



CARTF

SpringHill Suites, BOISE

September 9, 2016

MINUTES

Joshua Wickard- Public Defender (Chairman)

Bart Adrian, MD – Pediatrician

James Baugh-Children with Disabilities

open– Mental Health

Doug Giddings-Idaho County Sheriff

Kailamai Hansen– Foster Youth

JoAnn Gemar – Homeless Education Liaison

Jill Robertson– Parent

Jennifer Tachell– Educator (Vice-Chairman)

ABSENT

Mindy Peper - Administrative Support

GUESTS: Nicole Shackelford, DHW and Mark Withers, Dep. AG; Judge Ellis

Lisa Nordstrom- Child Advocate Attorney

Miren Unsworth- DHW, Family & Children Services

Susan Bradford, MD – Pediatrician

Hon. Steve Clark- Civil Magistrate Judge

Jennifer Bergin- Prosecuting Attorney

Tahna Barton – CASA

Hon. Mark Rammell- Criminal Magistrate Judge

Nadine McDonald – Juvenile Justice

Molly Vaughn– Victim Services Coordinator

WELCOME

Wickard welcomes every. CARTF reviews minutes. Barton motions to accept the June 2016 minutes with noted change to Matt McCarter name, Tachell seconds, all in favor and so moved.

FINANCIAL UPDATE

Tabled

NEW ICWA REGULATIONS, NICOLE SHACKELFORD AND MARK WITHERS

Withers states that the new ICWA regulations give some uniformity to how ICWA will be applied across the states. Definition of an Indian Child is defined in ICWA. Child is to be treated as such until otherwise proved different.

ICWA established in 1978 to address the issues of Indian children being removed from their homes at a high rate. That percentage is still the same today and that is why new regulations have been passed, which go in to affect December 12, 2016. It was found that their inconsistency in how the ICWA standards are applied from state to state and court to court within states. New rules highlight types of proceedings, definition of Indian child, handling requests for transfer of jurisdiction, emergency proceedings, voluntary proceedings (when DHW works with an Indian family when courts are not involved), placement preferences and recordkeeping and ongoing obligations.

ICWA applies to foster care placement, termination of parental rights, pre-adoptive placement and adoptive placement. Wickard asks about ICWA and

custody proceedings. ICWA preferences states that the child be placed with an Indian family.

An Indian child is child must be member of federally recognized tribe or eligible for membership of a federally recognized tribe *and* has a biological member who is a member. Membership for tribes varies based solely upon tribal guidelines and a judge cannot question nor look into the reasoning behind membership guidelines. Courts needs to ask first, does this child have Indian ancestry. If yes, are you a member. If no, then still need to look further to see if that child is eligible for membership. Court is required to make all reasonable efforts to find out if child is eligible for membership. Each year, BIA publishes a list of federally recognized tribes and designated agent with contact information. Notice has to be made to that agent through certified or registered mail with return notice. The social worker should make a call to see if the listed agent has changed before sending that notice. At each hearing the court must inquire about ICWA status or if anything has changed. This may increase the cost of cases because unlike before, the child is to be assumed an Indian child until proven otherwise is there is any indication that Indian child status could be true.

In the end, ICWA is as much about the relationship with the tribes and keeping them involved than about the legality of ICWA. Though the monetary impact of misapplying ICWA is minimal there are ramifications, such as attacking a completed adoption, failed placements, and loss of the states say in child placement.

Notice should be given to parent, Indian custodian and tribe. Foster care placement or TPR cannot be held until at least 10 days after receipt of notice. Idaho is lagging on getting proper notice out to the appropriate parties before proceedings.

In voluntary placements once a child is placed that placement can be revoked by the parent upon demand. Voluntary placement has to be without threat of removal.

In jurisdiction transfers the state can only deny transfer if child says they do not want to be under ICWA or if the child has a very unique set of problems that are being handled by the state and it is proven the state does not have the resources to handle the problems.

In the adjudication of involuntary proceedings court must show active efforts, show clear standards of evidence, testimony of qualified expert witness, and show a causal relationship.

Good cause to deviate includes the extraordinary mental or physical needs of the child that the tribe cannot provide and unavailability of suitable preferred placement.

Regarding recordkeeping, the state must keep the BIA notified of all proceedings, substantive reports, efforts to comply with placement preferences, TPR, and all final adoption decrees.

OCTOBER/NOVEMBER AGENDA GUESTS & STRATEGIES

Tachell will ask Matt McCarter to attend October 10 meeting at 7:30 PM. Peper will invite Teresa Abbott and Jerrilea Archer.

On November 4 we have Det. Mike Miraglia from Boise PD to discuss human trafficking. Possible guest in November could be new St. Lukes CARES director, Matt Cox. Bradford will help facilitate the invitation of Cox for November 4. Judge Ellis will also join us on November 4.

Still in need of mental health professional. Gemar will contact Scott Rassmussen to consider this position. He has worked in child protection and now in children's mental health. Gemar states Tori Torgarson with Family Health Services in Twin Falls may also be a good fit for the mental health representative.

Regarding prosecutor representation, Bergin recommends Galan Carlson with Ada County and Rosemary Emerson with Twin Falls County. Nordstrom also recommends Ruth Coos with Canyon County.

For all these recommendations we will need a letter of interest and CV.

CPS UPDATE, JUDGE ELLIS

Tabled

CJA CONFERENCE UPDATE

Unsworth and Wickard attended the CJA conference in Washington DC and overall we are doing really well as a task force. Wickard attended a workshop on rise in cases of female genital mutilation. Refugees are bringing that cultural practice here and are being prosecuted for that. Is it happening in Idaho? If so, how do we get the word out. Are there ways that CARTF can help with refugee issues in Idaho?

Another workshop attended was one on having a more trauma informed court system. It brought up questions about how Idaho does on these issues—therapy dog for children who have to testify, and so on...

CONFERENCE UPDATE

Peper will send Tachell and Wickard menus to make food choices. Peper reminds everyone to register. Robertson motions to accept the scholarships and cap it at \$11,000 for future scholarships for this year's scholarships. Rammell seconds, all in favor, so moved. Wickard will handle announcements at the

conference. Peper will create a power point to run during breaks. Include in the power point that we are going paperless next year.

NOTES and NEWS

NEW BUSINESS

Adrian updates CARTF on the project he is working with Rita Swan on regarding child deaths as a result to faith healings. Bureau of Vital Statistics denied his request for death certificates because it is unknown by certificate alone whether medical care was rendered at time of death. This is something that has to be changed within the death certificate reporting process.

ADJOURN

ACTION ITEMS:

Peper-

- Continue work on the 2016 conference
- Mail out CFRT Reports/Letter
- Bids for CARTF swag
- CARTF member profile

Gemar-

- Contact Rassmussen and Torrganson

CARTF will meet October 10 at 6:00 PM at Riverside Hotel in Boise