

MICHIGAN DEPARTMENT OF HUMAN SERVICES OFFICE OF NATIVE AMERICAN AFFAIRS 2013 ANNUAL REPORT

05/01/2014

Tribal Consultation

A report for Governor Rick Snyder regarding department activities and service delivery to federally recognized tribes and American Indian/Alaska Native (AIAN) residents in Michigan.



Data | One

Michigan Indian child welfare data for 2013 fourth quarter:

- DHS supervised 240 child welfare cases (in-home and out-of-home).
- DHS served 47 children eligible for adoption.
- DHS had 55 youth eligible for Youth in Transition services.
- DHS had 78 licensed foster homes.
- DHS served 32 juvenile justice cases.

Source: DHS Data Management Unit.



Data reflects Indian children under the jurisdiction of the department Tribal jurisdiction data is not included.

Tribal Priority Areas | Two

National:

- a. Baby Veronica Amicus Brief: In collaboration with the Attorney General's Office of Michigan and Governor's Legal Counsel, the department made recommendations for Michigan to sign onto the Arizona Attorney General Amicus Brief on behalf of the Cherokee Nation and Birth Father for the Supreme Court of the United States (SCOTUS) Baby Veronica case heard April 16, 2013. (sct.narf.org/caseindexes/adoptivecouplevbabygirl.html). The SCOTUS decision in June 2013 was counter to the recommendations of the Arizona Attorney General Amicus Brief on behalf of the Cherokee Nation and Birth Father and has resulted in additional national Indian child welfare advocacy and consultation initiatives in 2013/2014. The Bureau of Indian Affairs (BIA) has solicited comments and recommendations pertaining to Indian Child Welfare Act (ICWA) implementation and compliance nationwide and regarding updating the 1979 Guidelines for State Courts publication from Michigan tribes and the department respectively (See attached Publication -158).
- b. The Task Force on American Indian/Alaska Native (AIAN) Children Exposed to Violence: The Department of Justice (DOJ) has convened a task force and scheduled hearings in 2013/2014 to review AIAN testimony regarding recommendations, concerns and best-practices to reduce violence for this population (<http://www.justice.gov/defendingchildhood/aian.html>). The department will continue monitoring ICWA/MIFPA cases for safety and well-being compliance.

State:

- a. Michigan Indian Family Preservation Act (MIFPA): Tribes have expressed approval and appreciation for the enactment of the new Indian child welfare law and policy in Michigan. In addition, Governor Rick Snyder hosted a MIFPA signing ceremony and Director Maura D. Corrigan hosted a MIFPA Celebration in 2013 to further collaboration with tribal nations and systems reform in Michigan.
- b. Adoption Assistance Program: Recent state policy changes pursuant to federal negotiation requirements have created concern for tribal communities pertaining to advocating for adoptive tribal homes. Steve Yager, Children's Services Administration deputy director, has addressed this concern with the Tribal State Partnership (TSP) and Adoption Subsidy education/awareness presentations are scheduled for the future to ensure adequate tools for tribal partners in advocating for tribal adoptive homes.

