

May 31, 2023

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

**EXECUTIVE SUMMARY**

**ALL COUNTY LETTER NO. 23-49**

This letter provides guidance on tribal participation in System of Care (SOC) memorandums of understanding (MOU) per Assembly Bill (AB) 153. This bill requires that each county establish a process, through tribal consultation with the federally recognized Tribes to engage and coordinate regarding the ongoing implementation of the System of Care memorandums of understanding required by Assembly Bill 2083.

State of California – Health and Human Services Agency



California Department of  
**EDUCATION**

TONY THURMOND  
SUPERINTENDENT



KIM JOHNSON  
DIRECTOR



GAVIN NEWSOM  
GOVERNOR



MICHELLE BAASS  
DIRECTOR



NANCY BARGMANN  
DIRECTOR

May 31, 2023

ALL COUNTY LETTER NO. 23-49  
BEHAVIORAL HEALTH INFORMATION NOTICE NO. 23-022

TO: ALL CHIEF PROBATION OFFICERS  
ALL TITLE IV-E AGREEMENT TRIBES  
ALL COUNTY WELFARE DIRECTORS  
COUNTY BEHAVIORAL HEALTH PROGRAM DIRECTORS  
COUNTY DRUG AND ALCOHOL ADMINISTRATORS  
COUNTY BEHAVIORAL HEALTH DIRECTORS ASSOCIATION OF CALIFORNIA  
COUNTY WELFARE DIRECTORS ASSOCIATION OF CALIFORNIA  
CHIEF PROBATION OFFICERS OF CALIFORNIA  
CALIFORNIA STATE ASSOCIATION OF COUNTIES  
CALIFORNIA REGIONAL CENTERS  
ASSOCIATION OF REGIONAL CENTER AGENCIES  
DOR REGIONAL DIRECTORS  
COUNTY OFFICES OF EDUCATION  
SPECIAL EDUCATION LOCAL PLAN AREAS

SUBJECT: **GUIDANCE ON TRIBAL PARTICIPATION IN SYSTEM OF CARE MEMORANDUM OF UNDERSTANDING PER ASSEMBLY BILL 153**

REFERENCE: [TITLE 25 UNITED STATES CODE SECTIONS 1911\(C\) AND 1915](#); [ASSEMBLY BILLS 153](#), [ASSEMBLY BILL 2083](#), AND [ASSEMBLY BILL 3176](#); [WELFARE AND INSTITUTIONS CODE SECTION 16521.6](#), [WELFARE AND INSTITUTIONS CODE SECTION 224.4](#), [WELFARE AND INSTITUTIONS CODE SECTION 346](#), AND [WELFARE AND INSTITUTIONS CODE SECTION 16501\(A\)\(4\)\(B\)\(I\)\(VII\)](#); [ALL COUNTY LETTER 19-116](#) AND [BEHAVIORAL HEALTH INFORMATION NOTICE 19-053](#), [ALL COUNTY LETTER 20-63](#) AND [BEHAVIORAL HEALTH INFORMATION NOTICE 20-013](#); [ALL COUNTY LETTER 18-140](#) AND [ALL COUNTY LETTER 20-38](#); [EXECUTIVE ORDERS 13175](#) AND [B-10-11](#); [INDIAN CHILD WELFARE ACT DESK REFERENCE](#)

The purpose of this All County Letter (ACL) is to provide guidance on tribal participation in System of Care (SOC) memorandums of understanding (MOU) per [Assembly Bill \(AB\) 153 \(Chapter 86, Statutes of 2021\)](#), effective July 16, 2021. This bill amended [Welfare and Institutions Codes \(WIC\) section 16521.6](#) to require that each county establish a process, through tribal consultation with the federally recognized Tribes to engage and coordinate regarding the ongoing implementation of the SOC MOU initially required by [AB 2083 \(Chapter 815, Statutes of 2018\)](#). Therefore, county Interagency Leadership Teams (ILTs) should work with federally recognized Tribes, as soon as possible to develop a process to engage and consult as part of the SOC. While Tribes are not mandatory ILT members or MOU signatories under [AB 2083](#), they may enter into the SOC MOUs or participate as ILT members at the Tribe's option. Each county ILT must consult with federally recognized Tribes in the development and ongoing updates to the MOU. If the ILT did not engage or consult with Tribes in the initial development of the MOU, it is incumbent upon the ILT to revise the MOU following tribal consultation.

