

**COOPERATIVE AGREEMENT BETWEEN  
SNOQUALMIE INDIAN TRIBE  
AND  
CHILDREN'S ADMINISTRATION**

This Cooperative Agreement sets forth local working procedures cooperatively developed and entered into between the Snoqualmie Indian Tribe (Tribe), a federally recognized Indian tribe, and the State of Washington Department of Social and Health Services' Children's Administration (CA).

This Agreement recognizes the sovereignty of the Tribe and of the State of Washington and each respective sovereign's interests.

The Tribe and CA acknowledge that a court of either the Tribe or State of Washington may have jurisdiction over a child welfare proceeding. Each acknowledges that the law of the jurisdiction in which a child welfare judicial proceeding is initiated and maintained is sovereign within that jurisdiction and governs the proceeding.

**I. Purpose**

Washington State law authorizes CA to provide for the care of Indian children who are in the custody of an Indian tribe, pursuant to a tribal court order, subject to the same eligibility standards and rates of support applicable to children in the custody of CA, pursuant to a state juvenile court order. The purpose and objective of this agreement is to clarify the roles and responsibilities of the Tribe and CA, and to enhance coordination and cooperation between the Tribe and CA, in providing appropriate child welfare services to Indian children who are under the jurisdiction of the tribal court and to coordinate with the Tribe when its children are in the custody of CA and under the jurisdiction of a state juvenile court. The overarching purpose of this agreement is the safety and well being of Indian children.

**II. Jurisdiction**

"Jurisdiction" as used in this Agreement means the legal authority of a state or tribal court to hear a juvenile dependency action or other related juvenile matter. The Tribe and CA acknowledge that either or both may be involved in providing services to Tribal children regardless of which court has jurisdiction over a child's case.

The Tribe has exclusive jurisdiction over any child custody proceeding involving an Indian child who resides on or is domiciled on Snoqualmie Tribal lands.

The Tribe has the right (and an obligation under Snoqualmie Tribal law, STC 13.2.5.3, Attachment A) to intervene in any dependency proceeding, or any proceeding involving the

foster care placement or termination of parental rights involving a Snoqualmie Tribal child that is initiated in State court. 25 U.S.C. § 1911(c). CA agrees to assist the Tribe in achieving intervention in such cases. The Tribe also has the right to ask for transfer of jurisdiction of any such proceeding involving a Snoqualmie Tribal child from state to Tribal court, regardless of whether the child lives on or off of Snoqualmie Tribal lands.

A Snoqualmie Tribal child is a an unmarried person under the age of 18 who is (a) a member of the Snoqualmie Indian tribe; or (b) is eligible for membership in the Snoqualmie Indian tribe (as either an adopted or regular member) and is the biological child of a member of the Snoqualmie Indian tribe. 25 U.S.C. § 1903(4); Snoqualmie Tribal ICW Act, STC 13.2.4.0; RCW 13.38.040(7). The Snoqualmie Tribe shall confirm whether or not a child is a Snoqualmie Tribal child for purposes of this Agreement.

### **III. Determining Status of Snoqualmie Tribal Children**

In every case in which CA Child Protective Services receives an allegation of child abuse or neglect regarding a child who CA knows or has reason to know is a Snoqualmie Tribal child, CA will contact the Snoqualmie ICW Program to verify whether the child in question is considered a Snoqualmie Tribal child. Initial inquiry can be by telephone and, if requested, will be followed by written inquiry. The initial inquiry shall include an ancestry chart, if available. Once a determination regarding membership is made by the Tribe, the Tribe will provide CA with timely written documentation of the child's status. CA will document the Tribe's response in the child's file.

The Tribal ICW Program will respond to an initial telephone inquiry by CA within 24 hours, if possible. The Tribal contact information is available at Attachment B.

Letters and written documentation containing confidential information shall be marked "Confidential: Indian Child Welfare" and addressed Attn: ICW Program.

### **IV. Child Protective Services**

#### **A. Investigations of allegations of child abuse and neglect concerning Indian children residing on Snoqualmie Tribal Lands**

1. CA agrees to conduct investigations of allegations of child abuse and neglect occurring on Snoqualmie Tribal Lands. In these investigations, CA will apply state statute, rules and policies, including all rules and policies regarding the collaboration and involvement of the Tribe's ICW Program.
2. CA is in the process of designing and implementing a differential response to allegations of child abuse and neglect. This response, called Family Assessment Response (FAR), will involve the family's community. Prior to implementing FAR on Snoqualmie Tribal Lands, the parties agree to modify this Cooperative Agreement to include a process for involving the Snoqualmie Tribal ICW staff.

**B. CPS Investigation of Allegations of Child Abuse and Neglect Concerning Snoqualmie Tribal Children Residing Off Snoqualmie Tribal Lands**

1. CA has a statutory duty to respond to all screened-in allegations of child abuse and neglect concerning Indian children who reside off Snoqualmie Tribal lands.
2. In every case in which CA receives an allegation of child abuse or neglect involving a Snoqualmie Tribal child, the Tribal ICW Program, will be notified of the allegation, with the intent of giving the Tribe the opportunity to timely join in the response. CA will attempt to notify the Tribal ICW Program within 24 hours of receiving the allegation. The response will be made using state law and CA rules. It is the Tribe's preference that CA notify the Tribe by telephone, followed up in writing with an email or fax.
3. At the request of the Tribe and to the extent possible, CA will coordinate all aspects of its child abuse and neglect investigations involving Snoqualmie Tribal children with the Tribe's ICW Program.
4. To the extent feasible, a Tribal social worker will have the opportunity to be present during CA's interviews and investigations of child abuse/neglect allegations involving Snoqualmie Tribal children.
5. Prior to finalization of any CPS voluntary service contract between CA and a parent of a Snoqualmie Tribal child, the Tribal ICW Program will be given an opportunity to review the agreement and provide input. The Tribe also may enter a voluntary service contract when appropriate under the circumstances. Prior to entry of any voluntary service contract, the Tribe and CA shall consult and decide which government is best suited to enter into the contract with the parent.
6. If a case is transferred from CPS to Family Voluntary Services ("FVS"), CA will notify the ICW Program within 48 hours. CA shall notify the ICW Program of the transfer, the assignment of the social worker, and shall invite the ICW Program to participate in the staffing that occurs once the case is transferred to FVS.

**V. Confidentiality and Disclosure Requirements**

It is the policy of both the Tribe and CA to share with each other full information about a child that will assist the other in protecting the child and in assessing the child's need and eligibility for and receipt of services throughout the life of the case. CA is required to follow state and federal laws governing confidentiality of children's records. The Tribe agrees that it will follow state and federal law on confidentiality, or Tribal law, if the Tribal Code meets or exceeds state and federal law requirements to protect the records of children receiving services from CA.

CA agrees to share information with the Tribe about any Snoqualmie Tribal child or tribal member to the fullest extent permitted under the law. To the extent feasible, this information will be provided to the Tribe without the need for a request from the Tribe.

Authorized Tribal ICW Representatives shall have access to the State Automated Child Welfare Information System (SACWIS), known as FamLink, through a separate agreement.

## **VI. Services for Children under Tribal Court Jurisdiction**

Children under the jurisdiction of the Tribe are eligible for services funded and contracted by CA, in addition to services provided by the Tribe. A list of Tribal services and benefits available to Snoqualmie Tribal children is attached as Attachment B. A list of CA services currently available to families and children, including a limited description of those services is attached as Attachment C. Eligibility for these services must be consistent with the eligibility criteria used for children served by CA.

- A. When the Tribe requests child welfare services for children and youth being served by the Tribe, CA will:
  - 1. Assign the case to a specific social worker, selected by CA, but who recognizes that the Tribe has custody of and decision making authority over the child, and who is willing to accept the customs and traditions of the Tribe.
  - 2. Maintain a child file consisting of the referral information, the Tribal case plan, Tribal court documents, and payment information
- B. The Tribe will be responsible for case management, but the CA social worker will assist the Tribal social worker in accessing services and securing funds for those services through CA. The CA social worker will help make the Tribe aware of appropriate services available through CA, as well as how to access those services.
- C. Information regarding eligibility will be provided by the Tribal social worker and supplemented by the Tribal social worker when requested by CA. The Tribal social worker has responsibility for recommending and overseeing the administration of services.
- D. CA will provide a point of contact to assist the Tribe in accessing services for children under Tribal Court jurisdiction. The point of contact is the Tribe's contact for requesting services and will work with the tribe to clarify eligibility for services, to expedite services and to verify payment.

The point of contact will be available to assist, or arrange for another worker to assist, the Tribe in preparing the necessary documentation to request adolescent services and will invite the Tribal social worker to attend staffings to approve

intensive services, such as Behavior Rehabilitation Services, exceptional foster care, specialized teen mother programs, and services for sexually aggressive youths.

- E. The Tribe will provide a point of contact to work with CA on service issues.

**VII. Services through the Snoqualmie Tribal Child Placing Agency To Indian Children In CA Custody**

- A. The Snoqualmie Tribe is licensed as a Child Placing Agency and certifies foster homes throughout King County and adjacent counties as specified by the license. The Snoqualmie Tribe's Child Placing Agency (KIYA?) is administered by the Snoqualmie Tribe's ICW/Health & Human Services Department.
- B. The Snoqualmie Tribe will offer foster care resources to CA as capacity allows for Snoqualmie Tribal children, and for other Native American children who are in CA custody and under state court jurisdiction. CA and KIYA? may separately agree to a "Borrowed Bed Fee" or case management fee for placement of a child in a foster home certified and supervised by the Snoqualmie Tribe. CA will provide written case information to KIYA? at the time of placement, or immediately thereafter.
- C. CA's Division of Licensed Resources agrees to contact the Tribe's ICW Program regarding concerns about licensing issues or about the care a child is receiving in a foster home certified by the Snoqualmie Tribe.

**VIII. Services For Snoqualmie Tribal Children Under The Jurisdiction Of The State Court**

- A. The following principles guide the relationship between the Tribe and CA when a Snoqualmie child is the subject of a dependency proceeding in State court.
  - 1. CA will comply with the federal and state Indian Child Welfare Acts and further will collaborate with the assigned Snoqualmie Tribal social worker in
    - a. Discussing development of safety plans, service plans, voluntary contracts and ISSPs;
    - b. Coordinating services, including transportation, provided to families by the Tribe and CA;
    - c. Coordinating between the family, Tribe and CA to refer the family to suitable housing, if housing is the primary reason the child is out of the parents' care;

- d. Coordinating between the family, Tribe and CA to ensure the family has the information and any referral needed to apply for financial assistance from the Department of Social and Health Services, Tribe and/or other agencies for basic necessities.
- B. When an out-of-home placement of a Snoqualmie Tribal child in State custody is anticipated, CA will contact the tribal ICW social worker for extended family placement recommendations and other resources prior to placement, when possible. CA will discuss the appropriateness of all proposed relative caretakers with the tribal ICW social worker. Proposed relatives will be assessed in accordance with CA procedures and policy which, at minimum, require a criminal history and CPS records background check. The Tribe may assist in the assessment process.
  - C. The Tribe will be notified by mail, e-mail or telephone of social worker assignments to a case involving a Snoqualmie tribal child. That worker, and any subsequently assigned worker, will contact the tribal ICW social worker to notify the Tribe that he/she is the assigned social worker within 48 hours from the date he/she she receives the case.
  - D. If jurisdiction of the action is not transferred to Tribal court, then the Tribe will designate a specific social worker to work with the CA social worker to assist in locating an appropriate placement and to consult with the CA social worker in developing an appropriate case plan.
  - E. **Foster Care:** If CA has placement authority for a Snoqualmie Tribal child, placement shall be within reasonable proximity to the child's home when possible and appropriate. Placement decisions shall be consistent with the following Tribal preferences:
    1. In the home of a member of the child's extended family, whether or not the home is a licensed foster home;
    2. In the home of a member of the Snoqualmie Indian Tribe;
    3. In the home of a person from another Indian tribe; or
    4. In emergency situations, in a licensed foster home, or other safe place approved by the Tribe's ICW Program.

Snoqualmie Tribal Code ("STC") 13.2.20.0.

Placements in Group Care and Therapeutic Foster Care of a Snoqualmie child may be necessary to meet the specialized needs of the child. Upon discharge, tribal placement priority preferences will be followed absent good cause to the contrary.

The Tribe and CA will work together to develop a plan for any Tribal child who is placed in a non-Tribal foster home to assist the child in developing or maintaining an understanding of the Tribe's customs, traditions and history.

F. **Permanency Plan:** The Tribe has not traditionally recognized the termination of a parent's rights to their birth children. It is currently the custom of the Tribe to pursue involuntary termination of a parent's rights to its child only as a last resort, and only when it is clear that long-term guardianship with parental visitation is insufficient to meet the needs of the child, and an adoption is feasible and in the best interests of the child. STC 13.2.14.1. CA acknowledges the tribe's position and will work with the Tribe to timely determine other permanency options, as appropriate and available. The Tribe agrees to engage early in the case to assist in locating and recommending permanent placements for the child.

The Tribe may make recommendations to the court separately from the Department regarding the child's permanency plan.

**IX. Staffing Cases In Which A Snoqualmie Child Is In CA Custody**

- A. Whenever the CA social worker prepares a court report, safety plan, service plan, or ISSP, the CA worker will invite the tribal ICW Program Manager to give input before the study or plan is filed with the court. If the Tribe has intervened, the Tribal social worker may also prepare and file a court report.
- B. If the Tribe has not intervened in the state juvenile court action, CA court reports, safety plans, service plans, and ISSPs shall describe the role of the child's Tribe in the case. The Tribe's recommendations shall be provided as information to the court and, where agreed upon by CA, incorporated into the plans.
- C. Whether or not the Tribe is a party to the dependency matter, CA will attempt to staff cases involving Snoqualmie Tribal children with the Tribal ICW social worker prior to each review hearing and will attempt to contact the ICW social worker before each hearing. Staffings may be by telephone or through a formal meeting. The tribal ICW social worker will be invited to all staffings, including Child Protection Team staffings, and all family meetings involving a Snoqualmie child.

**X. Expert Witnesses**

For Snoqualmie Tribal children involved in a state court dependency or termination proceeding, the Snoqualmie ICW Program will be contacted for the purpose of identifying and providing an expert witness.

The ICW Program Manager will timely designate an individual who has the expertise to provide testimony as an expert witness for state court dependency and termination proceedings governed by the Indian Child Welfare Act. The Tribe agrees that it will provide an expert witness at the time and place of any trial in which an Indian expert is required.

**XI. Tribal Input on Appointment and Reassignment of Staff**

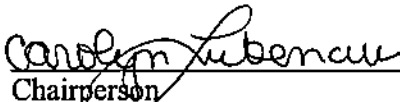
The Tribe shall be given the opportunity to participate in the selection of any CA staff who will have responsibility for carrying and/or supervising cases involving Snoqualmie Tribal children as indicated in regional 7.01 plans.

