

## TITLE 4 - DOMESTIC RELATIONS

### CHAPTER 4-3 CHILD PROTECTION TEAM

#### 4-3-1 Findings

Child abuse and neglect are issues involving the individual family and community. The Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians (Tribes) recognize the need for an organized team of tribal members and tribal staff to combine their efforts and resources for tribal families in which abuse and neglect occur.

#### 4-3-2 Policy

The Tribes recognize that their children are one of their most valuable resources. The Tribes hereby declare that it is the policy of the Tribes to protect the best interest of Tribal children and to promote the stability and security of the Tribes by the establishment of the Child Protection Team (CPT).

#### 4-3-3 Goals

- (a) To implement the Tribal placement standards established by Tribal Council for the placement of Tribal children from their families in which abuse and/or neglect occur.
- (b) To provide recommendations for the placement of abused and/or neglected tribal children in foster or adoptive homes which reflect the unique values of tribal culture.
- (c) To make recommendations for short- and long-term goals for any case of tribal child abuse/neglect which falls under the jurisdiction of Department of Human Services (DHS).

#### 4-3-4 Definitions

- (a) Child Abuse - includes, but is not limited to the following, non-accidental physical injury, including any injury which appears to be at variance with the explanation given of the injury, malnutrition, neglect or maltreatment of a child, rape, which includes but is not limited to sodomy, unlawful sexual penetration and incest, sexual abuse or exploitation of children, or any mental injury to a child, which shall include only observable and substantial impairment of the child's mental or psychological ability to function caused by cruelty to the child.
- (b) Party - Tribe, mother, father, guardian for child, CASA, Indian custodian or foster parent.

#### 4-3-5 Duties and Responsibilities

- (a) DHS is the primary agency to report all suspected child abuse/neglect matters. However, if a suspected child abuse/neglect matter is brought to the attention of a member of the CPT, the matter will be reported to the Tribes' ICWA Program.
- (b) The ICWA Specialist will assist DHS in obtaining information involving tribal children in accordance with Tribal policy and law.
- (c) The CPT will make recommendations for placement of tribal children. The ICWA Specialist will report these recommendations to DHS.
- (d) Review within thirty (30) days every tribal child that is initially placed, returned to foster care or placed within a more restrictive substitute care and track all cases, and make recommendations to DHS regarding each case.
- (e) Assist in developing a permanency plan using information provided by the ICWA Specialist, the child's parents, the child and other staff and providers who offer information and observations.
- (f) Any voluntary custody agreement must be reviewed and approved by the CPT within one hundred-eighty (180) days of the signing of the initial agreement.
- (g) If funding is available, to provide training to tribal foster parents, as well as guidance and support to deal appropriately with each child placed with them
- (h) Upon implementation of the Tribal Court, the CPT shall have access to and subpoena power to obtain all medical records, hospital records and records maintained by any state, county or local agency, including, but not limited to, police investigations data, coroner or medical examiner investigative data and social services records, as necessary to complete the review of the case. All information and records acquired by the CPT in the exercise of its duties are confidential and may only be disclosed as necessary to carry out the purposes of the local fatality review process.

#### 4-3-6 Membership

- (a) Membership shall consist of five (5) voting members appointed by Tribal Council. Appointment terms shall be staggered as follows: two (2), two- (2) year terms; two (2), three- (3) year terms, and one (1), five- (5) year term. A member can request Tribal Council to approve additional two- (2) year terms. A member may be removed from the CPT upon a majority vote of the members and/or Tribal Council. After initial appointments, appointments will be for a period of three (3) years.

(b) Membership shall also consist of the following Advisors, which shall not have voting privileges:

- (1) Legal
- (2) DHS - ICWA Specialist
- (3) Tribal - ICWA Specialist
- (4) Tribal - Associate Director for Human Services
- (5) Professional

#### 4-3-7 Appeals

Final decisions by the CPT shall be appealed to the Tribal Court upon written notice to Tribal Court within ten (10) working days. Tribal Court shall set the hearing following applicable Tribal Court procedures for the setting of hearings.

## APPENDIX A

### LEGISLATIVE HISTORY AND EDITORIAL CHANGES

**CHILD PROTECTION TEAM**

**LEGISLATIVE HISTORY AND EDITORIAL CHANGES**

The Tribal Council of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians enacted the "Child Protection Team" Code, Resolution No. 01-058, Ordinance No. 027, in a Tribal Council meeting on June 26, 2001. Vote was 5 (for), 0 (against) and 0 (abstaining).