## **SYSTEM OF CARE MOU REQUIREMENTS**

The [AB 2083](#) requires each county to develop and implement an MOU setting forth roles and responsibilities of agencies and other entities that serve children and youth in foster care who have experienced severe trauma. It requires counties' MOUs to establish and operate ILTs. The purpose of the MOU is to ensure that children and youth in foster care receive coordinated, timely, and trauma-informed services.

Guidance on MOU development is set forth in [ACL 19-116 and Behavioral Health Information Notice \(BHIN\) 19-053](#). This guidance was developed by the Joint Interagency State Resolution Team which is available to provide MOU technical assistance as set forth in [ACL 20-63 and BHIN 20-013](#). This guidance expressly acknowledges that while [AB 2083](#) focuses on children and youth who have experienced severe trauma, it reflects a priority to build a locally governed interagency or interdepartmental model on behalf of all children and youth across California that have similar needs, that interact with and are served by multiple agencies. Similarly, while [AB 153](#) focuses on consultation with federally recognized Tribes within each county SOC, it reflects a priority to acknowledge the role of Tribes in Indian child welfare, as well as the importance of broadly engaging with Tribes, both to meet the requirements of state and federal law and to maximize access to culturally appropriate services and placements.

Through [AB 2083](#), counties initially received funding and resources to support the planning and development of the MOU. To the extent ILTs receive additional funding to update and implement the SOC MOU, any such funding may be equitably accessible to Tribes who engage in consultation to support their travel, time, and other costs related

to engaging in consultation and sharing knowledge. Counties may include funding availability in the notice of consultation.

## **THE ROLE OF TRIBES IN FOSTER CARE INVOLVING INDIAN CHILDREN**

Information on federally recognized Indian Tribes and their role in foster care is set forth in the California Department of Social Services (CDSS) Office of Tribal Affairs [Indian Child Welfare Act Desk Reference](#). The Desk Reference provides a framework to support those involved in the SOC with efforts to work effectively with Tribes in implementing the federal Indian Child Welfare Act (ICWA). The guide includes a basic orientation to Indians and Tribes, as well as a discussion of the ICWA as a multi-faceted statute including tribal rights and opportunities, both legal and programmatic, legal requirements for states, and cultural considerations. It also contains a compilation of controlling federal and state authorities, job aids, and other guidance. The [ACL 18-140](#), also offers important guidance, including the following:

- Federally recognized Indian Tribes are sovereign entities and thus should be treated equal to other foreign government, federal, or state governmental entities. Agencies within a Tribe, or officially designated by the Tribe to serve the Tribe, should be treated as any similar governmental agency in our federal government, another state government, or a foreign government. Thus, consistent with federal and state law,<sup>1</sup> confidential information related to the provision of child welfare services, including investigations into whether abuse, neglect, or exploitation has occurred, may be shared with appropriate tribal agencies as needed in performance of their duties.
- Tribes may participate in cases in various capacities, with a single individual filling multiple roles or multiple individuals filling different roles. Participation may include but is not limited to the following:
  - Party in a child custody proceeding by the right of formal intervention pursuant to the ICWA [Title 25 United States Code \(USC\) section 1911\(c\)](#) and state law ([WIC section 224.4](#)),
  - Provider of culturally relevant services, including but not limited to informing the child's placement,

---

<sup>1</sup> [25 USC section 3205](#); [Title IV-E, section 471\(a\)\(8\), \(a\)\(9\) and \(c\)](#); [42 USC section 671\(a\)\(8\), \(a\)\(9\) and \(c\)](#); [WIC section 10850 \(a\), \(b\), \(c\), \(d\), & \(h\)](#) tailor active efforts to the facts and circumstances of every Indian child, which may change depending on the stage of the child welfare referral, investigation, or case. Furthermore, tribal recommendations regarding specific services or additional assessments for the Indian family must be sought out and provided, if possible, rather than relying on the Child Welfare Service agency's standard or contracted providers. For additional examples of what may constitute active efforts, please see [WIC section 224.1\(f\)](#).