- c. Kent County Privatization (Project 515): The department met with tribes in June 2013 to discuss the Section 515 requirement to develop a privatization plan for Kent County and obtained plan recommendations pertaining to tribes and tribal families and ICWA/MIFPA implementation.
- d. ICWA/MIFPA Compliance: In 2013, there were nine ICWA/MIFPA cases heard at the Michigan Court of Appeals in which eight contested lack of notice and one contested active efforts. Of the nine cases, four lower court decisions were upheld; one was reversed and four were conditionally reversed. New Native American Affair (NAA) policy was published to reinforce ICWA notice protocol and ICWA/MIFPA training curriculum is pending with additional notice guidance, caseworker and supervisor compliance tools, and case management best-practice recommendations. ICWA case reviews will occur ongoing in conjunction with the Continuous Quality Improvement (CQI) division, Bureau of Children and Adult Licensing (BCAL), federal reviews (IV-E, Child and Family Service Plan (CFSP), Etc...), and the Quality Service Review (QSR) to remedy ICWA/MIFPA compliance concerns.
- e. ICWA/MIFPA Data: Tribal representatives have stated their belief that department data underrepresents the number of Indian children and families served. The new Michigan Statewide Automated Child Welfare Information System (MiSACWIS) has an ICWA tab to capture ICWA requirements including but not limited to Indian ancestry, ICWA notice, placement priorities, active efforts, and cultural connections. A meeting has been scheduled between the Office of NAA and CQI to explore this discrepancy and strategize how to improve the accuracy of data reports on Indian children and families.
- f. Performance-based Funding (PBF): Tribal social service directors have expressed concern regarding ensuring ICWA/MIFPA compliance in the development and rollout of the new PBF processes for child welfare service array to provide safety, well-being, and permanency for Indian children. Steve Yager, Children's Services Administration deputy director, has solicited tribal representation on the Statewide Council and workgroups to provide tribal consultation and best-practice recommendations.

Tribal-Consultation | Three

In accordance with the DHS Tribal Consultation Agreement established in 2011, the department met with the Tribal State Partnership (TSP) (Jan. 23-24, 2013, April 24-25, 2013, and Oct. 23, 2013); and Urban Indian State Partnership (Feb. 12, 2013 and Nov. 13, 2013) in FY13 to discuss Indian child welfare implementation and program enhancements (www.michigan.gov/americanindians).

Currently, the Department of Human Services (DHS) has eight tribal consultation agreements with the following Michigan tribes:

- Bay Mills Indian Community
- Hannahville Indian Community
- Lac Vieux Desert Band of Lake Superior Chippewa Indians
- Little River Band of Ottawa Indians
- Little Traverse Bay Bands of Odawa Indians
- Nottawaseppi Band of Huron Potawatomi Indians
- Pokagon Band of Potawatomi Indians
- Sault Ste. Marie Tribe of Chippewa Indians

Indian Child Welfare | Four

The Michigan Indian Family Preservation Act (MIFPA), MCL 712B. 1 – 41, was enacted with immediate effect on Jan. 3, 2014.

DHS provides culturally appropriate services to tribal families through funding and support of:

- Quarterly Tribal State Partnership meetings with representatives from Michigan's 12 federally recognized tribes, tribal organizations and local DHS and central office staff.
- Participating in regional/national tribal consultation through the following events:
 - Governor's MIFPA signing ceremony (Feb. 20, 2013).
 - National Indian Child Welfare Association conference (April 7 - 10, 2013).
 - Midwest Child Welfare Implementation Center meeting (June 19 - 20, 2013).
 - United Tribes of Michigan meetings (Feb. 19 – 20, 2013 and April 11, 2013).
 - Child Welfare League of America monthly Indian child welfare state manager calls.
 - Governor's Tribal Summit (April 11, 2013).
 - DHS MIFPA Celebration (July 31, 2013).
- Administering and developing grant and contract opportunities for tribal communities.
- Contracting with the Michigan Indian Child Welfare Agency and the Sault Ste. Marie Tribe of Chippewa Indian's Binogii Placement Agency for foster care and adoption services for tribal children and the Grand Traverse Band of Ottawa and Chippewa Indians for juvenile justice boys' and girls' residential treatment programming.
- Strengthening the DHS Indian Outreach Worker program through case reviews to target best practices and service barriers. The Native American Affairs Business Plan outlines the plan to strengthen the program.
- Publishing culturally competent human service materials that reflect the unique status of tribal people and laws that protect their sovereignty.
- Contracting for Families First of Michigan family preservation programs that serve seven of 10 reservation communities. Tribal representatives participated in the bid ratings.
- Reviewing and revising Indian Child Welfare policy to strengthen and achieve compliance with federal rules and regulations.
- Strengthening the state courts' application of the Indian Child Welfare Act through collaboration with tribal court, attorneys and social services, state court administration, DHS legal division, and Native American Affairs toward development and codification of the Michigan Indian Child Welfare Act.
- Negotiating tribal-state agreements including title IV-E and IV-D agreements. Michigan assists the tribe(s) to access title IV-E administrative funding, Chafee Foster Care Independence Program, training and data collection resources.
- Developing Indian Child Welfare case review tools in collaboration with Michigan tribes/urban Indian organizations.
- Developing Child and Family Services Review Program Improvement Plan goals regarding Indian child welfare.
- Conducting stakeholder surveys for quality assurance.
- Conducting public awareness events to sensitize consumers and vendors to issues of Native Americans in Michigan and improve cultural awareness and competence.

