

DRAFT
CHILD PROTECTIVE SERVICES
PROTOCOL ON SEMINOLE TRIBE OF FLORIDA
RESERVATIONS, PROPERTIES, AND OFF RESERVATION
October 20, 2005

History

The Indian Child Welfare Act of 1978 recognized "that there is no resource more vital to the continued existence and integrity of Indian tribes than their children" and that there has been a failure by non-Indian agencies "to recognize the essential tribal relations of Indian people and the culture and social standards prevailing in Indian communities and families."

In 1979 the Seminole Tribe entered an agreement with the State of Florida concerning child protective investigations on Seminole lands/reservations.

The agreement expired in year 2000 and as of this date there is no agreement pertaining to child protective investigations conducted on Seminole lands.

According to the Department of Children and Families operations manual, investigations on and entry into Seminole land require permission from the tribal chiefs or tribal elder.

The Seminole Tribe has maintained a good working relationship with the Florida Department of Children and Families CPIs without agreement since the expiration of the preceding agreement.

Historically, the Tribe has settled child protection issues such as abuse-neglect and abandonment according to customary/traditional intervention, placement, reunification as well as adoption.

In the best interest of Tribal children and families, it has become necessary to establish clear procedures for the entry of state child protective investigators or their designee on Seminole land.

The following protocol pertaining to the Department or its designated agency, including Sheriff child protective investigative units, shall serve and be in effect until such time the Seminole Tribe of Florida implements its own child protective investigations.

Protocol for DCF or Designee to Access Seminole Lands
(including all DCF or designee, investigations or home visits)

1. The CPI will contact the nearest Tribal family services site for authorization to conduct an investigation of a Seminole child and, or family.
2. The granting of entry on Seminole land for the purpose of abuse-neglect investigation will be given by a tribal FSD representative.
3. Entry will be based on the nature of the alleged abuse-neglect issue as well as the Tribe's assessment whether a child is in imminent danger of physical, psychological or sexual harm if they remain in the care of their parent or legal guardian.
4. On approval to enter the Seminole reservation the CPI will arrange a time and location to meet with SPD and FSD.

Role of SPD & FSD

SPD will accompany the CPI to the residence to assure the safety of the Tribal members and remain throughout the investigation.

FSD will remain throughout the investigation to provide support as well as to advocate on behalf of Seminole children and families.

Placement of Indian Children

It is the responsibility of the Tribe's FSD to place children with Indian families.

FSD determines placement of Seminole Indian children based on Tribal order of preference, customary and traditional practices.

Off Reservation Procedure

1. CPI will inquire if children and families concerned are Seminole Indian.
2. CPI will contact the FSD and SPD to inform of pending investigation.
3. CPI will allow Tribal members to contact FSD or SPD for assistance i.e., support and advocacy.
4. CPI will not conduct an investigation without the FSD representative present.

After Normal Business Hours

1. CPI will contact SPD and wait to be contacted by the FSD on-call worker.
2. CPI will receive a phone call from the FSD on-call worker for authorization to conduct an investigation of a Seminole child and, or family on Seminole land.
3. On approval to enter the Seminole reservation the CPI will arrange a time and location to meet with SPD and FSD.

Photographs

Photographs of Seminole children will not be permitted without the consent of their parents unless:

1. the children are removed from the home
2. they are taken by the child protection team

Duplicate copies of photographs will be provided to the Tribe's FSD

Medical Examination

Photographs, diagnosis, and record of any medical examination is to be provided to the Tribe's FSD

Intervention and Treatment in Sexual Abuse Cases

The Department will develop any plan for intervention and treatment in conjunction with the Tribe's FSD

Reports of Abuse-Neglect, Abandonment

FSD in conjunction with the Department will assist the family in receiving appropriate services to address the allegations of the report

The purpose of the response to a report alleging abuse shall be explained to FSD and the caregiver

The name and office telephone number of the person responding shall be provided to FSD representative and caregiver

Possible consequences of the Department's response, including outcomes and services, shall be explained to the FSD representative and caregiver

FSD, and the caregiver shall be involved to the fullest extent possible in determining the nature of the allegation and the nature of any problem or risk to other children

The assessment of the perceived treatment needs will be conducted by the Department in conjunction with the Tribe's FSD

The assessment shall be conducted in a manner that is sensitive to Seminole Indian culture, values, beliefs and lifestyle.

The Department in conjunction with the Tribe's FSD shall develop a specific case plan

The Tribe's FSD, caregiver or family shall indicate acceptance of the plan in writing

The Tribe's FSD and Department's case manager shall periodically review progress toward achieving the objectives of the plan in order to:

1. make adjustments or take additional action as provided in the case plan
2. terminate the case when indicated successful or substantial achievement of the objectives of the plan

In the event the family or caregiver fails to adequately participate or allow for adequate participation in the services or treatment delineated in the case plan, the department will request recommendation from the Tribe's FSD to:

1. Close the case
2. Refer the case to mediation or arbitration, if available; or
3. Notify the appropriate agency of failure to comply.

Goal of Investigations

1. Keeping Seminole families together
2. Active effort to provide the remedial services needed to ameliorate identified issues
3. Reflect knowledge and respect of the Seminole Tribe's culture, values, beliefs and lifestyle.