

**Summary of Round Table and Consultation Comments Received from Washington State Tribes
and Children's Administration (CA) Responses to
updated Indian Child Welfare (ICW) Policies and Procedures**

Attendance: November 9, and December 14, 2016 round table and April 14, 2017 Consultation

Date	Name	Tribe/Organization
11/9	Aimee Gone	Office of Indian Policy
11/9 & 12/14	Aliza Brown	Quinalt Nation
11/9	Berta Norton	CA: Area Administrator (Region 1 South)
12/14	Betsy Tulee	Muckleshoot Tribe
11/9, 12/14, 4/14	Bob Smith	CA: Headquarters ICW Program Supervisor
11/9 & 12/14	Brenda Francis-Thomas	Office of Indian Policy
12/14	Candy Hamilton	Stillaguamish
11/9 & 12/14	Carissa Greenberg	Attorney General's Office
11/9	Christina Parker	CA: Social Services Specialist
11/9, 12/14, 4/14	Helen Fenrich	Tulalip Tribes
11/9 & 12/14	Jackie Schafer	Attorney General's Office
11/9	Janet Gone	Office of Indian Policy
11/9, 12/14, 4/14	Juliette Knight	CA: Headquarters ICW Program Manager
12/14	Kelly Bradley	Lower Elwha Klallam
11/9	Khia Grinnell	Tulalip Tribes Attorney
11/9, 12/14, 4/14	Kristy Healing	Stillaguamish
11/9 & 12/14	Liz Mueller	Jamestown S'Klallam Tribe
11/9	Lottie Sam	Yakama Nation
12/14, 4/14	Nicole Earls	Quileute Tribe
11/9	Shona Voelckers	Associate Attorney for Yakama Nation Office of Legal Counsel
12/14, 4/14	Taleena Ives	Department of Early Learning
11/9 & 12/14	Tanya Pankowski	Jamestown S'Klallam Tribe
12/14	Tawhnee Colvin	Spokane Tribe of Indians
11/9, 12/14, 4/14	Tim Collins	Office of Indian Policy
12/14	Tom Stokes	CA: Area Administrator Region 3 North
4/14	Pat Lashway	Department of Social and Health Services Secretary
4/14	Ross Hunter	Director Department of Early Learning
4/14	Ronda Metcalf	Sauk Suiattle Tribe General Manager
4/14	Cindy Harris	Sauk Suiattle Tribe
4/14	Carol Evans	Spokane Tribe of Indians
4/14	Jessica Payne	Jamestown S'Klallam Tribe
4/14	Cheryl Miller	Port Gamble S'Klallam Tribe
4/14	Isan Simpson-Huggard	Makah Tribe
4/14	Jim Sherrill	Cowlitz Tribe
4/14	Marla Tolliver	Makah Tribe

Opening remarks – Liz Mueller

November 9, 2016

I really want to emphasize this is for an opportunity for tribes to have reviewed the updated CA ICW policies and procedures and provide comment. The state has done a lot of work and if you have comments this is your time to share them, this month and next month before we go into consultation. Some of the areas I wanted to go through and check were, *“if we went to the definition of Indian child, does the definition align with the federal and state law?”*

December 14, 2016

I want to thank the state for all the work done in preparing responses, and before Bob moves into walking us through them will remind everyone that consultation will be held January 13, 2016 (this was re-scheduled and happened on April 14, 2017).

April 14, 2017

Jim Sherrill, want to acknowledge this has been a very long process with a lot of meetings, both with CA and tribes including workgroup meetings and with round tables. I would observe this has been a good process in terms of working through all the changes.

Department Response (November 9 opening remarks)

The department definition of Indian Child is direct from the federal and state Indian Child Welfare Acts. The ICW Policies and Procedures also include citations to the regulations which take effect December 12, 2016.

