

COOPERATIVE AGREEMENT BETWEEN  
SNOQUALMIE INDIAN TRIBE  
AND  
CHILDREN'S ADMINISTRATION  
REGION 4

This Cooperative Agreement sets forth local working procedures cooperatively developed and entered into on the 30<sup>th</sup> day of October 2008 between the Snoqualmie Indian Tribe, a federally recognized Indian tribe, and Region 4, Division of Children and Family Services (DCFS), State of Washington. These procedures are based on the Snoqualmie Indian Tribe Constitution, the Snoqualmie Tribe's Indian Child Welfare Code (forthcoming), and applicable Tribal laws and resolutions, federal law contained in the United States Code (U.S.C.), the Tribal/State Agreement, and on applicable state law contained in the Revised Code of Washington (RCW) and the Washington Administrative Code (WAC).

**I. Tribal Information**

*A. Tribal Jurisdiction*

The Snoqualmie Indian Tribe may exercise jurisdiction over child custody proceedings regarding a "Snoqualmie Tribal child," which is defined as an unmarried person under the age of 18 who is (a) a member of the Snoqualmie Indian tribe; or (b) is eligible for membership in the Snoqualmie Indian tribe and is the biological child of a member of the Snoqualmie Indian tribe. 25 U.S.C. § 1903(4).

The Tribe shall receive inquiries of a child's membership status, notification of court proceedings, and communication concerning the provision of services as specified in this Agreement and in accordance with State and Federal law.

*B. Geographical Area of Region 4, DCFS*

King County, State of Washington

*C. ICW Office/Mailing Address*

*ICW Office:* Snoqualmie ICW Program Manager (Alretta Howard)  
4480 Tolt Avenue  
Carnation, Washington 98014  
T: (425) 333-5426  
Cell: (425) 281-6236

*Mailing Address:* P.O. Box 1147  
Carnation, Washington 98014

*Snoqualmie Tribe In-House Legal Counsel:* Snoqualmie Legal Department  
P.O. Box 969  
Snoqualmie, WA 98065  
(425) 888-6551 ext. 112

*Social Services Director:* Snoqualmie Social Services (Lynda Harvey)  
4480 Tolt Avenue  
Carnation, Washington 98014  
Cell: (425) 281-4855

*D. Procedure for identifying child as a Snoqualmie Tribal child.*

In every case in which DCFS receives an allegation of child abuse or neglect, or an intake, of a child who may be Snoqualmie, the DCFS Social Worker will contact the Snoqualmie ICW Program Manager to verify whether the child in question is considered a Snoqualmie Tribal child. Initial inquiry can be by telephone with a follow-up written inquiry. Once a determination regarding membership is made by the Tribe, written documentation will be sent to DCFS and placed in the DCFS file.

Time line: The tribal ICW Program Manager will respond to an initial telephone inquiry by DCFS within 24 hours if possible.

*E. Tribal right to intervene in Superior Court.*

The Tribe has the right to intervene in King County Superior Court at any point in a dependency proceeding, or proceeding for the foster care placement of or termination of parental rights involving a Snoqualmie Tribal child. 25 U.S.C. § 1911(c).

**II. Confidentiality Requirements**

*A. Disclosure of CPS referrals and other confidential information.*

Authorized tribal ICW Representatives shall have access to all relevant CPS information, history, and related documents pertaining to a Snoqualmie tribal child.

*B. Telephone membership inquiries and CPS referral information to Tribe.*

Telephone contact will be made to the tribal ICW Program Manager or her designee. After hours contact will be to the ICW Program Manager and the Social Services Director.

C. *Letters and mail information to the Tribe.*

Letters and written documentation containing confidential information shall be marked "Confidential: Indian Child Welfare" and addressed Attn: ICW Program Manager.

III. **Notice to Tribe/Time Lines**

DCFS is legally mandated by the federal Indian Child Welfare Act, State of Washington statutes, the Washington Tribal/State Agreement, and the Indian Child Welfare Manual to notify tribes of the following actions involving Snoqualmie Tribal children. All notices to the Tribe, written or oral, will be documented in the DCFS service record and the tribal service record.

A. *Case Assignment*

The Tribe will be notified by mail, e-mail or telephone of social worker assignments to a case involving a Snoqualmie tribal child. That worker, and any subsequently assigned worker, will contact the tribal ICW Program Manager to notify the Tribe that he/she is the assigned social worker no later than forty-eight (48) hours from the date he/she she receives the case.

