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The Indian Child Welfare Act: What It Means to CONNECTIONS Users

When working with Native American children, it is important to acknowledge the historical resonance of the Native American heritage in this country—a heritage that has not been fully recognized in our provision of child welfare services to this population. To preserve a rich Native American legacy in spite of a distressed past, it is important for children's services workers to identify Native American children so that they may be provided with services that recognize their heritage, and whenever possible, working cooperatively with their designated tribe.

In recognizing these needs, the federal government enacted the **Indian Child Welfare Act (ICWA)** in 1978. It was designed to protect the best interest of Indian children, largely by promoting the stability and security of Indian tribes and families by the establishment of minimum federal standards for the removal of Indian children from their families. Compliance with the Act is mandatory, and OCFS is committed to helping preserve the rich heritage of Native Americans across New York State.

An excerpt from the National Urban Indian Family Coalition's 2008 report reads, "Under ICWA, tribal governments have jurisdiction over court proceedings involving any enrolled or enrollable Indian child...regardless of where the child lives." The report goes on to touch on the challenges presented by this legislation: "ICWA is poorly understood by many states... thus ICWA standards are routinely violated. This leaves many tribes in a situation where they may not even know that some of their

Facts

- ⇒ There are **nine** recognized Native American nations/tribes in **New York State** and over **560** federally recognized tribes in the **United States**.
- ⇒ The majority of Native Americans living in New York State do **not** reside on reservations. They live in rural areas as well as large urban centers, with an estimated **52,000** living in **New York City** and on **Long Island**.
- ⇒ **OCFS Native American Services** office maintains a current list of tribal contacts and can be contacted at **(716) 847-3123**

most vulnerable citizens are being removed from their homes..." When understood and adhered to correctly, ICWA has the power to reinforce Native American cultural identity and enrich the lives of children, but enhanced statewide awareness is essential.

To improve compliance with ICWA, New York State child welfare staff should endeavor to identify Native American children by determining the tribal origin of a child. Caseworkers should follow proper tribal notification procedures and identify

CONNECTIONS INTRANET:

<http://ocfs.state.nyenet/connect>

CONNECTIONS INTERNET:

<http://ocfs.ny.gov/connect>

Who is an Indian Child?

Definition of Indian Child: Section 2(36) of the Social Services Law

Indian Child shall mean any unmarried person who is:

- (a) under the age of 18, or is
- (b) under the age of 21, entered foster care prior to his/her

18th birthday, who remains in foster care, and who:

- ⇒ is a member of an Indian nation/tribe; or
- ⇒ Is eligible for membership in an Indian nation/tribe; or
- ⇒ Is the biological child of a member of an Indian nation/tribe and is residing on, or is domiciled within, an Indian reservation.

“We are committed to the preservation of our culture, just like all American Indian tribes. ICWA gives us the platform to preserve families and fight for the rights of our kids.”

Brian Holiday, Tribal Social Services Supervisor

tribal resources for inclusion in development of a service plan. It is also important to follow placement preferences when dealing with Native American children whenever possible.

In complying with ICWA, workers should first strive to correctly identify Native American children within CONNECTIONS. The OCFS Office of Native American Services reports that approximately **51%** of the ICWA cases reviewed for the year ending 2012 were *not* identified in CONNECTIONS as Native American children.

Identifying Native American children is an important component of ICWA, but *correctly* identifying Native American children and tribal membership within the person information component of CONNECTIONS is imperative, and an ongoing issue. In 2012, data warehouse reports showed 27% of cases that were identified as Native American/American Indian were incorrect. In fact 9% of those misidentified as American Indian were actually of Asian Indian descent. The race field box within CONNECTIONS, displayed to the right, lists several relatively detailed selections from which to designate a child’s race. Most often, children are misidentified as Native



American within this module because the terminology used to delineate Native American tribal membership is “American Indian.” As is displayed below, the correct selection for children who are of Asian Indian descent is “Asian” followed by the limiter “Indian.” Although this may appear a simple mistake, the data CONNECTIONS generates is an important aspect of ICWA compliance and workers should strive to avoid *misidentifying* Native American children as adamantly as they work towards *identifying* children with tribal affiliation. If a child is either misidentified or not identified as Native American, and the worker realizes at a later date that a particular child does in fact have tribal affiliation, such worker should modify the information within CONNECTIONS to reflect Native American heritage.

