# TRIBAL CHILD WELFARE PROGRAM POLICIES AND PROCEDURES:

## AN OVERVIEW OF THE WHY AND THE HOW OF DEVELOPMENT AND REVISION

July 2022

Capacity Building
CENTER FOR TRIBES

Documented policies and procedures are a critical tool for tribal child welfare programs. While they may take time to initially develop, the benefits are far-reaching and can be no less than lifesaving for children in care.

# WHY ARE POLICIES AND PROCEDURES NECESSARY?

Establishing tribal child welfare program policies and procedures is important for several reasons. First, policy development provides a key opportunity to ensure that the tribe's culture and priorities serve as the foundation of their child welfare practice. Equally important, having policies and procedures in place can allow for equitable treatment among all families served, unbiased decisions from directors, consistency in practice among staff, and visibility of tribal values, beliefs, and traditions throughout the process. Policies and procedures also can serve as aids in onboarding new hires.

Documented policies and procedures can assist not only with developing and training the workforce but also by reinforcing the importance and purpose of consistency in practice, which in turn supports the tribal child welfare program in avoiding future liability. Having policies in place to detail the roles and expectations of supervisors and staff can provide a clear framework to determine if the proper processes were followed should an incident occur. For example, you can clearly define the expected frequency of in-home visits, the procedure for documenting these visits, and the supervisor's role in monitoring these visits. This clarity, transparency, and shared understanding supports directors, supervisors, staff, and caregivers while helping to ensure the safety and well-being of children in care.

Finally, having documented policies and procedures in place may further support the program and the community by fulfilling requirements when applying for state or federal funds.

## What is the difference between policies and procedures?

Policies and procedures serve specific purposes in organizations. Policies answer the question, “Why does this need to be done?”, while procedures answer, “How will this be done?”. An intake policy, for example, could make clear that it’s important to the tribal community that a trained caseworker receive all reports of suspected abuse and neglect 24 hours a day to ensure confidentiality and that the caseworker note any considerations of tribal relations or potential conflicts of interest. This kind of policy could also indicate that a decision about reports will be made within a certain time frame to best ensure the safety of the child. The procedures would then provide the caseworker who may be answering that call with details such as how to access the phone line outside of regular office hours, what form they must complete when a report is received, who receives the report from the caseworker, as well as any immediate referrals for cultural services that may prevent placement.

It is worth noting that many tribes may have detailed codes around child protection or domestic relations. These may serve as guidance for staff similar to the function that policies would play; however, codes are ordinarily written at a higher level, or, as the Tribal Law and Policy Institute clarifies, “[C]odes are systematic collections of laws organized by subject matter”. Codes typically don’t provide practice-level guidance. Policies, instead, are intended to provide direction on areas where caseworkers need detailed guidance, such as Family Group Decision Making or respite care for foster parents.

## HOW TO DEVELOP TRIBAL CHILD WELFARE PROGRAM POLICIES AND PROCEDURES

Knowing the critical role policies and procedures play in a tribal child welfare program doesn't make finding the time to develop them any easier. As with any project, it's critical to have a plan in place and a team to help.

We have so much work to do already, how do we prioritize developing or updating policies and procedures?

Tribal child welfare programs across the country have shared innovative ideas for getting this work done – one of these suggestions may work for your program or spark a new idea:

- A large tribe created committees dedicated to different topic areas of their policies and procedures, with each group responsible for drafting or updating their sections. Committees brought suggested edits to the director for review, who was spared the work of trying to draft these alone. This approach also increases buy-in from staff and encourages a deeper understanding of the policies and procedures.
- A smaller tribe chose to approach this work by prioritizing their foster care policies, making the workload more manageable. They then brought on a particularly skilled intern to develop initial drafts for their review.
- Some tribes have hired consultants to do this work. This still requires staff involvement in guiding, managing, and reviewing the work but can help get the process moving.
- Adapting state policies is common and can save time up front. However, this process adds the critical and sometimes more time-consuming effort of "retrofitting" to incorporate tribal values and culture to ensure that they are at the core of the program's practice.
- Consider adapting policies and procedures from another tribe – examples can be found here in the Policies and Procedures section within Tools from Tribes on the Tribal Information Exchange. Be sure to share yours to be posted on the site after they are complete to help other tribes in the future!

Once you have decided on your approach, the following suggestions and ideas can get you started:

### Step 1. Gather information and make a plan.

Gather your existing resources. An important place to start is with your tribe's Domestic Relations Codes. Does your child welfare program have a mission statement? Are there current policies or procedures you want to update, or are you starting fresh? To ensure that new policies and procedures align with the values of your community, be sure to have those values in mind along with traditional practices or beliefs. Because cultural values and practices can be such a part of how everyone lives day to day, it might take some focus to identify these practices so they can be explicitly included throughout the policymaking process and are visible in your new policies.