B. *Emergency Placement Referrals*

If an emergency referral requiring out of home placement is made during after-hours, a weekend, or holiday and the child is identified as a possible Snoqualmie tribal child, the After Hours Office will notify the tribal ICW Program Manager and the Tribe's Social Services Director of the emergent referral and need for placement. The tribal ICW Program Manager will be asked to identify any possible relative or certified tribal placement options.

C. *Specific Notice Requirements*

1. CPS/CWS/FRS referrals

***Type of notice***--*A copy of all referrals concerning Snoqualmie Tribal children, accepted or information only, will be forwarded to the tribal ICW Program Manager by fax.*

***Timeline*** --*Within 24 hours from date local DCFS office has received the referral, or within 24 hours from the date the local DCFS has knowledge that the referral involves a Snoqualmie Tribal child.*

2. Emergency Placements

**Type of notice**--Verbal notice followed by copy of emergency referral, law enforcement report, or other authority to place document. Centralized Intake After Hours Office or local DCFS will notify the tribal ICW Program Manager and the Tribe's Social Services Director.

**Timeline** –Immediate notification by phone.

3. Voluntary consent to out of home placement (VPA)

**Type of notice**--Verbal notice followed by a copy of the authority to place document.

**Timeline** – Contact will be made with the tribal ICW Program Manager within twenty-four (24) hours of parent's request for voluntary placement and prior to the VPA hearing.

4. Dependency Petitions, Shelter Care and Dependency Hearings

**Type of Notice** – A copy of the petition, case setting schedule, and notice of the Tribe's right to intervene in the proceeding shall be sent to the tribal ICW Program Manager and the Tribe's In-House Legal Counsel by registered mail, return receipt requested. 25 U.S.C. § 1912(a).

**Timeline** – The Tribe will receive notice and a copy of the petition in the most expedient means available, i.e., telephone, fax, or e-mail to the tribal ICW Program Manager at least twenty-four (24) hours before the first hearing date for a dependency petition filed after an emergency pick-up. In non-emergency situations, the Tribe will receive a copy of the dependency petition and related documents immediately following filing of the petition with the Court. The Tribe must receive written notification at least twenty (20) days prior to a pretrial or fact-finding hearing. The parents or the Tribe may request that a Family Group Conference, Family Support Meeting, Family-to-Family Staffing or other case conference to take place prior to the dependency fact-finding hearing to develop an appropriate culturally relevant case plan for the family. The type of case conference will be determined in consultation with the Tribal ICW Program Manager and will depend upon DCFS staffing capacity and budgetary considerations.

5. Guardianship and Termination of Parental Rights  
Petitions

**Type of notice** –Prior to filing any court documents, placement options shall be addressed with the Tribe through the staffing process. DCFS will notify and offer to conference with the tribal ICW Program Manager prior to filing petitions. Written notice of all hearings will be sent to the tribal ICW Program Manager and the Tribe's In-House Legal Counsel by registered mail.

**Timeline** – As early as possible, but at least twenty (20) days prior to filing.

## 6. Adoption

*See sections VI (Staffing Cases) and XI (Adoption). Prior to filing any adoption court documents, permanency planning options shall be addressed with the Tribe through the staffing process.*

**Type of notice** – *Notice of adoption petitions, motions, and hearings will be provided to the tribal ICW Program Manager and the Tribe's In-House Legal Counsel by the adoption attorney or the DCFS social worker when appropriate.*

**Timeline** - *At least twenty (20) days prior to filing an adoption petition.*

## 7. Return home

**Type of notice** – *Verbal and/or written documentation of case plan.*

**Timeline** – *As soon as DCFS considers the return home of the children and before development of the case plan, DCFS will contact the ICW Program Manager to schedule a tribal staffing to address risk issues concerning return home.*

## IV. Notice To DCFS From Snoqualmie Tribe/Timelines

- A. *Tribal intervention in child custody proceedings involving Snoqualmie tribal children in King County Superior Court*

**Type of notice** – *Verbal notice to DCFS followed by a Motion to Intervene.*

**Original motion is filed by the Tribe at King County Superior Court.**

**Time line** – *When determined by the Tribe to Intervene.*

## V. Child Protective Services/Child Welfare Services Intake

- A. DCFS will make diligent efforts to discover from the referent or collaterals whether the child is of Indian ancestry and whether he/she is eligible to be enrolled in an Indian tribe or is a community member of a tribe. Intake will record tribal information into CAMIS. If at the intake point it is determined that the case involves a Snoqualmie tribal child, then a copy of the referral will be sent to the tribal ICW Program Manager.
- B. Telephone inquiry shall be made within twenty-four (24) hours from date the local DCFS office has received the referral. If there is reason to believe that the children may be Snoqualmie Tribal children, a written inquiry form shall also be sent to the Tribal ICW Program Manager.

