

WICWA Continuous Quality Improvement Data from the Onsite Reviews Conducted in 2013-2014 and 2017-2018

Purpose

The Wisconsin Indian Child Welfare Act (WICWA) Continuous Quality Improvement project, through the Children's Court Improvement Program (CCIP), is designed to improve adherence to WICWA requirements in the circuit court system, including use of qualified expert witnesses, providing notice, documentation of active efforts, and compliance with placement preferences in CHIPS, JIPS, TPR, guardianship, and adoption cases. In addition, the project aims to increase collaboration and cooperation among the circuit courts, tribes, county child welfare agencies, attorneys, and other stakeholders.

Data Collection

The following data collection methods may be utilized as part of the WICWA Continuous Quality Improvement project: court file review, focus groups, and surveys.

1. **Court File Review.** The case sample contains circuit court cases subject to WICWA in the following case types: CHIPS, JIPS, TPR, guardianship, and adoption. The case must be filed within the last three years. In situations where a sibling group is involved, a maximum of two sibling cases will be reviewed.
2. **Focus Groups.** Each focus group includes questions to assess WICWA compliance and to learn more about the relationships between the tribes and other child welfare stakeholders. Focus groups are typically conducted with the following individuals:
 - a. Circuit court staff (e.g., judges, circuit court commissioners, and juvenile clerks)
 - b. Tribal representatives (e.g., attorneys and child welfare staff)
 - c. County child welfare agency staff (e.g., directors, supervisors, caseworkers, and initial assessment workers)
 - d. Attorneys (e.g., district attorneys, corporation counsel, GALs, and defense attorneys)
3. **Surveys.** Written surveys are completed by individuals who are unable to attend the focus group in person. The survey covers key questions from the applicable focus group. An online survey tool (e.g., SurveyMonkey) may be used to collect the responses from participants.