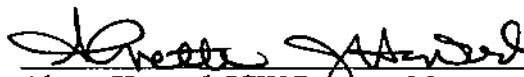
**XII. Conflict Resolution**


If conflicts arise, efforts will be made to first resolve the conflict with the tribal ICW Program Manager and the CA social worker, then with CA Supervisor. If there is not a satisfactory resolution, the Snoqualmie ICW Program Manager will contact the CA Area Administrator and/or CA Regional Liaison. If no resolution is then reached, the Tribal Administrator will meet with the CA Regional Administrator. If resolution is not reached using this process within two weeks, then the conflict will be referred to the Tribal Chairperson and the Children's Administration Assistant Secretary.

**XIII. Changes, Cancellations, and Review of Agreement**

Either party may request to alter, modify, waive, or cancel the provisions in this agreement by submitting a written notice outlining the proposed changes. Within 180 days of delivery of such notice both parties agree to make a good faith effort to discuss and renegotiate the proposed cancellation, alteration, modification, or waiver. In the event that a cooperative agreement cannot be reached, the conflict resolution protocol (Section XII) shall be followed. One year following the execution of this agreement and yearly thereafter, the parties shall meet and review this agreement to assess the effectiveness of its provisions and discuss whether any amendments would be appropriate.

 7-2-2013  
Chairperson Date  
Snoqualmie Indian Tribe

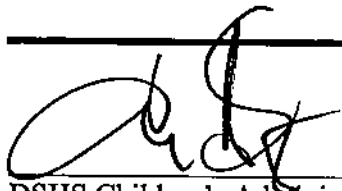
 7/12/13  
Alretta Howard, ICW Program Manager Date  
Snoqualmie Indian Tribe

 7-12-2013  
Dan Brewer, Health & Social Services Officer Date  
Snoqualmie Indian Tribe



Snoqualmie Indian Tribe/Children's Administration  
ICW Cooperative Agreement

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DSHS Children's Administration  
Assistant Secretary

7/12/13

Date

Attachment A: Snoqualmie Tribe Indian Child Welfare Act, STC 13.2

Attachment B: Tribal ICW Program Contact Information & List of Tribal Services & Benefits Available to Families & Children

Attachment C: List of CA services available to Snoqualmie children being served in tribal court



**TRIBAL COUNCIL ACT 13.2**

**AN ACT RELATING TO  
INDIAN CHILD WELFARE**

**BE IT ENACTED BY THE SNOQUALMIE TRIBAL COUNCIL.**

**SECTION 1.0 – TITLE AND CODIFICATION**

This Chapter shall be known as the Indian Child Welfare Act and shall be codified as Title 13, Chapter 2 of the Snoqualmie Tribal Code.

**SECTION 2.0 – STATUTORY AUTHORIZATION**

The aboriginal and inherent sovereign power to govern the Snoqualmie Indian Tribe is vested in the Snoqualmie Tribal Council. The Snoqualmie Tribal Council has the authority to safeguard and promote the peace, safety, moral, and general welfare of the members of the Tribe by regulating the behavior of all persons within the jurisdiction of the Tribe, and by providing for the enactment and enforcement of laws of the Tribe. This authority includes the ability to adopt laws or resolutions to regulate the domestic relations of members of the Tribe and to provide for the appointment of guardians for minors and mental incompetents and to protect the welfare of children or other at-risk populations. Snoq. Tr. Const. Art. VIII, §§ (m), (n).

The Indian Child Welfare Act, 25 U.S.C. § 1901 *et seq.*, “declares that it is the policy of this Nation to protect the best interests of Indian children and to promote the stability and security of Indian tribes and families by the establishment of minimum Federal standards for the removal of Indian children from their families and the placement of such children in foster or adoptive homes which will reflect the unique values of Indian culture, and by providing for assistance to Indian tribes in the operation of child and family service programs.” It is intended that the provisions of this Chapter be consistent with and carry out the purposes of the Indian Child Welfare Act, 25 U.S.C. § 1901, *et seq.* All applicable provisions of the Act shall be deemed to be incorporated by reference in this Chapter, and in the event of conflict between provisions of that Act and this Chapter, the provisions of this Chapter shall control.

**SECTION 3.0 – PURPOSE AND SCOPE**

The purpose of this Chapter is to preserve and strengthen Snoqualmie Tribal family ties to the greatest extent possible, to preserve and strengthen a Tribal child’s cultural and ethnic identity, and to secure for any Tribal child removed from his home that care, guidance, and love as nearly equivalent as that which he should have been given by his or her parents to help him develop into a responsible, well-adjusted member of the Tribal community. The well-being and protection of Snoqualmie Tribal children is of the

utmost importance of the Snoqualmie Indian Tribe and the Tribe desires to establish an Indian Child Welfare Program that meets the needs of all Snoqualmie Tribal children.

#### **SECTION 4.0 – DEFINITIONS**

**ABANDONMENT** means when a parent has not contacted the child by telephone, letter, or in person and has made no provisions for his/her care, nor is there any indication of the parent's willingness to assume his/her parental role for more than one continuous year.

**ABUSE** means any of the following situations, taken together or separately:

- (1) the infliction of physical, emotional, or mental injury on a child, including but not limited to sexual abuse or sexual exploitation;
- (2) failing to maintain reasonable care and treatment of a child;
- (3) exploiting or overworking a child to such an extent that the child's health or well-being is endangered;
- (4) subjecting the child to excessive physical or mental discipline;
- (5) failing to protect the child from abuse;
- (6) failing to provide a safe environment for the child free from persons who may harm the child; or
- (7) allowing a child to knowingly ride in a vehicle operated by a person whose driving abilities are impaired by alcohol or drug usage.

**ADJUDICATION** means the process by which the allegations in a Petition filed under this Chapter or in accordance with state and/or Federal child welfare laws are found to be true, or not true, by a Tribal, state or Federal judge, in the course of an evidentiary hearing.

**ADULT** means a person who is either eighteen (18) years of age or older or otherwise emancipated.

**BEST INTERESTS OF THE CHILD** means the preservation of the connection, or the creation of such a connection if one does not exist currently, between a Snoqualmie Tribal child and the child's culture, family, and Tribe in a stable setting where the usual and special needs of that child may be met; where the child is secure and safe; where the child is emotionally, physically, socially, and spiritually healthy, and academically enriched.

**CASE PLAN** means a written document prepared for each child under the jurisdiction of the Tribal Court prepared by the ICW Program, and with the family whenever possible. The plan shall include a detailed description of the services to be provided to the family

along with the duties, responsibilities and consequences regarding both the ICW program and the family. The plan must be designed to reunite the Indian family whenever possible, and may contain, if appropriate, a concurrent, alternative permanent plan for the child in the event the child does not return to parental care. Case plans may also mean a written document prepared for each Snoqualmie Tribal child by a state child welfare agency if the ICW Program accepts the case plan as such.

**CHILD CUSTODY PROCEEDING** includes the following:

- (1) "Foster care placement" means any action removing an Indian child from its parent or Indian custodian for temporary placement in a foster home or institution or the home of a guardian or conservator where the parent or Indian custodian cannot have the child returned upon demand, but where parental rights have not been terminated.
- (2) "Termination of parental rights" means any action resulting in the termination of the parent-child relationship.
- (3) "Preadoptive placement" means the temporary placement of an Indian child in a foster home or institution after the termination of parental rights, but prior to or in lieu of adoptive placement.
- (4) "Adoptive placement" means the permanent placement of an Indian child for adoption, including any action resulting in a final decree of adoption.
- (5) "Long-term guardianship" means the permanent placement of an Indian child in a foster home, typically with a relative placement, which does not require the termination of parental rights or an adoptive placement.

The term "child custody proceeding" does not include a placement based upon an action which, if committed by an adult, would be deemed a crime or upon an award, in a divorce proceeding, of custody to one of the parents. This term includes any and all court hearings held in a foster care placement case, termination of parental rights case, preadoptive placement case or adoptive placement case.

**CHILD IN NEED OF CARE** means a minor who has been found by the Tribal Court to be abandoned, abused, neglected, or otherwise in need of Tribal services to prevent the break-up of the Indian child's family. The term also means a minor who has:

- (1) No parent, guardian or custodian available and willing to care for him/her;
- (2) Been subject to injury, sexual abuse, negligent treatment or maltreatment by a person who is legally responsible for the minor's welfare under circumstances which indicate that the minor's health, welfare and safety are harmed thereby; or

- (3) Not been or cannot be provided with adequate food, clothing, shelter, medical care, education or supervision by his/her parent, guardian or custodian necessary for the minor's health and well-being.

The term "child in need of care" means a dependent child as that term is defined in Washington state law. RCW 13.34.030.

**CONTEMPT OF COURT** means any willful disobedience of, or interference with, any order of the Court.

**CUSTODIAN** means a person or entity that has legal authority and/or physical custody over a child either under Tribal law or custom, state law, court order or parental permission. This term generally applies to foster parents, child placing agencies, and persons temporarily caring for a child by providing food, shelter and supervision of the child at the request of a parent.

**DEPENDENCY CASE** means a case in which a child is alleged to be, or has been found by a state court to be a "child in need of care."

**DEPENDENT CHILD** means a child who has been found by the state court to be a "child in need of care."

**EXTENDED FAMILY** means family ties based generally upon bloodlines, marriage, friendship, caring, and cultural relationships. This term can include any member of the Snoqualmie Tribal community who is reliable, responsible, loving and willing to care for a child in a culturally appropriate way.

**FOSTER CARE** means substitute family care for a child who has been voluntarily or involuntarily removed from parental care.

**GUARDIAN** means a person, other than the child's parent, who is legally vested with the power and responsibility to care for the child and/or the child's property.

**GUARDIAN AD LITEM** means a person appointed by the Court to represent the best interests of a child. The guardian ad litem may, but need not be, an attorney licensed to practice law in the state of Washington.

**INCOMPETENT** means a person who has been found by a court of competent jurisdiction to be mentally or physically incapable of caring for him/herself.

**INDIAN TRIBE** means any Tribe, band, nation or group of Native Americans recognized by the Secretary of the Interior as eligible for services provided to Native Americans. This term also includes any Tribe recognized as an "Indian Tribe" by the Snoqualmie Indian Tribe, regardless of Federal recognition status.

**INDIAN CHILD** means any unmarried person under the age of eighteen (18) who is:

- (1) A member of an Indian Tribe;
- (2) Eligible for membership in an Indian Tribe, including eligibility for adoption into Tribal membership;
- (3) The biological child of a member of an Indian Tribe; or
- (4) Considered to be Native American by himself/herself and by the Snoqualmie Indian Tribe.

The Tribal Council shall be the final decision-maker in regards to who is an Indian child for purposes of this Chapter.

**INDIAN CHILD WELFARE PROGRAM** means the Snoqualmie Tribe's program within the Social Services Department charged with protecting and advocating for Tribal children, and serving their families.

**INTERVENOR** means a person or entity who has been allowed by the Court to intervene and has been granted certain rights in the case.

**MINOR** means a person under eighteen (18) years of age who is not emancipated.

**NEGLECT** means any of the following:

- (1) Failure of the parent, guardian, or custodian to provide adequate food, clothing, shelter, medical care, education, or supervision for the child's health, safety, and well-being; or
- (2) Failure of the parent, guardian or custodian to take advantage of reasonably available public assistance and service programs designed to meet such needs when the parent, guardian, or custodian cannot meet those needs without assistance.

**NEGLIGENT TREATMENT OR MALTREATMENT** means an act or omission which evinces a serious disregard of consequences of such magnitude as to constitute a clear and present danger to a minor's health, welfare and safety.

**PARENT** means a biological or adoptive parent, but does not include an unwed father who has not acknowledged or established paternity in one or more of the following ways: being identified as the father on the child's birth certificate, by acknowledging paternity to Tribal enrollment authorities or to any court of competent jurisdiction, or through formal paternity proceedings under state or Tribal law.

**RELATIVE** means any person who is a blood relation of the child or anyone deemed by the ICW Program to have established a significant familial-type relationship with the child.

**SHELTER CARE** means a home or other living facility used as a short-term living place for a child pending return to the child's family, or placement in foster care or other out-of-home care.

**SNOQUALMIE TRIBAL CHILD** means a child who is an enrolled member of the Snoqualmie Indian Tribe, or who is eligible for enrollment in the Snoqualmie Indian Tribe as either an adopted or regular member, provided that the child is a descendant of the Snoqualmie Indian Tribe.

**SNOQUALMIE TRIBAL LANDS** or **TRIBAL LANDS** include lands over which the Snoqualmie Tribe exercises jurisdiction, including but not limited to, the initial reservation, trust lands (Tribal and individual), lands subject to treaty-reserved rights, and lands within the federal definition of "Indian Country" set forth in 18 U.S.C. § 1151.

**STPS** means the Snoqualmie Tribal Police Services.

**TRIBE** means the Snoqualmie Indian Tribe.

#### **SECTION 5.0 – TRIBAL JURISDICTION OVER CHILD CUSTODY PROCEEDINGS INVOLVING SNOQUALMIE TRIBAL CHILDREN**

##### **5.1 EXCLUSIVE JURISDICTION OF THE SNOQUALMIE TRIBAL COURT**

The Snoqualmie Tribal Court shall have jurisdiction exclusive as to any State over any child custody proceeding involving a Snoqualmie Tribal Child, regardless of the location of the residence or domicile of the child, except when such jurisdiction is otherwise vested in the State by existing Federal law. When a Snoqualmie Tribal Child is already a ward of the Snoqualmie Tribal Court, the Court shall retain exclusive jurisdiction, notwithstanding the residence or domicile of the child.

##### **5.2 TRANSFER OF PROCEEDINGS TO SNOQUALMIE TRIBAL COURT**

In any State court child custody proceeding commenced in state court involving a Snoqualmie Tribal Child who is not domiciled or does not reside on Snoqualmie Tribal lands, the State court will transfer such proceeding to the jurisdiction of the Snoqualmie Tribal Court, in the absence of good cause to the contrary or objection by either parent. The transfer to Snoqualmie Tribal Court shall occur upon the petition of either parent, the Indian custodian or the Snoqualmie Tribe. The Snoqualmie Tribal Court shall have the authority to decline any such transfer, taking into account the following factors:

- (a) The wishes of the parent, custodian, or guardian;
- (b) The wishes of the child, if he/she is able to understand the meaning of a transfer of jurisdiction;



- (c) The recommendation of the ICW Program;
- (d) The place each party lives and their Tribal status;
- (e) The ties and contacts each party has with the communities involved;
- (f) The stage of the proceedings in each of the courts with a claim to jurisdiction at the time the motion is brought;
- (g) Whether the other court has timely responded to the notice of the Snoqualmie Tribal Court; and
- (h) Whether the other court or government has previously declined to accept, or failed to accept, a transfer of jurisdiction over the child.

