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# Tribal Child Welfare Compact Technical Assistance

## Findings and Recommendations

### February 2021

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#### Background

In 2015, Health and Social Services Commissioner, Valerie Davidson and Alaska Governor Bill Walker acknowledged the Administration's deep concern over the longstanding disproportionate number (62%) of Alaska Native children in the State's Child Welfare system and the long record of poor outcomes for these children. In response, the Administration reached out to Tribes across Alaska to engage in conversation, listening sessions and Tribal Consultation to transform Alaska's Child Welfare system.

Over the course of the next year, the Administration engaged Tribal leaders, Tribal child welfare directors and their staff, family members who had experienced contact with the system, older youth and key Alaska Native stakeholders to consult on the issues. The Administration gained insight of the transformational change needed through Tribal input. The result of this process was a five-year strategic plan aimed at transforming child welfare in Alaska. The Plan's Vision is *Alaska Native culture keeps Alaska Native children safe*. As sovereigns, Tribes who know the needs of their children, families, culture and traditions, are best suited to administer and deliver services.

The Alaska Tribal Child Welfare Compact (Compact) is the most significant body of work to be produced from the strategic plan. The Compact formally operationalized a commitment to transform the system by providing a contractual framework to transfer State general funds to Tribes (Co-Signers) to provide a select set of child welfare services on behalf of the State. Under the Compact, Tribes provide services to the families and the State continues to have decision-making authority over child welfare cases. These services are provided in accordance with federal requirements and Alaska Statutes and are defined as "Scopes of Work". Tribes have the ability to deliver services within the scopes in a culturally responsive and competent manner. There are currently 18 Co-Signers representing more than 163 Tribes from all regions of the State who have embarked on this groundbreaking journey.

The Compact went into effect on January 1, 2018. During the first two years, two Scopes of Work were implemented: *Initial Diligent Relative Searches and Ongoing Placement Searches*. These initial scopes were relatively easy to implement because these services can be provided remotely and the referral process was centralized.

During the February 2020 Tribal-State Compact negotiations, three new Scopes of Work were agreed upon along with identified benchmarks. The implementation of these new scopes in 2020 proved to be problematic and complicated. The issues and concerns involved are illustrative of fundamental challenges to successfully implement the Scopes of Work. These issues range from the lack of existing systems to support the Compact to capacity issues for both the State and Tribal Co-Signers.

In the spirit of collaboration, this report respectfully represents the perspective of the Tribal Compact Co-Leads with findings and recommendations that support improved outcomes for Alaska Native children and families.

## Findings

### Successes

- The Compact is an excellent example of a Government-to-Government agreement that addresses information sharing, shared responsibility and liability, and a mutual vision of success. The Compact represents hundreds of hours of formal dialogue and negotiation by Tribal and State leaders, Tribal and State attorneys, and subject matter experts. The Compact speaks volumes about the importance of relationship and trust-building in Tribal-State partnerships.
- Over the past six months, Co-Signers and the Office of Children's Services (OCS) have made significant progress in developing systems and processes to support Scopes of Work implementation and quality assurance measures.

### Challenges

- The Compact work is under-resourced and cumbersome for the Tribes and the State to administer. Per the Compact, Co-Signers have the option to choose which of the five Scopes of Work they will provide and to select the service population and communities in which to provide these services. While many Co-Signers chose to provide services to their enrolled Tribal citizens, some expanded their service delivery area to include non-Native children and families. In SFY2020, systems were not in place to support implementation of the three new Scopes of Work, as a result the referral process and tracking outcomes has become exponentially complex for the State and Tribes to administer.
- Requiring local OCS caseworkers with high caseloads to navigate these complexities in order to access services is challenging and at times frustrating. OCS has a poor track record of retaining staff with a current turnover rate of well over 45%. The result is a constant need to shift caseloads among OCS staff, supervise, train, develop the knowledge, skills and capacity of new workers, while also trying to launch and navigate the complexities of the Scopes of Work. The current plan to have referrals made on the local or regional level may not be feasible.
- The State has only one full-time staff dedicated to the management of the Compact. As a result, there is a need to rely heavily on additional OCS staff who have other full-time and very specific program management responsibilities. This impairs OCS' capacity to develop, implement, support, and improve the referral processes, services, outcomes and continuous quality improvement measures.
- The Tribal Co-Signers do not have dedicated staff to provide oversight, support implementation, and develop continuous quality improvement processes. To address the need, Co-Signers currently rely on two positions contracted by Casey Family Programs (CFP)-- a project manager and a Tribal liaison. In addition, a dedicated team of Tribal Co-Signers have devoted substantial time to assist in Compact system development. However, this is not a sustainable solution and does not ensure the long-term support including development and monitoring of quality improvement measures required to administer and deliver services under the Compact.
- The Compact was designed to negotiate with all Tribes and Tribal Organizations in the same manner. Yet, all Tribes and Tribal Organizations' governments and child welfare systems are not the same. Some have been developing child welfare programs for decades, while others are on the continuum of establishing their programs. The State provides funding under the Compact for one staff per Co-Signer to provide direct services. This becomes problematic for Co-Signers who are building their infrastructures if their one dedicated worker is on leave or out sick and they do not have other staff to fill in and therefore cannot accept referrals.