Introduction – ICW policies and procedures

No comments received at round table November 9, 2016

No comments received at round table December 14, 2016

No comments received at consultation April 14, 2017

Chapter One – Initial Intake

No comments received at round table November 9, 2016

No comments received at round table December 14, 2016

Tribal Comment #1 (*received at consultation April 14, 2017*)

A commenter provided an example that CA staff continue to send intake information to the tribe even though the tribe has responded multiple times that the child/family identified are not members/rescinded membership with the specific tribe and are now members with another tribe. The commenter inquired about recourse when issues like this arise around intake (and investigation), also expressing concern about confidential information being sent to a tribe when it didn't need to be.

Department Response

CA appreciates the concerns raised by the commenter with regard to practice by CA staff and the tribe's desire to protect a child/family's privacy. CA workers must follow federal and state laws and agency policies that address confidentiality, at any time a tribe has concerns they can first raise them with the local office. If the tribe does not feel the situation is successfully resolved they can elevate their concerns to the Regional Administrator for that area to address issues with their staff. If the tribe continues to believe the issue remains unresolved, a tribe may also contact CA's ICW headquarters staff and the Assistant Secretary with their concerns.

As the comment was broadly stated and did not identify specific issues with policy and procedures as written, no changes will be made to Chapter One *Initial Intake*.

Tribal Comment #2 *(received at consultation April 14, 2017)*

A commenter stated that many children are misclassified in (initial) intake, and we have seen situations where we lose children, so how is this addressed in this manual?

Department Response

The Department recognizes it is critical to identify whether ICWA applies to a case as early as possible. It is for this reason the Department dedicated a chapter to initial intake for the first time in the revision process to ICW policies and procedures. Additionally, the Department's Regional Core Training provided through the UW Alliance also stresses that workers inquire about any possible affiliation with a federally recognized tribe.

Chapter Two – Tribal/State Agreements

Tribal Comment #1

Comments were received that where the policy mentions a template Tribal-State Memorandum of Understanding ("MOU"), CA should also mention that tribes have the option to develop their own agreement.

Department of Social and Health Services ("Department") Response

The MOU template was a document developed with input from tribes via the Indian Policy Advisory Council. The template was developed to ensure Department commitments accurately reflect policy, procedure, and state and federal statutes and administrative rules. When the Department works with tribes who want to enter an MOU, the template is a starting point to help ensure consistency as to the Department's roles and responsibilities. At any point in the negotiation process a tribe may request that the Department customize specific MOU provisions to reflect tribal customs and culture. The ICW manual intentionally does not go into detail about the MOU negotiation process because the manual's primary purpose is to serve as a guide for Children's Administration (CA) caseworkers handling Indian Child Welfare Act (ICWA) cases in the field. Whereas, MOU negotiations are handled by regional ICW program consultants and CA Headquarters.

No comments received at round table December 14, 2016

No comments received at consultation April 14, 2017

Chapter Three – Inquiry and Verification of Child's Indian Status

Tribal Comment #1

Comments were received asking how frequently the Native American Inquiry Referral (NAIR) unit updates their information because, “we’ve had a membership inquiry bounce all over the place and that causes delay to our department, and 30 days is too long a time for the first letter to be going out.”

Department Response

Unless a tribe directly requests alternate address and contact information be listed, FamLink addresses are updated based on information in the federal register maintained by the Bureau of Indian Affairs. As part of the NAIR business process, the Department has seen some tribes request the membership inquiry letters be sent solely by email using a generic address (e.g., icwinquiry@tribename-nsn.gov, or membershipinquiry@tribename-nsn.gov) that doesn’t require updating when the tribe experiences staff turnover. Creating that type of email address could be an option for other tribes to explore to reduce the delay in a tribe receiving a membership inquiry. The Department should also clarify that the membership inquiry process is separate from the required (legal) ICWA notice that must be sent by registered or certified mail for either dependency or termination hearings.

Tribal Comment #2

A comment was received asking if the 30-day timeframe could be shortened to 20 days.

