

Summit Lake Paiute Tribe
Special Council Meeting
Wednesday, August 5, 2020
Zoom/Primary Administrative Office, Sparks, Nevada

CALL TO ORDER: Chairwoman Randi DeSoto called the Special Meeting of Wednesday, August 5, 2020 to order at 9:20 am.

ROLL CALL: Secretary/Treasurer, Eugene Mace, Sr. called the roll: Chairwoman Randi Lone Eagle, present; Vice-Chairwoman, Nedra Crane, present; Secretary/Treasurer, Eugene Mace, Sr., present; Council Member Phillip Frank, present; and Council Member, Steven Crane, present.

STAFF: Linda Quinn and Kristin Rodriguez, Finance Department; Austin New Moon, Housing Manager; and Daniel Crawford, Enrollment Coordinator;

GUEST: Norma Moyle; Social Worker Bureau of Indian Affairs, Western Agency

Ms. Moyle introduced herself and stated that she was at the meeting due the Council's interest in child welfare.

ICWA (Indian Child Welfare Act) Protocol

Several years ago, a number of the Tribal Social Services program representatives developed ICWA protocols for a Tribe. It was developed due to a problem in ICWA notices not being processed in a timely manner. A deadline for the Tribal designee or Human Services Director to respond to the state or county in 15 days was set. They would verify enrollment status of the child or their eligibility to be enrolled. A response is required whether eligible, enrolled or ineligible. If more than 15 days is required, an additional 20 days can be requested.

In cases where action may be required, the Tribe can intervene as a party to the action with the state or county court. The Tribe would be given notice of all the court dates, they can attend in person or by telephone. If the Tribe has a Tribal Court, they can petition the state or county court requesting jurisdiction transfer to the Tribal Court. These tribes can request a transfer, decline a transfer or become a party to the case. The Tribe reports the number of Indian Child Welfare notices on the on the quarterly reports sent to the BIA. This is the ICWA protocol.

In a "Dear Tribal Leader" letter dated June 8, 2016; it states the that the courts are required to follow ICWA. They need to thoroughly investigate if a child is a Native or eligible to be enrolled. The courts are required to treat a child as a Native child until they know definitely that the child is not Native. It recognizes the Indian Child Welfare Act as the gold standard in child welfare. States are not in the position to make decisions about children and their relationship to a tribe because they do not participate in cultural, social or religious activities. It is the Indian Tribe that makes the determination who their citizens are. The news has reported different ways the State have implemented ICWA. For example, if a child was adopted by a non-Indian family and it has gone to court, the court has upheld the adoption with a non-Indian family.

Summit Lake Paiute Tribe
Special Council Meeting
Wednesday, August 5, 2020
Zoom/Primary Administrative Office, Sparks, Nevada

Ms. Moyle described involuntary and voluntary proceedings. She talked about active efforts which includes extra casework, extra action which has been taken by the State or county worker to work with the parents to get better compliance to provide for the safety and welfare of the child. This prohibits the termination of parental rights. There are standards of evidence required before a child is placed in foster care or before parental rights are terminated. The Testimony of a Qualified Witness is also mentioned in the letter. Sometimes tribes utilize their tribal members or an elder, or Indian professional people to testify as an expert witness. The state or county is looking for statements that continued custody of the child with particular parent(s) would cause harm to the child. It also affirms that tribes have the jurisdiction of Indian child custody proceedings. It prohibits state judges from finding a cause not to transfer a case.

Most of the cases a tribe becomes aware of involve involuntary custody proceedings. The child would most probably already be in foster care or relative placement.

Ms. Lone Eagle mentioned a case that SLPT has where the minor child is affiliated and is a member of SPLT. The child is temporarily placed with a non-native family who have already adopted the child's older sibling. The father is also a Tribal member but social services have taken the child from him multiple times. The mother has terminated her rights. Summit Lake does not have a Tribal Court. The social workers in the State of Oregon have asked several times for the what direction the Tribe wishes to take. It appears the father has stopped fighting to keep the child. The non-Native foster family would like to adopt the minor child. She asked what does SLPT do in this case.

Ms. Moyle feels the state is waiting for the Tribe to allow the adoption. One question that tribes generally ask is what will the adoptive family do for the children to maintain ties to their Native culture. The state is looking for the Tribe's concurrence and approval of the adoption. Ms. Lone Eagle explained the situation and her opinion to keep the siblings together. Things are proceeding. Ms. Moyle said she would like to ask what the family would do to help the children maintain connection to their heritage.

Indian Child Welfare Act was established in 1978 to help against the placement of children out of Indian homes. It requires the state to follow uniform law in informing Indian tribes about children in state or county custody. What social services does is establish a case plan with the parents or guardian for them to work on so that they can be assured that the problems were addressed, the home is safe and the child can be returned to the family. It allows tribes to have some jurisdiction over decisions about Indian children and where they are placed. The tribe is notified when children are part of an involuntary proceeding.

