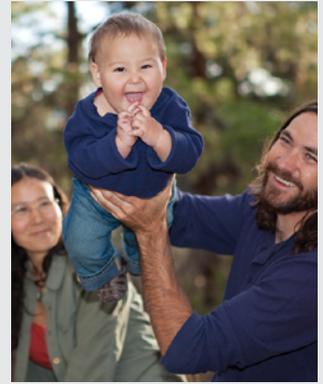


DCYF Indian Child Welfare Act

2022 Decision Package

When state Legislature formed the Washington State Department of Children, Youth, and Families (DCYF), it made a promise that the new agency¹ would recognize the sovereignty of tribes and dedicate resources to prevent the breakup of Indian families under the federal Indian Child Welfare Act (ICWA) and the Washington State Indian Child Welfare Act (WICWA). Fulfilling that promise and advancing equity for Indian children is a key component of the agency's Racial Equity and Strategic Plan.² DCYF is requesting \$20 million in the supplemental budget to fulfill this promise and to implement key decisions handed down by the Washington State Supreme Court.



In addition to the promises made in the agency's formation, in 2020 and 2021, the Washington State Supreme Court issued decisions with significant impacts on how DCYF is now required to apply ICWA and WICWA. These decisions will require DCYF to meet a higher standard of practice in how it applies ICWA and WICWA in a greater number of cases.

- ✓ ICWA may now apply in up to 26.4% of cases in which DCYF has a "reason to know" for at least some period of time in the course of the case.
- ✓ DCYF must meet higher standards of practice in making active efforts to prevent the break-up of Indian families (www.dcyf.wa.gov/node/967).

THE DECISION PACKAGE INCLUDES THE FOLLOWING COMPONENTS:

CASE MANAGEMENT: Increased field staff to work an increased number of cases where ICWA applies and meet active efforts in these cases.

SPECIALISTS: DCYF will hire active efforts specialists and ICWA compliance specialists to ensure field staff have the training, resources, and support required to meet active efforts.

LEGAL COSTS: Increased costs for legal notification and to represent these cases in the courts. There will also be an increased need for Qualified Expert Witnesses (QEWs) in proceedings and public disclosure review of documents to be shared with QEW.

TRAINING: Develop and implement training of staff across the agency in providing culturally appropriate services.

SERVICE AGREEMENTS: A 10% increase in service agreements with tribes to provide child welfare services and to respond to an increased volume of legal notifications.

TECHNOLOGY: To implement these changes, there will be significant costs for information technology changes to systems and for changes to the Native American Inquiry Response (NAIR) system (www.dcyf.wa.gov/node/967#nair).

What is the ICWA?

The ICWA is a federal law passed by Congress in 1978, which recognizes that Indian children have unique status as members of sovereign tribal governments. States must meet ICWA's requirements and apply protections to Indian children in the child welfare system.

What are ICWA's requirements?

- ✓ Identification of Indian children and conduct inquiry to tribes when there is "reason to know"
- ✓ Proper exercise of jurisdiction
- ✓ Proper notice of proceedings
- ✓ "Active efforts" to preserve/reunify the family
- ✓ QEW and proper standard of review at court
- ✓ Placement preferences
- ✓ Transfer to Tribal Court(s)

¹ www.governor.wa.gov/sites/default/files/documents/BRCCF_FinalReport.pdf

² www.dcyf.wa.gov/sites/default/files/pubs/COMM_0058%20DCYF_Strategic_Priorities_2021-2026.pdf

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