

## 2013-15 Policy Option Package

**Agency Name:** Department of Human Services  
**Program Area Name:** Child Welfare Programs  
**Program Name:** Child Welfare Program Delivery  
**Policy Option Package Initiative:**  
**Policy Option Package Title:** Indian Child Welfare Act (ICWA) Shift Differential  
**Policy Option Package Number:** 106-4  
**Related Legislation:** not applicable  
**Program Funding Team:** Safety

**Summary  
Statement:**

Case workers who liaison with Oregon Tribes have additional responsibilities and are required to have a unique set of skills and abilities to do so. There are federal and state laws that protect discrimination of Native Americans in the Child Welfare system. These laws are called the Indian Child Welfare Act (ICWA). They require additional efforts when working with children in child welfare who are affiliated with a tribe resulting in better outcomes for children and families.

This strategic initiative creates a 5% salary differential for workers who carry this additional responsibility and helps retain these workers with the necessary skills and abilities. These additional efforts must be verified by the court and a failure by the Department to achieve the required efforts as established by law can result in a loss of federal funding. We would also increase case management staff to allow for reduced caseloads for workers carrying ICWA cases based on the increased case activity.

	<b>General Fund</b>	<b>Other Funds</b>	<b>Federal Funds</b>	<b>Total Funds</b>
<b><u>Policy Option Package Pricing:</u></b>	<b>\$83,202</b>	<b>\$0</b>	<b>\$83,202</b>	<b>\$166,404</b>

**1. WHAT WOULD THIS POLICY OPTION PACKAGE (POP) DO AND HOW WOULD IT BE IMPLEMENTED?**

The Indian Child Welfare Act (ICWA) requires attainment of active efforts for children receiving services from Child Welfare. Currently all cases are required by the federal government to receive reasonable efforts to qualify for federal funds, however both state and federal law requires active efforts of Native American children due to historical experience of Native American children in Child Welfare systems across the Country. Active efforts are distinguished from reasonable efforts by the additional effort necessary to ensure compliance, understanding and culturally specific experiences through increased:

- Face to face contact;
- Coordination of services so it doesn't fall solely on the parent;
- Hands on service provision; efforts to provide services which are culturally specific;
- Efforts to ensure children in care receive cultural experience opportunities to remain connected with their culture; and
- Efforts to remove barriers for parents to fully access services.

This initiative provides necessary resources to help the department to achieve better outcomes for the Native American populations being served by Child Welfare through active efforts. Failure to provide active efforts can result in loss of federal funding.

**2. WHY DOES DHS PROPOSE THIS POP?**

Through coordinated partnerships with the Tribes in the State of Oregon, the Department of Human Services Child Welfare have identified a need to increase active efforts for Native American children and families to further support compliance with state and federal law.

This request will provide the resources to support increased face to face contact and coordination of services so it doesn't fall solely on the parent. It will support more hands on provision of services and efforts to provide culturally specific services and experiences for Native American children and families.

Expected results are to positively affect the length and quality of stay for Native American children when they are removed from their family homes and to positively affect those who can be safely retained in their family homes without the need for further intervention.

**3. HOW DOES THIS FURTHER THE AGENCY'S MISSION OR GOALS? HOW DOES THIS FURTHER THE PROGRAM FUNDING TEAM OUTCOMES OR STRATEGIES?**

The mission of the Department of Human Services is to help Oregonians in their own communities achieve wellbeing and independence through opportunities that protect, empower, respect choice and preserve dignity. Improvements in the staffing of Child Welfare to better achieve Active Efforts for Native American children and families will:

- Directly support people to be safe and live as independently as possible by providing improved staff resources to provide timely and appropriate services to meet active efforts and improve outcomes for children to remain at home when possible.
- Improve the ability to provide equal access, service excellence and equity for all through improving the disproportional representation of African-American and Native American children in care along with length of stay.

- Support strong community and business relationships by increasing partnering with communities to support families and children, within their communities, to be safe. This is achieved by addressing resources for parents as needed either directly or through referral.
- Retain a highly qualified, effective and valued workforce. Currently the workload greatly exceeds the ability to provide an effective service and is affecting our staff ability to remain employed.

**4. IS THIS POP TIED TO A DHS PERFORMANCE MEASURE? IF YES, IDENTIFY THE PERFORMANCE MEASURE. IF NO, HOW WILL DHS MEASURE THE SUCCESS OF THIS POP?**

**5. DOES THIS POP REQUIRE A CHANGE(S) TO AN EXISTING STATUTE OR REQUIRE A NEW STATUTE? IF YES, IDENTIFY THE STATUTE AND THE LEGISLATIVE CONCEPT.**

No known statute changes required

**6. WHAT ALTERNATIVES WERE CONSIDERED AND WHAT WERE THE REASONS FOR REJECTING THEM?**

Not increasing resources to better achieve active efforts. This would be staying status quo as we have for several years and further impacting disproportionately Native American Children.