- An interested person as authorized by the court pursuant to [WIC section 346](#),
- Member of the child and family team (CFT), and
- Member of the multidisciplinary team.
- Collaboration and information-sharing between county Child Welfare Services (CWS) and Indian Tribes are crucial practices to ensure the well-being of Indian children whenever Tribes intervene or participate in foster care cases.

The [ACL 20-38](#) and the Children and Family Services Division Implementation of [AB 3176](#), provides a general overview highlighting significant amendments passed under [AB 3176](#) (Chapter 833, Statutes of 2018), which conformed and updated the WIC to the federal Bureau of Indian Affairs regulations updated in 2016. The [ACL 20-38](#) includes the following subjects:

- [Integrated Core Practice Model \(ICPM\)](#). The state's ICPM for Children, Youth, and Families establishes evidence-informed guidance and principle-based practices around effective engagement, assessment, service planning and delivery, monitoring of care, and transition management. This includes discussions of culture and inquiry into the family's tribal affiliation.
- [Inquiry](#). Inquiry about a child's Indian status is required in all cases, begins at initial contact with CWS, and is a continuing duty in all cases.
- [Active Efforts](#). "Active efforts," in the case of an Indian child, means affirmative, active, thorough, and timely efforts intended primarily to maintain or reunite an Indian child with their family. Active efforts begin at first contact, and require active communication, coordination, and engagement of Tribes.
- [Placement Preferences](#). If it is known or there is reason to know the child is an Indian child, the agency must apply ICWA placement preferences as early as the initial removal. Whether a placement complies with the placement preferences must be analyzed each time there is a change in the child's placement.

Additionally, the ICWA ([Title 25 USC section 1915](#)) specifies that the standards to be applied in meeting placement preference requirements shall be the prevailing social and cultural standards of the Indian community in which the parent or extended family resides or with which the parent or extended family members maintain social and cultural ties. Further, it acknowledges tribal authority to license, approve, or specify homes for placement in designated circumstances. Finally, it should also be noted that an Indian foster child's Tribe is a mandatory participant in the CFT [WIC section 16501\(a\)\(4\)\(B\)\(I\)\(VII\)](#).

The guidance set forth in [ACL 18-140](#) and [ACL 20-23](#), together with legal requirements contained in state and federal law, serve to clarify: (1) the critical role of Tribes in the SOC involving Indian children; (2) the need to actively partner with Tribes and tribal

programs within the county; and (3) the need to integrate Tribes to the fullest extent possible into a county's SOC as parties to the SOC MOU when a Tribe in the county so elects, and/or as providers in an advisory capacity.

## **TRIBAL CONSULTATION**

Ushering in an era of tribal self-determination policy, [Executive Order 13175 of November 6, 2000](#) (Consultation and Coordination with Indian Tribal Governments), charged all federal executive departments and agencies with engaging in regular, meaningful, and robust consultation with tribal officials in the development of Federal policies that have tribal implications. The purpose of consultation under this order was to strengthen the Nation-to-Nation relationship between the United States and Tribal Nations. Each administration since has reaffirmed this policy.<sup>2</sup>

On September 19, 2011, Governor Edmund G. Brown Jr. issued [Executive Order B-10-11](#), which provides that it is the policy of the Administration that every state agency and department subject to executive control shall encourage communication and consultation with California Indian Tribes. Each administration since, has reaffirmed this policy. In 2017, the California Health and Human Services Agency (CalHHS), finalized and adopted the agency's [Tribal Consultation Policy \(CalHHS TCP\)](#).

The CalHHS TCP is to facilitate effective government-to-government consultation between the CalHHS, the departments of the CalHHS, and sovereign California federally recognized Tribes ("Tribes"), in order to:

1. Encourage Tribes to provide meaningful input into the development of regulations, rules, and policies that may affect tribal communities, and
2. Promote opportunities for state departments to learn from tribal program experience and results to inform program operations and policy development statewide and in non-tribal populations.