It's important that the group working on this policy development understands the goal. What is driving the need to develop new policies (e.g., are current policies out of date, no longer reflective of community values, are there no documented policies?). Who will these policies apply to (e.g., tribal child welfare staff)? Is there a time frame for this work? What is the extent of the decision-making authority of this group?

What format for the new policies (e.g., a single document vs. multiple documents outlining individual policies) will be most helpful for staff and easiest to update? Will the policies be available online? A note on the technical end of this work – there is policy development software available that can help manage the ongoing process of editing, reviewing, and approving if that would be right for your program.

### Incorporating Cultural Practices into Your Policy Development

The Lakota Worldview: The Smooth Journey, a video presenting the four stages of life and the ceremonies in their community that accompany each stage, can help you think about your own practices. Rick Two Dogs and Ethleen Iron Cloud-Two Dogs share information about how they created this piece and their thoughts for other tribal communities in this companion document.

## Step 2. Prioritize policies to be developed or updated.

This step is a big undertaking and can make it hard to know where to start. Below are areas that you can include in your tribal child welfare policies and procedures, and you will most likely have others:

- Intake
- Investigations and assessment
- Client eligibility/screening
- Confidentiality
- Documentation
- Case planning and services (e.g., opening a case for services, in-home and out-of-home services and supports to children and families)
- Out-of-home care
- Case management (e.g., Family Group Decision Making or other practices, trauma-informed case plans, visitation, and school transfer)
- Foster care licensing and approval (e.g., diligent recruitment and respite care)
- Consultation
- Legal/tribal attorney functions under tribal child welfare program (e.g., intervening and transferring of jurisdiction)
- ICWA requirements for tribe (e.g., placement preference, notification, active efforts, and Qualified Expert Witness)
- Consultations with state
- Mandatory training (if tribe requires)

- Permanency (e.g., customary adoption)
- Transitioning out of care
- Supervision
- Quality assurance

When developing policies, it's important to prioritize what will be worked on first; perhaps it's the most outdated policy or a policy that doesn't currently exist but is crucial to successfully carry out your work. Policies that raise the most questions from staff or the community, or cause the most confusion, can also be those you consider working on first.

## Step 3. Get started.

When your program decides on its priorities, the group or person working on this process will review the existing policy, if there is one. If not, they will start thinking about the following:

- Consider what decisions need to be made about the work the policy covers. Does your current practice reflect what you want to see, or are there changes you want to be sure to include in the new policy?
- Many tribes have used a process called Practice Mapping to get started thinking about how they currently do the work and to identify any gaps in policy or procedure. This brief Practice Mapping tool can get you started on this simple process.
- Develop a template to ensure consistency throughout your policies, especially if different groups are drafting them.
- Share drafts with appropriate community stakeholders or subject-matter experts for review – discuss and incorporate any necessary changes.
- Determine if you want program staff who are not part of the development group to review drafts. If so, share the drafts and incorporate any of their suggestions that help to further clarify the policy.
- Continue this process with each of the policies identified as needing revision or initial drafting.

### Policy Template Section Suggestions

Here are a few ideas of what to include in your policy template:

- **Header:** Title, development/revision date
- **Introduction/Purpose Statement:** Why is this policy needed? What problem or issue will this address?
- **Policy Description:** Your program's policy details
- **Definitions:** Define program-specific terms; clarify acronyms.
- **Reporting/Compliance:** How do staff report non-compliance? What are the consequences of non-compliance?

## Step 4. Finalize policies and bring them to life.

Once the new or updated policies have been drafted and reviewed internally, are there others, such as tribal council or a tribal attorney, who need to review or approve them as well? Depending on the necessary steps, after everyone who is required has reviewed and approved the policies, they are then ready to be compiled into a document or manual and shared with staff and any necessary stakeholders, posted online internally, and, if standard practice for your program, even made available for the community to see.

For the new policies to become part of the new way of doing business, it's important that supervisors train staff on the policies and that there is a plan in place for refresher trainings. During the training, be sure to describe not only the policy itself but also how the policies will protect children, families, and staff, and how the policies will be enforced should there be an instance of non-compliance.

**Aligning Child Welfare Policies with Human Resources or Other Tribal Policies**

It's important for tribal child welfare policies and procedures to align with the tribe's human resources policies to support consistent onboarding, training, and compliance.