The findings outlined above illustrate significant implementation challenges. To achieve optimal outcomes desired by the Tribes and OCS to transform the child welfare system for Alaskan Native children and families, the following are recommendations for consideration:

## **Recommendations**

### **State Fiscal Year 2022**

1. Continue the Scope of Work funding using the current formula for SFY 2022. This allows:
  - a. Time for the State and Co-Signers to continue to build and evaluate their systems including benchmark data related to outcomes and continuous quality improvement measures.
  - b. The State time to continue to develop, implement, support, and improve the referral processes, services, outcomes and continuous quality improvement measures.
  - c. Time to explore how to leverage Title IV-E and the possible expansion of Title IV-E options for Co-Signers.

### **Prior to State Fiscal Year 2023 Negotiations**

1. Convene a meeting to evaluate the current Scope of Work design, implementation and funding structure to determine if the desired outcomes are being met. The meeting should align with the State's budget cycle.
2. Consider a more flexible and tailored approach to the negotiation process for current and future Tribal Co-Signers. Begin with an approach of mutual exploration and acknowledgement of the unique level of child welfare system development, experience, and capacity of each Co-Signer rather than a "one size fits all" approach.
3. Explore the possibility of Compact Articles 7.5.4 In Home Case Management and 7.5.7 Out of Home Case Management as options for the next Scopes of Work. All prior scopes are components of case management. This could create a pathway for Co-Signers to provide a less fragmented service delivery approach in favor of a bundled approach that encompasses all case management components. Transferring case management duties will alleviate OCS' workload. Caution should be taken to ensure that all systems to transfer this service are in place prior to implementation.
4. Consider adding a Scope of Work for prevention services to work with families who have experienced screened-out child protection reports to provide active efforts to prevent the breakup of Alaska Native families. Programs such as TANF and 1115 Medicaid Waiver could be evaluated as potential funding options.
5. Revisit the possibility of allocating OCS case worker positions to co-locate in Tribal offices. For example, Tribal Co-Signers would partner with OCS to recruit and hire the position while Tribal Co-Signers would supervise the position.
6. Revisit Tribes assuming responsibilities of OCS field offices. For example, Arctic Slope Native Association managing the Utqiagvik OCS field office.

7. Invest in additional resources for Co-Signers.
  - a. There is a strong need for Co-Signers to have dedicated staff to partner with the State to design, develop, and implement processes and systems and provide direct support to Tribal Co-Signers. Fund at least one full-time Tribal Compact position to continue the work of CFP consultants. (note: eleven Tribal Title IV-E Partners have funded the State's Title IV-E Program Coordinator position for over 16 years.)
  - b. Explore other partnerships for support and possibly house the Tribal position(s) under one of the Co-Signers, or Alaska Community Foundation, Rasmuson Foundation, Alaska's Children's Trust, or a Tribal university.

Success of the Compact relies on the ability to access relevant data from the State's child welfare database to identify implementation barriers, modify processes, and evaluate outcomes to ensure accountability to the Tribes, State, and federal agencies. Success could be fully realized if the State and Co-Signers had adequate staff to design, develop, implement and provide continuous quality improvement measures.

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