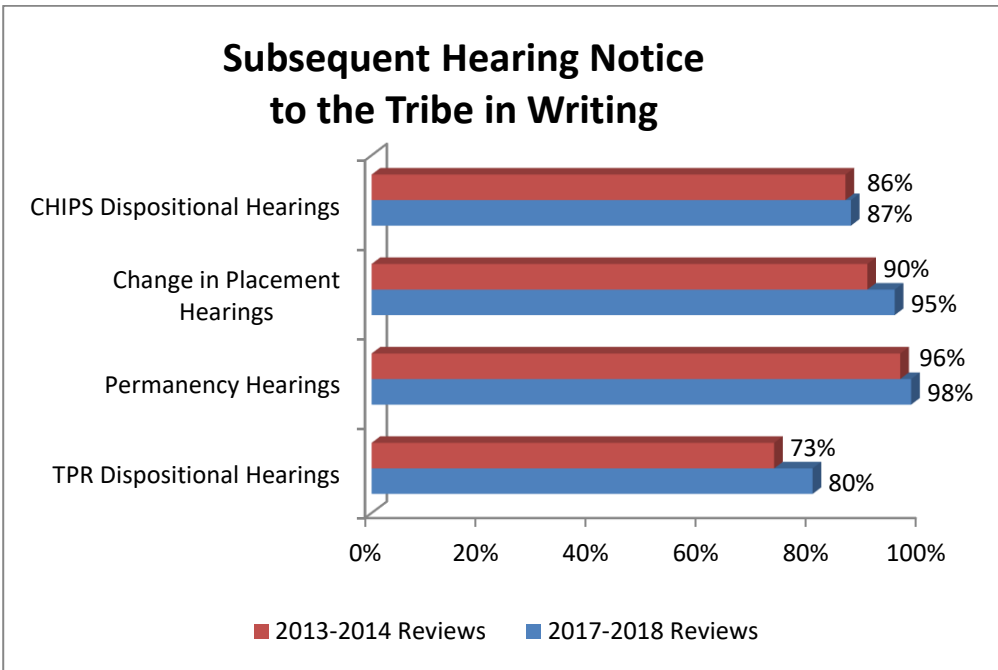
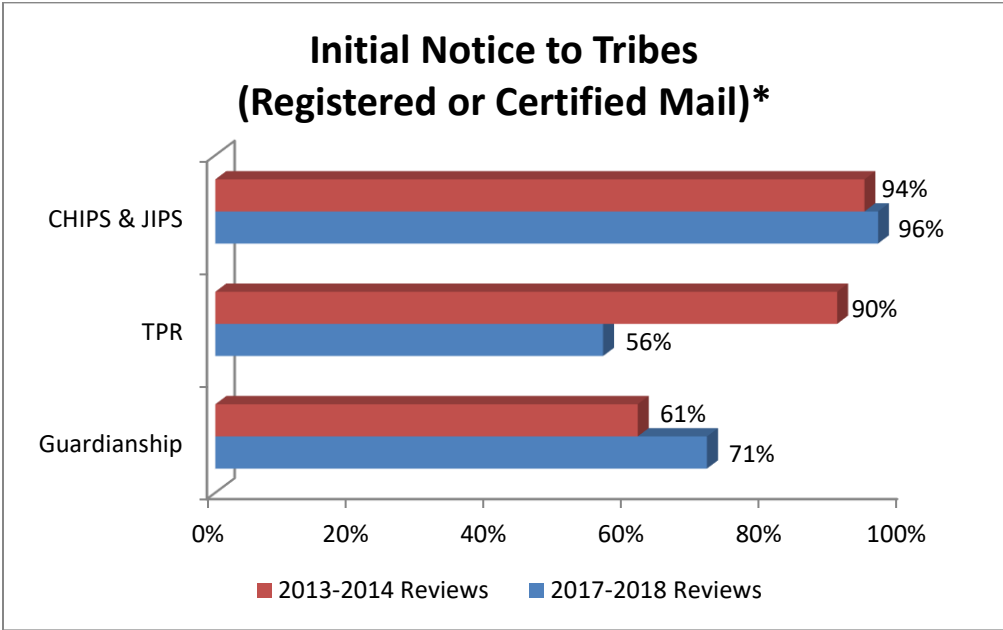
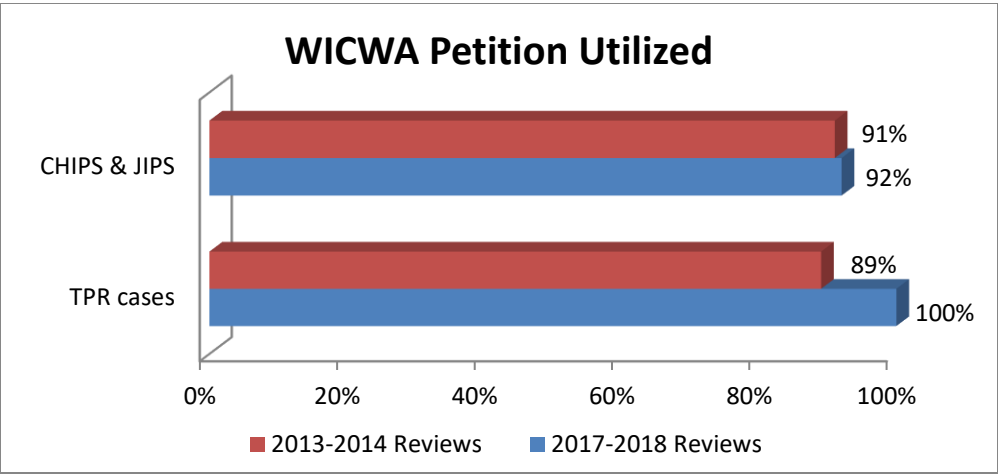
Onsite Reviews

The achievement of the WICWA Continuous Quality Improvement project's goals is assessed through onsite county reviews. When schedules permit, staff from CCIP and the Department of Children and Families (DCF) conduct simultaneous WICWA reviews of the same counties.

In 2013-2014 and 2017-2018, CCIP and DCF staff conducted onsite reviews for the WICWA Continuous Quality Improvement project in the eight counties with the highest number of circuit court cases subject to WICWA: Shawano, Milwaukee, Bayfield, Jackson, Forest, Brown, Vilas, and Burnett. Additionally, CCIP and DCF staff provided training on the new federal ICWA regulations in conjunction with the second round of reviews. In 2015-2016, court file reviews were conducted by CCAP in 12 additional counties that had a minimum number of WICWA cases meeting the file review criteria. These counties were: Ashland, Barron, Douglas, Eau Claire, La Crosse, Marathon, Marinette, Oconto, Oneida, Outagamie, Sawyer and Wood. CCIP plans to conduct court file reviews again in additional counties in 2019-2020.

