



YUROK TRIBE

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September 30, 2022

Humboldt County Civil Grand Jury
Humboldt County Courthouse
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RE: Yurok Tribe's Response to Grand Jury Report "Collaborative Community Quest"

Aiy-ye-kwee Humboldt County Civil Grand Jury:

Thank you for the invitation to comment on Findings 1, 2, 3 and Recommendation 1 in the *2022 Collaborative Community Quest Grand Jury Report* (the "Report"). The Yurok Tribe (the "Tribe") has reviewed the Report and takes the position that Humboldt County Department of Health and Human Services - Child Welfare Services ("DHHS-CWS") has not completed all the ordered corrective actions outlined in the *Attorney General's 2018 Stipulated Final Judgment* (the "Judgment"). While DHHS-CWS is moving toward compliance with state child welfare laws and national best practices, through the development of the policies required by the Judgment, **the findings in the Report do not adequately represent what is happening between the Tribe and DHHS-CWS and the Recommendations are not representative of what is truly needed to address the serious child welfare concerns and safety risks for all children in Humboldt County.**

The Tribe provides the following comments regarding the Report:

Finding 1- "Although tribal community representatives engage with Humboldt County Department of Health & Human Services' Child Welfare Services (DHHS-CWS), tribal members and compliance monitors have expressed dissatisfaction with the process and outcomes of engagement."

Tribe's Response: The Tribe partially disagrees with Finding 1.

Comment:

Finding 1 is inaccurate by only including "tribal members and compliance monitors" as those who have expressed dissatisfaction with the process and outcomes of DHHS-CWS's engagement and those who have engaged with DHHS-CWS. The Tribe interacts, at multiple levels, with DHHS-CWS on a

daily basis and has expressed dissatisfaction with the process and outcomes of engagement. For the Report to find that only “tribal members and compliance monitors” have expressed dissatisfaction is inaccurate and a misrepresentation of the work the Tribe has contributed to addressing the serious child welfare issues in Humboldt County.

On February 4, 2022, the Tribe requested the Attorney General’s office to extend the Judgment in order to ensure our children remain safe because there continued to be serious safety issues tribes were having regardless of the Judgment having been in place for four years. In the February 4th letter, the Tribe took the position that DHHS-CWS’s compliance was no where near “complete” as the *Performance of Corrective Actions of the Stipulated Supplemental Judgment* Report (February 14, 2021-August 14, 2021) produced by California Center for Rural Policy indicated. The position of the Tribe has not changed since February 4th and until full compliance with California’s Child Abuse and Neglect Reporting Act (“CANRA”) is achieved there will continue to be serious child welfare safety concerns that leave all children of Humboldt County at risk.

The Tribe has commented on its dissatisfaction around DHHS-CWS and the Tribe have differing recollections of events and how the Tribe’s position gets reported (or gets incorrectly reported) in state court review reports by DHHS-CWS.

Another issue that has been raised by the Tribe is that the Ombudsperson position, which was created to represent the interests of the public by investigating and addressing complaints or violations of rights, lacks a mechanism to communicate with tribes on the outcome or results to address the issue in DHHS-CWS. The Tribe has made multiple reports to the Ombudsperson and no actions have been taken nor have the issues been addressed with DHHS-CWS staff. This leads the Tribe to conclude that while the Ombudsperson is taking complaints, the position is not functioning within the capacity it was created for.

DHHS-CWS claims to have Cultural Coaches who provide staff training on how to work with tribal communities, yet the Tribe has not been consistently invited to participate or have any of our staff provide insight on working with tribal communities to these Cultural Coaches.

The Tribe’s position that there is still more work to be done by DHHS-CWS under the Judgment and CANRA compliance will continue to be an issue unless that work is completed.

Finding 2- “Although DHHS-CWS has established an Indian Child Welfare Act (“ICWA”) program, Humboldt County does not have a specified Office of Tribal Affairs to address matters of importance to the County's sovereign nations including child protection and extending to justice-related issues as well as cultural protocols and social services.”

Finding 3- “Humboldt County does not have a specified Office of Tribal Affairs to promote County-Tribal partnerships facilitating collaboration through coordination of intergovernmental services while respecting tribal sovereignty.”

