

KARUK TRIBE

INDIAN CHILD WELFARE COMMITTEE POLICIES

Section 1. Creation of the Indian Child Welfare Committee

The Indian Child Welfare Committee is hereby created for the purpose of protecting the best interests of the child and promoting the stability and security of the Karuk Tribe (the Tribe) and its Indian families.

Section 2. Membership

(A) Membership Composition

The Indian Child Welfare Committee (The "Committee") shall consist of not less than four (4) and not more than eight (8) adult members of the Tribe appointed by the Tribal Council to serve at the pleasure of the Council. The Tribe's social workers shall serve on the Committee. At least two (2) members of the Committee shall be Tribal Council members, one of whom shall serve as Chairperson of the Committee. At least three (3) other members of the Committee shall be appointed by the Tribal Council. The Chairperson of the Committee shall appoint a Secretary to record meeting minutes.

(B) Voting Membership and Legal Representative

All Tribal Council members on the Committee and all Committee members appointed by the Council shall be voting members. Tribal social workers and the Tribe's Director of Health and Human Services shall sit on the Committee, but shall not be eligible to vote.

The ICW Committee is encouraged to include its Tribal Court staff and/or legal representative(s) for attendance at regular Committee meetings. These representatives shall participate under the ICW Committee Policies, but shall not be eligible to vote.

Section 3. Duties

(A) General Duties

The Indian Child Welfare Committee shall act under the authority expressly delegated to it by the Tribal Council, in these Policies or in other enactment by the Tribal Council. The Indian Child Welfare Committee shall have the following duties:

- (1) Advise the Tribal Council on child welfare matters and recommend policies and procedures for implementing federal and tribal child welfare law;

- (2) Monitor child welfare proceedings involving tribal members in state and tribal court(s);
- (3) Be advised of pending state court proceedings as provided in the Indian Child Welfare Act and make recommendations regarding intervention in such proceedings and transfer of jurisdiction from state court to Tribal jurisdiction;
- (4) Approval of travel, training and attorney services, approval of social worker IV-B expenditures (such as services for families and children in out of home placements for clothing, lodging, etc.) over \$150.00;
- (5) Make recommendations to authorize the filing of relevant child welfare petitions pursuant to these Policies;
- (6) Make case management recommendations to the social worker regarding the care, custody and supervision of tribal children, including recommendations as to case plans, guardianship, and termination of parental rights; and
- (7) Engage in further activities as to protect and improve the welfare of the children of the Karuk Tribe, and to other Native American children as determined by the Council.

(B) Secretary's Duties

The Secretary shall take the minutes of the meetings, regular, special and emergency in compliance with "Attachment A" of this policy. The Secretary shall provide these minutes to each voting Committee member prior to their next meeting. At the beginning of the meeting, the previous meeting's minutes, along with phone votes taken since the last meeting, if any, will be reviewed and changed, if necessary, and then approved by the voting Committee members. The Secretary is also responsible for keeping a list of the address and phone number for each Committee Member.

Section 4. Voting

(A) Majority Vote, Quorum

Actions of the Indian Child Welfare Committee shall be decided by a majority vote of those voting members present at the meeting, as long as a quorum is present. A quorum shall consist of over 50% of voting members. The Chairperson shall only vote to break a tie vote of the Committee.

(B) Telephone Votes

Telephone votes may be taken only if authorized by the Committee Chairperson or Vice-Chairperson. Once authorized, the vote shall be put

to each Committee member by contacting the member by every known phone number and by e-mail. Every reasonable effort shall be made to reach all Committee members to get their votes. If any Committee member requests that the vote be held at a formal meeting, the vote may be deferred to such meeting if so authorized by the executive committee member who authorized the telephone vote; he or she shall consider whether delaying the vote would be detrimental because of timelines or other emergency factors. The same quorum and voting rules apply to telephone votes as to in-person votes. Committee members may vote "yes," "no," "abstain," or be marked as unavailable. Results of phone votes, including comments and concerns voiced by Committee members during the voting process, shall be reduced to writing and placed in the minutes and approved at the next regularly scheduled Committee meeting.