## Step 5. Update procedures to correspond to new or revised policies.

As mentioned, the policies provide guidance on why practice is done in a certain way while the accompanying procedures walk staff through the "how." Now that policies reflect current practice, update procedures to reflect this (e.g., are there forms that need to be created or revised or a new timeline requirement that needs to be incorporated?) This step is another opportunity to use the Practice Mapping tool to identify gaps or questions about current procedures that need to be answered and updated.

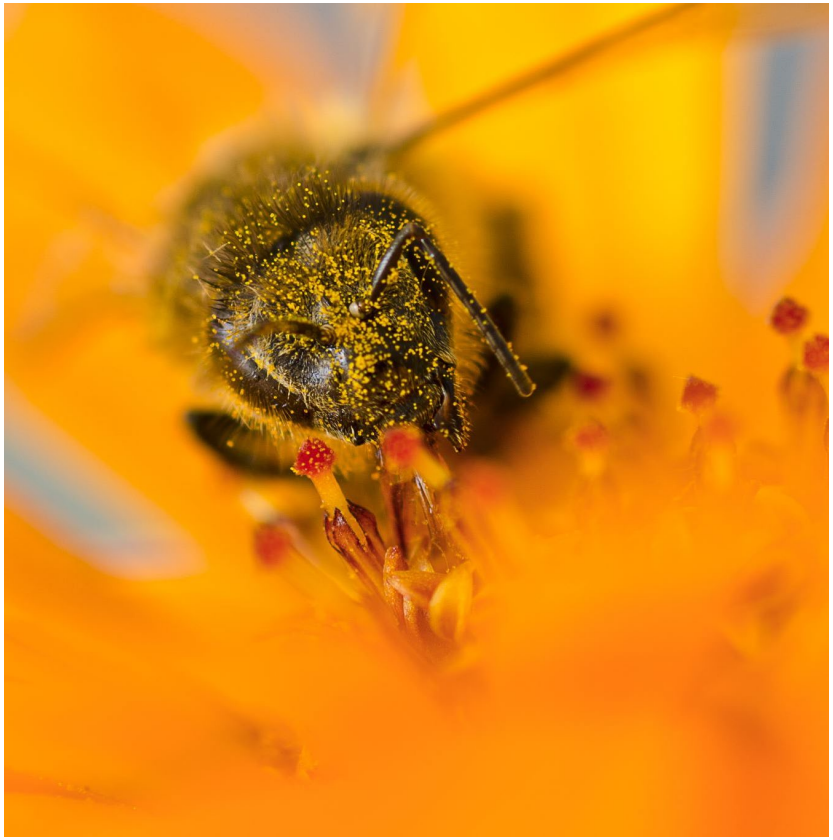
## Step 6. Create an ongoing review process to ensure sustainability.

Congratulations! Now that you have revised or developed your policies and procedures, how do you avoid them becoming outdated? Consider developing an on-going process for review so that no section becomes entirely out of date. For example, perhaps supervisors can systematically work through the policies and procedures, reviewing them every six months, every year, or whatever time frame you choose.

In the meantime, the following situations may result in the need to review a particular policy or procedure:

- Tribal child welfare staff lack clarity on a policy or procedure; if several staff members are making a similar mistake or have the same misunderstanding about a procedure, it most likely needs to be revised.
- Similar complaints about services or confusion around procedures are arising from community members.
- Newly elected tribal leaders initiate value or priority changes.
- Laws or funding stream practice or reporting requirements change.

Finally, to make this process of policy updates or revisions more streamlined, leave a roadmap of this development process for future staff or directors of your program. Document the steps you took, the materials you incorporated, and the process for approval, and clearly date any revisions. By sharing this information, you'll leave an important legacy for a strong tribal child welfare program whose practice reflects the values of the community.



## RESOURCES

Lakota Worldview: The Smooth Journey and Companion Document

When incorporating tribal values into policies and procedures as the foundation for your tribal child welfare practice, this brief video and two-page resource can provide inspiration into how another tribal community describes the practices and ceremonies that they believe contribute to a balanced life from childhood through returning to the spirit world.

Tribal Child Welfare Practice Mapping

This brief tool will get you started mapping your child welfare practice to identify gaps in service and inform needed policy and procedure improvements.

Policies and Procedures Section, Tools from Tribes

Find tribal policy examples from large and small tribes that can be modified and adapted to meet your program's needs.

Tribal Child Welfare Codes as Sovereignty in Action: A Guide for Tribal Leaders

For those who may be starting with no policies or with a new tribal leader unfamiliar with child welfare processes, this document provides an overview of key areas for consideration such as jurisdiction and mandated reporting.

Links to State and Tribal Child Welfare Law and Policy

Updated as of May 2021, this Children's Bureau brief resource provides links to the current child welfare laws and policies of states, territories, and tribes.

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