Tribe’s Response: The Tribe agrees with Finding 2 and Finding 3 overall, but it does not address the CANRA compliance issues DHHS-CWS continues to have that resulted in the Judgment.

Comment:

Creating a specified Office of Tribal Affairs to address Humboldt County’s child protection issues, cultural protocols, and social services does NOT address the continued failures of DHHS-CWS to comply with CANRA and related provisions of the Welfare and Institutions Code; these core failures of Humboldt County were highlighted in the Judgment and still need to be addressed. While DHHS-CWS has established CANRA-specific programs like the ICWA Program, the ICWA Program has not been successful and tribal collaboration continues to be an issue.

As indicated in the Report, the mandated corrective action (collaboration with tribes) continues to an issue for Humboldt County and DHHS-CWS. Specifically in the areas of joint decision making, cross-reporting, communication, and opposing philosophical perspectives, DHHS-CWS’s ICWA program has not been successful. The success of the ICWA program, the Ombudsperson, and the Continuous Quality Improvement program should be the focus of improving tribal collaboration prior to creating another office or program to improve tribal collaboration in Humboldt County.

Recommendation 1- “Humboldt County Civil Grand Jury recommends the Board of Supervisors authorize the creation of an independent Office of Tribal Affairs by January 1, 2023. This office will advise all County departments and the Board of Supervisors on matters of importance to tribal communities and Native Americans wherever they live in Humboldt County and will encourage collaboration with all Humboldt County governmental entities.”

Tribe’s Response: The Tribe is in support of this recommendation overall, but it does not directly address the CANRA compliance issues that DHHS-CWS continues have that resulted in the Judgment.

Comment:

Though the Tribe agrees there should be a local Office of Tribal Affairs to address the County-Tribal relationships, that was not a part of the Judgment and by making this recommendation the Grand Jury fails to address the child welfare issues happening in our tribal communities involving DHHS-CWS that were a catalyst to the Judgment. The Tribe and DHHS-CWS already utilize the expertise of California Department of Social Services- Office of Tribal Affairs and yet Humboldt County is still facing the problems highlighted in the Judgment and CARNA compliance continues to be an issue for DHHS-CWS.

General Comments:

Tribal collaboration is a legal requirement that is not linked to the number of Native children involved with DHHS-CWS. It is inaccurate to suggest that tribal collaboration “of both the County and area tribes is of tantamount importance” following the sentence that Native children “represent a significant number of children involved in CWS investigations and cases relative to their number in the County’s population.”

The Report touched on the status of a universal Memorandum of Understanding (“MOU”), the Tribe still holds strong to the belief that DHHS-CWS cannot have a universal MOU for all local tribes when each tribal agency has its own procedures and its own cultural beliefs regarding its children, land, and sovereignty.

While collaboration seems to be at the root of child welfare issues, true collaboration goes further than just tribal child welfare staff meeting with DHHS-CWS and being included in the process. True collaboration is about joint decision making, respect, and compromise on both sides. Our families are the ones suffering when DHH-CWS and the Tribe cannot find common ground and the current state of tribal child welfare collaboration in Humboldt County seems to be drifting farther apart than it was prior to the Judgment.

Finally, the Report indicates that the Grand Jury conducted interviews with Tribal representatives and consultants in the area. After speaking with other Tribal directors, it is apparent that the Tribe and other tribal child welfare staff were not given the opportunity to be interviewed or to be a party of investigation prior to the publishing of the Report. Not including the Tribe or Tribal child welfare staff in the Grand Jury investigation is extremely problematic especially when CWS representatives spoke to the Grand Jury about their perspective on tribal collaboration. Therefore, **the Tribe respectfully requests that the Grand Jury to complete a thorough investigation by including all of the tribes and Tribal child welfare staff in Humboldt County to support findings and recommendations that are accurate and representative of the true needs for DHHS-CWS child welfare compliance in Humboldt County.**

Thank you for providing the opportunity to provide these comments on the Report. If you have any questions or wish to discuss these comments further, please reach out to Alexandra N. Mojado, Associate General Counsel for the Tribe, at amojado@yuroktribe.nsn.us.

Wok-hlew,

A handwritten signature in black ink, appearing to read "Joseph L. James". The signature is written in a cursive style with a horizontal line underneath it.

Joseph L. James, Chairperson
Yurok Tribe