Identifying and tracking Native American children has recently taken on a new meaning in CONNECTIONS with the incorporation of the National Youth in Transition Database (NYTD) directly within the CONNECTIONS application. Although NYTD captures independent living services offered to all youth, it also includes a new value (Fed. Rec. Tribe) in the Person Identifiers Type drop down box to report tribal membership for youth receiving independent living services and all foster children. (A tip sheet can be accessed [here](#)) The NYTD platform allows caseworkers an opportunity to better identify and track tribal membership, thereby complying with ICWA and preserving Native American heritage.

Additional information on ICWA and statewide compliance is available on the *Native Americans* tab of the OCFS Internet site, available [here](#). The OCFS Office of Native American Services, in Buffalo, NY, can be reached at **(716) 847-3123**.

“Thirty-five years have passed since this landmark legislation was passed into law...we must take a moment to reflect upon just how the work of protecting Indian children and preserving Indian families continues to evolve. Today, even with all of the progress that has been made- and all of the families that have remained intact and thriving because of the protections provided by ICWA...we need to affirm a tribal voice in all matters concerning the welfare of our children...”

**Terry L. Cross, Executive Director
National Indian Child Welfare Association**

Security Reminder: Personal Devices Cannot be Connected to OCFS Workstations



The NYS Office of Information Technology Services' Acceptable Use of IT Resources best practices guidelines ([NYS-G09-001](#)) states in section 3.2.2 that **users must not install, attach or, download any hardware or software.** To recharge phones or other electronic devices during the workday, workers may utilize an **outlet charging device**, but *not* their HSEN-connected computer

This policy applies to personal devices, including smart phones, that may be connected to workstations via the computer's USB port to charge the device, or for any other purpose. Any external device connected via USB to a workstation is a potential security breach to the network.

Connecting external devices to a workstation effectively bypasses every security component installed to prevent this very type of intrusion:

- Protected physical perimeter? - Overridden!
- Secure log on? – Overridden!
- Firewall? – Overridden!
- Intrusion detection? – Overridden!
- E-mail and spam filters? – Overridden!

Questions can be sent to ocfs.sm.committee.acceptable-use

July Computer Training Courses



New computer training classes are now available throughout the month of July, in both instructor-led computer labs and via distance-learning options like Training Space and iLinc.

Classes include:

- Excel 2010
- Word 2010
- Outlook 2010
- PowerPoint 2010
- OneNote Basics

These and additional courses will assist staff in transitioning to Microsoft Office 2010 and Windows 7. More extensive listings of the classroom and distance-learning courses are available on the CONNECTIONS websites at the following links:

[CONNECTIONS Computer Training \(Intranet\)](#)

[CONNECTIONS Computer Training \(Internet\)](#)

CONNECTIONS Clue

Draft or Final?

Many users choose to save their Progress Notes as *Draft*. Saving as *Draft* allows the author (or the person entering the note) to add to it, edit it, or even delete it entirely!

Draft notes are designed to give users time to change their note and Supervisors time to review it while it can still be changed. Notes saved as *Draft* “age into” *Final* status twenty calendar days from their initial save. There is no such grace period for notes that are saved as *Final*. The only option available for notes saved as *Final* is to add an Addendum. But you cannot change the original content.

The terms “Draft” and “Final” mean something different in FASP, however. Those sections of the FASP designed to allow contributions by multiple case workers also allow you to save your work as Draft or Final. But here, Draft just means, “I’m not done with my contribution yet” and Final means, “Go ahead and launch the Case Planner Summary –

“I’m done with my part.” Work saved as Draft does not “age into” final status in the FASP.

The following CONNECTIONS Tip Sheets offer more information on Progress Notes:



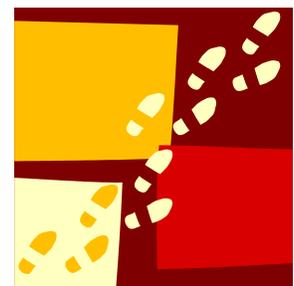
- Progress Notes - Create & Modify ([Intranet](#) / [Internet](#))
- Progress Notes and Narratives – Copying and Pasting Only Text ([Intranet](#) / [Internet](#))
- Progress Notes Instructions (2006, Upd. March, 2011) ([Intranet](#) / [Internet](#))
- Progress Notes - Search & Sort (2009) ([Intranet](#) / [Internet](#))
- Progress Notes - Successfully Documenting Casework Contacts with Children in Foster Care ([Intranet](#) / [Internet](#))

Don't Forget Past CONNECTIONS Clues!

Past CONNECTIONS Clues are available on the CONNECTIONS Website at:

[CONNECTIONS Clues](#) (Intranet)

[CONNECTIONS Clues](#) (Internet)



Coming Next...



In Our Next Issue:

⇒ CONNECTIONS Clue: Health Responsibility