## VI. Staffing Cases

- A. Whenever the DCFS worker prepares a court report, safety plan, service plan, voluntary contract or ISSP, the DCFS worker invites the tribal ICW Program

Manager or, if recommended by the Tribe, a qualified expert, to give input concerning the family's social study and/or service plan.

DCFS court reports, safety plans, service plans, voluntary contracts and ISSPs shall describe in detail the role of the child's Tribe. The Tribe's recommendations shall be provided as information to the court and incorporated into the plans or contract absent good cause to the contrary.

The court report, plans or contract will also outline all active efforts provided to the family. Active efforts shall be actions taken by the Department in a timely, affirmative manner, directed at remedying the basis for the separation of the Indian family. Active efforts require the provision of remedial and rehabilitative services and/or programs that are culturally sensitive and are designed to prevent the breakup of Indian families. Active efforts require more direct involvement by the social worker with the family and the Tribe than reasonable efforts. Active efforts shall include, but are not limited to, the following:

- (1) Joint development of the safety plans, service plans, voluntary contracts and ISSPs with the Department, family and the Tribe;
- (2) Joint development of a timeline for when services and/or programs required in the plan(s) will be completed or are anticipated to be completed;
- (3) Coordination between the family, Tribe and Department in regards to service providers and making appointments with the service providers;
- (4) Coordination between the family, Tribe and Department in regards to transportation to appointments with service providers and/or Court hearings;
- (5) Coordination between the family, Tribe and Department to locate suitable housing for the family, if necessary;
- (6) Coordination between the family, Tribe and Department to obtain employment for the parent(s), if necessary; and
- (7) Coordination between the family, Tribe and Department to ensure the family has financial assistance from the Department and/or Tribe for basic necessities, such as food vouchers, children's clothing and/or furniture and toys, child care assistance, bus fare, etc.

- B. When the Tribe is a party to the dependency matter, DCFS cases involving Snoqualmie Tribal children will be staffed with the tribal ICW Program Manager at least thirty (30) days prior to each review hearing and/or every six months. Staffings may be by telephone or through a formal meeting. Active CPS cases and

problematic cases will be reviewed with the Tribal ICW Program Manager as needed or as negotiated and staffings for these cases shall be arranged to occur as often as appropriate under the circumstances. During reviews, DCFS will provide the opportunity for tribal input concerning the service plan.

- C. Prior to finalization of any CPS service contract between DCFS and a parent, the tribal ICW Program Manager will review and provide input.
- D. The tribal ICW Program Manager will receive no less than seven (7) calendar days prior notice, unless emergent, of all Child Protection Team ("CPT") staffings. The Tribe will be given the opportunity to conduct a tribal CPT staffing or to send a representative to the CPT staffing or participate by speaker phone.

## **VII. Child Placements**

- A. As soon as out of home placements are anticipated, DCFS will immediately contact the tribal ICW Program Manager for extended family placement recommendations and other resources prior to placement. When a specific relative is proposed by the family, DCFS will discuss with the tribal ICW Program Manager the appropriateness of the relative as a caretaker. Proposed relatives will be assessed in accordance with DCFS procedures which require a criminal history/CPS records background check. The Tribe may assist in the assessment process that will include conducting a home study, which commences during the first five (5) days of the original placement date and will be completed within 120 days of the original placement date. The children can reside with the relative placement when the home study is being conducted, provided the relatives pass the criminal history/CPS records background check.
- B. Tribal placement recommendations will be followed absent good cause to the contrary. In the event of a disagreement due to circumstances outlined in Section 7.35.A of the CA ICW Manual, the use of the conflict resolution protocol (Section XIII) will be followed. **Final placement decisions will be determined by the court.**
- C. The tribal ICW Program Manager will have access to the child in placement for the purpose of case management, delivery of services, and planning during a CPS investigation.
- D. In exceptional circumstances, emergency placements and emergency changes in placement may be made by DCFS prior to consultation with the tribal ICW Program Manager. Consultation will occur immediately (same day/night.)

## **VIII. Tribal Placement Preferences**

- First preference: A member of the child's extended family.

- Second preference: An Indian foster family of the same tribe as the child.
- Third preference: An Indian foster family.
- Fourth preference: A non-Indian foster home specifically recruited and trained to meet the special needs of Indian foster children.

The Tribe may choose to deviate from the above preferences if documented in Tribal law.