Department Response

In response to the 30 days being too long a timeframe, when a family identifies possible Indian Ancestry, Chapter 5 of the ICW policies and procedures states a worker must contact the tribe within 24 hours of being informed a family may be affiliated with a federally recognized tribe. This is a concurrent process to the Native American Inquiry Referral addressed in Chapter 3, which addresses the NAIR unit’s membership inquiry and verification. This is a separate process that also occurs from the first contact with the family, and the inquiry workers must make as to whether the family has any Indian Ancestry. CA will also revisit the 30-day timeframe with the NAIR unit to explore if the timeframe will be shortened (a recommendation of 20 days was made by tribes). Decisions about the outcome of this discussion will be shared with tribes and updates reflected in the ICW policies and procedures if any are needed.

*No comments received at round table December 14, 2016

Tribal comment #3 *(received at consultation April 14, 2017)*

Multiple tribes commented on the timeframes for sending letters and the duplication this causes in terms of a tribe responding to the membership inquiry; noting too that while burdensome they would rather receive the duplication, than to not receive at all.

Department Response

CA recognizes tribal governments face the same challenges as state government in terms of staffing capacity and the burden of potential duplicative work placed on a tribe. However, given the critical impact of determining if a child is an Indian child and whether ICWA applies to a case, CA will maintain the current timeframes (see Chapter Three Department Responses to tribal comment #1 and tribal comment #2). CA also strongly encourages tribes to consider having the NAIR unit send letters by email which can significantly reduce the cross over that can happen between a tribe responding and a

second or third letter of membership inquiry being sent by USPS. If a tribe wants CA to send the membership inquiry letters by email please contact our headquarters ICW staff – currently Bob Smith (smithrc@dshs.wa.gov) or Juliette Knight (knighjp@dshs.wa.gov), they will make the necessary notation in our FamLink database system.

Chapter Four – Disclosure of Confidential Records/Information to Tribes

Tribal Comment #1

A comment was received that requested verification on why policy #1 (c) is part of CA's policies and procedures.

Department Response

The department has included a citation to the federal regulation that identifies tribes must keep records confidential. Including this information helps educate CA caseworkers so they have an understanding of confidentiality in ICWA cases.

Tribal Comment #2

A comment was received that policy statement #1. (b) (i) and 1 (b) (ii) – appears to have a word missing.

Department Response

This commenter identified language that they believe is confusing for the reader to understand. The department has reviewed this policy statement and edits (emphasized in bold italics in this document so the reader can easily identify) have been made:

- b) The following information to non-federally recognized tribe(s), Canadian First Nations, or a federally recognized tribe(s) for children who do **not** meet the [Indian child](#) definition in two circumstances:
 - i. When asking for assistance in locating a relative or other placement resource for the child, ***limit information disclosed about the child who is in out-of-home-placement to the following:***
 - A. The child's and parent's name.
 - B. The child's gender and age.
 - C. The child's grade in school.
 - D. The child's special needs, if applicable.
 - E. Court name, hearing date and location.
 - ii. When asking if the tribe can provide services or support to the child or family, ***limit information disclosed about the child who is in out-of-home-placement to the following:***
 - A. The child's and parent's name.
 - B. The child's gender and age.

No comments received at round table December 14, 2016

No comments received at consultation April 14, 2017

Chapter Five – Child Protective Services for Indian Children

Tribal Comment #1

A comment was received that the Department should add language about needing permission to come out to the tribe's reservation.

Department Response

This commenter expressed concern about state workers not seeking permission to come out on tribal reservation land, within the context of the Child Protective Services Chapter that addresses investigation responsibilities. The Department, recognizing the sovereignty of tribes, has revised policy statement #5 to reflect language which is included in MOUs with tribes. The policy statement now reads as:

*Follow state and federal law if the family resides **on the reservation** and CA is requested to lead the CPS investigation.*

- i. CA will provide notification in time for a tribal worker to have the opportunity to be present for investigations conducted on the reservation.*
- ii. However, in no case shall the absence or unavailability of a tribal caseworker excuse a CA caseworker from the responsibility to properly investigate allegations of child abuse or neglect according to CA policy and state law timelines.*

Tribal Comment # 2 (received at round table December 14, 2016)

A comment was received asking for additional language changes to the Departments response and updates made after the November 9 round table. Specifically, could the language "tribal police" be added per the practice of some tribes.