Section 5. Committee Members Not Investigators

Committee members shall not initiate gathering information regarding the matter under review. All members shall have access to the same information. If an Indian Child Welfare Committee member is contacted outside of a review by an interested party, he or she shall refer the party to the Tribal social worker. The Committee may, however, request that further information be provided or that further investigation be conducted by the Tribal social worker or other appropriate authority.

Section 6. Conflicts of Interest

(A) Mandatory Disclosure.

Committee members shall disclose their immediate family or any other close relationship, if any, to the child or family at issue, and must offer to remove themselves from the discussions and voting.

(B) Foster Parents/Advocates.

Committee members who are foster parents or child advocates may participate as Committee members in the review of children who are in their own care, or whom they represent as advocates, but may not participate in voting.

Section 7. Confidentiality.

(A) Meetings Closed.

Meetings of the Indian Child Welfare Committee shall not be open to the public, except for persons authorized to attend by the Committee.

(B) Confidentiality Maintained.

Confidentiality of case information and other Indian Child Welfare Committee records shall be maintained. Committee members are subject to the same standards of confidentiality as court personnel, social service workers and other professionals, and are required to sign a mandatory confidentiality declaration. A copy of this declaration is attached hereto as "Attachment B."

(C) Secured Area.

Case materials and all other Committee records shall be maintained in a secure area. The presenting social worker shall print the caseload review on colored paper, distribute them to the Committee, then collect them (and destroy them) at the conclusion of Committee meetings so that no reports leave the meeting and all written reports are maintained in confidence. The Secretary may maintain a copy of the caseload review in order to draft the minutes, however, that copy must be either then be destroyed or maintained in a secure, locked cabinet.

Section 8. Removal and Vacancies

(A) Vacancies.

The Chairperson will notify the Tribal Council when a voting member of the Committee is no longer able to serve on it. Notice of vacancies must be advertised on the Tribal website and by posting the notice in Tribal buildings. Candidates for the vacancies may be solicited by Committee Members or Tribal Council. No person may serve as a voting member of the Committee until such appointment is made by the Tribal Council.

(B) Removal.

Committee Members serve at the pleasure of the Tribal Council and may be removed with or without cause by majority vote of the Tribal Council. The Committee may recommend removal for the following reasons:

- (1) After a Member has been absent more than two unexcused times;
- (2) For any violation of any section of this Policy; or
- (3) For good cause.

(C) Due Process.

No Committee Member may be removed based on recommendation of the Committee, absent service on the member of timely notice of intent to remove the member, specifying the reason for such action and further specifying the removal will become final absent a written request within fifteen days to the Tribal Council for a hearing before the Tribal Council providing an opportunity for the person to be removed to answer the charges against him or her. The decision of the Tribal Council shall be final.

(D) Appointments.

When vacancies exist on the Committee, the remaining Committee members may vote to recommend a new voting member after the position has been advertised. Within 30 days after the Committee recommends a new voting member, the Council must decide whether to appoint or decline the recommendation. Members of the Committee shall serve for a period of four (4) years, or until the Committee expires, whichever occurs first. Existing members may be re-appointed by the Tribal Council upon expiration of the four (4) year period at the Council's discretion.

Section 9. Compensation for Committee Members

Committee Members may receive stipends for attending regularly scheduled Committee meetings if authorized by Tribal Council in writing.

When travel is necessary for Committee Members in order to attend meetings or for Committee related training it must be approved in advance by the Committee Members shall be compensated when authorized for per diem and mileage according to the Travel Policy adopted by the Tribal Council.

At the discretion of the Tribal Council, the ICW Committee may be allocated a budget. All expenditures must be made in accordance with Tribal Council guidelines.

Staff members whose work is directly related to the work of a Committee may be given release time to attend Committee meetings during working hours, with the prior approval of their supervisor or the Tribal Council. In such instances, staff members shall not receive a stipend.

A staff member who is required by his supervisor to be at Committee meetings before or after work hours may accrue compensation time for each meeting attended pursuant to the Tribe's personnel policies. This allowance does not apply to staff members who are voluntary members of Committees.

