsiveness in CRB Reviews

Presented by:
Gloria Anderson
Diversity and Foreign Affairs Manager
Department of Human Services
State of Oregon

Mary McNeVins
Indian Child Welfare Manager and Tribal Liaison
Department of Human Services
State of Oregon

Temre Yann
Child Welfare Supervisor ICWA Unit
Marion County Child Welfare
Department of Human Services
State of Oregon

Working With Families From Diverse Cultures: Gloria Anderson

- Effective communication, verbal and written, in a person's primary language, via a bilingual case worker/service provider or with the services of a qualified interpreter:
 1. Children, parents and families and DHS case workers.
 2. Providers, therapists, parent trainers and children and parents.
 3. Foster parents and children and parents.
 4. Foster parents and case workers.



- Evaluations, treatment and services provided by a qualified bilingual professional or with the services of a qualified interpreter. Or, by a professional who understands the family's culture.
- Citizen Review Board working closely with DHS to assure court certified interpreters are present at all reviews when necessary. The policies and procedures in this area should be reviewed and strengthened.



- Child's Immigration status. Ask case workers if they know the immigration status of the child(ren). If the case worker does not know encourage them to ask. If they learn the minor is a National of another country or NOT in the USA legally, keep this flagged in case Special Immigration Juvenile Status becomes an option later on in the case.



- Diligent relative search and relative involvement in the Case Plan. Extended families from diverse cultures need to be reached out to in order to overcome some of the distrust of government intervention. Geographic barriers DO NOT stop relative searches outside of the USA. There is sometimes a lack of understanding with this process.

- Ask if the case worker has considered contacting persons from the families culture in the community.
- Ask the family if there are persons in the family's cultural community who can provide support for the family and children
- There may also be religious leaders in the community from whom the family can gain support.

- CRB can recommend the DHS branch office contact Gloria Anderson if there is a need for consultation and assistance with these and related matters.
- I would request CRB work with me on a protocol to bring matters to my attention. The CRB has the potential to be so helpful in these matters.

CRB Administrative Reviews and ICWA: Mary McNevins

- Indian Child Welfare Act of 1978, is a Federal Statue NOT a suggestion on how a case can be managed.

• What makes an ICWA case?

1. Any native American child who is enrolled or eligible for enrollment is an ICWA case.
2. What about a case where the family indicates yes on the Verification of ICWA eligibility form (CF 1270)? How does DHS manage the case and for how long? Who can determine ICWA does not apply?

• CRB efforts to engage the Tribes in administrative reviews.

1. CRB work with DHS to assure the correct name, address and phone number of the Tribal ICWA representative is provided in order for the Tribe to receive legal written notification of the Oregon Judicial Department CRB review.

• CRB staff make a concerted effort to call the Tribal representative to inquire whether the Tribe can participate in the review via telephone conference call if they cannot appear in person.



- CRB staff gather information from the Tribal representative over the phone if they cannot appear in person or by phone. The information would be read into the record at the time of review.



- CRB ask to see copies of written communication to and from DHS and the applicable Tribe.
- Ask the Tribal representative the Tribe's position regarding active efforts, placement, treatment and services, permanent and concurrent plan or other matters the Tribe wants addressed in the Case Plan.



- The review include a determination by the CRB whether the child's native culture is being addressed and preserved by ongoing contact with the family, Tribe, Tribal activities and Tribal elders.
- Communicating with people from diverse cultures.

- Have support systems been built through the native community.
- Services and treatment provided by professionals who are Tribal members, native or at least familiar with the Tribe's culture and Native customs.

- Encourage interest and attendance in the Annual Native Teen Gathering. This event is open for all Tribal and native youth in DHS custody. But, is also available to other native children. CRB can inquire if the youth is attending and make recommendations to encourage attendance.

Opportunities to Examine the Review Process: Temre Yann

- A lack of knowledge about the Indian Child Welfare Act on the part of the CRB in general.

1. We would recommend the CRB staff and board members receive additional and ongoing ICWA training.
2. Board members and staff use the CRB IWCA Technical Guide when preparing for and reviewing the case.