Department Response

Taking into consideration some of the discussion that occurred during round table immediately after this request the Department is proposing a further revision to language. This proposed revision is shown below in red font. No changes will be made to the ICW policies and procedures until this language is reviewed with tribes during consultation which is scheduled for January 13.

*Follow state and federal law if the family resides **on the reservation** and CA is requested to lead the CPS investigation.*

- i. CA will provide notification in time for a tribal worker, **as identified by the tribe**, to have the opportunity to be present for investigations conducted on the reservation.*
- ii. However, in no case shall the absence or unavailability of a tribal caseworker excuse a CA caseworker from the responsibility to properly investigate allegations of child abuse or neglect according to CA policy and state law timelines.*

April 14, 2017 consultation

Proposed language put forward in the Departments Response to round table Tribal Comment #2 on December 14, 2016 was reviewed by tribes.

Department Response

CA will amend policy and procedure to reflect the language proposed "**as identified by the tribe**" in policy statement # 5. A

Chapter Six – Casework Activities for Court Proceedings

Tribal Comment #1

A comment was received asking if the Department has information in the policy and procedures regarding the things the court can't ask to determine if ICWA does or doesn't apply.

Department Response

The department believes this commenter is referring to 25 C.F.R. § 23.103(c), which states in part: "In determining whether ICWA applies to a proceeding, the **State court** may not consider factors such as the participation of the parents or the Indian child in Tribal cultural, social, religious, or political activities, the relationship between the Indian child and his or her parents, whether the parent ever had custody of the child, or the Indian child's blood quantum." (emphasis added) This regulation relates to what the State court can and cannot do. In comparison, the Department's ICW Policies and Procedures address the agency worker's responsibilities and roles. It is the responsibility of legal counsel, not the CA caseworker, to address the court about factors that can and cannot be considered in determining if ICWA applies. Therefore, the requested language is not included in the ICW Policies and Procedures.

Tribal Comment #2

A comment was received asking where the information on Emergent and Involuntary placement is.

Department Response

The department addresses both emergent and involuntary placement in chapter six policy statement #1 (g) (ii) (A) (I-III) titled **Protective Custody by law enforcement** and policy statement #1 (g) (iii) (A-E) (I-XII) titled **Court order authorizing placement in shelter care**.

Tribal Comment #3

A comment was received about policy statement # 1 (d) (i) (**Placing an Indian child in out-of-home care**), stating "*in one recent case we (the tribe) had the state refuse to file/take jurisdiction.*" And the commenter asked for clarification as to whether the Department will accept a transfer of jurisdiction when a tribe originally asserted jurisdiction over a case, but then determined during the case that the child is not actually a tribal member.

Department Response

The comment raised is outside the scope of what the policies and procedures cover, but for the sake of clarifying the Department's position, a response has been provided. When a tribe chooses to take jurisdiction of a case in which the department had no prior involvement, or did not screen the case in, it is not simply a matter of jurisdictional transfer should a tribe at a later time determine the child/family is not affiliated with the tribe. The Department is bound by federal and state law, as well as policy, to follow a specific process in order to have jurisdiction over a case. In situations where a tribe re-examines its decision to be involved in a case and determines it doesn't have jurisdiction, the tribe should call and make a Child Protective Services (CPS) referral. The Department will apply its screening process, following applicable federal and state law, and ultimately determine on a case-by-case basis whether the matter merits filing in State court.

Tribal Comment #4

A comment was received on 1. (d) (iii) **Placing an Indian child in out-of-home care** – that Tribes also take jurisdiction of tribal children who live off reservation.