- The Michigan Indian Family Preservation Act, codifying the state's compliance with the federal Indian Child Welfare Act.

Compliance with the Indian Child Welfare Act was measured through:

- Tribal consultation on Michigan's Child and Family Services Plan and Annual Progress and Services Reports from 2008 to 2013.
- Michigan Court of Appeals 2013.
- Services Worker Support System (SWSS).
- MiSACWIS.
- Indian Child Welfare Act Case Review tools.
- Bureau of Children and Adult Licensing (BCAL) Child Placing Agency Audits.
- Tribal agreements and memorandum of understanding (MOU).
- Ongoing local case management meetings between tribes and county DHS office leadership (Ex: DHS Chippewa/Luce/Mackinac counties and Bay Mills Indian Community and Sault Ste. Marie Tribe of Chippewa Indians, respectively).

To improve compliance with the Indian Child Welfare Act, during the 2010-2014 Child and Family Services Plan period, DHS Native American Affairs, under the auspices of the DHS Tribal Consultation Agreements, the Tribal State Partnership, tribes and urban Indian organizations developed action plans and goals including:

- New worker and supervisor Indian Child Welfare Act training.
- Native American Affairs policy enhancement and upgrades.
- Indian Child Welfare Act case management tool development.
- Codification of Indian Child Welfare Act in Michigan law.
- Recruitment of Indian foster care homes.
- American Indian/Alaska Native specific foster care client and home resources (Video/Foster Care Kit).
- Verification of BCAL licensed American Indian/Alaska Native foster care homes policy.
- BCAL Background Investigation/Fingerprinting reimbursement process for tribes/tribal members.
- Indian Child Welfare Act case review tool development (CPS/Foster Care).
- Kent County Project 515 Privatization Plan development.
- Federally funded IV-E ICWA cases reviewed by state court permanency planning hearings annually.
- Tribal case reviews under tribal jurisdiction occur per tribal code respectively.
- Creation and posting of BCAL American Indian/Alaska Native licensed foster care homes.

Indian Child Welfare Act (ICWA) Agreements: The department has one ICWA agreement with the Saginaw Chippewa Indian Tribe.

American Indian Foster Home Recruitment: The department maintained a \$10,000 set-aside for tribal foster home recruitment initiatives; and an American Indian/Alaska Native Foster Home Recruitment Video was created in collaboration with tribes/urban Indian center approval (See <http://youtu.be/58MsxiqI-AE>). There were 78 Indian Homes in the FY13 fourth quarter.

Title IV-E: DHS collaborated with Keweenaw Bay Indian Community to develop a new federal direct IV-E agreement.

Pre-existing IV-E agreements are in effect with the following tribes:

- Bay Mills Indian Community
- Hannahville Indian Community
- Grand Traverse Band of Ottawa and Chippewa Indians
- Little Traverse Bay Bands of Ottawa Indians
- Sault Ste. Marie Tribe of Chippewa Indians

Private Agency Foster Care Contracts (PAFC): The department has the following PAFC contracts with tribes/tribal organizations:

- Binogii Placement Agency
- Michigan Indian Child Welfare Agency (MICWA contract closed April 30, 2014, due to close of business)
- Grand Traverse Band of Ottawa and Chippewa Indians (Juvenile Justice facilities)

Title IV-D: The department has one memorandum of understanding with the Keweenaw Bay Indian Community (KBIC) to manage child support programming on the reservation.