- Active efforts versus Reasonable Efforts.
 1. When the CRB lead reviewer starts the findings process too often that board member will state, "Reasonable Efforts". Someone has to intervene and remind the CRB this is an ICWA case and active efforts apply. Sometimes no one intervenes. This is very disrespectful to the family, Tribes, ICWA case workers and others participating in the review.



- Native people and people from diverse cultures have a varying level trust or distrust of government because of their history.
 1. When government entities such as the OJD CRB reinforce that distrust, by doing some of the things mentioned above, the CRB can lose credibility.
 2. As an example, many times DHS case workers work hard to convince families to attend the CRB. Unfortunately, there have been too many times when an incident happens at the CRB to have a negative impact on all those efforts.



- Personal opinions about native people and the ICWA and people from diverse cultures.
 1. CRB board members are not any different than the rest of us.
 2. We all have to set aside our personal beliefs and focus on the mandates of the federal laws.
 3. ICWA is in the best interest of native children.

• Example of active efforts:

1. Identify the barrier to the parent's and/or child's engagement in services or treatment.
2. When a parent is required to participate in an evaluation and recommended treatment, DHS will work with the parents and provide them a list of qualified providers and the parent is expected to contact the provider. However, if the parent does not follow through due to not calling the program to set up an initial appointment, the case worker will make the appointment.

1. If the parent does not attend the appointment or does not attend treatment sessions due to transportation issues the case worker will transport the parent to the appointment and/or treatment session.

• Be aware of how all of the things we have discussed today make the CRB look to others.

1. Think of the messages the CRB and OJD are sending to others.
2. Stop, think and remind yourself this is an ICWA case or this is a case involving a family from a diverse culture.
3. Remember your ICWA and cultural responsiveness training.
4. Remember the feedback you have received.



- All of us at DHS, the tribes and others are prepared to provide the training the CRB needs and wants we only need to be asked.
- Requests for training can be made for individual boards, county or region.



- CRB has a high level of authority. However, with that authority the CRB has an equal if not higher level of responsibility to maintain that authority. In ICWA cases and cases of families from diverse cultures we would ask CRB to increase your efforts to improve the cultural responsiveness of reviews.



Enhancing the Cultural Responsiveness of CRB Administrative Reviews

- The journey begins with a vision and commitment to improve our practice.
- In the beginning it is an individual CRB board member and staff commitment.



- Adopt a practice of asking, "Are there any cultural issues in this case which are significant enough to be included in the case plan?". Ask yourself and the parties at the review.
- If it is determined there are significant cultural issues the CRB should make appropriate recommendations.



- Next step is the enhancement of the organization which means your individual board, boards in your county and then all boards throughout the state.
- Finally, it is the CRB positively impacting the foster care system we are reviewing.
- Good Luck on your journey! Thank you for attending!

The Indian Child Welfare Act of 1978

A Brief Overview

Pre-Boarding School



At Boarding School



Congressional Hearings Highlights

- * Studies found that 25 – 35% of all Indian children were being removed and placed in non-native homes
- * Children were being removed without due process or justification
- * Children were removed based on non-native standards without cultural practices being considered

Congressional Findings

- * That there is no resource that is so vital to the continued existence and integrity of Indians tribes than their children
- * Than an alarmingly high percentage of Indian families are broken up by the removal, often unwarranted, of their children from them by nontribal public and private agencies and that an alarmingly high percentage of such children are placed in non-native foster and adoptive homes

Mandates of the Indian Child Welfare Act

- * Any party seeking to effect a foster care placement of, or TPR to, an Indian child under state law shall satisfy the court that active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and that these efforts have proved unsuccessful.
- * No foster care or adoptive placement may be ordered in the absence of a determination, supported by clear and convincing evidence, including testimony of a qualified expert witness, that the continued custody of the child by the parent/guardian is damaging to the child

Contact Info

Mary Mc Nevins
ICW Program Manager
Children, Adults and Families
503-508-1351