Department Response

The Department agrees that a Tribe and the State would have concurrent jurisdiction when an Indian child who is a member or eligible for membership in that Tribe resides or is domiciled off reservation. The Department will evaluate if the referenced section of the manual can be made clearer.

Tribal Comment #5

Comments were received asking if there is a definition for domicile. "I want to make sure it is clear as far as what the meaning is, I want to make sure it doesn't mean just on the reservation."

Department Response

The department considered the commenters request and has added the federal regulation definition of domicile (25 C.F.R. § 23.2) in Chapter thirteen of the ICW Policies and Procedures.

Domicile means:

- (1) For a parent or Indian custodian, the place at which a person has been physically present and that the person regards as home; a person's true, fixed, principal, and permanent home, to which that person intends to return and remain indefinitely even though the person may be currently residing elsewhere.
- (2) For an Indian child, the domicile of the Indian child child's parents or Indian custodian or guardian. In the case of an Indian child whose parents are not married to each other, the domicile of the Indian child's custodial parent.

As part of the department's response and to further clarify ongoing confusion about the department's authority to investigate on cases under tribe jurisdiction, the department is including the following excerpt per federal regulations commentary:

'The final rule addresses dismissals of State-court proceedings based on lack of jurisdiction. It does not affect State authority to provide safety investigative services when a child is domiciled on reservation but located off reservation. This includes those situations where there is an open tribal court dependency but a new referral screens-in which requires the state to investigate.' Fed. Reg. Vol. 81, No. 114, page 38808.

Tribal Comment #6 (received at round table December 14, 2016)

A comment was received that tribal comment #2 made November 9 was within the context of hearing that in some situations/states across the nation, tribal children are lingering/spending months in emergent and involuntary placement. And the commenter really wanted to know if this was an issue within Washington state and if workers are aware of timeframes.

Department Response

The Department is aware that some states have been found to be out of compliance with ICWA and possibly state and federal timelines as they relate to protective custody/emergent placement. However, CA workers must follow timelines established in the revised code of Washington, and Children's Administration [policy](#) that prevents any child from lingering in emergent placement.

No child may be held longer than 72 hours, excluding Saturdays, Sundays and holidays, unless a court order has been entered for continued shelter care. [RCW 74.14A.020](#); [RCW 13.34.060](#)

Tribal Comment #7 (received at consultation April 14, 2017)

A commenter observed they don't like to see Domiciled used in the context of off reservation because the tribe considers all its members domiciled regardless of whether its members live on or off reservation.

Department Response

The Department is relying on the definition of domicile as written in the federal regulations (25 C.F.R. § 23.2). This definition is used in the federal regulations when discussing jurisdiction and the Department has used it this way when addressing jurisdiction in the ICW policies and procedures.

No changes have been made to policy language.

Tribal Comment #8 (received at consultation April 14, 2017)

A commenter expressed they still have concerns about jurisdiction language, Chapter six policy statement 1 a – e, the commenter believes language as written makes it sound like if the tribe doesn't want jurisdiction that the department doesn't need to involve the tribe.

Department Response

The Department has incorporated some of the suggested edits (red italic font below), and Chapter six policy statement 1 e now reads as:

- e. Contact the tribe within one business day of placement if it was not possible to verify jurisdiction with a tribe(s) prior to the placement, *and if the state retains jurisdiction continue to meaningfully involve the tribe if the child is an Indian child.*

The term Indian child is linked to the definition in Chapter Thirteen. For consistency the Department did not include the proposed language that qualified an Indian child is determined “*per the tribe*” but instead uses the federal statute and regulation definition of Indian child. The Department acknowledges that tribes are the sole authority in determining who is a member or is eligible for membership in the tribe.

The Department considered additional edits proposed for policy statement 1. d (iii) but did not incorporate them (red italic font below). While the Department's working relationships with some Washington state tribes is consistent with the proposed edits, the ICW policies and procedures apply to all Indian children, including those who are affiliated with a federally recognized tribe outside of Washington State. There would be significant practical and legal complications associated with applying the suggested edits to tribes nationwide. Therefore, the Department has not incorporated these proposed edits. However, if any tribe is interested in including these suggested edits in a Memorandum of Understanding or Agreement with the Department, the Department welcomes the opportunity to do so.