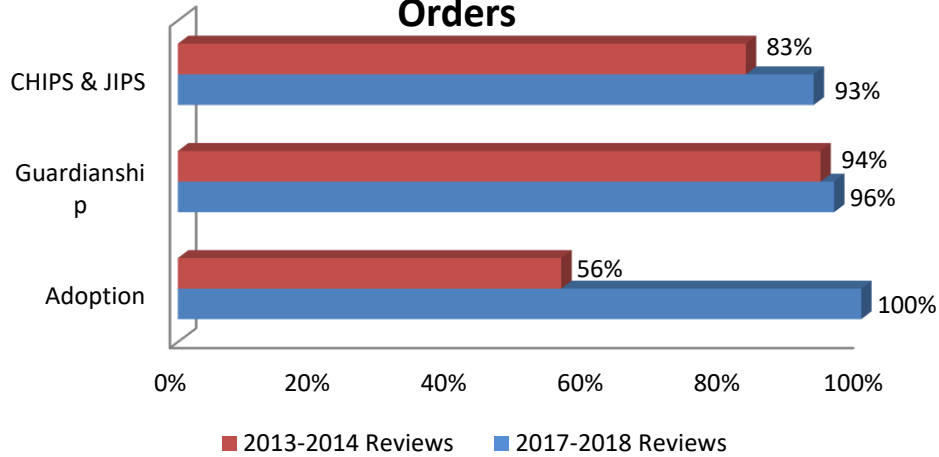
Results

The findings from each onsite review are presented in the form of a written report and/or summary presentation approximately two-three months after the review. The results from the second round of reviews will be used to: (1) determine whether the recommendations made and technical assistance provided by CCIP staff in each county were effective and (2) to identify additional technical assistance and training needs. Further, these reviews will afford an opportunity to provide training and feedback to counties on the new federal ICWA regulations.

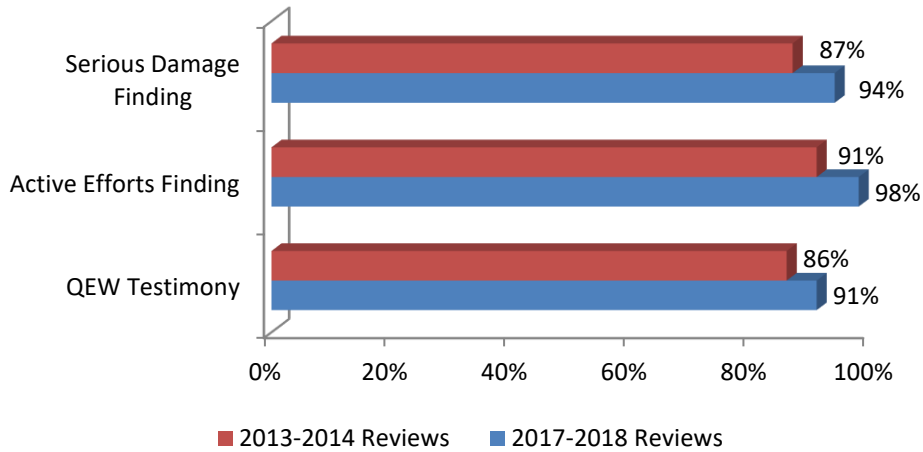


* While the vast majority of initial notice is sent registered mail, approximately 3% - 12% was sent certified mail. ICWA allows certified mail whereas WICWA requires registered mail notice.

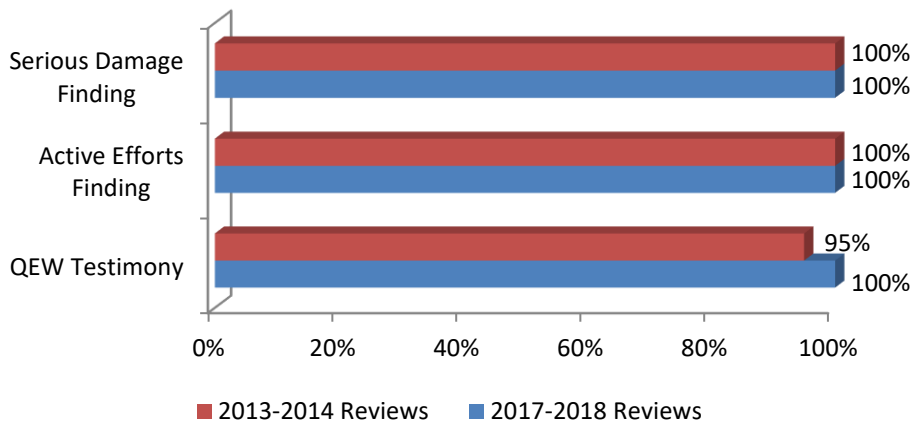
Placement Preferences or Good Cause to Depart Documented on Dispositional Orders