Youth in Transition (YIT): The department maintains a tribal set-aside of \$20,000 and a memorandum of understanding for tribes to access Chafee monies pursuant to federal requirements with the following Michigan tribes:

- Bay Mills Indian Community
- Hannahville Indian Community
- Saginaw Chippewa Indian Tribe
- Sault Ste. Marie Tribe of Chippewa Indians

Continuous Quality Improvement: Pursuant to the modified settlement agreement, the department has established Indian Child Welfare Case Review Tools for the Bureau of Children and Adult Licensing (BCAL) Child Placing Agency Audits with Michigan tribes.

Children's Protective Services Centralized Intake: The department, in collaboration with Michigan tribes, established centralized intake tribal protocol to assist with Indian Child Welfare Act (ICWA) case identification.

DHS Tribal After-Hours Agreements: The following tribes have after-hours agreements with DHS for child welfare services:

- Bay Mills Indian Community
- Grand Traverse Band of Ottawa and Chippewa Indians
- Hannahville Indian Community
- Keweenaw Bay Indian Community
- Sault Ste. Marie Tribe of Chippewa Indians

Indian Child Welfare Training: Monthly new caseworker/supervisor - eLearning module (873 participants), new supervisor – facilitator-led (188 participants, and refresher Indian child welfare training (67 participants), was conducted through the Child Welfare Training Institute in collaboration with the Office of Native American Affairs in FY13. Additional ICWA training was provided upon request to DHS county offices and placement agency foster care in FY13.

Tribal Liaison | Five

DHS delivers services to Michigan's 130,000 American Indians through the Office of Native American Affairs, the policy office that coordinates with Michigan's tribes for:

- Policy and program development.
- Resource coordination.
- Advocacy.
- Training and technical assistance.
- Implementation of state and federal laws pertaining to American Indians and tribal consultation.

The Office of Native American Affairs coordinates statewide consultation for the department in the following forums:

- Tribal-State Partnership meetings (quarterly): a collaborative body of Tribal social service directors, state and private agencies and DHS staff that focuses on Indian child welfare and the implementation of the Indian Child Welfare Act of 1978.
- Urban Indian State Partnership meetings (quarterly): a collaborative body of urban Indian organizations, state agencies and DHS staff focused on the challenges facing tribal at-large membership and point-of-entry for DHS services.
- Michigan Tribal Child Care Task Force meetings (semi-annually): a collaborative body of tribal child care and education directors and DHS staff working to ensure Zero to Three services, Great Start and Pathways to Success for young children and adults.
- The Office of Workforce Development and Training (monthly), providing Indian Child Welfare Act training for new child welfare and supervisory staff (monthly new worker eLearning modules and facilitator-led supervisor training).
- United Tribes of Michigan meetings (semi-annually; upon request): Forum for Michigan tribes to join forces, advance, protect, preserve and enhance the mutual interests, treaty rights, sovereignty and cultural way of life of the sovereign tribes of Michigan throughout the next seven generations.
- Regional Indian outreach workers meetings (quarterly) for professional development.
- The State Court Administrative Office Court Improvement Program Statewide Task Force meetings (quarterly) to advocate on behalf of tribal families.

In closing, Michigan engages in government-to-government relations with the state's federally recognized tribes prescribed by Presidential Memorandum 2009 (Tribal Consultation), Governor Rick Snyder's Executive Directive 2012-2, Title XX, and the Administration for Children and Families' guidance on tribal consultation. Through tribal consultation agreements and meetings, the Native American Affairs director interacts with tribal nations and organizations in Michigan to coordinate a review of Indian Child Welfare Act implementation in DHS policies and services. For further information, Stacey Tadgerson, Native American Affairs director, may be reached at 517-241-7752 (direct) or 517-331-8374 (cell).

Department of Human Services (DHS) will not discriminate against any individual or group because of race, religion, age, national origin, color, height, weight, marital status, sex, sexual orientation, gender identity or expression, political beliefs or disability. If you need help with reading, writing, hearing, etc., under the Americans with Disabilities Act, you are invited to make your needs known to a DHS office in your area.