If a matter is transferred from state court to Tribal Court, it shall not be necessary for a new petition or complaint to be filed if the pleadings filed in the state court action are sufficient to give notice of the matter therein involved.

### **5.3 INTERVENTION IN STATE COURT PROCEEDINGS**

The ICW Program shall intervene in any State court child custody proceeding involving a Snoqualmie Tribal Child in accordance with the Indian Child Welfare Act, 25 U.S.C. § 1911(c) and any applicable state Indian child welfare laws.

## **SECTION 6.0 – FULL FAITH AND CREDIT; NOTICE TO OTHER TRIBES**

### **6.1 FULL FAITH AND CREDIT TO PUBLIC ACTS, RECORDS AND JUDICIAL PROCEEDINGS**

The Snoqualmie Indian Tribe shall give full faith and credit to the public acts, records, and judicial proceedings of the United States, every State, every territory or possession of the United States to the same extent that such entities give full faith and credit to public acts, records and judicial proceedings of the Snoqualmie Indian Tribe.

### **6.2 NOTICE TO OTHER TRIBES**

If the Court or any party in a child custody proceeding has reason to believe that the youth is a member or eligible for membership in another Indian tribe, the Court shall give written notice of the proceeding to that other Indian tribe. The notice shall state that the Indian tribe must respond in writing within fifteen (15) days of receiving the notice, and to indicate whether it intends to act in the matter.

## **SECTION 7.0 – PROCEDURE FOR CHILD CUSTODY HEARINGS**

### **7.1 CIVIL PROCEEDINGS**

All proceedings under this Chapter are civil proceedings. Except as otherwise provided herein, all proceedings under this Chapter shall be governed by the Snoqualmie Tribal Rules of Court, STC 3.2, unless different rules of procedure are established in this Chapter.

### **7.2 NOTICE**

No child custody proceeding shall go forward without at least twenty (20) days written notice to all parties, unless otherwise provided in this Chapter. The notice shall include:

- (a) The nature of the proceeding and name of the Court;
- (b) The date, time, and place of the hearing;
- (c) Guidance that written responses to any Petition filed are due within thirteen (13) days of receipt of the notice of hearing, the names and addresses of the Court with which responses and other pleadings must be filed and all parties on whom responses and other pleadings must be served, and the manner by which filing and service must be accomplished; and
- (d) A copy of the Petition.

### **7.3 MOTIONS**

Motions may be raised orally or in writing, unless otherwise required by the Court or this Chapter. If a motion is not made in open court during and as a consequence of events at a child custody proceeding, the moving party shall notify the Court and all other parties of the nature of the motion; the date, time, and place of presentation of the motion; and the basis for the motion at least seven (7) days before the motion is presented in Court.

### **7.4 OTHER COURT FILINGS**

Any party may submit reports or other pleadings by filing them with the Court. Any document filed with the Court must be served by the submitting party on all other parties at least seven (7) days prior to the hearing, following the procedure set forth in this section, unless otherwise provided in this Chapter. Written answers, if any, to such reports and pleadings may be filed and served up to three (3) days prior to the hearing.

### **7.5 SERVICE OF PROCESS**

- (a) All notices for initial hearings in child custody proceedings shall be personally served by a person who has no stake in the outcome of the lawsuit. Personal

service means either giving it to the person directly, or by leaving it at the person's residence or place of employment with a person at least fourteen (14) years old who lives or works there. An officer of the Snoqualmie Tribe Police Services may be asked to do personal service of process in accordance with this section.

- (b) Notices for all subsequent hearings and all other pleadings shall be served either by personal service or by regular mail. Mail service is complete three (3) days after mailing within the state of Washington, fourteen (14) days after mailing outside the state of Washington but within the United States, and thirty (30) days outside the United States, unless otherwise ordered by the Court.
- (c) The Court may order an alternate method of service depending on the circumstances.
- (d) Service is not complete until a Certificate of Service has been filed with the Court. The Certificate of Service shall state the date and manner of service and shall be signed and dated under penalty of perjury.

#### **7.6 COMPUTATION OF TIME**

In computing any period of time prescribed under this Chapter, the day of the act or event from which the designated period of time is to begin shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday or Tribal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, nor a Tribal holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays and Tribal holidays shall be excluded in the computation of time.

### **SECTION 8.0 -- PARTIES TO CHILD CUSTODY PROCEEDINGS**

#### **8.1 PARTIES IDENTIFIED**

The following shall be parties to child custody proceedings under this Chapter:

- (a) The Petitioner;
- (b) The Snoqualmie Tribal Child;
- (c) The child's parent(s);
- (d) The child's guardian(s) or custodian(s);
- (e) The presenting ICW Program employee or other designated representative of the Snoqualmie Indian Tribe; and

- (f) Any other person the Court, or any party, deems necessary for proper adjudication.

If the Court finds at the hearing that additional parties are necessary for proper adjudication of the matter at hand, the Court may continue the hearing to allow those parties to be notified and to participate. If the child's parent(s), guardian(s), or custodian(s) do not appear at the hearing, the Court may order a recess and issue orders to secure their attendance. If a party has not been served because, despite due diligence on the part of the petitioner or moving party, the party has not been located, or for other good cause, the Court may, in its discretion, proceed with the hearing.

## **8.2 INTERVENTION**

### **8.2.1 WHO MAY FILE**

Any relative, extended family member, or permanent or long-term foster parent may file a motion for intervention with the Court having jurisdiction over the child custody proceeding.

### **8.2.2 DISMISSAL**

A motion for intervention may be denied on the motion of any party or on the Court's own motion if the motion to intervene does not state a prima facie case of establishment of a significant familial-type relationship with the child. The motion to intervene must also allege facts to support that the intervention is in the best interests of the child.

### **8.2.3 WHEN GRANTED**

If the Court determines by clear and convincing evidence that a significant familial-type relationship exists, and that intervention is in the best interests of the child, the Court shall grant the motion for intervention. The Court shall determine, in the best interests of the child, what rights similar to those of a party shall be extended to an intervenor, including but not limited to, the rights of discovery, counsel, examination of the record and witnesses, custody and visitation.

### **8.2.4 WHEN DENIED**

If the Court determines by clear and convincing evidence that a significant familial-type relationship does not exist, or that intervention would not be in the best interests of the child, the Court shall deny the motion for intervention.

## **SECTION 9.0 – CONFIDENTIALITY OF RECORDS AND PROCEEDINGS**

The Snoqualmie Tribal Council finds that child custody proceedings are of a sensitive nature and that it is in the best interests of the children and families that all matters surrounding child custody proceedings be kept strictly confidential. Therefore, the

following rules shall apply to ensure the confidentiality of child custody records and proceedings:

- (a) Hearings shall be closed to the public and open only to involved parties.
- (b) The Snoqualmie Tribal Court shall have the authority to elicit evidence necessary to its determination.
- (c) All Court records, files, documents and other related information in a child custody proceeding shall be confidential and shall not be open to inspection to any but the following individuals, except as may be ordered by the Snoqualmie Tribal Court in the child's best interest:
  - (1) The child and his/her legal representative.
  - (2) The child's parent(s), guardian(s), or their representatives.
  - (3) The Snoqualmie Tribe ICW Program caseworker assigned to the case.
  - (4) The legal representative of the Tribe who is presenting the case.
  - (5) A physician, psychologist, therapist, counselor, or other professional engaged for the purpose of providing an examination, care, or treatment of a child in a child custody proceeding.
  - (6) Court personnel.
  - (7) A permanent foster care provider or long-term guardian, for use in a child-in-need-of-care proceeding involving the child.
  - (8) Court-approved Intervenors.
- (d) The following individuals may have access to information, records and files in child custody proceedings on a "need to know" basis, as determined by the ICW Program caseworker, or by order of the Court:
  - (1) The Snoqualmie Tribal Police Services, if directly involved in the proceedings;
  - (2) The child's custodian(s) or their legal representative.
  - (3) The staff of other governmental agencies and departments whose cooperation is necessary for the protection of the child.
- (e) Indian Child Welfare files shall not be released to anyone except the staff of the Tribe's ICW Program and the Tribe's legal representative unless entered into

evidence by the ICW Program Caseworker or the Tribe's representative in a child custody proceeding, or by order of the Court.

- (f) Snoqualmie Tribal Court files and records in child custody proceedings shall be permanently sealed five (5) years after the case is closed. Permanently sealed files and records may be accessed only by order of the Court.
- (g) Any person who receives or views documents or other information pursuant to this section shall maintain the confidentiality of such information. Failure to abide by this restriction shall be found in contempt of Court.

## **SECTION 10.0 – APPOINTMENT OF COUNSEL**

### **10.1 GUARDIAN AD LITEM**

The Tribal Court may appoint, for the purposes of all child custody proceedings, a guardian ad litem for a minor where the Court finds that the minor does not have natural or adoptive parents, guardians, or custodians willing and able to exercise effective guardianship and guidance during the child custody proceeding and that a Guardian ad litem would be in the best interests of the minor.

### **10.2 APPOINTMENT OF COUNSEL**

In any case in which the Court makes a finding of indigency, the parent or Indian custodian or guardian shall have the right to court-appointed counsel in any child custody proceeding.

## **SECTION 11.0 – SNOQUALMIE TRIBAL CHILD IN NEED OF CARE**

### **11.1 PURPOSE**

The Snoqualmie Indian Tribe has always protected its Tribal children and assisted Tribal families without a written code of laws. This section provides written procedures to better coordinate the services the Tribe offers Tribal youth and families and to facilitate cooperation between the Tribe and other sovereign governments, persons and entities to achieve the ultimate goal of providing for the safety and wellbeing of Snoqualmie Tribal children.

In determining whether a Tribal child is a "child in need of care," the presumption shall be in favor of providing protection for the child. Separation of a child from its parents should be considered only as a last resort, and when such separation is necessary for the safety and wellbeing of the child. In all cases, the primary goal is the successful reunification of the Tribal family.

## **11.2 CHILD IN NEED OF CARE DEFINED**

A "child in need of care" is a minor who meets one or more of the following criteria:

- (a) Has no parent, guardian or custodian available or able to provide proper care;
- (b) Has been or is being neglected. For purposes of this section "neglect" means the child, for reasons other than poverty, is not receiving the food, clothing, shelter, medical care, education, support or supervision needed for his/her wellbeing or development. Any of the following shall provide reasonable cause to believe that a child may be neglected. Examples of neglect include, but are not limited to:
  - (1) Inadequate food, clothing or shelter. Evidence that a child may not be receiving adequate food, clothing or shelter includes, but is not limited to the following:
    - (A) The child is suffering from disability, disease, or poor health due to inadequate nutrition;
    - (B) The child is failing to thrive as determined by a qualified medical professional;
    - (C) The child is habitually or frequently not dressed adequately for weather conditions;
    - (D) The child is frequently or habitually locked out of the child's home; or
    - (E) The child's home is unsafe or unsanitary.
  - (2) Inadequate medical care. Evidence that a child may not be receiving adequate medical care includes, but is not limited to the following:
    - (A) The mother of an unborn child is not receiving adequate prenatal care;
    - (B) A seriously or chronically sick child is not being taken to an appropriate medical professional or facility or is not being treated as advised, with the result that the child's condition worsens or fails to improve; or
    - (C) The child has untreated head lice or another parasitic infection.
  - (3) Inadequate education. Evidence that a youth may not be receiving an adequate education includes, but is not limited to the following:

- (A) The child habitually or frequently fails to attend school without adequate reason; or
  - (B) The child is "home schooled," but is showing no progress in learning development.
- (4) Inadequate support or supervision. Evidence that a child may not be receiving adequate support or supervision includes, but is not limited to the following:
- (A) The child's parent, guardian, or custodian willfully neglects or refuses to provide for the child's support or maintenance when financially able to do so;
  - (B) The child's parent, guardian or custodian habitually misuses benefits intended for the child, such as selling or squandering food stamps or commodities;
  - (C) The parent, guardian, or custodian or a child leaves the child alone or unsupervised for an inappropriate amount of time;
  - (D) The child is left with an inappropriate caregiver;
  - (E) The child is allowed access to alcohol or other drugs other than those drugs legitimately prescribed for the child or over-the-counter medications properly used to treat a legitimate ailment of the child; or
  - (F) The child is repeatedly out after curfew, is a habitual runaway, or otherwise demonstrates a lack of parental control.
- (c) Has been physically abused. "Physical abuse" means the child has suffered or is likely to suffer physical injury inflicted by other than accidental means which causes or creates a substantial risk of death, disfigurement or impairment of bodily functions or has suffered acts which are cruel or inhumane regardless of observable injury. Any of the following shall provide reasonable cause to believe a youth may be physically abused, but this does not constitute an exhaustive list of examples:
- (1) The child has been locked, secreted, or held in a constricted, dark, frightening, or otherwise inappropriate place, or in a place where the child is not likely to be found, or in any place for an excessive period of time;
  - (2) Evidence of physical injury to the child's body, not clearly caused by pure accident;



- (3) The child has been subjected to extreme discipline demonstrating a disregard for the child's physical pain and suffering;
  - (4) The child has been subjected to conduct that results in injury or creates a substantial risk to the child's physical safety, health, or development;
  - (5) The child's parent, guardian, or custodian has deliberately withheld adequate nutrition or hydration from the child or has forced the child to ingest harmful or noxious substances, including but not limited to, inappropriate food, drink, or drugs; or
  - (6) The mother of an unborn or nursing child is using alcohol or other drugs, including cigarettes, to an extent that the fetus or baby is likely to be endangered.
- (d) Has been emotionally abused. "Emotional abuse" means the conduct that causes serious emotional harm to the child. Any of the following shall provide reasonable cause to believe that a youth may be emotionally abused. This does not constitute an exhaustive list of examples:
- (1) Assault, terrorization, or intimidation. Evidence that a child may have been assaulted, terrorized, or intimidated includes, but is not limited to the following:
    - (A) Attempted violence or threats of physical harm or threats designed to create a climate of fear such as destroying the youth's possessions, or attacking beloved people or pets;
    - (B) Subjection of the child to a clear pattern of obvious rejection or non-acceptance on the part of the child's parent, guardian, or custodian;
    - (C) Instances of extreme discipline or a clear pattern of excessive ridiculing of a child demonstrating a disregard for a child's mental suffering; or
    - (D) Isolation of the child, including but not limited to, cutting the child off from normal social experiences, preventing the child from forming appropriate friendships, or locking the child in or out of the child's home.
  - (2) Corruption. Evidence that a child may have been corrupted includes, but is not limited to, the following:

- (A) The child's parent, guardian, or custodian has knowingly encouraged, caused, or contributed to the commission of a criminal act by the child or has allowed another adult to do so;
  - (B) The child's parent, guardian, or custodian has taught or knowingly allowed another to teach the youth socially deviant behavior by rewarding aggression, delinquency, or sexually precocious behavior or by punishing appropriate, positive, socially adaptive behavior.
- (e) Has been sexually abused. "Sexual abuse" means that the child has been the victim of a sexual offense, as defined in the Snoqualmie Tribal Criminal Code, STC 7.1.