Shortly after the CalHHS TCP was finalized, the CDSS and the Department of Health Care Services (DHCS) each finalized their TCPs (Tribal Engagement Plan, for DHCS) which are consistent with the CalHHS TCP and provides increased detail to support robust consultation.

---

<sup>2</sup> The State of California Health and Human Services (CHSS) [Tribal Consultation Policy \(TCP\)](#)

Tribal consultation policies:

- Provide a framework for elected leaders of tribal governments, or their designated representatives, to provide meaningful input into the development of programs, regulations, rules, and policies on matters that may affect tribal communities;
- Guide government-to-government consultation between Tribes and decision-making officials of other governments; and
- Provide opportunities for governmental leaders to interact on a policy and programmatic basis, thus allowing diverse governmental systems to cooperate and collaborate to maximize resources and the governmental operations of each.

Government-to-government consultation is a formal process among decision makers and is distinct from collaboration, which the CDSS TCP defines in part as “working together in a meaningful effort to create a positive outcome.” Staff interactions, case work, and similar activities, while important, do not constitute tribal consultation.

## **ASSEMBLY BILL 153 TRIBAL CONSULTATION POLICY MODEL FOR SYSTEM OF CARE**

To support county efforts to implement [AB 153](#), this letter provides a model Tribal Consultation Policy (TCP) that sets forth a process to broadly guide consultations with Tribes. It is consistent with California [Executive Order B-10-11](#), the CalHHS TCP Policy, the [CDSS Tribal Consultation Policy](#), and the [DHCS Tribal Engagement Plan](#). It is also consistent with the mandate set forth in WIC section 16521.6 requiring SOC MOUs to contain processes, as developed through tribal consultation with federally recognized Tribes within each county, for engaging and coordinating with these Tribes in the ongoing implementation of the MOUs. While the [AB 2083](#) TCP template (attached) was developed in consultation with Tribes at the state level, if ILTs decide to implement the [AB 2083](#) TCP, further consult with federally recognized Tribes located within the county may be necessary to meet the needs of the local Tribes.

Once ILTs work with federally recognized Tribes to determine the process by which tribal consultation with federally recognized Tribes will occur, they are to submit their process and or an updated MOU to [systemofcare@dss.ca.gov](mailto:systemofcare@dss.ca.gov) no later than August 30, 2023. The ILTs must also work with federally recognized Tribes to accomplish the requirements of [AB 153](#) as the law requires the SOC MOU to include a provision “for engaging and coordinating with these Tribes in the ongoing implementation of the memorandums of understanding.” This will require ILTs to revisit each component of their MOU to incorporate any feedback from federally recognized Tribes and work as a team to implement the revised MOU.

All County Letter No. 23-49  
Behavioral Health Information Notice No. 23-022  
Page Seven

While [WIC section 16521.6](#) mandates that county ILTs engage and coordinate with federally recognized Tribes, ILTs are encouraged to work with all Tribes located within their county regardless of the Tribes federal status.

The Departments look forward to collaborating on this important initiative to integrate California Tribes into the implementation of a coordinated, timely, and trauma-informed SOC approach for foster children and youth who have experienced severe trauma. The CDSS is available to provide technical assistance to counties and Tribes.

For questions regarding this correspondence or [AB 2083](#), or to request technical assistance in the development of an MOU, please email [systemofcare@dss.ca.gov](mailto:systemofcare@dss.ca.gov). For questions related to tribal affairs, please email the CDSS Office of Tribal Affairs at [tribalaffairs@dss.ca.gov](mailto:tribalaffairs@dss.ca.gov).

Sincerely,

***Original Document Signed By***

DIANNA WAGNER  
Assistant Deputy Director  
Children and Family Services Division  
California Department of Social Services

TYLER SADWITH  
Deputy Director  
Behavioral Health  
Department of Health Care Services

WILLIAM MCGEE  
Director  
California Department of Education

CHRIS GEPHART  
Deputy Director  
Office of Statewide Clinical Services  
Department of Developmental Services

Attachment



## **DRAFT SYSTEM OF CARE TRIBAL CONSULTATION POLICY**

This Tribal Consultation Policy (TCP) is a model designed to assist Interagency Leadership Teams (ILT), in consultation with Tribes, to tailor to their own consultation efforts, resources, and timelines. This document is consistent with the California Health and Human Services (CHHS) TCP, the California Department of Social Services (CDSS) TCP, and the Department of Health Care Services (DHCS) Tribal Engagement Plan.