The child must be a member of a federally recognized United States Tribe and the parent(s) must also be members. Ms. Moyle is aware of one expert witness who is the

Summit Lake Paiute Tribe
Special Council Meeting
Wednesday, August 5, 2020
Zoom/Primary Administrative Office, Sparks, Nevada

director of the Fallon Emergency Youth Shelter, and she has been informed of the case SLPT is involved in. The Indian Child Welfare Act does have a placement preference list: with the child's extended family, a family from the child's tribe, Indian foster home, with the last being an institution. When bonding of a child with a non-Native family occurs, it should also be considered.

Guide to ICWA Compliance: This only applies when there is a child custody proceeding when a parent cannot demand their child to be returned, and when that child is a Native child. ICWA does not apply to child custody in divorce proceedings. It is not used in juvenile delinquency cases. The child must be eligible to be enrolled and the parent must be enrolled. The tribe is the only entity which can decide eligibility.

Active Efforts: In the Oregon case, it sounds like they have done a number of things to work with the parents and the child should have a stable life in a stable home. Once the child turns 18 it is up to the child to make a connection with their parents if they so desire.

When a child is placed by a county, state or tribal social services program, they must be placed in a licensed home which has been inspected, deemed safe and has a license. If the child is placed with a relative the home must be inspected and deemed as a safe home.

ICWA includes child custody proceedings which could be:

- Foster care placement
- Termination of parental rights
- Pre-adoptive and adoptive placement

The state, county and tribal workers look for extended family members to place the children with. They are concerned with the child's welfare. Tribes are taking a second look at transfer requests. In the state's Department of Child and Family Service there is an Indian Child Welfare Specialist. In Nevada there is Fran Amaldanado, Tribal Liaison. There are meetings with her every other month. The Indian Child Welfare committee meets every other month. Ms. Doyle will send out meeting notices if the Council so desires. Ms. Lone Eagle is interested in participating.

The purpose of the Indian Child Welfare Act is to return the child back to the family as soon as possible if possible, or make permanency plans for a child when that is not possible.

National Indian Child Welfare Association—Ms. Moyle summarized the brochure.

Quick Reference Guide for Tribes: gives explanation of the various things in the Indian Child Welfare Act. It explains all the Tribal rights such as: right to notice, right to

Summit Lake Paiute Tribe
Special Council Meeting
Wednesday, August 5, 2020
Zoom/Primary Administrative Office, Sparks, Nevada

transfer of jurisdiction, Tribes right to intervene, Expert Witnesses, Placement preference and so on.

Active Efforts: Affirmative active timely effort intended primarily to maintain or reunite Indian Child with his or her family. The brochure explains active efforts working with the child's tribe.

Ms. Moyle recapped what type of custody is covered by ICWA and what is not. States and counties will only remove children for placement from off reservations. Tribal Social Services has jurisdiction over children on reservations. Law enforcement on Tribal land and social services have the authority to remove the child from the home, school or other locations. This is governed by the Indian Child Protection Act.

She provided an example ICWA response letter to send to counties or states.

The Indian Child Welfare's Designated Tribal Agent List was also provided. This list is used to send out notices to Indian tribes.

In Tribal Social Services, if there is a child in foster care, the foster care is terminated or the child "graduates" at the age of 18. They become eligible for state services, assistance is given to help the child live independently, and there is a fund to provide scholarships for children who graduate out of foster care.

She also included information from Marty Schroeder from Oregon for what they look for, what questions they ask expert witnesses.

Ms. Moyle summarized the basic points and concerns of her presentation.

ICWA is a law for the county and states to follow.

Ms. Lone Eagle thanked Ms. Moyle for taking the time to go over all this information for the Tribal Council.

Ms. Crane commented that Ms. Moyle's training was very informative and gave them a lot of information. Since the Secretarial Election there have been a lot of new members and a majority of those have been children. This is something that they can work with.

Ms. Moyle thanked Ms. Crane for her comment. She appreciated that the Council asked for training on the Indian Child Welfare Act. She was glad to provide it. She would like to come and meet them when the pandemic conditions let up.

She has been receiving the ICWA notice information from Mr. Crawford and stated it was due around the tenth at the end of each quarter and the year end. Ms. Moyle said

Summit Lake Paiute Tribe
Special Council Meeting
Wednesday, August 5, 2020
Zoom/Primary Administrative Office, Sparks, Nevada

she was available to answer questions any time, to call or email her. She thanked the Council for inviting her.

The Council thanked Ms. Moyle and she left the meeting.

Next meeting: Regular Council Meeting on August 15, 2020.

MOTION: Vice-Chairwoman Nedra Crane moved to adjourn the meeting. Council Member Steven Crane seconded the motion. Chairwoman Rand Lone Eagle called the vote: 4 FOR, 0 AGAINST, 0 ABSTAINED. The meeting was adjourned at 10:35 AM.

CERTIFICATION

I, Eugene Mace, Sr., Secretary/Treasurer of the Summit Lake Paiute Tribal Council, hereby certify that the Minutes of the August 5, 2020 Special Council Meeting, as corrected, were approved by the Council during a duly held meeting September 19, 2020 at which there was a quorum present, and the Council voted:

4 - FOR 0 - AGAINST 0 -ABSTAINING, Chairwoman Randi Lone Eagle did not vote because there was not a tie vote.

9/23/2020
Date

Eugene J. Mace
Eugene Mace, Sr.
Secretary/Treasurer
Summit Lake Tribal Council