### **11.3 PRELIMINARY INVESTIGATION**

Whenever the ICW Program receives a report that there may be a Snoqualmie Tribal child in need of care, the ICW Program shall conduct a preliminary investigation of the allegations. The ICW Program shall cooperate and coordinate with the relevant state child protective services agency as necessary and appropriate.

The ICW Program shall prepare and retain written investigation reports concerning all allegations it receives regarding Snoqualmie Tribal children who may be in need of care.

### **11.4 SERVICES FOR SNOQUALMIE TRIBAL FAMILIES PRIOR TO COURT ACTION**

The ICW Program shall provide Snoqualmie Tribal families all social services that are necessary to prevent the breakup of the Snoqualmie Tribal family.

### **11.5 PETITION**

After completing the preliminary investigation, if the ICW Program determines that the Snoqualmie Tribal child is indeed a child in need of care, the ICW Program shall file a Child in Need of Care Petition with the Tribal Court. There shall be no fee for filing a Child in Need of Care Petition.

The Petition shall include the following information:

- (a) The name, date of birth, permanent address, and Tribal status of the youth and his/her parent(s), custodian(s), or guardian(s);
- (b) The facts establishing the Court's jurisdiction;
- (c) A detailed statement of the facts and reasons which support the allegation that the child is in need of care;

- (d) The location of the child and the time taken into custody, if applicable. The location of the child does not need to be disclosed if it would endanger the child;
- (e) A copy of the preliminary investigation report prepared by the ICW Program; and
- (f) A declaration by a representative of the ICW Program setting forth specific factual information evidencing reasonable grounds that the child may be a child in need of care as defined under this Chapter.

## **11.6 SERVICE OF THE PETITION**

The Petition shall be served on each birth parent or guardian(s) of the child alleged to be in need of care. Failure to effect service on the birth parents or guardian(s) does not invalidate the Petition if reasonable efforts were made to locate and contact the birth parents or guardian(s).

### **11.6.1 SUMMONS WHEN PETITION FILED**

Upon the filing of the Petition, the clerk of the Court shall issue a summons to the child and to the parents, guardian, or custodian, and such other persons as appear to the Court to be proper or necessary parties to the proceedings. The summons shall require them to appear personally before the Court at the time fixed to hear the Petition. A copy of the Petition shall be attached to each summons. Service of the summons may be made under the direction of the Court by any person eighteen (18) years of age or older who is not a party to the proceedings or by any Snoqualmie Tribal Police Services officer.

## **11.7 PRELIMINARY HEARING**

### **11.7.1 SCHEDULING**

Upon the filing of a Child in Need of Care Petition, the Court shall set a time and date for a preliminary hearing to discuss the merits of the Petition and determine whether the child that is the subject of the Petition is a child in need of care. Notice of a hearing shall be provided to any party to the child custody proceeding. The Court shall set the date for the hearing to take place within thirty (30) days of the date the Petition is filed.

### **11.7.2 EVIDENCE AND BURDEN OF PROOF**

The person or entity filing the Child in Need of Care Petition has the burden to show that the child is a child in need of care as defined under this Chapter. In order to make that showing, the Petitioner is allowed to present any relevant evidence, unless deemed improper or immaterial by the Court.

### **11.7.3 COURT ORDER CONCERNING EMERGENCY TEMPORARY CUSTODY**

The Court may enter an order directing the ICW Program to take a child into emergency temporary custody if the Court finds, based upon the Petition and any evidence presented at the shelter care hearing, that the child is a child in need of care as defined in this Chapter and that the health, safety and welfare of the child will be seriously endangered if not taken into custody immediately.

### **11.8 SHELTER CARE**

- (a) A child taken into custody pursuant to section 11.7.3 of this Chapter shall be immediately placed in shelter care. No child may be held longer than seventy-two (72) hours, excluding Saturdays, Sundays and holidays after such child is taken into custody. Priority placement for a child in shelter care, pending a Court hearing, shall be in accordance with the Tribe's placement preferences set forth in section 19.0 of this Chapter. The person must be willing and available to care for the child and be able to meet any special needs of the child and the Court must find that such placement is in the best interests of the child. The person must be willing to facilitate the child's visitation with siblings and other relatives as deemed appropriate by the ICW Program.
- (b) Whenever a child is taken into custody pursuant to section 11.7.3 of this Chapter, the ICW Program may authorize evaluations of the child's physical or emotional condition, routine medical and dental examination and care, and all necessary emergency care.
- (c) Whenever a child is taken into custody pursuant to section 11.7.3 of this Chapter, the ICW Program shall take all reasonable efforts to notify the parent, guardian(s) or legal custodian(s) that the child has been taken into custody, the reasons why the child was taken into custody, and their legal rights to a shelter care hearing under this Chapter.
- (d) When a child is taken into custody, the Court shall hold a shelter care hearing within seventy-two (72) hours, excluding Saturdays, Sundays, and holidays. The primary purpose of the shelter care hearing is to determine whether the child can be immediately and safely returned home while the adjudication of the Child in Need of Care Petition is pending.
- (e) At the shelter care hearing the Court shall examine the need for shelter care and inquire into the status of the case. The paramount consideration for the court shall be the health, welfare, and safety of the child. At a minimum, the court shall inquire into the following: whether the child can be safely returned home while the adjudication of the Child in Need of Care Petition is pending; what efforts have been made to place the child with a relative; what services were provided to the family to prevent or eliminate the need for removal of the child from the child's home; whether the placement proposed by the ICW Program is the least

disruptive and most family-like setting that meets the needs of the child; whether it is in the best interest of the child to remain enrolled in the school, developmental program, or child care the child was in prior to placement and what efforts have been made to maintain the child in the school, program, or child care if it would be in the best interest of the child to remain in the same school, program, or child care; whether to appoint a guardian ad litem or attorney; whether restraining orders, or orders expelling an allegedly abusive household member from the home of a nonabusive parent, guardian, or legal custodian, will allow the child to safely remain in the home; whether any orders for examinations, evaluations, or immediate services are needed; and the terms and conditions for parental, sibling, and family visitation.

- (f) The Court shall release the child to his/her parent or guardian, unless the Court finds that the child is a child in need of care as defined in this Chapter and that an alternative placement is in the best interests of the child during the adjudication of the Child in Need of Care Petition.

#### **11.8.1 CASE CONFERENCE; SERVICE AGREEMENT**

Following the shelter care hearing, the ICW Program shall convene a case conference as required in the shelter care order to develop and specify in a written service agreement the expectations of both the ICW Program and the parent regarding services for the parent designed to prevent the breakup of the Indian family and to provide the child with an environment in which they can thrive. The case conference shall include the parent, counsel for the parent, ICW Program caseworker, counsel for the Tribe, guardian ad litem, counsel for the child, and any other person agreed upon by the parties.

The written service agreement must be in accordance with the Court's findings at the shelter care hearing and set forth specific services and strategies to be provided to the parent and family. The written service agreement must be agreed to and signed by the parties.

#### **11.8.2 ORDER AND AUTHORIZATION OF HEALTH CARE AND EDUCATION RECORDS**

If the Court places the child in the custody of the ICW Program or entity or individual other than the birth parents, immediately following the shelter care hearing, the Court shall enter an order and authorization regarding health care and education records for the child. The order shall:

- (a) Provide the ICW Program or other placement with the right to inspect and copy all health, medical, mental health, and education records of the child;
- (b) Authorize and direct any agency, hospital, doctor, nurse, dentist, orthodontist or other health care provider, therapist, drug or alcohol treatment provider, psychologist, or mental health clinic, or health or medical records custodian or document management company, or school to permit the placement to inspect and

to obtain copies of any records relating to the child involved in the case, without the further consent of the parent or guardian of the child. The Court shall also grant the placement the authority to do all other responsibilities set forth in RCW 13.34.069.

#### **11.9 FACT-FINDING HEARING AND DISPOSITION**

- (a) The Court shall hold a fact-finding hearing within thirty (30) days of the filing of the Child in Need of Care Petition and, unless the Court dismisses the petition, shall make written findings of fact, stating the reasons for the decision.
- (b) At the fact-finding hearing, the Court may consider all evidence it deems relevant to the issue of whether the child is a child in need of care under this Chapter.
- (c) The parent, guardian, or legal custodian of the child may waive his or her right to a fact-finding hearing by stipulating or agreeing to the entry of an order establishing that the child is in need of care within the meaning of this Chapter. Any stipulated or agreed order under this subsection must be signed by the parent, guardian, or legal custodian. If the ICW Program is not the Petitioner and is required by the Court to supervise the placement of the child or to provide services to any party, the ICW Program must also agree to sign the order. Entry of any stipulated or agreed order under this subsection is subject to approval by the Court.
- (d) Immediately after the entry of the findings of fact, the Court shall hold a disposition hearing, unless there is good cause for continuing the matter for up to fourteen (14) days.

#### **11.10 ORDER OF DISPOSITION FOR A CHILD IN NEED OF CARE**

If, after a fact-finding hearing, it has been proven by a preponderance of the evidence that the child is a child in need of care as defined in this Chapter, the Court shall enter an order of disposition pursuant to this section. The Court shall order one of the following dispositions of the case:

- (a) Order a disposition other than removal of the child from their home, and provide a program designed to reunify the Indian family and to enable the child to thrive.
- (b) Order the child to be removed from their home and into the custody, control, and care of a relative or the ICW Program for supervision of the child's placement. The ICW Program has the authority to place the child, subject to the review and approval of the Court. The ICW Program shall apply the Tribe's placement preferences set forth in section 19.0 of this Chapter when placing a child in need of care.

### **11.11 COURT REVIEW OF ORDER OF DISPOSITION**

In the order of disposition of a Child in Need of Care Petition, the Court shall order the ICW Program to update the Court concerning the child's progress every four (4) months. However, the Court has the discretion to require more or less time between updates, depending on the circumstances and based upon the recommendation of the ICW Program.

## **SECTION 12.0 - FOSTER CARE PLACEMENT**

### **12.1 PURPOSE**

It has long been the custom of the Snoqualmie Indian Tribe that a child in need of care may be cared for by persons other than a parent, hopefully with other family members, without permanently excluding the parent from the child's life. It is intended that this section be applied with flexibility for a variety of family situations and problems, depending on the circumstances.

### **12.2 PETITION – WHO MAY FILE**

The ICW Program may file a Petition with the Court requesting that a Snoqualmie Tribal Child be placed in foster care, or with a guardian.

### **12.3 PETITION – CONTENTS**

A petition for placement in foster care shall include:

- (a) The name, birth date, residence, and Tribal status of the child who is the subject of the Petition;
- (b) The name, birth date, residence, and Tribal status, if known, of the child's parent(s) and of the Petitioner(s);
- (c) If the child is residing with someone other than a parent, the location and length of time at that location; and
- (d) A statement by the Petitioner(s) of the facts and reasons supporting his/her request to be appointed as a long-term guardian, including the Petitioner's position as to whether parental visitation would be appropriate under the circumstances.

### **12.4 SCHEDULING THE HEARING**

Upon the filing of a Petition with the Court, the Court shall set a hearing date, which shall not be more than thirty (30) days after the filing of the Petition, unless continued for good cause. Service of the Notice of Hearing shall be in accordance with this Chapter.

## **12.5 INDIAN CHILD WELFARE PROGRAM REPORT**

Upon the filing of a Petition for Foster Care Placement, the Indian Child Welfare Program shall provide the Court, or arrange for the Court to be provided, with a complete home study report concerning the proposed foster care placement. A home study report shall include, but not be limited to:

- (a) Criminal background checks on proposed placements and all adults that reside in the home of the proposed placement;
- (b) A recommendation as to the proposed placement's financial ability to support the youth;
- (c) A recommendation as to whether the parent(s) should be allowed to visit the child, and under what circumstances;
- (d) A statement as to an appropriate alternative foster care placement for the child, if an appropriate guardian is not available;
- (e) Any other information deemed necessary by the ICW Program.

## **12.6 ADDITIONAL REPORTS**

Any party may file and serve any additional report, setting forth his/her recommendations regarding the proposed guardianship or foster care placement.

## **12.7 HEARING ON THE PETITION FOR FOSTER CARE PLACEMENT**

All hearings concerning Petitions for Foster Care Placement shall be private and closed. Only those persons the Court finds to have a legitimate interest in the proceedings may attend. The Court shall hear testimony to determine whether foster care placement is in the best interests of the Snoqualmie Tribal Child and the Tribal community. The Court shall consider the Petition and all reports submitted for review. All parties shall be given a full and fair opportunity to contest the factual contents and conclusion of any report filed with the Court.

## **12.8 GROUNDS FOR GRANTING A PETITION; BURDEN OF PROOF**

If the Court finds that:

- (a) the child is a child in need of care;
- (b) the child's parent(s) are otherwise unable or unwilling to care for the child;
- (c) the child has been abandoned;



- (d) the child's parent(s) voluntarily agree, in writing, and without duress and in the presence of a Tribal Court judge, to the foster care placement; or
- (e) the child's parents are deceased. (If the child's parents are deceased and have left a legal will nominating or otherwise recommending a guardian or other caretaker for the child, the parents' recommendations shall be honored by the Court, absent a specific finding based on clear and convincing evidence that the parents' recommendation would be detrimental to the best interests of the child.)

then the Court shall order the foster care placement of the Snoqualmie Tribal Child. The Petitioner shall have the burden of proving that the proposed foster care placement is in the best interests of the child.

#### **12.9 POWERS OF A FOSTER PARENT**

- (a) Unless otherwise ordered by the Court, a foster parent has all the rights and responsibilities of a birth parent for the child, except the enrollment of a child who is eligible for enrollment in the Snoqualmie Tribe in another Tribe shall require Court approval.
- (b) Unless otherwise ordered by the Court, the foster care placement shall be subject to continuing review by the Court, and subject to continuing supervision by the ICW Program.

#### **12.10 CHANGE OF ADDRESS**

Any foster parent appointed pursuant to this section shall immediately notify the Court and the ICW Program, in writing, of any change of address.

#### **12.11 TERMINATION OF FOSTER CARE PLACEMENT**

Upon Petition of the ICW Program, the child may be returned to the birth parent(s), after notice and hearing, and upon a showing by clear and convincing evidence that the parent(s) is willing and able to resume permanent care of the child, and that return of the child to the parent(s) is in the best interests of the child. This showing shall include clear and convincing evidence that the circumstances that originally justified placement of the child with a long-term guardian or in foster care no longer exist. Along with the Petition, the ICW Program shall file an Indian Child Welfare Report to aid the Court in its assessment of the Petition.

