



**Douglas A. Ducey**  
Governor

*Arizona Department of Child Safety*

**Gregory McKay**  
Director

## **TRIBAL CONSULTATION ANNUAL REPORT**

### **July 1, 2016– June 30, 2017**

### **DEPARTMENT OVERVIEW**

The Arizona Department of Child Safety (DCS) is the single state administered child welfare services agency for Arizona, with a mission to successfully engage children and families to ensure safety, strengthen families, and achieve permanency. The DCS vision is that children thrive in family environments free from abuse and neglect.

### **TRIBAL LIAISON**

DCS established the position of Inter-Governmental Tribal Liaison in 2014 in accordance with Executive Order 2006-14. The DCS Tribal Liaison has the responsibility of being the Department's point of contact for Arizona's 22 federally recognized Tribes, the urban Indian community, and for all federally recognized tribes throughout the United States that may have involvement in an Arizona DCS case. The Tribal Liaison is responsible for facilitating State-Tribal consultation and developing, maintaining, and improving communication between DCS and Tribes. In January 2017, Kenneth G. Poocha was hired as the Tribal Liaison. Mr. Poocha has been with the Department since 2013, serving as an Investigator in the Prescott Office. Prior to working for DCS, Mr. Poocha served as the Executive Director of the Arizona Commission of Indian Affairs, worked for several tribes, and worked in areas of health care, juvenile justice, education, and law enforcement. Mr. Poocha is of Hopi and Santa Ana Pueblo heritage and is an enrolled member of the Hopi Tribe.

### **TRIBAL GOVERNMENT CONSULTATION POLICY**

DCS has an ongoing commitment to working with Arizona's Tribes to improve the quality, availability, and accessibility of services and resources to children, youth, and adults. The Department recognizes the importance of tribal collaboration and has worked diligently since becoming a stand-alone department to fulfill the obligations that were outlined in Executive Order 2006-14, which states in part [that] "All Executive Branch agencies shall develop and implement tribal consultation policies to guide their work and interaction with federally-recognized Tribes in Arizona" and "shall designate a member of their staff to assume responsibility for the department's implementation of the tribal consultation policy and to act as the principle point of contact for tribal issues." Pursuant to this Executive Order, the Department hired Kenneth G. Poocha as the DCS Intergovernmental Tribal Liaison on January 17, 2017 and finalized the Arizona DCS Tribal Consultation Policy on May 17, 2017.

The establishment of the Tribal Government Consultation Policy will afford a standard to provide open, continuous, and meaningful consultation with Arizona's 22 federally-recognized American Indian Tribes. The purpose is to provide the forum for information exchange and mutual understanding prior to taking actions that will likely have a direct impact on the American Indian Tribes in Arizona.

### **TRIBAL CONSULTATION ACTIVITIES AND PERFORMANCE MEASURES**

Consultation and communication between DCS and Tribes are essential, and are especially important in the areas of contracts management, policies and procedures, Inter-Governmental Agreements (IGA), and

Indian Child Welfare Act case-related issues. The Tribal consultation activities and performance measures for SFY 2017 for DCS are listed in the following table.

Goal	Objective	Activity and Performance Measure
Increase the knowledge and understanding that American Indian Tribes have of the Department's programs and policies	Build meaningful relationships with American Indian Tribes by engaging in open, continuous and relevant collaboration	In January 2017, the Department hired its current Tribal Liaison. Correspondence and communication was established with each tribe's leadership and Social Services department.
		The Office of the DCS Tribal Liaison maintains an "open door" policy with all tribal communities.
	Dialogue with American Indian Tribes to discuss potential changes to policy, rules, legislation, or provision of services that may have a significant impact on American Indian Tribes in Arizona, particularly regarding any critical events that have occurred or may occur	DCS developed plans to provide information/consultation on the new DCS SAFE AZ safety assessment model and the Preventing Sex Trafficking and Strengthening Families Act, to be completed in SFY 18.
		Provided information and training to all 22 Arizona tribes regarding the BIA updates to ICWA that became effective December 2016.
	Coordinate a quarterly communication and consultation meeting to which the American Indian Tribes in Arizona are invited regarding the development of new policy, rules, regulations or services with substantial tribal implications.	DCS conducted quarterly meetings, in collaboration with ITCA, with Tribal Social Services Directors and Tribal ICWA contacts. These meeting took place on: September 5, 2016; December 12, 2016; March 13, 2017; and June 29, 2017.
		As per the IGA established with the Navajo Nation, DCS conducted quarterly meetings with the Navajo Nation in September 2016 and March 2017
Consult with American Indian Tribes when any legislative proposal, new rule adoption, policy change, or a change in the provision of services may significantly affect Tribes in Arizona.	The DCS Tribal Liaison will strive to meet annually and individually with each of the 22 American Indian Tribes in their respective communities.	The previous DCS Tribal Liaison conducted site visits to two Arizona tribes in SFY 2016. In SFY 2018 Tribal Site visits are planned for all 22 tribes.
The Department shall participate, when	The Department may establish or participate in	The Tribal Liaison has established and maintained relationships with a variety of community partners,

appropriate, in any Joint Tribal/State/Federal Workgroups.	workgroups, task forces, other groups, or committees with American Indian Tribes and others to address issues affecting American Indian Tribes in Arizona.	including but not limited to: Indian Health Services (IHS), Bureau of Indian Affairs (BIA), Phoenix Indian Center, Native Health, Native Connections, and a variety of other stakeholders including non-profits and foster home licensing agencies.
		The Department has collaborated with the Inter Tribal Council of Arizona, ASU, and the Arizona Attorney General's Office to provide updated information/changes to the ICWA.
		The Department has engaged in a collaborative effort with the Capacity Building Center for States, the Inter Tribal Council of Arizona, and the Ft. McDowell Yavapai Nation for strategic planning for the Office of the Tribal Liaison
		The Department continues to be a participant in the DCS led Native American Foster Home Recruitment Project

### Challenges

There have been no significant challenges to the Department in our efforts to provide quality consultation, communication, and collaboration with Arizona's tribal community. The vacancy in the Tribal Liaison position was rectified in January of 2017.

### Legislative Changes

The only legislative change that may have an impact on tribal communities is SB 1003, which in some instances may require a court order for the Department of Child Safety to take a child into custody. The question at hand is whether or not a child located on a reservation or a non-Indian child residing and/or located on a reservation will require a court order from a tribal court

For questions or more information, please contact:

Kenneth G. Poocha, Inter-Governmental Tribal Liaison  
 Arizona Department of Child Safety  
 1000 Ainsworth, Suite C-320  
 Prescott, AZ 86305  
 Phone: (928) 759-1916  
 Fax: (928) 759-1903  
 E-Mail: [kenneth.poocha@azdcs.gov](mailto:kenneth.poocha@azdcs.gov)  
 Website: <https://dcs.az.gov>

DCS Tribal Policy: <https://gotr.azgovernor.gov/file/9721/download?token=qkUJGEln>