**The *[Interagency Leadership Team Name]* *[agency/department]* Tribal Consultation Policy Approved by *[Title of county director/executive official; Effective (date)]***

---

### **Sections:**

1. Purpose
2. Scope
3. Values and Principles
4. Political/Legal Foundations
5. Definitions
6. Tribal Liaison
7. Process and Procedure
8. Consultation Record
9. Adoption and Amendments

### **1. PURPOSE:**

The purpose of this TCP is:

- 1) To guide effective government-to-government consultations between the County Child Welfare, County Probation, County Behavioral Health, County Office of Education, and Regional Center (“ILT”) and sovereign federally recognized Tribes, individually or collectively, including but not limited to all federally recognized Tribes located within the county and federally recognized Tribes with high numbers of members or membership-eligible children and families within the county; and
- 2) To outline the process so Tribes can provide meaningful input into the development of programs, rules, and policies that affect tribal communities and Indians, and to promote opportunities for the ILT to learn from tribal program experience and results to inform program operations and policy development.

## 2. SCOPE:

This TCP *[As appropriate, specify applicability, e.g., “applies to 2083 System of Care and”]* shall serve as a guide for county/ILTs to conduct Tribal consultation for participation in the System of Care (SOC) program and policy development before action is taken, to the greatest extent practicable and permitted by law.

This TCP is not intended and should not be construed to define the legal relationship between the ILT and its departments and Tribes. This policy does not create, expand, limit, waive, or interpret any legal rights or obligations, including State, county, or tribal governmental rights, sovereign immunity, or jurisdiction.

This TCP is not intended to preclude collaborative relationships between the ILT and any Tribe(s) or Indian organizations outside of the processes described in this policy. The feedback and recommendations received through collaboration activities inform the parties on issues relevant to Indians and Tribes and support the formal government-to-government consultation with federally recognized Tribes.

## 3. VALUES AND PRINCIPLES:

This policy anticipates a deliberate inclusive participatory process that aims to create effective collaboration and collective informed decision-making. All parties in the process should promote respect, shared responsibility, and an open and free exchange of information. Meaningful consultation begins at the earliest possible phases of a project or program planning and continues through each phase of development and implementation. This policy is anticipated to promote positive, achievable, durable outcomes, and is to be conducted in a timely, respectful, transparent, and meaningful manner using open communication. There also should be recognition and respect for diverse tribal customs and traditions, which may be especially applicable when services are provided.

## 4. POLITICAL/LEGAL FOUNDATIONS:

This policy is consistent with the mandate set forth in [Welfare and Institutions Code \(WIC\) section 16521.6 \(a\)\(2\)\(L\)](#) requiring SOC Memorandums of Understanding (MOU) to contain processes as developed through tribal consultation with the federally recognized Tribes within each County, for engaging and coordinating with these Tribes in the ongoing implementation of the MOUs.

## 5. DEFINITIONS:

- a. Collaboration: Working together in a meaningful effort to create a positive outcome. Collaboration occurs with authorized representatives from each party (e.g., staff acting within the scope of their authority) who effectuate the policy objectives determined in the consultation described under the Process and Procedure section.
- b. Consultation: A formal process of government-to-government communication among the highest level of government leaders within the Tribes and counties that emphasizes trust, respect, and shared responsibility. It is an equitable, open, and free exchange of information and opinion among parties, with the goal of attaining mutual understanding and informed decision-making.
- c. Federally Recognized Tribe: A Native American Tribe with whom the federal government maintains an official government-to-government relationship. The Bureau of Indian Affairs maintains and regularly publishes the list of federally recognized Indian Tribes in the Federal Register and maintains a directory on its website.
- d. Indian Organizations: A group, association, partnership, corporation, or other legal entity owned or controlled by Indians, or a majority of whose members are Indians who serve and advocate concerns and issues impacting Tribes and Indians in California. Interactions and collaborations with Indian organizations is important; however, it does not constitute Tribal Consultation except pursuant to and within the express terms of a tribal resolution or letter from the Chairperson designating an organization as a Tribal Designee to represent the Tribe in its Consultation with the County.
- e. Indians: American Indians and Alaska Natives, also referred to as Native Americans, refers to any descendant of a Tribe indigenous to the United States.
- f. Significant Actions: “Significant actions” refer to policies or program activities that:
  - (1) have tribal implications, and (2) have substantial direct effects on (a) one or more Indian Tribe(s), or (b) the relationship between the County government and Indian Tribes, or (c) on the distribution of power and responsibilities between the County government and Indian Tribes, or (3) influences Indians in the County.
- g. To the Extent Practicable and Permitted by Law: Refers to situations where the opportunity for Consultation is limited because of constraints of time, budget, legal authority, or other situations beyond the control of the parties. Time is not