ICW Committee Approved
September ____, 2011:

Attest: _____
Flo Lopez
ICW Committee Secretary

Council Approved
September ____, 2011.

By: _____
Arch Super
Chairperson

Attachment A
Sample - Recording of Minutes

1. **Introduction.** The actions taken by a Tribal Committee at its meetings are governed by Tribal law. The minutes of such meetings are the permanent record of the actions of the Tribal Committee, and for this reason, they should be made in such a way that they are legally sufficient and serve as a permanent reference for the Tribal Committee and for others concerned with such actions. The original copy of the minutes should be written as generally as possible (to protect the identity of those families and children involved in the case), organized for efficient retrieval when necessary and maintained in a secure location with the other Tribal ICW records.

2. **Heading of Minutes.** Minutes should be headed for ready reference and identification in capital letters and blocked on the top of each page. For example:

KARUK TRIBE ICW COMMITTEE
CONFIDENTIAL MINUTES OF (date), 201

3. **Opening Paragraphs.** The opening paragraph of the minutes should reflect:

- (1) the type of meeting,
- (2) the name of the Tribal Committee,
- (3) the date it was held,
- (4) the time of day it was held, and
- (5) the place it was held.

For example: *A regular meeting of the ICW Committee was held on April 8, 2012 at 1:00 p.m. at the Karuk Tribal Office, Happy Camp, California.*

The opening paragraph should be followed by a statement showing the Committee members and other present at the meeting by listing all of the Committee members and their respective Committee titles, the members that are absent; and a list of all others who are present.

For example: *The meeting was called to order by Chairperson Albert, and the following Tribal Committee members were present: Secretary Betty, Committee Members Charles, Darlene and Elsa. Absent were: None. The following also were present: (list names and titles of those present).*

4. **Approval of Minutes of Previous Meeting.**

The next step should be the recording of the reading by the members and approval of the minutes of the previous meeting.

For example: *The minutes of the previous meeting were read by Committee members and were approved without objection and placed on file as presented.*

5. Resolutions and Motions.

After the preliminaries set forth above, the actual business of the meeting should be recorded.

Taking minutes of the meeting should be simple and straightforward. A brief statement that explains the pros and cons of an issue should be placed in the meeting minutes followed by a vote on the issues unless a Committee member wants a specific opinion placed in the minutes, but in general this should be dissuaded.

For example:

Meeting Rules - Members discussed what types of rules to conduct meetings should be adopted. Several procedures, including Robert's Rules of Order were discussed. Concerns addressing the adoption of these rules included the need to adopt a native democratic procedure.

After discussion, Committee Member White moved that the Resolution be adopted as introduced and read. The motion was seconded by Committee Member Green and on roll call it was adopted with the following vote:

In favor: Committee Members Red, Brown, Green and White.

Opposed: None.

The Chairperson thereupon declared the motion carried and the Resolution was adopted.

In order to reduce the amount of typing required to prepare minutes, it is suggested that documents be incorporated in the minutes by reference and by attachment as appendices.

Actions of the Tribal Committee requiring approval by the Tribal Council before the action becomes effective should be recorded by showing that the action does not become effective until it is approved by the Tribal Council. This may be done in one of several ways. The motion or resolution may be prefaced with the words "Upon approval by the Tribal Council," or if Tribal Council has previously approved of the suggested action and placed its approval in writing, then the minutes should reflect that the Tribal Committee had knowledge that such written approval by the Council had been given.

6. Closing.

Closing of the meeting may be recorded as follows:

There being no further business to come before the meeting, it was moved, seconded, and carried that the meeting adjourn. The Chairperson thereupon declared the meeting adjourned.

ATTACHMENT B - CONFIDENTIALITY STATEMENT

I, _____, an appointed member of the Karuk Tribe's Indian Child Welfare (ICW) Committee, do hereby affirm that I have been provided the Karuk Tribe's policy on confidentiality (attached).

I understand and agree that in the performance of my duties as an appointed member of the Karuk Tribe's Indian Child Welfare (ICW) Committee I must hold confidential information in the strictest confidence. I understand that any violation of the confidentiality policy may result in punitive action and even dismissal.

Committee Member's Signature

Date