### **SECTION 13.0 – LONG-TERM GUARDIANSHIP**

#### **13.1 PURPOSE**

It has long been the custom of the Snoqualmie Indian Tribe that a child in need of care may be cared for by persons other than a parent, hopefully with other family members,

without permanently excluding the parent from the child's life. It is intended that this section be applied with flexibility for a variety of family situations and problems, depending on the circumstances.

### **13.2 PETITION - WHO MAY FILE**

Any person at least eighteen (18) years old may file a Petition with the Court requesting that he or she be appointed as the long-term guardian of a Snoqualmie Tribal Child. A petition filed by a married person shall also be signed by the married person's spouse, unless his or her whereabouts are unknown, as well as by any other adult that lives in the same residence as the person filing the petition.

### **13.3 PETITION - CONTENTS**

A Petition for Long-Term Guardianship shall include:

- (a) The name, birth date, residence, and Tribal status of the child who is the subject of the Petition;
- (b) The name, birth date, residence, and Tribal status, if known, of the child's birth parent(s) and of the Petitioner(s);
- (c) If the child is residing with someone other than a parent, the location and length of time at that location and whether the current placement is in accordance with any court order; and
- (d) A statement by the Petitioner(s) of the facts and reasons supporting his/her request to be appointed as a long-term guardian, including the Petitioner's position as to whether parental visitation would be appropriate under the circumstances.

### **13.4 SCHEDULING THE HEARING**

Upon the filing of a Petition with the Court, the Court shall set a hearing date, which shall not be more than thirty (30) days after the filing of the Petition, unless continued for good cause. Service of the Notice of Hearing shall be in accordance with this Chapter.

### **13.5 INDIAN CHILD WELFARE PROGRAM REPORT**

Upon the filing of a Petition for Long-Term Guardianship, the Indian Child Welfare Program shall provide the Court, or arrange for the Court to be provided, with a complete home study report concerning the proposed long-term guardianship. A home study report shall include, but not be limited to:

- (a) Criminal background checks on proposed guardians and all adults that reside in the home of the proposed guardian;

- (b) A recommendation as to the proposed guardian's financial ability to support the youth;
- (c) A recommendation as to whether the parent(s) should be allowed to visit the child, and under what circumstances;
- (d) A statement as to an appropriate foster care placement for the child, if an appropriate guardian is not available;
- (e) Any other information deemed necessary by the ICW Program.

### **13.6 ADDITIONAL REPORTS**

Any party may file and serve any additional report, setting forth his/her recommendations regarding the proposed guardianship or foster care placement.

### **13.7 HEARING ON THE PETITION FOR LONG-TERM GUARDIANSHIP**

All hearings concerning Petitions for Guardianship shall be private and closed. Only those persons the Court finds to have a legitimate interest in the proceedings may attend. The Court shall hear testimony to determine whether long-term guardianship is in the best interests of the Snoqualmie Tribal Child and the Tribal community. The Court shall consider the Petition and all reports submitted for review. All parties shall be given a full and fair opportunity to contest the factual contents and conclusion of any report filed with the Court.

### **13.8 GROUNDS FOR GRANTING A PETITION; BURDEN OF PROOF**

If the Court finds that:

- (a) the child is a child in need of care;
- (b) the child's parent(s) are otherwise unable or unwilling to care for the child;
- (c) the child has been abandoned;
- (d) the child's parent(s) voluntarily agree, in writing, and without duress and in the presence of a Tribal Court judge, to the long-term guardianship or foster care placement; or
- (e) the child's parents are deceased. (If the child's parents are deceased and have left a legal will nominating or otherwise recommending a guardian or other caretaker for the child, the parents' recommendations shall be honored by the Court, absent a specific finding based on clear and convincing evidence that the parents' recommendation would be detrimental to the best interests of the child.)

then the Court shall order the long-term guardianship of the Snoqualmie Tribal Child. The Petitioner shall have the burden of proving that the proposed guardianship is in the best interests of the child.

### **13.9 POWERS OF A LONG-TERM GUARDIAN**

- (a) Unless otherwise ordered by the Court, a long-term guardian has all the rights and responsibilities of a parent for the child, except the enrollment of a child who is eligible for enrollment in the Snoqualmie Tribe in another Tribe shall require Court approval.
- (b) Unless otherwise ordered by the Court, the guardianship shall not be subject to continuing review by the Court, or subject to continuing supervision by the ICW Program.
- (c) A child shall not be removed from the custody of his/her guardian except under circumstances that would warrant removal if the guardian were the child's parent.

### **13.10 APPOINTMENT/REMOVAL OF GUARDIAN FOR A CHILD'S PROPERTY**

- (a) The Court may appoint a person or financial institution to be the guardian of a child's property. This may be a person or entity different than the guardian who provides direct care to the child, depending upon the circumstances.
- (b) The Court has the power to remove a guardian for a child's property and appoint a replacement guardian whenever in the child's best interests.
- (c) When a child whose property is in guardianship reaches the age of eighteen (18), the individual may petition the Court to terminate the guardianship and enter such orders as may be necessary to place him/her in control of his/her property and earnings.

### **13.11 EXISTING TRUST(S)**

If the child's property is subject to a trust (for example, where a parent has died leaving property to a child in a trust established under the will), the guardian is bound by the trust provisions. The Court has the power to review any trust in connection with the appointment of a guardian and to impose any protections necessary to enforce the trust, to ensure that the guardian fully and regularly accounts for trust funds, and to see that the trust funds are properly managed.

### **13.12 CHANGE OF ADDRESS**

Any long-term guardianship appointed pursuant to this section shall immediately notify the Court and the ICW Program, in writing, of any change of address.

### **13.13 TERMINATION OF GUARDIANSHIP**

- (a) A long-term guardianship shall only terminate upon the death, marriage, emancipation, adoption or eighteenth birthday of the child, unless continued upon order of the Court.
- (b) Upon Petition of a birth parent(s) of a child in long-term guardianship, the child may be returned to the parent(s), after notice and hearing, upon a showing by clear and convincing evidence that the parent(s) is willing and able to resume permanent care of the child, and that return of the child to the parent(s) is in the best interests of the child. This showing shall include clear and convincing evidence that the circumstances that originally justified placement of the child with a long-term guardian no longer exist. If a parent(s) petitions the Court to terminate the long-term guardianship, the ICW Program shall file an Indian Child Welfare Report to aid the Court in its assessment of the parent(s)' Petition.

### **SECTION 14.0 – TERMINATION OF PARENTAL RIGHTS**

#### **14.1 PURPOSE**

The Snoqualmie Indian Tribe has not traditionally recognized the termination of a parent's rights to their birth children. It is currently the custom of the Tribe to pursue involuntary termination of a parent's rights to its child only as a last resort, and only when it is clear that long-term guardianship with parental visitation is insufficient to meet the needs of the child, and an adoption is feasible and in the best interests of the child.

#### **14.2 PETITION FOR TERMINATION OF PARENTAL RIGHTS – WHO MAY FILE**

##### **14.2.1 VOLUNTARY PETITION FOR TERMINATION OF PARENTAL RIGHTS; CONSENT**

Any parent of a Snoqualmie Tribal Child may consent to terminate their parental rights in order to allow for the adoption of the child. The consent must be in writing, without duress and made in the presence of a Snoqualmie Tribal Court judge. Consent of a parent to voluntarily terminate his/her rights to a child is not valid unless:

- (a) The parent is at least sixteen (16) years old;
- (b) The parent has received counseling from an appropriate professional who has explained the consequences of terminating his/her parental rights, has explored all available services to help the parent care for the child (such as parenting classes and substance abuse treatment), and has explored alternatives to termination and adoption, such as long-term guardianship;
- (c) The parent orally explains his/her understanding of the meaning of the termination of his/her parental rights to the Court, and the Court makes a specific

finding that the terms and consequences of the consent were fully explained to and were fully understood by the parent; and

- (d) The consent is given no sooner than thirty (30) days after the birth of the child. The child may be placed with another care giver during this thirty (30) day period, if necessary and in the best interests of the child.

Any consent to terminate one's parental rights may be withdrawn prior to the entry of a final decree of adoption and, if no other grounds exist for keeping the child away from the parent, the child shall be returned to the parent.

#### **14.2.2 INVOLUNTARY PETITION FOR TERMINATION OF PARENTAL RIGHTS**

Only the ICW Program, or a state child protective agency if the Petition is originally filed in state court, may file a petition for involuntary termination of parental rights to a Snoqualmie Tribal child in Tribal Court.

#### **14.3 PETITION FOR TERMINATION OF PARENTAL RIGHTS – CONTENTS**

A Petition for Termination of Parental rights (both voluntary and involuntary) shall include:

- (a) The name, birth date, residence, and Tribal status of the child who is the subject of the Petition;
- (b) The name, birth date, residence, and Tribal status, if known, of the child's parent(s), guardian(s), or custodian(s);
- (c) If the child is residing with someone other than a parent, the location and length of time at that location, including any court order(s) previously entered regarding the care and custody of the child, if known and available;
- (d) A statement by the Petitioner of the facts and reasons supporting the request; and
- (e) A copy of the proposed Petition for Adoption (or other permanent placement request) filed in conjunction with the Petition for Termination of Parental Rights.

#### **14.4 SCHEDULING THE TERMINATION HEARING**

Upon the filing of a Petition with the Court, the Court shall set a hearing date, which shall not be more than thirty (30) days after the filing of the Petition, unless continued for good cause. Service of the Notice of Hearing shall be in accordance with this Chapter.

#### **14.5 INDIAN CHILD WELFARE REPORT**

Upon the filing of a Petition for Termination of Parental Rights, the ICW Program shall provide the Court, or arrange for the Court to be provided, a pre-termination Indian Child Welfare Report. The person preparing the report shall conduct a complete home assessment and shall consult with the child's parent(s), guardian(s), or custodian(s); all health, education, and social service personnel known to have had prior professional contact with the child; and with the Petitioner, if someone other than the ICW Program, to determine whether termination of parental rights would be in the best interests of the child. The report shall be in writing, and shall contain the professional opinions of all persons consulted. The Court may waive the requirement of a pre-termination report in cases where a parent is consenting to the termination of his/her parental rights, provided that all requirements for a proper consent under this Chapter have been met. The ICW Program shall file and serve the pre-termination Indian Child Welfare Report in accordance with the requirements of this Chapter.

#### **14.6 ADDITIONAL REPORTS**

Any party may file and serve any additional report setting forth his/her recommendations regarding the Petition and the Court may order the preparation of any additional reports it deems necessary to render a decision on the Petition.

#### **14.7 HEARING ON THE PETITION FOR TERMINATION OF PARENTAL RIGHTS**

All hearings concerning Petitions for Termination of Parental Rights shall be private and closed. Only those persons the Court finds to have a legitimate interest in the proceedings may attend. The Court shall hear testimony to determine whether termination of parental rights is in the best interests of the Snoqualmie Tribal Child and the Tribal community. In addition to the notice requirements that apply to Court filings pursuant to this Chapter, special efforts shall be made by the ICW Program to locate the parent(s) whose rights are subject to termination. The Court shall consider the Petition and all reports submitted for review. All parties shall be given a full and fair opportunity to contest the factual contents and conclusions of any report filed with the Court.

#### **14.8 GROUNDS FOR TERMINATION OF PARENTAL RIGHTS; BURDEN OF PROOF**

The Court may order termination of parental rights only upon a showing that termination is being sought as a last resort, that an appropriate adoptive home is available and that a Petition for Adoption has been filed in conjunction with the Petition for Termination of Parental Rights. In cases of Petitions for Voluntary Termination of Parental Rights, the Court must first approve the parent's consent as required in this Chapter. In cases of Petitions for Involuntary Termination of Parental Rights, the Court must find that each of the following factors are supported by clear and convincing evidence:

- (a) The child has been abandoned or is a "child in need of care" as defined in this Chapter;

- (b) Termination of parental rights and adoption are in the best interests of the child and the Snoqualmie Indian Tribe;
- (c) The Tribe has offered or helped to provide necessary services and resources to assist the parent in caring appropriately for the child; and
- (d) It is unreasonable to expect that the parent will ever be able to care appropriately for the child, under the circumstances.

#### **14.9 DISPOSITION**

If parental rights are terminated by the Court, the Court shall set a hearing to consider the Petition for Adoption no later than thirty (30) days after the Court's final order terminating parental rights. If the Court finds that parental rights should not be terminated, but that the child is a "child in need of care," the Court may set a hearing to consider a permanent placement alternative, such as long-term guardianship.

### **SECTION 15.0 – ADOPTION**

#### **15.1 PURPOSE**

It is the goal of the Snoqualmie Indian Tribe that every Snoqualmie Tribal Child be in a permanent home that provides an atmosphere of love, caring and cultural values so that the child is able to thrive in every way possible. On occasion, a biological parent is not able to provide this kind of environment and thus adoption is a necessary step to ensure the healthy growth of Snoqualmie Tribal Children.

#### **15.2 PETITION FOR ADOPTION – WHO MAY FILE**

Any person at least eighteen (18) years old may file a Petition for Adoption with the Court. If the Petitioner is married, his or her spouse must also be at least eighteen (18) years old and must sign the Petition, unless the spouse's whereabouts are unknown or unless waived by the Court.

##### **15.2.1 PETITION FOR ADOPTION – CONTENTS**

A Petition for Adoption shall include:

- (a) The name, birth date, residence, and Tribal status of the child who is the subject of the Petition;
- (b) The name, birth date, place and duration of residence, and Tribal status of the Petitioner(s);
- (c) The name, birth date, residence, and Tribal status, if known, of the child's birth parent(s);



- (d) The relationship, if any, of the Petitioner(s) to the child;
- (e) The names and addresses, if known, of all other persons whose consent is required for the adoption and proof of such consent;
- (f) A description of all previous court proceedings involving the care and custody of the child to be adopted, and the results of these proceedings, including copies of all court orders, if available;
- (g) The reasons the child is available for adoption and why the Petitioner(s) desires to adopt the child;
- (h) A request to change the child's name if the Petitioner(s) wish to make such a request; and
- (i) A copy of any Petition for Termination of Parental Rights filed in conjunction with the Petition for Adoption.

### **15.3 CHILD AVAILABILITY FOR ADOPTION**

A Snoqualmie Tribal Child may be adopted only if the child's parents are deceased or if the parental rights of the child's parents have been otherwise terminated by any court of competent jurisdiction.

### **15.4 SCHEDULING THE HEARING**

Upon the filing of a Petition with the Court, the Court shall set a hearing date, which shall not be more than thirty (30) days after the filing of the Petition, unless continued for good cause. Service of the Notice of Hearing shall be in accordance with this Chapter. The Secretary of Tribal Affairs shall be a necessary party to all adoption proceedings before the Snoqualmie Tribal Court.