an adequate limitation for excluding Consultation on a policy or program unless it is a true emergency as designated by an emergency declaration or similar legal action of the County or State.

- h. Tribal Representative or Tribal Designee: The elected Tribal Chairperson or their designee by resolution or letter. The ILT will use the contact list of Tribal Chairpersons maintained by the Governor's Tribal Advisor and available on the [Governor's Tribal Advisor website](#). The Tribal Chairperson can designate a Tribal Designee for a period of up to one year, by the Tribe and established through a resolution or letter from the Tribal Chairperson.

## 6. TRIBAL LIAISON:

The [*Title of ILT directors/executive officials, e.g., "Directors"*], in partnership with and with the approval of the Tribes based within the County, shall designate a Tribal Liaison to act as the ILT's representative in matters pertaining to this Policy. The Tribal Liaison shall be at the executive level and may be the [*Title of ILT directors/executive officials*] or a designated representative of the ILT executive teams and shall be responsible for ensuring that the SOC programs are engaging with Tribes consistent with this Policy.

## 7. PROCESS AND PROCEDURE:

- a. Outreach: The ILT shall consult with Tribes and make relevant information available at the earliest possible time and allow a reasonable opportunity for Tribes to respond and substantively engage in planning, program, regulatory, or other processes. The ILT shall display on its website any ILT member's current Tribal Consultation Policy and the name and contact information of the ILT's Tribal Liaison.
- b. Initiating Consultation: A significant action may be identified by the ILT and/or an Indian Tribe(s). Tribes may initiate Consultation with the ILT by contacting the Tribal Liaison, or in the absence thereof, the [*Title of ILT directors/executive officials*]. The ILT may initiate Consultation by reaching out to Tribes using the list of Tribal Chairpersons maintained by the Governor's Tribal Advisor and available on the [Governor's Tribal Advisor website](#).
- c. Consultations: Means of Consultation, which must be varied to balance formality and decorum with early and repeated engagement, include but are not limited to one or more of the following as appropriate to the subject of the Consultation:
  - i. Mailings

- ii. E-mail
- iii. Teleconference
- iv. Face-to-face meetings between the County and Indian Tribe(s)
- v. Roundtables
- vi. Other regular or special Consultation sessions.

Tribally approved and constituted workgroups or taskforce efforts may be made by the parties to define and document the complexity, time constraints, and implications of the issues upon which consultation occurs. The ILT will communicate and collaborate with Tribes in a manner that is timely and respectful. Internal processes and timelines will be clearly identified, and appropriate staff will be available to explain processes and timelines, as needed. The ILT shall strive to follow the Consultation Best Practices identified in subdivision (f).