“If the Indian child is not a ward of the tribal court and does not reside and is not domiciled on the reservation, determine if the tribe wants to assert jurisdiction per Ch. 5 (11). If the Tribe wants jurisdiction, provide the tribe with case information. If the tribe does not want

jurisdiction, take legal steps to arrange placement according to the emergent or non-emergent needs of the child in accordance with placement preferences.”

Chapter Seven – Indian Child Welfare Placement Preferences and Relative Search

Tribal Comment #1

Policy statement #3 - What about the tribe’s placement preferences, if the Indian child’s tribe has established a different placement preference?

Department Response

This commenter expressed concern that policy and procedure does not address a tribe’s placement preferences. The policies and procedures do address a tribe’s establishment of placement preferences in Chapter seven policy statement #2:

*If an Indian child is placed in out-of-home care, discuss with the parent(s) or the Indian custodian his or her placement preferences and follow federal and state ICWA placement preferences or any applicable tribal MOU **unless the child's tribe identifies a different order of preference.***

Tribal Comment #2

A comment was received that there is concern that the policy’s language does not address that the tribe’s preferences should take precedence over any preferences in the Tribe’s MOU with the State.

Department Response

If a tribe has an MOU with the Department, it is a vehicle to clearly define the tribe’s placement preferences. An MOU is not intended to circumvent the tribe’s placement preferences. The language of the policy reflects this because it says that the placement preferences in any applicable MOU will be followed *unless* the tribe identifies a different order of preference. The goal is for the MOU to be regularly updated to include the Tribe’s most current placement preferences.

Tribal Comment #3

A comment was received that per the ICWA, socio - economic status can’t be considered when placing a child.

Department Response

This commenter expressed concern that workers be aware preference cannot be given to a placement on socio economic status alone. The department policy and procedure cite federal and state law which workers must follow. Therefore, a worker in developing a case plan and identifying a placement must not violate any and all applicable laws. This includes selection of a placement based solely on a person’s socio-economic status. CA will also update the chapter to reflect a citation to the federal regulation 25 C.F.R. § 23.132 which addresses how a determination of “good cause” to depart from placement preferences is made.

No comments received at round table December 14, 2016

No comments received at consultation April 14, 2017

Chapter Eight – Adoption

Tribal Comment #1

A comment was received asking that the Department look into whether adoption support can be received if a child has been in a guardianship for three years and then the tribe decides to move to a customary adoption.

Department Response

This commenter asked a question that is outside the scope and purpose of the chapter. The comments have been followed up on per the request of the tribe outside of the round table comment and Department response process. If tribes would like the Department to provide the process on how to apply for adoption support, the Department can get that information to any tribe that requests.

Tribal comment #2

A comment was received that whether a case has been in an established guardianship or not should not have any bearing on the consideration of approving adoption support should the case move to adoption.

Department Response

This commenter expressed concern about the provision of adoption support. If tribes would like the Department to provide the process on how to apply for adoption support, the Department can get that information to any tribe that requests.

Tribal Comment #3

A comment was received asking where the following were addressed:

- record keeping of adopted children,
- making records available within 14 days of a request to a tribe per federal regulations,
- disclosure when the adult adoptee requests records, and
- disrupted adoption notification to biological parent.

Department Response

The commenter requested clarification as to whether ICW policies and procedures addressed four specific areas.

- record keeping of adopted children
 - *Response:* This information relates to the State's records management practices, as opposed to describing a direct responsibility of a CA caseworker, thus it is not included in the manual. *See* 25 C.F.R. § 23.141.
- making records available within 14 days of a request to a tribe
 - *Response:* This information relates to the State's records management practices, as opposed to describing a direct responsibility of the social worker, thus it is not included in the manual. *See* 25 C.F.R. § 23.141.
- disclosure when the adult adoptee requests records
 - *Response:* *See* Chapter 8 Adoption procedure #3 (a-d) (i-iii).
- disrupted adoption notification to biological parent
 - *Response:* This aspect of the law is a responsibility of the court, not the Department, therefore it is not included in the manual. *See* 25 C.F.R. § 23.139.