### **15.5 INDIAN CHILD WELFARE PROGRAM REPORT**

Upon the filing of a Petition for Adoption, the ICW Program shall provide the Court, or arrange for the Court to be provided, with a complete pre-adoption home study report, including, but not limited to, the following:

- (a) The physical and mental condition of the child, Petitioner(s) and all persons living within the Petitioner(s)' home;
- (b) The circumstances of the voluntary or involuntary termination of the parents' rights to the child, or proof of the parents' death;
- (c) The home environment, family life, access to health services and resources of the Petitioner(s);

- (d) The child's and Petitioner(s)' cultural heritage and Tribal status;
- (e) The marital status of the Petitioner(s);
- (f) The names and ages of the Petitioner(s)' children and of any other persons residing with the Petitioner(s), if any;
- (g) Information from health, education, and social service personnel who have had prior professional contact with the child and the Petitioner(s);
- (h) The results of a criminal background check of the Petitioner(s);
- (i) Any evidence of substance abuse in Petitioner(s)' household; and
- (j) Any other facts and circumstances relating to whether or not the Petition for Adoption should be granted.

The ICW Program shall file and serve the pre-adoption report in accordance with the requirements of this Chapter.

#### **15.6 ADDITIONAL REPORTS**

Any party may file and serve any additional report setting forth his/her recommendations regarding the Petition and the Court may order the preparation of any additional reports deemed necessary to render a decision on the Petition.

#### **15.7 HEARING ON THE PETITION FOR ADOPTION**

All hearings concerning Petitions for Adoption shall be private and closed. Only those persons the Court finds to have a legitimate interest in the proceedings may attend. The Court shall hear testimony to determine whether adoption is in the best interests of the Snoqualmie Tribal Child and the Tribal community. The Court shall consider the Petition and all reports submitted for review. All parties shall be given a full and fair opportunity to testify and to contest the factual contents and conclusion of any report filed with the Court.

#### **15.8 GROUNDS FOR ENTERING DECREE OF ADOPTION**

The Court may grant a Petition for Adoption and enter a Decree of Adoption if it finds clear and convincing evidence in support of the following factors:

- (a) The child is available for adoption as defined in subsection 14.3 of this Chapter;
- (b) The adoption is in the best interests of the child and the Snoqualmie Indian Tribe;

- (c) The Petitioner(s) can provide appropriate and adequate parental care for the child; and
- (d) The Petitioner(s) is willing and able to foster the Tribe's cultural ties to the Snoqualmie Indian Tribe.

#### **15.9 DENYING PETITION FOR ADOPTION; PROCEDURE**

If the Court denies a Petition for Adoption, the Court shall specifically state the reasons for the denial and shall designate who shall have custody of the child in accordance with the requirements of this Chapter.

#### **15.10 DECREE OF ADOPTION**

##### **15.10.1 CONTENTS**

Upon granting a Petition for Adoption, the Court shall make and findings of fact and conclusions of law, and shall enter a separate Decree of Adoption. The Decree shall include:

- (a) A finding that the child is available for adoption;
- (b) An order that the child is the child, legal heir and lawful issue of the Petitioner(s);
- (c) A finding as to the marital status of the Petitioner(s);
- (d) An order changing the name of the child, if such an order has been requested by the Petitioner(s);
- (e) An order directing the Court Clerk to forward a certified copy of the Decree to the appropriate Bureau of Vital Statistics for the purpose of obtaining a corrected birth certificate; and
- (f) An order that the records of the proceeding are to remain sealed unless otherwise ordered by the Court.

##### **15.10.2 EFFECT**

A Decree of Adoption has the following effect: it creates the relationship between the adopted child and the Petitioner(s), and all relatives of the Petitioner(s), that would have existed if the child were a legitimate, blood descendant of the Petitioner(s). This relationship shall be created for all purposes including inheritance and applicability of statutes, documents, and instruments, whether executed before or after entry of the Decree, that do not expressly exclude an adopted person by their terms. The Decree does not override any Tribal enrollment laws or requirements, nor does it affect the child's enrollment status as a member of any Tribe.

### **15.11 VISITATION**

Adoptive parents shall be encouraged to help the child maintain positive relationships with the biological family. However, adoptive parents shall have the exclusive right and power to decide the terms, if any, of visitation by any person, whether or not a member of the biological family, with the child.

### **15.12 ADOPTION RECORDS**

All records, reports, proceedings, and orders filed in adoption cases are confidential and shall not be available for release or inspection except in the following circumstances:

- (a) The Bureau of Indian Affairs may have access to such information as is necessary to protect inheritance rights, or the enrollment status of an adopted child (and his/her descendants);
- (b) A copy of the Decree of Adoption, but not the Findings of Fact and Conclusions of Law, may be provided to a Bureau of Vital Statistics as provided in subsection 14.10.1 of this Chapter; and
- (c) An adopted child may petition the Court, upon reaching eighteen (18) years of age, for release of specifically requested information, limited to: the biological parents' name, address, Tribal status and social security, the names and relationship to the child of relatives, for the purpose of medical need or medical history information, to assist in making a relative placement of a child of the adoptive child, or for the purpose of enrolling the child or the child's descendants in an Indian Tribe. Upon receipt of a Petition submitted by the adopted child to gain information about his or her biological parents, the Court shall review all information and order the release of such information as the Court may determine to be reasonably necessary to fulfill the lawful purposes set forth in this Chapter.

## **SECTION 16.0 – EMANCIPATION**

### **16.1 PURPOSE**

Any Snoqualmie Tribal Child who is at least sixteen (16) years of age, who is living separate and apart from his/her parent(s), guardian(s), or custodian(s), capable of self-support and of managing his/her own financial affairs, may petition the Court to have the status of an emancipated person for limited or general purposes.

### **16.2 PETITION FOR EMANCIPATION – WHO MAY FILE**

A child who is at least sixteen (16) years of age may file this Petition in his/her own name.

### **16.2.1 PETITION FOR EMANCIPATION – CONTENTS**

The Petition for Emancipation shall state:

- (a) The name, age and address of the child;
- (b) The name and address of each living parent;
- (c) The name and address of the child's guardian(s) or custodian(s), if any;
- (d) The reasons why emancipation would be in the best interests of the child; and
- (e) The purposes for which emancipation is sought.

### **16.3 PARENTAL CONSENT; ICW PROGRAM WRITTEN RECOMMENDATION**

The child must obtain either the consent of each living parent, guardian or custodian having control over the person or the property of the child, or an affidavit from the ICW Program or other appropriate service provider recommending emancipation and setting out the factual basis for the recommendation. The child is also able to submit any additional reports or information he/she sees fit in support of the Petition.

### **16.4 SCHEDULING THE HEARING**

Upon the filing of a Petition with the Court, the Court shall set a hearing date, which shall not be more than thirty (30) days after the filing of the Petition, unless continued for good cause. Service of the Notice of Hearing shall be in accordance with this Chapter.

### **16.5 GROUNDS FOR PETITION**

The Court may grant the Petition for Emancipation if it finds that emancipation would be in the best interests of the child and if all other prerequisites for emancipation set forth in this Chapter have been met. Emancipation may be granted for general purposes, or for limited purposes as specified in the Court order.

### **16.6 RIGHTS OF EMANCIPATED CHILD**

Except for specific constitutional and statutory age requirements, including but not limited to voting and use of cigarettes and alcoholic beverages, a child whose disabilities are removed for general purposes has the power and capacity of an adult, including but not limited to the right to control himself/herself and his/her property, the right to be domiciled where he/she desires, the right to receive and control all earnings, the right to sue and be sued, and the capacity to contract.

## **SECTION 17.0 – CREATION OF SNOQUALMIE TRIBE ICW PROGRAM**

### **17.1 ICW PROGRAM**

The Snoqualmie Tribe hereby creates an Indian Child Welfare Program that shall be within the Tribe's Social Services Department. The ICW Program will be supervised and managed by an ICW Program Director, who shall report directly to the Social Services Director.

### **17.2 ICW PROGRAM DIRECTOR RESPONSIBILITIES**

The ICW Program Director is responsible for managing the day-to-day operations of the ICW Program. The duties of the ICW Program Director include:

- (a) Hiring and supervising all ICW Program staff;
- (b) Develop a budget for the operation of the Tribe's Indian Child Welfare program and the services provided by the program, in consultation with and subject to the approval of the Social Services Director and the Tribal Administrator;
- (c) Ensure the ICW Program fulfills all responsibilities set forth in this Chapter; and
- (d) Complete any other tasks as may be assigned by the Social Services Director or Tribal Administrator.

### **17.3 ICW PROGRAM RESPONSIBILITIES**

The Snoqualmie Tribe ICW Program staff shall:

- (a) Take custody of a Snoqualmie Tribal Child if the ICW caseworker reasonably believes the child is in immediate and serious danger and removal is necessary for the child's safety or wellbeing. If such a situation arises, the ICW caseworker shall be accompanied by a Snoqualmie Tribal police officer or a police officer with the authority to act in the particular jurisdiction.
- (b) Take the lead role in finding appropriate placements of children.
- (c) Provide assistance to families to prevent out-of-home placement and to reunite Tribal families.
- (d) Prepare reports and appear in Court as required under this Chapter and by order of any court of competent jurisdiction.
- (e) Coordinate and communicate with all Tribal and non-Tribal agencies and departments involved in the protection of children.

- (f) Investigate matters of child welfare and, upon request, assist the Snoqualmie Tribal Police Services in investigations involving children.
- (g) File Petitions for children in need of care, for guardianship or foster care placement, or for termination of parental rights, on behalf of the Snoqualmie Indian Tribe.
- (h) Within three (3) days, or as soon as possible, notify the parent(s), guardian(s), or custodian(s) of the placement of a Snoqualmie Tribal child if they are unaware that the child has been placed out of the home. The location of the placement shall not be released if, in the determination of the ICW Program, release of that information would endanger the child. The parent(s), guardian(s), or custodian(s) shall also be notified of their right to visitation, or be present with the child unless the Indian Child Welfare Program believes such visitation or presence would be contrary to the child's best interests. If that is the case, the ICW Program shall notify the parent(s), guardian(s), or custodian(s) of their right to petition the Court for visitation rights.
- (i) Appear in State and other Tribal courts on matters involving Snoqualmie Tribal families as required.

#### **17.3.1 - EMERGENCY PLACEMENT OF SNOQUALMIE TRIBAL CHILDREN**

If the ICW Program receives a report that there may be a Snoqualmie Tribal child in need of care, and after an initial investigation determines that the child must be removed from the home immediately, the ICW Program shall have the authority to remove the child and put the child into an emergency placement. The ICW Program shall use its best efforts to place the child with a relative, unless impractical under the circumstances. After the emergency placement, the ICW Program has no more than forty-eight (48) hours to file an appropriate Petition with the Tribal Court concerning the long-term welfare of the child. If the ICW Program does not file a Petition with the Tribal Court within forty-eight hours, it shall be presumed that conditions in the home do not warrant emergency removal of the child and the child shall be returned to the home.

#### **SECTION 18.0 – ROLE OF SNOQUALMIE TRIBAL POLICE SERVICES**

The Snoqualmie Tribal Police Services ("STPS") has the following obligations in order to protect the best interests of Snoqualmie Tribal Children in accordance with this Chapter:

- (a) An STPS officer shall accompany ICW Program staff on all home visits on Snoqualmie Tribal lands, if requested by the ICW Program.
- (b) The STPS shall have the authority to do welfare checks on Snoqualmie Tribal children, if asked to do so by the ICW Program. Welfare checks may be made with or without an ICW Program worker present and shall include an assessment

of whether the child is in a safe situation and whether there is a responsible adult in the home that is capable of caring for the child. After each welfare check, the STPS officer who conducts the check shall submit a written report about the check to the ICW Program. If, during a welfare check, the STPS officer determines that the child may be a child in need of care and should be removed and placed into protective custody immediately due to an emergency situation, the STPS has the authority to remove the child and place the child with the ICW Program, who will take all necessary steps to protect the best interests of the child in compliance with the provisions of this Chapter.

## **SECTION 19.0 – CHILD PROTECTIVE SERVICES FOR SNOQUALMIE TRIBAL CHILDREN AND FAMILIES**

All Snoqualmie Tribal children and families residing on Snoqualmie Tribal lands are entitled to receive CPS services provided by the state of Washington to the same extent as provided to all other children and families within the state of Washington.

### **19.1 INTER-AGENCY COORDINATION AND CONSULTATION**

The ICW Program and DSHS shall consult and cooperate in the development and delivery of CPS services to Snoqualmie Tribal children and families. The ICW Program is directed to enter into a specific written agreement and/or contract regarding the development and delivery of CPS services to Snoqualmie Tribal children and families.

### **19.2 ROLE OF DSHS**

When investigating, undertaking and carrying out any child abuse or neglect investigation under RCW 26.44 concerning Snoqualmie Tribal families who reside off-Snoqualmie Tribal lands, CPS shall take the lead role and conduct the inquiry in accordance with Washington state law.

### **19.3 ROLE OF ICW PROGRAM**

The ICW Program shall work with Washington CPS on any investigations and other matters involving Snoqualmie Tribal children. The role of the ICW Program shall be set forth in the ICW Agreements between the Tribe and the relevant Washington Department of Health and Social Services regions required in section 18.1 of this Chapter.

## **SECTION 20.0 – TRIBAL PLACEMENT PREFERENCES FOR OUT-OF-HOME PLACEMENT**

If a Snoqualmie Tribal Child is placed out-of-home either temporarily or permanently, the following placement preferences shall be observed, in the following order:

- (a) In the home of a member of the child's extended family, whether or not the home is a licensed foster home;



- (b) In the home of a member of the Snoqualmie Indian Tribe;
- (c) In the home of a person from another Indian Tribe; or
- (d) In emergency situations, in a licensed foster home, or other safe place approved by the Tribe's ICW Program.

Placement of a child with anyone who is not a member of the Snoqualmie Indian Tribe shall be contingent upon the person's written agreement to accept the jurisdiction of the Snoqualmie Tribal Court, and to cooperate fully with the Snoqualmie Tribal Police Services and the Tribe's ICW Program.

**SECTION 21.0 -- SOVEREIGN IMMUNITY**

Nothing in this Chapter shall be deemed as a waiver of the sovereign immunity of the Snoqualmie Indian Tribe.