**7. WHAT WOULD BE THE ADVERSE EFFECTS OF NOT FUNDING THIS POP?**

Oregon can lose federal funding for not meeting active efforts which could have a cost potentially higher than the investment to assure active efforts can be met.

**8. WHAT OTHER AGENCIES (STATE, TRIBAL AND/OR LOCAL GOVERNMENT) WOULD BE AFFECTED BY THIS POP? HOW WOULD THEY BE AFFECTED?**

There will be a positive impact to Tribal agencies when the expected outcomes are achieved of positively impacting the length and quality of stay for Native American children in out of home care.

**9. WHAT OTHER AGENCIES, PROGRAMS or STAKEHOLDERS ARE COLLABORATING ON THIS POP?**

The Statewide ICWA council have reviewed the need for better achieving active efforts, have encouraged this initiative and support the request moving forward.

**10. WHAT ASSUMPTIONS AFFECT THE PRICING OF THIS POP?**

These positions will be focused specifically on ICWA only  
Specific training is available for these positions regarding active efforts and ICWA  
Service costs may increase due to added efforts to meet active efforts requirements  
Length of stay for Native American children will decrease eventually (not likely in 2013-15 biennium).

**Implementation Date(s):** July 1, 2013

**End Date (if applicable):** ongoing

- a. **Will there be new responsibilities for DHS? Specify which Program Area(s) and describe their new responsibilities.**
- b. **Will there be new administrative impacts sufficient to require additional funding? Specify which office(s) (i.e., facilities, computer services, etc.) and describe how it will be affected. See Addendum A - Administrative Services Division LC/POP Impact Questionnaire (pages 12-13).***no*
- c. **Will there be changes to client caseloads or services provided to population groups? Specify how many in each relevant program.**  
*n/a*
- d. **Will it take new staff or will existing positions be modified? For each classification, list the number of positions and the number of months the positions will work in each biennium. Specify if the positions are permanent, limited duration or temporary.**  
*No*
- e. **What are the start-up costs, such as new or significant modifications to computer systems, new materials, outreach and training?**  
*no*
- f. **What are the ongoing costs?**  
*5% salary costs*
- g. **What are the potential savings?**

**h. Based on these answers, is there a fiscal impact?**  
**yes**

**Child Welfare Delivery Fiscal Impact:**

<u>Category</u>	<u>GF</u>	<u>OF</u>	<u>FF</u>	<u>TF</u>	<u>Position</u>	<u>FTE</u>
Personal Services	\$83,202	\$0	\$83,202	\$166,404	0	0.00
Services & Supplies	\$0	\$0	\$0	\$0		
Capital Outlay	\$0	\$0	\$0	\$0		
Special Payments	\$0	\$0	\$0	\$0		
Other	\$0	\$0	\$0	\$0		
<b>Total</b>	<b>\$83,202</b>	<b>\$0</b>	<b>\$83,202</b>	<b>\$166,404</b>	<b>0</b>	<b>0.00</b>

**TOTAL FOR THIS PACKAGE**

<u>Category</u>	<u>GF</u>	<u>OF</u>	<u>FF</u>	<u>TF</u>	<u>Position</u>	<u>FTE</u>
Personal Services	\$83,202	\$0	\$83,202	\$166,404	0	0.00
Services & Supplies	\$0	\$0	\$0	\$0		
Capital Outlay	\$0	\$0	\$0	\$0		
Special Payments	\$0	\$0	\$0	\$0		
Other	0	0	0	0		
<b>Total</b>	<b>\$83,202</b>	<b>\$0</b>	<b>\$83,202</b>	<b>\$166,404</b>	<b>0</b>	<b>0.00</b>

**DHS - Fiscal Impact Summary**  
**by Program Area:**

	<b>Child Welfare Delivery</b>	<b>Program Area 2</b>	<b>Program Area 3</b>	<b>Program Area 4</b>
<b>General Fund</b>	<b>\$83,202</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Other Fund</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Federal Funds- Ltd</b>	<b>\$83,202</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Total Funds</b>	<b>\$166,404</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Positions</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>FTE</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

What are the sources of funding and the funding split for each one?

**Child Welfare Delivery Revenue**

**Impact:**

<u>Description of Revenue</u>	<u>OF</u>	<u>FF</u>	<u>TF</u>
Licensing fees (Comp Srce 0975)	\$0	\$0	\$0
Medicaid (Comp Srce 0995)	\$0	\$0	\$0
Other (Comp Srce 0995)	\$0	\$83,202	\$0
Other (Comp Srce XXXX)	\$0	\$0	\$0
Other (Comp Srce XXXX)	\$0	\$0	\$0
<b>Total</b>	<b>\$0</b>	<b>\$83,202</b>	<b>\$0</b>