- d. Timely Notice: The ILT recognizes that Tribes have their own internal processes to negotiate. As well, Tribes may be located in remote regions, which necessitates clear and adequate notice prior to Consultation or meetings that may require travel by tribal representatives. Contact with Tribes shall be initiated as early and as promptly as possible to provide ample time for Tribes to have substantive input. Tribal requests for additional time to prepare for or attend a Consultation session or in-person meeting will be honored.
- e. Emergency Consultation Process: Consultation typically should be conducted with advance notice, but should an Agency require Consultation with a Tribe in a state of emergency declared by the Governor and the notice cannot be provided 30 days in advance, the Agency will contact the Tribal Chairperson immediately and provide a summary of the actions and potential impacts. The Tribal Chairperson will follow the Tribe's policies or procedures, which may include meeting with the Tribal Council and tribal stakeholders to determine if the Tribe can participate in an emergency Consultation. Action steps will follow the steps set forth above with immediate and shortened timelines as mutually agreed upon.
- f. Funding: To the extent that ILTs have funding allocated to support AB 153 consultation with Tribes, any such funding may be accessible to Tribes who engage in consultation to support their travel, time, and other costs related to the Consultation process. ILTs should include funding availability, if any, in the notice of consultation.
- g. Dispute Resolution: If an ILT does not have an existing mechanism for

dispute resolution with Tribes, the TCP should include processes to address disputes at the policy, practice, and individual case levels. The TCP should address the following:

- i. Identify a process and timeline for resolving disputes with respect to application of any specific policy, including the SOC MOU, that affects Indian children, parents, families, or communities.
- ii. Identify a process and timeline to resolve disputes with respect to application of any specific practice that is inconsistent with the underlying policy that affects Indian children, parents, families, or communities.
- iii. Identify a process and timeline for resolving disputes with respect to case-specific issues that affect individual Indian children, parents, families, or communities.

The consultation process should include a process and timeline for discussing any recommendations arising from consultation that the county will not adopt.

h. Consultation Best Practices:

- i. To the extent practicable, provide advance notice to the Tribe(s) of any new policy, regulation, rule, program, or other activity impacting Indians or Tribes in the county.
- ii. Make early efforts to identify potential areas of concern for the Tribe(s).
- iii. Initiate Consultation with a letter requesting Consultation or providing notice to the Tribal Chairperson. Include a draft or overview of and statement of need for the policy, rule, regulation, program, or project; a summary describing how it may affect Indians or Tribes; a contact person, timeline of the project, and any other relevant information to assist the Tribe in determining if Consultation is in the best interest of the Tribe.
- iv. Communicate with the Tribe(s), beginning early in the planning process and continuing throughout the project. As warranted, develop a Consultation calendar or an agreed-upon meeting interval to ensure that enough meetings are planned for adequate, meaningful consultation. This may include formal and informal meetings between staff or ad hoc sub-groups as needed or agreed.

- v. Include tribal participation in the development of agendas for ongoing consultation meetings or coordination meetings.
- vi. As appropriate, use multiple venues for consultation, acquainting parties with both county and tribal facilities.
- vii. Foster a relationship between the ILT and Tribal Council and the Tribe's staff including an annual meeting regarding programs that directly impact Tribes and tribal communities.
- viii. Identify facilitators for the sessions, perhaps alternating between the ILT and the Tribe(s), or an agreed-upon third party.
- ix. Meeting notes, minutes, and documents from Consultation sessions should be maintained by the ILT and shared with Tribe(s) upon request.
- x. Take tribal views and concerns into account, implement them in ILT actions, and work together to maximize all available resources.

#### **8. CONSULTATION RECORD:**

The local SOC Tribal Consultation Records shall be posted on an agreed upon location determined by the ILT and Tribes. Additionally, reports shall be produced following each consultation and will include a description of the issue(s) that were the subject of consultation, specific recommendations, and any follow-up. The local SOC shall solicit Tribal Reports on satisfaction with the consultations, what Tribes felt was meaningful, and what could be improved in future meetings. A Tribe may submit a report at the consultation, or no more than 60 days after the conclusion of the consultation. Tribal feedback will be included in dissemination of meeting content, with identities and all other confidential information protected upon request.

#### **9. ADOPTION AND AMENDMENTS:**

This TCP shall become effective upon approval by the *[Title of ILT directors/executive officials]*, and the date of said approval shall be noted in the Title of the document. Any parties to Consultation may propose amendments to this TCP, but all such proposals must be in writing. Proposed amendments shall be considered and adopted by the ILT's executive leadership after Consultation and full consideration in keeping with the spirit and provisions of this policy. The ILT retains the right not to agree to amendments that could impede its performance of the duties and obligations for which it is responsible under all applicable laws, regulations, and CDSS written guidance.