**ENACTED BY THE SNOQUALMIE TRIBAL COUNCIL ON THE 19<sup>TH</sup> DAY OF MARCH, 2009 IN SESSION DULY MET, WITH 7 FOR, 0 AGAINST, AND 0 ABSTAINING. RESOLUTION NO. 67-2009.**

**AMENDED BY THE SNOQUALMIE TRIBAL COUNCIL ON THE 8TH DAY OF OCTOBER, 2009 IN SESSION DULY MET, WITH 6 FOR, 0 AGAINST, AND 0 ABSTAINING. RESOLUTION NO. 119-2009.**

**CODIFIED BY THE SECRETARY OF TRIBAL AFFAIRS ON THE 14 DAY OF October 2009.**

  
SECRETARY OF TRIBAL AFFAIRS



# **Snoqualmie Tribal Resources**

## **Snoqualmie Tribe ICW/KIYA? Program**

### **MISSION STATEMENT:**

Provide quality and culturally appropriate child welfare services to Snoqualmie children and their families which promote stability and a healthy nurturing environment.

ICW/KIYA? Program Manager: Aretta Howard

Phone: 425-281-6236

e-mail: [aretta@snoqualmietribe.us](mailto:aretta@snoqualmietribe.us)

Social Worker & KIYA? Program Coordinator: Kim O'Hagan

Phone: 425-281-3793

e-mail: [kim@snoqualmietribe.us](mailto:kim@snoqualmietribe.us)

Social Worker: Bergith Kayyali

Phone: 206-931-1973

e-mail: [bergith@snoqualmietribe.us](mailto:bergith@snoqualmietribe.us)

CPS Intake Number: 1-866-363-4276

The Snoqualmie Tribe's Indian Child Welfare (ICW) and KIYA? are responsible for providing all direct services to Snoqualmie children and their families involved in the Washington State and Snoqualmie Tribal child welfare system. The KIYA? Foster Care Social worker provides recruitment and licensing services as well as case management services to children placed in Snoqualmie licensed foster homes. The social worker also provides case management services and support to current foster parents and homes and conducts foster and adoptive home studies.

## **Contract Health Services Program**

### **MISSION STATEMENT:**

Provide quality health care services and resource for eligible Tribal members who reside in five county service area. (King, Pierce, Snohomish, Mason and Island Counties)

Program Manager: Cindy Ferguson

Phone: 425-831-2100 ext. 6225

e-mail: [ciferguson@snoqualmietribe.us](mailto:ciferguson@snoqualmietribe.us)

Program Coordinator Lorraine Herrera

Phone: 425-831-2100 ext. 6231

e-mail: [lorraine@snoqualmietribe.us](mailto:lorraine@snoqualmietribe.us)

The Contract Health Program (CHS) provides funds and resources for Snoqualmie Tribal members to pay for emergency, primary, secondary and preventive health care services.

In order to qualify for these funds a Snoqualmie Tribal member must have a current application on file with the Contract Health Services Program, have applied for alternative resources if necessary, and reside in the five county CHSDA (Contract Health Service Delivery Area). Contract Health is always the payer of last resort.

### **Child Care Development (CDDF) Program**

#### **MISSION STATEMENT:**

Provide quality child care to low income Native families that best fit their needs as an enrichment support system

Program Manager: Cindy Ferguson  
Phone: 425-831-2100 ext. 6225

e-mail: [cjferguson@snoqualmientribe.us](mailto:cjferguson@snoqualmientribe.us)

Program Coordinator: Dalenna Johnson  
Phone: 425-831-2100 ext. 6234

e-mail: [dalenna@snoqualmientribe.us](mailto:dalenna@snoqualmientribe.us)

This is a federally funded Program from the US Department of Health and Human Services, Administration for Children & Families. To qualify for Child Care assistance individuals must meet the following requirements: Income eligibility, be working, job seeking, and attending school or be a family whose children are in protective custody. In most cases all families are required to pay a co-pay. Our funding provides us the opportunity to provide services to Snoqualmie Tribal Members and other Native families.

### **Snoqualmie Tribe Transportation Program**

#### **MISSION STATEMENT:**

Provide on-time safe and supporting transportation to and from medical appointments.

Program Manager:  
Phone: 425-931-5850

Frances de los Angeles  
e-mail: [frances@snoqualmientribe.us](mailto:frances@snoqualmientribe.us)

To schedule a ride contact:  
Dispatch and Transportation Liaison:  
Phone: 206-854-2662

Alan Hernandez  
e-mail: [alan@snoqualmientribe.us](mailto:alan@snoqualmientribe.us)

The Community Health Representative (CHR) and Transportation Program provide medical transportation services to Tribal members and other program clients who are on Medicaid. Services include door to door transportation for medical, dental, chemical dependency and mental health appoints. All program providers have completed training in First Aid, CPR, Child Safety, Defensive Driving and Passenger Assistance and Sensitivity Training.

## **Raging River Recovery Center**

### **MISSION STATEMENT:**

To facilitate the healing process for Tribal members and the community as it relates to the disease of chemical dependency, with focus on the Native American Medicine Wheel, which promotes wellness in all areas of life: physical, mental/emotional, social/cultural and spiritual.

Program Manager: Diane Forgey  
Phone: 425-831-5425 e-mail: [diane@snoqualmietribe.us](mailto:diane@snoqualmietribe.us)

Raging River Recovery Center (RRRC) provides quality, culturally appropriate and confidential outpatient treatment services for Tribal Members and the greater community. RRRC is a Washington State certified program that provides assessments, outpatient treatment, intensive outpatient treatment, aftercare services, relapse prevention, youth treatment and outreach, transportation and referral, including inpatient referrals and follow up. RRRC also offers prevention services as needed. All treatment services are free of charge to Tribal members.

## **Snoqualmie Behavioral Health Program**

### **MISSION STATEMENT:**

Provide active efforts to ensure that Tribal members and greater community has a good quality of life and emotional wellbeing.

Program Manager: Denise Tagas  
Phone: 425-577-4248 e-mail: [denise@snoqualmietribe.us](mailto:denise@snoqualmietribe.us)

To Schedule an appointment for home based services contact:

Intake Coordinator Kim Klug  
Phone: 206-854-6096 e-mail: [kimberly@snoqualmietribe.us](mailto:kimberly@snoqualmietribe.us)

For clinic based services contact the North Bend Family Clinic at 425-88-5511. Catlain Kinsey is our clinic based mental health Therapist. Additional program therapists are: Kimberly Lacy, Pala Hope, and Jodi Davis.

The Snoqualmie Behavioral Health (SBH) Program provides behavioral health counseling services to Snoqualmie Tribal and community members and other Native American families within our five county CHSDA. During the past year the program provided counseling services to over 260 individuals 75 of which are Tribal members. We provide both in-home therapy services and office based services at our North Bend Health Clinic. All services are free of charge to Snoqualmie Tribal members and all therapists working for the Snoqualmie Behavioral Health Program have obtained a Master's Degree in Counseling and are either licensed or associates working towards licensure under the direct supervision of a licensed supervisor. All of our therapists have experience in working with Native American families and understand the strengths, traditions and challenges facing Native Families.

Our therapists provide individual, couples, family and group therapy using a variety of modalities. These therapies are shared in a supportive and non-threatening manner to assist clients in improving their life









**Children's Administration Services  
Region 2**

**Placement Prevention, Reunification and Support Services**

**Early Family Support Services**

**Description of Services:**

Early Family Support Services (EFSS) contractors provide direct services to families and link families to community resources to accomplish the following goals:

- Reduce risk of abuse or neglect of children in the home;
- Enhance parenting skills, family and person self-sufficiency, and family functioning;
- Reduce stress on the family;
- Reduce the likelihood of additional referrals to CPS; and
- Enhance the health status of families and linkages to health services.

Families are eligible for EFSS services if item numbers 1 through 3 (below) have occurred **or** if item number 4 has occurred:

1. Abuse or neglect allegations have been reported to CPS; AND
2. CPS has designated the case to be a (1) low or (2) moderately low risk case using the guidelines set forth in RCW 74.14D.020; AND
3. DCFS refers the case to the Contractors; OR
4. The Department has completed a CPS investigation of the family and risk has been reduced to (1) low or (2) moderately low. The family is referred to EFSS contractor using the agency protocol for transferring a case from CPA to EFSS.

**Early Intervention Program:**

**Description of Services:**

Early Intervention Program (EIP) contractors provide direct services to families and link families to community resources to accomplish the following goals:

- Reduce risk of abuse or neglect of children in the home;
- Enhance parenting skills, family and person self-sufficiency, and family functioning;
- Reduce stress on the family;
- Reduce the likelihood of additional referrals to CPS; and
- Enhance the health status of families and linkages to health services.

Families are eligible for EIP services if item numbers 1 through 3 (below) have occurred or if item number 4 has occurred:

1. Abuse or neglect allegations have been reported to CPS; AND
2. CPS has designated the case to be a (1) low or (2) moderately low risk case using the guidelines set forth in RCW 74.14D.020; AND
3. DCFS refers the case to the Contractors; OR
4. The Department has completed a CPS investigation of the family and risk has been reduced to (1) low or (2) moderately low. The family is referred to EIP contractor using the agency protocol for transferring a case from CPA to EIP.

Additionally, EIP Contractors can serve the following clients:

1. Pregnant or parenting substance abusing women with children currently living in the home;
2. Cases referred to DCFS that do not meet intake sufficiency screening but would benefit from public health intervention.

**Daycare:**

Child Daycare Services for Child Protective, Family Voluntary Services and Child and Family Welfare Services.

**Description of Services:** To provide daycare for children in their home or when placed with relatives or in foster care.

**Eligibility:** Child care must be part of the CA case plan and the child is either in their own home, placed with unlicensed relatives or placed in licensed foster care. The child care provider cannot be a relative when the child is in their own home or in foster care.

***Children's Crisis Outreach Response System (CCORS)  
Intensive Stabilization Services (ISS)***

**Referrals & Program Information:**

- Program Manager Laurel Allen at 206-691-2531 to make a referral.

**Additional information can be found at:**

- King County forms drive has the ISS referral form and more: [T:\reg\Mental Health\CCORS-Intensive Stabilization Services]
- YMCA CCORS-ISS website <http://yfamilyservices.org/programs-services/ccors>  
King County website

Children's Crisis Outreach Response System (CCORS) and Intensive Stabilization Services (ISS) are programs within Family Services and Mental Health and are funded

by King County Mental Health, Chemical Abuse and Dependency Services Division and the Department of Social and Health Services. The CCORS and ISS programs offer short term, community-based, and family centered services with the goal of crisis prevention and placement stabilization. Families in crisis receive immediate support and services from CCORS and ISS staff.

CCORS serves Children and youth (ages 3-18) experiencing a Mental Health crisis, who are in King County while currently in crisis, and are NOT receiving contracted services through a King County Mental Health Agency.

### **Intensive Family Preservation (Homebuilders)**

#### **Description of Service:**

Intensive Family Preservation Services (IFPS), as defined in RCW 74.14C.050, is a family focused, behavior-oriented, in-home counseling and support program. Services must be available 24 hours a day, and include both clinical assistance (counseling, case management, parent education) and concrete help (financial, housing, utilities, clothing, and food). The intent is to connect the family with natural supports in their community to meet their ongoing needs. Services must be provided in accordance with the HOMEBUILDERS® model, which includes using “motivational interviewing” techniques.

#### **Eligibility**

The family must have an open case CA/Tribe. (This can include foster & kinship families if they are the child’s proposed permanent home.) Children must currently be in out-of-home placement and can be reunited within 7 days of the first appointment. Referrals can also be made when the social worker has determined that, without intervention, the child is at imminent likelihood of being placed out-of-home due to at least one of the following:

1. Child abuse or neglect.
2. A serious threat of substantial harm to the child's health, safety, or welfare.
3. Family conflict.
4. (“Imminent placement” means that the social worker is planning to ask the parents to sign a VPA, or plans to file a Dependency petition to remove the child within the next 72 hours.)

IFPS would NOT be appropriate in the following situations:

- The family is in need of in-home crisis resolution or therapeutic services to avoid possible family disruption or foster care placement *at some unspecified time in the future*.
- When a decision has been made to move a child, but interim measures are needed in the current home until that is found.
- The social worker or the service provider determines that the safety of a child, a family member, or the staff providing services would be threatened.
- The family explicitly refuses to participate in IFPS after it was thoroughly explained to them.

**How to Access:**

- CA social worker must call the provider to discuss the case and obtain approval for the service.

**Family Preservation Services (FPS)**

**Description of Services:**

Family Preservation Services (FPS), authorized and described in RCW 74.14C.050, are family-focused, behavior-oriented, in-home counseling and support programs. FPS may be used when youth are at substantial risk of placement or for children returning to the home from out-of-home care.

FPS begins within 48 hours of referral, is available 24 hours a day, and can be up to six (6) months in duration. FPS is designed to be less intensive than the evidence based IFPS/Homebuilders and interventions are focused on improving family functioning and assisting with getting connected to local community resources. FPS is provided by contracted vendors.

Social workers must justify on the FPS referral why an evidenced based service is not being used instead (e.g. FPS-Triple P, Project Safe care, Incredible Years or FFT).

**Eligibility:**

Families and children are eligible for FPS when a child is in out-of-home placement and can be reunited within 30 days or the social worker determined that, without intervention, the child, is at substantial likelihood of being placed out-of-home due to at least one of the following:

1. Child abuse or neglect;
2. A serious threat of substantial harm to the child's health, safety, or welfare  
or
3. Family conflict

The family must have a case open for service with CPS, FRS or CWS. The child must be either residing in the family home or be able to return home immediately, within 30 days.

**Note:** There is up to \$500 available for concrete goods with this contract. The CA social worker can provide information about what kind of items may be paid for using these funds.

**How to Access:** Social worker must make request.

**Crisis Family Intervention Services (CFI):** (formally known as Family Reconciliation Services Phase II)

**Description of Services:**

Crisis Family Intervention (CFI) is a brief in-home crisis intervention service available to adolescents and their families who are experiencing brief conflict. CFI is not solely for Family Reconciliation cases, but is also an option for families involved in CPS, FVS or CFWS.

Services are limited to 12 hours over 45 days. The referring social worker maintains all case management responsibilities through the conclusion of service.

**Eligibility:** CFI is available for youth and families who have an open FRS, CPS, FVS or CFWS case if they meet the following criteria:

- The youth is 12 to 17 years of age.
- The reason for referral is brief family conflict and not ongoing chronic issues.
- The youth is exhibiting high-risk behaviors such as drug use, missing from care, or running away from the family home.

Foster parents and relative caregivers who are experiencing conflict with a youth in their care may access CFI by contacting the youth's social worker and requesting the service.

CFI is **NOT** appropriate for:

- Families who require monitoring to maintain child safety.

**Goals of CFI -- This** service is designed to strengthen, preserve, and restore family functioning by meeting the following goals:

- Working with families to resolve the immediate crisis within 45 days.
- Identifying community resources to support family functioning after the conclusion of CFI.
- Developing protective supports for the youth.

**Access to service:--** CA social worker needs to make a request for this service through their supervisor CFI gatekeeper.