Placements in Group Care and Therapeutic Foster Care of a Snoqualmie child may be necessary to meet the specialized needs of the child. These placements are to be time limited. Upon completion of the time limited goals, tribal placement recommendations will be followed absent good cause to the contrary for discharge planning.

#### **IX. Expert Witnesses**

For Snoqualmie Tribal children involved in a child custody proceeding, the Snoqualmie ICW Program Manager will be contacted for the purpose of identifying and providing an expert witness, if necessary.

#### **X. Permanency Planning**

Tribal recommendations in joint permanency planning will be followed absent good cause to the contrary. Options are:

- Return home
- Relative placement
- Guardianship
- Third party custody
- Long term foster care
- Adoption

#### **XI. Adoption**

- A. When CA or a licensed or certified child placing agency has permanent custody of a Snoqualmie Tribal child following termination of parental rights, the social worker shall actively involve the Tribe in any deliberations and decisions about whether the agency should consent to the child's adoption.
- B. If the Tribe consents to the adoption, the social worker includes in the file the Tribe's written consent to the adoption.
- C. If the Tribe objects to the case plan, the social worker, with the involvement of the Tribe's ICW Program Manager, conducts a detailed review of the case plan.
  1. Following the case plan review, if the social worker and the worker's supervisor determine that the agency should consent to the adoption despite the



Tribe's objection, the social worker documents in the service record the basis for such determination.

2. The social worker shall include in the file the Tribe's written notice of objection to the adoption and recommendation for case planning and placement. If the Tribe has objected verbally, the social worker must request a written notification from the Tribe. The social worker and the worker's supervisor shall then refer the case for consideration to the Regional Administrator.
3. The department may not consent to adoption of the child over the objection of the Tribe unless the case has been reviewed through the impasse procedures described in Chapter 01, section 1.50 of the ICW Manual.

**XII. Tribal Input On Appointment and Reassignment of Staff**

The Tribe shall be given the opportunity to participate in the selection of any DCFS staff who will have responsibility for carrying and/or supervising Indian cases.

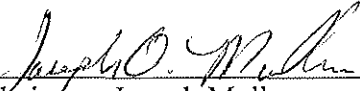
**XIII. Conflict Resolution**

If conflicts arise, efforts will be made to first resolve with the tribal ICW Program Manager and the DCFS social worker, then with DCFS Supervisor. If there is not a satisfactory resolution, the Snoqualmie Social Services Director will meet with the DCFS Regional Administrator, in consultation with the DCFS Area Administrator. If resolution is not reached using this process within two weeks, then the conflict will be referred to the Snoqualmie Tribal Administrator and the Children's Administration Assistant Secretary.


**XIV. Changes, Cancellations, and Review of Agreement**

Either party may request to alter, modify, waive, or cancel the provisions in this agreement by submitting a written notice outlining the proposed changes. Within 180 days both parties agree to make a good faith effort to discuss and renegotiate the proposed cancellation, alteration, modification, or waiver. In the event that a cooperative agreement cannot be reached, the conflict resolution protocol (Section XIII) shall be followed. One year following the execution of this agreement and yearly thereafter, the parties shall meet and review this agreement to assess the effectiveness of its provisions and discuss whether any amendments would be appropriate.

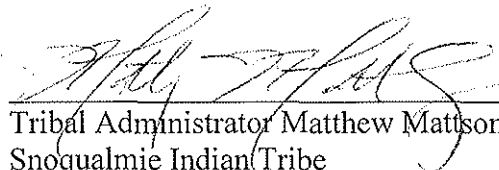
**COOPERATIVE AGREEMENT BETWEEN THE SNOQUALMIE INDIAN TRIBE  
AND CHILDREN'S ADMINISTRATOR, REGION 4**

  
Chairman Joseph Mullen  
Snoqualmie Indian Tribe


9-25-08  
Date

  
Social Service Director Lynda Harvey  
Snoqualmie Indian Tribe


9/25/08  
Date

  
Tribal Administrator Matthew Mattison  
Snoqualmie Indian Tribe

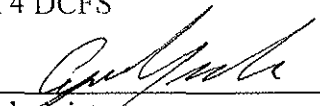
9/25/08  
Date

  
Regional Administrator  
Region 4 DCFS

01/30/09  
Date

  
Area Administrator  
ICW Office  
Region 4 DCFS

12-14-08  
Date

  
Area Administrator  
Central Services Office  
Region 4 DCFS

2/3/09  
Date

Attachment A: Snoqualmie Tribe ICW Phone List  
Attachment B: DCFS Phone List