

## 2010-11 DCF & Wisconsin Indian Tribes Consultation Implementation Plan

The Wisconsin Department of Children and Families (DCF) and the federally-recognized Indian Tribes in Wisconsin held their most recent consultation on November 9, 2010. This implementation plan is the product of that and previous meetings. Issues and deliverables that were completed have been removed from the plan. The resulting plan updates a set of mutually agreed-upon short- and long-term strategies designed to address issues related to Tribes and Tribal children and families. The Department and the Wisconsin Indian Tribes agree to collaborate and provide staff as required to successfully achieve these outcomes.

### AVAILABILITY OF DATA

**Issue:** There is a lack of comprehensive and reliable demographic data available for Tribes and State agencies regarding families receiving services.

Deliverable	Due Date	Party/ies Responsible	Status of Deliverable
Develop rationale for gathering data, statement on uses of data (e.g., identifying disproportionality, helping Tribes identify needs).	January 2011	M. Mitchell, DCF F. Bove, DSP	
DCF and Tribal representatives identify gaps in available data and identify mechanisms by which data can be gathered and updated.	March 2011	M. Mitchell, DCF F. Bove, DSP	
Create a draft data gathering agreement.	May 2011	M. Mitchell, DCF F. Bove, DSP	

### COMMUNICATIONS MODEL

**Issue:** Communications is key to ensuring a successful working relationship between DCF and the Tribes.

Deliverable	Due Date	Party/ies Responsible	Status of Deliverable
Develop list of Tribal representatives to be invited to monthly conference calls to discuss state legislation.	December 2010	M. Mitchell, DCF	
Begin holding monthly (or as needed) conference calls to discuss legislative issues.	February 2011	M. Mitchell, DCF K. Collins, DCF	

## CHILD WELFARE

**Issue:** Continue Implementation of the Wisconsin Indian Child Welfare Act.

Deliverable	Due Date	Party/ies Responsible	Status of Deliverable
WICWA Advisory Board review current Administrative Rules for inconsistencies and compliance with WICWA and develop a plan for needed administrative rule changes.	July 2011	M. Mitchell, DCF J. Nashold, OLC	
Five-year strategic plan with narrative discussion of issues and tasks, specific dates and persons responsible for specific tasks.	December 2010	M. Mitchell, DCF	

### **Issue: Relinquishment of Indian Children**

Current state statutes conflict with the Indian Child Welfare Act on this issue. Amendments to state law or some alternative solutions need to be developed to rectify this conflict.

Deliverable	Due Date	Party/ies Responsible	Status of Deliverable
Introduction of legislation to remedy conflicts between these legislative requirements	August 2011	M. Mitchell, DCF K. Collins, DCF	

### **Issue: Achievement of Outcomes in the Strategic Plan**

The Indian Child Welfare Directors' Group, the Policy & Law Workgroup, the WICWA Advisory Board, and the Department have jointly developed a strategic plan to achieve a wide range of outcomes in many areas of child welfare.

Deliverable	Due Date	Party/ies Responsible	Status of Deliverable
With appropriate Tribal/State groups, achieve the outcomes outlined in the Strategic Plan (attached).	Various	M. Mitchell, DCF F. Bove, DSP	

## JURISDICTION AND FUNDING

### **Issue: Examine Funding Options for and Resolve Jurisdictional Issues Regarding Tribal Child Welfare Services**

At the present time, the Department provides child welfare program funding to some Tribes and general funding to all Tribes through the Family Services Program (currently administered by the Department of Health Services). In addition, the placement of Indian children in out-of-home care by Tribal courts is funded by both Tribes and counties. Payments by counties for out-of-home placements ordered by Tribal courts are made pursuant to a 161 Agreement between that county and the Tribe. Over the last several years, issues have arisen relative to the effectiveness and fairness of these

County-Tribe agreements. At least one Tribe has expressed an interest in examining funding options to provide the full range of child welfare services. An Alternative Funding Workgroup was established in June of 2007 to research funding options and alternative operating structures for Indian child welfare services in Wisconsin.

There are many issues related to the jurisdiction of Tribes and the State in the provision of a wide range of child welfare services (e.g., child protective services investigations, licensing of foster homes off of reservation or trust land). Many of these need to be resolved before alternative funding relationships can be considered. These issues must be analyzed, a joint plan developed, and methods for achieving the plan established. As a result, the Alternative Funding Workgroup was renamed the Tribal/State Child Welfare Policy & Law Workgroup.

Deliverable	Due Date	Party/ies Responsible	Status of Deliverable
Clarify the authority of Tribes to 1) license foster homes on reservations or trust lands, and determine whether this authority extends to homes off of the reservations or trust lands; and 2) conduct child protective services (CPS) initial assessments on Tribal land. Prepare or review a legal analysis for the Policy & Law Workgroup	December 2010	J. Nashold, OLC M. Mitchell, DCF	
Agreement among the Department and Tribes on several jurisdictional issues related to ICWA and P.L. 280 (e.g., licensing foster homes off of Tribal land, CPS investigations on Tribal land)	January 2011	M. Mitchell, DCF J. Nashold, DCF	
Research Administrative Rule changes that may be necessary	July 2011	M. Mitchell, DCF K. Collins, DCF	
Develop short- and medium-term action plan for the Policy & Law Workgroup	November 2010	M. Mitchell, DCF	
Update Policy & Law Workgroup priorities and explore mission and membership configuration	December 2010	M. Mitchell, DCF	
Continue to meet with Tribes and DHS to maximize flexibility in expenditures of Family Services Program funds.	December 2010	M. Mitchell DCF (with DHS)	

**NEED FOR TREATMENT FACILITY FOR ADOLESCENTS**

**Issue:** Tribes and agencies providing services to Indian children and families need to develop approaches, programs, and services designed to prevent the need for children and families to become involved with the child welfare and other systems.

Deliverable	Due Date	Party/ies Responsible	Status of Deliverable
DCF participate in DHS group on the Inter-Tribal Treatment Facility Workgroup to research the need for and development of a treatment facility for Native adolescents with mental health, AODA, or child welfare needs. DCF to specifically deal with licensing and funding issues.	Ongoing	F. Bove, DSP M. Mitchell, DCF	