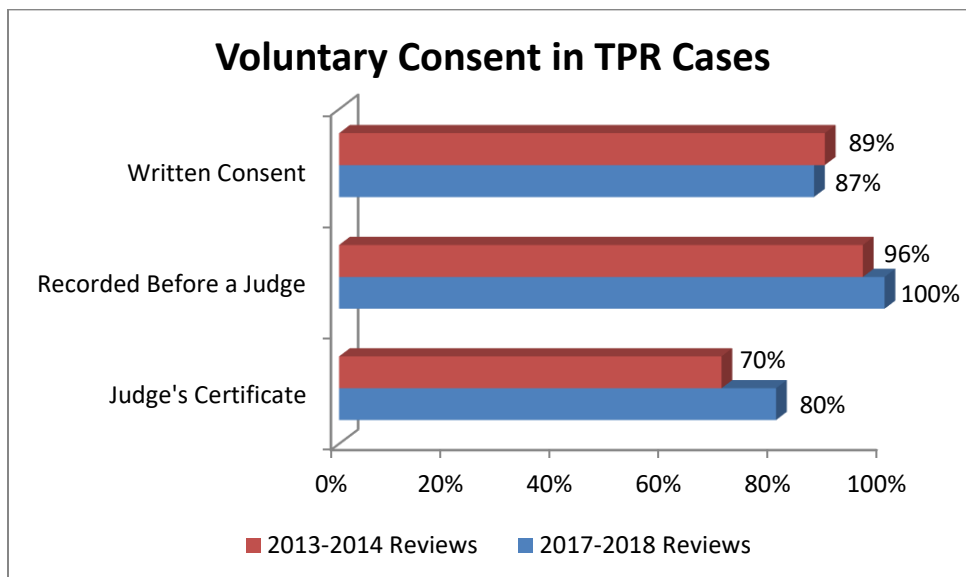
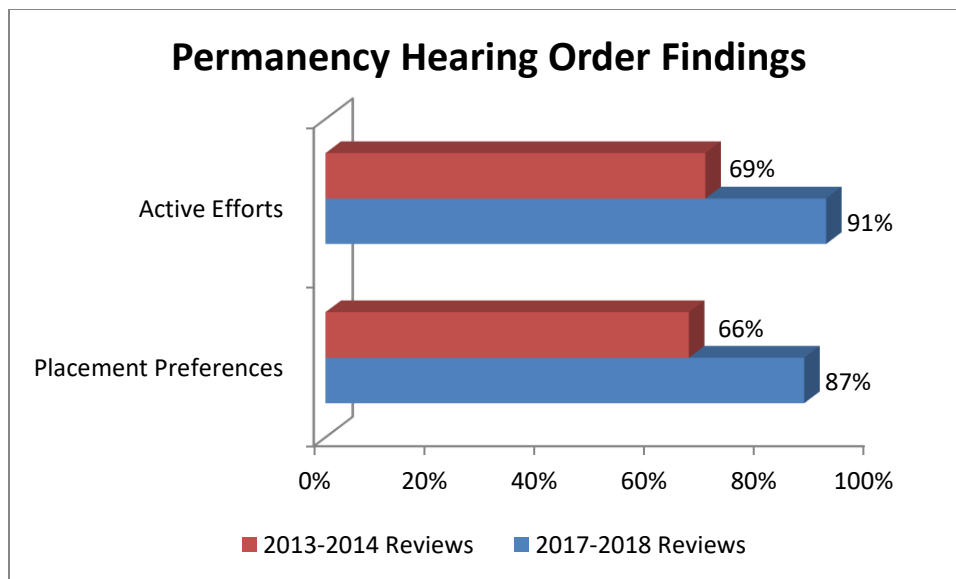


Serious Damage, Active Efforts, and QEW Testimony in CHIPS and JIPS Cases



Serious Damage, Active Efforts, and QEW Testimony in Involuntary TPR cases





Overall Strengths:

- Identifying Indian children early in the case.
- Using the WICWA version of CHIPS, JIPS, and TPR petitions.
- Placing Indian children in accordance with placement preferences.
- Documenting WICWA findings on court orders and providing QEW testimony.
- Using the Statement of Active Effort circuit court form.
- Providing the tribe with written notice of subsequent hearings in the case.
- Affording tribal representatives an opportunity to participate at hearings.
- Desire by all stakeholders to comply with provisions of WICWA.

Areas Needing Improvement:

- Lack of Indian and tribal foster homes.
- Sending notice to the BIA when the identity or location of the parent is unknown.
- Providing initial notice registered notice to parents in TPR cases (in addition to personal service).
- Providing notice to the tribe at least 10 days prior to the first hearing in the case.
- Following provisions of ICWA/WICWA in guardianship cases, including registered mail notice.
- Better understanding of active efforts for all stakeholders.
- Obtaining a judge's certificate for voluntary consents in TPR cases.