# ALPINE COUNTY WASHOE TRIBE CSEC RESPONSE

JEFF MCKAY, ALPINE COUNTY DEPARTMENT OF HEALTH AND HUMAN RESOURCES

SUZANNE M. GARCIA, TRIBAL LAW AND POLICY INSTITUTE

INDIAN NATIONS CONFERENCE, DECEMBER 6, 2018



# **TODAY'S PRESENTATION**

- Background/context of relationship
- 💠 2014 MOU
- CSEC Protocol Development
- Discussion: role of child welfare when confronting child sex trafficking

Alpine Washoe CSEC Response - INC 2018

### TIMELINE

- Since time immemorial lived in the Sierra from Honey Lake down to Mono Lake including Lake Tahoe – the center of the universe
- 1848 gold rush, 1860 Comstock Lode in Virginia City
- 1887 Dawes Act individual allotments
- 1908 Douglas County enacts law declaring all native people in town limits after sundown to be a
  public nuisance unless they were servants. Law stayed on the books until 1974.
- 1917 Lands/colonies in Nevada established
- 1936 Indian Reorganization Act
- 1970 Hung a lel ti established in California
- 1996 Tribe resumes exclusive jurisdiction over child custody proceedings under ICWA memo drafted
- 2007 Negotiations on collaboration begin memo holding things up
- 2012 Change in County leadership
- 2014 MOU signed

Alpine Washoe CSEC Response - INC 2018

# Recognized: The Tribe's jurisdiction over child dependency

- cases that arise in Washoe Indian Country ◆That Alpine County HHS has delegated
- authority to provide public health and human services
- That Alpine County must investigate and respond to all allegations of child abuse and neglect
- That community members in the County are citizens of not just the tribe, but also that County, State and United States
- Affirmed the Tribe and HHS's commitment to a mutually supportive working relationship to provide supportive services

Alpine Washoe CSEC Response - INC 2018

2014 MOU

### The 'wherefores"

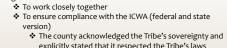
### ✤Purpose of the MOU:

- Share resources and expertise, thereby increasing the provision of comprehensive child welfare services within the parties' service area
- To protect the health and safety of children
  To provide an array of services
- To promote cooperation and collaboration among all service providers
- The prevent the inappropriate cultural separation of children from their families
- To preserve the unique values and culture of the Tribe

Alpine Washoe CSEC Response - INC 2018

2014 MOU
Purpose of the MOU

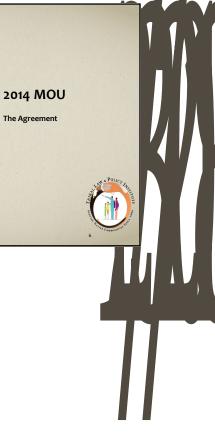




Agree

- explicitly stated that it respected the Tribe's laws
   The County supported the Tribe's exclusive jurisdiction over Washoe children in the service area
- To open communication and information sharing with regard
- to accessing and making services available To obtain ROIs so information could be shared
- To maintain confidentiality
- Tribe granted County access to Washoe Indian Country to provide those services
- County agreed:
  - To accept referrals from the Tribe
  - To make foster care resources available
  - To authorize payments for children when eligible
- To structure case plans so as to make effective use of limited resources
- Dispute resolution
- Tightly limited waiver of sovereign immunity

Alpine Washoe CSEC Response - INC 2018



- SB 855 -<u>Victims of CA/N</u>- when parents failed or were unable to protect, including children who trade sex for survival, may be served through the child welfare system as victims of child abuse and neglect.
- SB 855 also created the state-funded CSEC Program. And set requirements for the opt-in program. The two major CSEC Program requirements include:
- 1. Interagency protocol developed by Child Welfare (lead agency), Probation, Mental Health, Public Health and Juvenile Courts; and
- 2. Use of a multidisciplinary team (MDT) approach to case planning with participation from, certain team (Child Welfare, Probation, Mental Health, Public Health, and Substance Abuse.
- SB 794 has requirements that match the federal requirements and makes probation responsible for having protocols as well.

Alpine Washoe CSEC Response - INC 2018

NEW LEGAL REQUIREMENTS AND ISSUES (STATE)



 Policies and procedures apply to children receiving "child welfare services". Child Welfare services includes: "emergency response services, family preservation services, family maintenance services, family reunification services, and permanent placement services, including supportive transition services."

• For probation purposes, "child welfare services" includes services for candidates for foster care. It also includes foster care placements by probation.

 County child welfare and probation departments must develop policies and procedures related to children who go missing from foster care.

Alpine Washoe CSEC Response - INC 2018

## LEGAL REQUIREMENTS (STATE)

# Social Security Act: Child Welfare agencies that receive IV-E are required to: Include definitions in their plans; To consult with others that have experience with at-risk youth; To train their workers; To detect when children are at risk or have been exploited/made victims (especially if they are foster care youth that have run away); To find kids who have run away; To cross-report, and To collect data on the issue.

- Train and engage Alpine County staff;
   Cross-train staff and stakeholders (especially tribal partners) about CSEC in Indian Country and about the tribal, state, and federal requirements that must be met;
   Discuss roles each party & stakeholder will play in identifying and reporting CSEC both when child is in care and when a child goes missing from care;
   Finalize screening tools that each party & stakeholder will use;
   Finalize cross-reporting protocols;
   To discuss data collection requirements and facilitate a discussion on roles/represonsibilities; for meeting those requirements. Facilitate discussion on data sharing with the Washoe Tribe and other partners;
   Create protocols to memorialize agreed upon roles and responsibilities;
   Train staff CSEC protocols and tools- walk through
   Develop awareness campaigns and prevention campaigns.
   To train/engage community
   Evaluate/CQI - loop back in a couple of months and see if the protocols are meeting your needs.
- THE CSEC PROJECT Objectives

- Alpine County Child Welfare lead agency from the County (state law requirement)
- Convenes steering committee and MDT meetings
- Obligated to investigate all allegations of child sex trafficking
- 2 hour response if safety and placement at issue
- 23 hour response if placement at issue
- 7 Day response if neither at issue
- Alpine County Sheriff
- Responds to allegations of CA/N because have removal authority – part of response team
   Victim Advocate
- victim/tavocate
- Live Violence Free
- Provides DV/SA Services in Alpine County
  - Part of 2 hour response team
- Washoe Social Services, WPD, DV, Healing Center
  - Attends meetings
  - Works collaboratively with Alpine CWS
  - Loops in other tribal agencies as needed

Alpine Washoe CSEC Response - INC 2018

THE CSEC PROJECT

**Current form** 



- Appropriate role of child welfare agencies when CSEC at issue?
- Provide prevention services to community
- Provide support to families struggling to protect child?
- Role of law enforcement?
- Role of DV/SA agencies?

Alpine Washoe CSEC Response - INC 2018

# DISCUSSION