Tribal Comment #4 (received at round table December 14, 2016)

A comment was received requesting that tribes receive training on adoption support so that there is “no rush straight to guardianship which can cause hardship and refusal of adoption support.”

Department Response

The Department will follow up with appropriate program staff and begin discussion with tribes on how, when, and where this training can happen.

No comments received at consultation April 14, 2017

Chapter Nine – Interstate Compact on the Placement of Indian Children

No comments received at round table November 9, 2016

No comments received at round table December 14, 2016

Tribal Comment #1 (received at consultation April 14, 2017)

A commenter requested CA consider ways a tribe can access services and financial support for families; and for clarification that when a tribe chooses the placement, the receiving state will go in and complete the background check and home study. (Does this have to happen before the child is placed in the home?)

Department Response

The Department, in its response, has cited directly from CA ICW policy and procedure Chapter Nine Interstate Compact on the Placement of Indian Children. Tribes who have case specific questions may also contact ICPC Supervisor Maya Brown at maya.brown@dshs.wa.gov

Policy

4. When a federally recognized tribe chooses to work through the state Headquarters (HQ) ICPC, the tribe must agree to follow all parts of the ICPC regulations and laws.
5. ICPC is not required if a federally recognized tribe places an Indian child in their jurisdiction out-of-state without CA involvement.

Procedures

1. ICPC Out-of-State

- a. When a Washington state federally recognized tribe requests out-of-state placement of an Indian child under tribal jurisdiction, HQ ICPC determines if a receiving state will accept an ICPC request. A CA caseworker may assist the tribe in referring their request to ICPC HQ.
 - b. If an ICPC request is accepted, follow CA [ICPC Out-of-State](#) policy and:
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- i. HQ ICPC must have the approved and signed [ICPC Placement Request 100A DSHS 15-092](#) and approved home study (not required for residential placements), prior to the tribe placing the child out of state.
 - ii. The CA caseworker completes the [ICPC Placement Request 100A DSHS 15-092](#), showing the tribe as having legal custody and showing CA as having financial responsibility when a tribe uses the ICPC process, and CA makes payment for placement or related services.
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Chapter Ten – Local Indian Child Welfare Advisory Committees

No comments received at round table November 9, 2016

No comments received at round table December 14, 2016

No comments received at consultation April 14, 2017

Chapter Eleven – Payments for Services for Children in Tribal Care or Custody

No comments received at round table November 9, 2016

No comments received at round table December 14, 2016

No comments received at consultation April 14, 2017

Chapter Twelve – Casework Services for Children and Families of Non-Federally Recognized Tribes and Canadian First Nations

No comments received at round table November 9, 2016

No comments received at round table December 14, 2016

No comments received at consultation April 14, 2017

Chapter Thirteen – Definitions

Tribal Comment #1

A comment was received that the definition for **Indian custodian** which looks at tribal law, or tribal custom, or state law, should make it clear that you would look to tribal law if there were any conflict.

Department Response

The department has cited definition as reflected in federal law. 25 U.S.C. § 1903(6).

Tribal Comment #2 *(received at round table December 14, 2016)*

A comment was received asking that the Department response within this document be updated to reflect the federal citation.

Department Response

The Department has provided the federal citation as requested, see Department Response to Tribal Comment #1.

Tribal Comment #3 *(received at consultation April 14, 2017)*

A commenter asked for re-clarification on sources the department has used for definition terms.

Department Response

The department has cited definitions from federal law and regulations

Chapter Fourteen - Appendices

No comments received at round table November 9, 2016

No comments received at round table December 14, 2016

No comments received at consultation April 14, 2017