### **Evidenced Based Practices for Placement Prevention and Reunification**

Evidence Base practice is a published practice back by multiple randomized studies by an outside party. These are services that are researched and deemed to be effective consistently when delivered as the practice is designed. This practice also ensures a level of clinical knowledge and skill by the provider. EBP also measures outcome and skill level

#### **EBP Services currently available:**

##### **Incredible Years (IY)**

The intent of this service is to safely prevent out of home placement of children who are considered at risk of placement due to child abuse or neglect. The services are also designed to facilitate the earlier safe return of a child from out of home care.

Incredible Years Parenting Program is delivered in a Group setting. Some of the expected Outcomes include; Increased appropriate parenting skills, increased appropriate parental discipline, increased in family communication and relationship and increase placement stability

##### **Description of Services**

Families must have an identified need to learn appropriate parenting skills, methods of appropriate discipline, or a need to improve the bond between the child and the parent or caregiver.

Parents are instructed in elements of child development and how to engage a child in playful and rewarding activities. Once the child shows enthusiasm and pleasure in the play, the parent learns how to shape desired behaviors and discourage unwanted behaviors. Children often respond well once a positive playful bond is established. Parents practice and respond to each other during the group sessions and are encouraged to connect with each other outside of the class for additional support.

##### **Outcomes expected to be impacted by services provided include:**

- a. Increased appropriate parenting skills.
- b. Increased appropriate parental disciplining.
- c. Increase in supportive family communication and relationship.
- d. Increased placement stability.

##### **Clients Served**

1. Families who have come to the attention of CA because of neglect may be referred to Incredible Years to facilitate a child's return home, or to maintain a child in a placement. Families may also have a history of referrals for abuse.
2. Children must be between the ages of 0 and 7 years.

### **Project SafeCare**

SafeCare is a parent training curriculum for Parents who are at risk of or have been reported for child maltreatment. This is one of our services for Neglect. This service is delivered in the parents' home to improve parenting skills in several domains. To be eligible for this service, parents with at least one child birth to 5 and the Department is trying to prevent out of home placement or help reunify a child.

### **Description of Services**

Project Safe Care is an evidenced based program which provides home-based training designed to improve parenting skills and the home environment. Using a three-pronged approach for families with chronic neglect situations, Safe Care targets health, home safety, and parent-child interactions. Information is specific and concrete; and a variety of handouts and teaching aids are used to help the parents learn. The intent is to prevent removal of a child who is considered at risk of placement, or to facilitate the return of a child from out of home care.

### **Outcomes expected to be impacted by services provided include:**

1. Improved home environment, especially around immediate safety threats.
2. Increased health outcomes for the child.
3. Improvement in parent's ability to make good health care decisions for their child.
4. Improved interactions between the parent and their child.

### **Clients Served**

1. Families are identified by CA to need help learning appropriate child care skill, home safety information, or skills to manage the child's or infant's behavior.
2. Children are between birth and five years of age.

**Parent Child Interaction (PCIT)** The Intent of PCIT is to prevent Out of Home placement of a minor child who is considered at risk of placement due to abuse, neglect or severe family conflict. The service is also designed to facilitate the earlier return home of a child from Out of Home care or to avoid placement disruption

### **Outcome Expected:**

Decrease in Child disruptive behavior, increased appropriate parenting, increased appropriate parenting disciplining, increased in supportive family communication and relationship, increased placement stability, and improved parent child bond accomplished through increased positive interactions between the parent and child.

This service can be delivered in home or in clinic.

### **Positive Parenting Program (Triple P)**

Triple P is a parent education services using the Positive Parenting Program with parents who have an open case with CA due to physical abuse or neglect or to a Caregiver who are caring for a dependent child who has behavior issues.

The children who are the focus of services must be between the ages 1 through 12 years.

Parents referred to Triple P must have identified needs that require improvement of appropriate parenting skills, methods of appropriate discipline, skills to manage child behavior or the bond between parent and child.

### **Functional Family Therapy (FFT)**

The intent of the service is to provide in home counseling to parents to improve parenting and supervision. The service is also appropriate for high conflict Families, youth with history of delinquency.

#### **What is FFT?**

- FFT is a family-based intervention for acting out youth
- Effective with youth and their families in various multi-ethnic, multicultural contexts.
- It is provided in home or a clinical setting
- Services averages 12 family sessions lasting about 3 - 4 months

#### **What are the referral criteria?**

- Youth in the family are between 11-17 years of age
- Common family problems include:
  - Family conflict and/or violence
  - Youth behavior problems or delinquency
  - Verbal or physical aggression between family members
  - Need for improved communication skills
  - Inadequate connection to community supports and services
- FFT can be used to decrease youth behavior problems that could result in foster care placement or incarceration.
- FFT can also be used as part of a reunification plan, as long as the parent(s) and youth have daily contact or are already living together.

#### **What outcomes can be expected from FFT?**

- Increased appropriate parental disciplining
- Increased supportive family communication and relationship
- Increased placement stability
- Decreased youth disruptive behaviors
- Increased positive peer relationships
- Reduction in substance use



## **Out of Home Placement Services**

### **Relative Care-**

Relatives play an essential role in helping to meet the needs of children who are unable to live with their parents. When a child is placed with a person recognized as a relative by the court or Tribes, they can access financial and medical assistance through their local DSHS, Community Service Office. Relatives also have the option to become licensed foster parents.

### **Foster Care**

Foster Care is temporary out-of-home care in a family home that is licensed to provide this service. Foster parents are part of the professional team working to complete the permanency plan for the child and his/her family. Foster parents provide the day-to-day care for children and receive monthly reimbursement payments to help cover the cost of caring for the child. The child and the foster parent are supervised by the assigned social worker as long as the child is in placement.

## **Behavioral Rehabilitation Services**

**Purpose:** Behavior Rehabilitation Services (BRS) is a temporary intensive wraparound support and treatment program for children between the ages of six and seventeen who present with complex and high level service needs. Through the implementation of a structured and individualistic care and support plan, the primary objective is the stabilization of behavioral concerns which interfere with the child's ability to progress and maintain stability and continuity in multiple life domains. Simultaneously, BRS is to assist in the identification and achievement of the permanency planning goal. Services within BRS include the provision of intensive in home supports or through out of home placement in facility based or therapeutic foster care and are provided by contracted agencies.

**Eligibility Criteria:** Through case consultation/staffing and the submission of specific supporting documentation to the Regional BRS Program Consultant, eligibility is assessed. Regular reviews of progress determine continued justification of BRS service. Children/youth must present with a severe emotional behavioral disorder and a demonstrated inability to be successful in a less supported living situation. They have often experienced multiple failed placements and have challenges in multiple life

domains. Alternatively, eligibility may be based on significant developmental delays or a medically fragile determination.

**Access to Services:** DCFS Social Worker to contact BRS Program Manager.

### **Additional Services for Adolescents and their Families:**

#### **Crisis Residential Centers:**

A Crisis Residential Center (CRC) is a temporary residential placement, assessment and services for youth who are runaways, missing from care, in conflict with their families, or who are in need of emergency placement. Services are intended to:

- Support the stabilization of a youth's behaviors.
- Minimize the time a youth spends in this crisis placement to ensure a quick return to a more permanent placement.
- Identify a youth's needs for further comprehensive assessment or services.
- Support engagement of youth and families in plans to maintain the youth's stabilization through meetings with kin, community members, and child welfare workers.
- Support reunification with the family or transition to another safe placement.

Services shall be available 24 hours per day, 7 days per week. Placement may only be made by CA staff, though law enforcement can request a bed through CA Intake. Priority is for FRS youth, although Dependent teens may also be placed in a CRC bed if space is available. Youth may stay in any type of CRC placement for no longer than 15 consecutive days, including Saturdays and Sundays and holidays.

Contractor must notify CA of the youth's presence within 24 hours, and conduct an assessment of the youth's strengths and needs within 72 hours to create a written transition plan which will address the youth's high risk behaviors, referrals to community resources, school participation, family counseling efforts aimed at reconciliation, and identification of alternative safe long term placement (if needed). If requested the contractor will participate in the Department's FTDM or host a multi-disciplinary meeting themselves to create the plan.

#### **Secure Crisis Residential Centers (located in King County):**

**Eligibility** – Youth must be between the age of 12-17, and in need of short-term, emergency placement as a result of:

- Being listed by the police as a run-away.
- Found in a dangerous situation. (This is determined based on the youth's age, developmental level, location, and time of day.)
- Found in the community in violation of a curfew ordinance.

**Referrals** – Only law enforcement may place youth in a Secure CRC. Length of stay is strictly limited to 15 calendar days, and the intent is the youth will be moved much sooner. (RCW 13.32A.130 requires dependent youth stay a minimum of 24 hours.) Teens may be transferred to a regular CRC bed with fewer restrictions if the staff decides they are not at high risk of running away. However, the total stay still cannot exceed 15 days.

**Provider Activities:**

SCRC staff must notify the child's parent and CA within 24 hours of the youth's arrival. Parents must be told how to access Family Reconciliation Services, and that the Contractor's staff can answer their questions about ARY, CHINS, client rights, and the option of having a multi-disciplinary meeting to discuss their family's situation.

**Responsible Living Skills Program:**

**Description of Services:**

The Responsible Living Skills Program (RLSP) provides a supervised residential program that encourages positive youth development and teaches youth independent living skills. The program structure, philosophy, service planning and delivery shall emphasize the following:

- a. Youth achieves competency in independent living skills.
- b. Youth participation in personal decision making.
- c. Youth participation in program planning, implementation and evaluation.
- d. Youths' contribution of time, talent and skills to the community.

**Eligibility**

Adolescents are eligible for RLSP placements if they meet the following criteria:

1. Teen must meet the definition of a "street youth" in that they are under 18 years of age, and are living outdoors or in another unsafe location not intended for occupancy by the minor; and one who is not residing with his or her parent, or at his or her legally authorized residence.
2. **Youth must have resided in a HOPE Center or in a Secure Crisis Residential Center prior to admittance into a RLSP. – NOTE: This requirement may be waived by social worker if he/she feels that given the minor's current circumstances RLSP is the most appropriate placement for the youth.**
3. Youth must already be dependent under Chapter 13.34 RCW.
4. Youth's primary and alternate permanency planning goals are not to return home.

Priority for entrance into the RLSP program shall be as follows:

1. First priority for RLSP beds shall be for youth age 16 to 17 years old whose primary permanency planning goals are not to return home, and for whom

placement in an RLSP will enable the youth to make a transition from a street living situation to an independent living situation.

2. Second priority shall be for youth age 14 to 15 years old who are not succeeding in family based foster care, and for whom placement in an RLSP would enable the youth to make a transition from a street living situation to a more stable supervised living environment.

### **HOPE Centers:**

**Description of Services** -- The purpose of these services is to provide temporary residential placement, assessment, and permanency planning services 24 hours a day, 7 days a week, for youth who are currently not living in a safe and approved residence; and who are vulnerable to becoming involved in high risk behaviors associated with street life: homelessness, criminal activity, prostitution, substance abuse, etc. It is understood that these "street youth" have unique service needs and often little is known about them upon entry to services. HOPE beds represent a key strategy for engaging youth missing from care to return to safe permanent placements.

**Length of stay is limited to 30 days** -- If there is not a long term placement available by that date, a 30 day extension can be approved by the Regional Administrator or their designee. This must be done in writing to the contractor, and a second written extension will be needed if the placement must go beyond 60 days. Youth returning home at the direction of the youth's parents may remain in the HOPE Center no longer than the time it takes to make those arrangements.

### **Independent Living/Transitional Living Services**

**Description Services** -- The contractor shall provide services, as required, to help clients prepare to live independently by increasing their skills, knowledge and competency in the following areas:

- Achievement in the following areas shall be considered as performance goals:
- Educational Stability and Achievement
- Post secondary education preparation
- Income Maintenance
- Employment/Vocational Readiness and Placement
- Housing
- Daily Living Skills
- Interpersonal Skills
- Youth Self Advocacy
- Bridging of healthy connections to biological and extended family
- ILS funds, up to \$500, may be available to provide support for the youth to meet their IL goals.

### **Eligibility for the Independent Living Program (including Transitional Living services)**

- Youth must be 15 years old or older (through their 21st birthday), is/was in foster care in an open dependency action through DSHS or a tribal child welfare agency for at least 30 days after their 15th birthday.
- Once initial eligibility is determined the youth will continue to be eligible until age 21 regardless of any permanent plan achieved (return home, guardianship, adoption)

**Note:** Transitional \$ may be available to assist eligible youth to obtain housing from ages up to 21 years of age.

### **Sexually Aggressive Youth Services**

The Division of Children and Family Services (DCFS) receives annual funding to contract the services of therapists that specialize in this area of evaluation and treatment.

As defined by the Revised Code of Washington (RCW) 74.13.075, sexually aggressive youth are described as having the following characteristics and circumstances:

- Have been abused and have committed a sexually aggressive act or other violent act that is sexual in nature; and
- Are in the care and custody of the state or a federally recognized tribe located within the state; or
- Are the subject of a proceeding under chapter 13.34 RCW or a child welfare proceeding held before a trial court located within the state; or
- Cannot be detained under the juvenile justice system due to being under age twelve and incompetent to stand trial for acts that could be prosecuted as sex offenses as defined by RCW 9A.030 if the juvenile was over twelve years of age, or competent to stand trial if under twelve years of age.

### **Education and Training Voucher (ETV) Program**

Service/\$\$

- Provides financial assistance based on need up to \$3000 annually toward the cost of attendance for college after high school
- Individualized awards are unique to each student

Eligibility

The ETV program provides financial assistance for current and former foster youth for post-secondary education. You may be eligible if you are enrolled in or accepted for a post-secondary degree or certificate program and any one of the following applies:

- You are 16 years old or older, are currently involved in dependency action in a Washington state or tribal court, are in the custody of the Department of Social and Health Services or a tribal child welfare agency, and are in foster care.\*
- You are age 18 to 20 and exited state or tribal foster care because you reached the age of majority at age 18. Youth who exited foster care in a state other than Washington may be eligible for the Washington ETV program.
- You are age 16 to 20 and left Washington state or tribal foster care at age 16 or older for an adoptive or relative guardianship placement.
- You are age 21 to 23 and received ETV funds before your 21st birthday.

Once you are qualified to receive ETV, you can receive funds each year as long as you are enrolled in school at least half time, are maintaining a 2.0 grade point average, and are under 23 years old.

**\*\*Foster care**" means 24-hour per day temporary substitute care for a child placed away from the child's parents and for whom the Department of Social of Health Services, a licensed or certified child placing agency, or a tribe has placement and care responsibility. This includes but is not limited to placements in foster family homes, foster homes of relatives, licensed group homes, emergency shelters, staffed residential facilities, and pre-adoptive homes, regardless of whether the Department licenses the home or facility and/or makes payments for care of the child.