

Maintaining Active Efforts During COVID-19

Oregon Department of Human Services Child Welfare and
Tribal Affairs Unit
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With the impact of COVID-19, the DHS Child Welfare Program has adjusted its practice and policy to continue serving Oregon children and families. One area the Tribal Affairs Unit and Child Welfare are rallying around is ensuring active efforts are maintained. With physical distancing and isolation measures, Active efforts are still required and critical in following the Indian Child Welfare Act. Below you will find guidance on maintaining active efforts during COVID-19 to support tribal children and families.

ICWA Case Planning

Your tribal family's needs and situations have changed with the pandemic. Some services may no longer be available and other service providers may have changed the way they offer services. Families may have new or different needs at this time. Therefore, a family's case plan is adjusted and updated, and a new case planning meeting is scheduled to ensure reunification remains on track. Active efforts require DHS to actively guide families through the steps necessary to make progress in their case plans. It also includes identifying culturally appropriate and available services, helping parents overcome barriers, and assist with accessing and utilizing resources. Active efforts require considering alternative ways to address the needs of the family even if the optimum services do not exist or are not available. This is crucial when services must be modified to overcome barriers caused by the pandemic.

Case Planning Tips

- Case plans must continue to be practical and attainable and include services available to the family for timely reunification.
- Ongoing safety plans should be reviewed often to ensure we have the least restrictive plan. At monthly contacts with parents, engage parents around progress towards the conditions for return, and assist in overcoming barriers to in-home placement so kids can return home as soon as safely possible.
- Case plans are the family's road map out of their current situation and their input in its development is important. A guiding question might be, "What is the parent willing and able to do during this time to work towards the expected outcomes?"

Active Efforts – Communication

- Consider if telephone/online or other alternative services can meet each case plan component. Consider whether current local services, such as domestic violence or substance abuse services that a parent previously received in-person, can continue by phone or video. **Know your local resources and provide information and education to parents, connecting them to the providers who can provide teleservices.**
- Consider if a therapy support referral should be added due to stress, or decreased due to progress.

Engaging with Tribal Partners

Given the current context, tribal employees are also working from home on varied work schedules. We must adjust in our methods and frequency to establish communication with tribal partners as quickly and effectively as possible. Determining how best to communicate with the tribe might include utilizing email, teleconferencing, phone, fax, etc. **Ideas to consider:**

- Tribes often designate an agent for receipt of ICWA notices. The Bureau of Indian Affairs publishes a list of Tribes' designated Tribal agents for service of ICWA notice in the Federal Register and makes the list available on its website.
<https://www.federalregister.gov/documents/2016/03/02/2016-04619/indian-child-welfare-act-designated-tribal-agents-for-service-of-notice>.
- Check both OR-Kids and the Federal Register for contact information. If the Federal Register and OR-Kids differ, reach out to both contacts.
- If you are unable to find the correct person for delivery, the Active Efforts Specialist, ICWA Liaison or Tribal Affairs Unit can be contacted for assistance.

Substance Abuse Treatment

- Many treatment programs are offering services over the phone. If treatment programs are not available, consider having the parent utilize online 12 step meetings. Attending 90 AA or NA meetings in 90 days online while working the twelve steps is an alternative method for achieving sobriety and could be a way to meet substance abuse treatment goals. Utilize all alcohol and drug support services through ART/FIT/STAR contracts and Parent Mentors as much as possible to support our parents.

Oregon Online Resources

- Oregon Health Authority (OHA) Addiction Services
<https://www.oregon.gov/oha/HSD/AMH/Pages/Addictions.aspx>

Alcohol and Drug Policy Commission

- <https://www.oregon.gov/adpc/pages/index.aspx>

Online Substance Abuse Meetings and Services

- **12 Step:** <https://www.12step.org/social/online-meetings/>
- **In the Rooms:** https://www.intherooms.com/home/?fbclid=IwAR0jah6iT17ls-QFa_WQbz9d9IbXv92Qgxt0RYOqlPyXhYVsrp2ngHKm-
- **Smart Recovery:** <https://www.smartrecovery.org/>
- **Native American Rehabilitation Services Association, Portland, OR:**
<https://www.naranorthwest.org/services/>

Community Providers/Agency Updates – Community Warehouse

- Between April 13 to June 30, all [Home 2 Go kit](#) access fees and delivery fees are waived. The manufacturer for the dressers for the kits are behind and they may not be available, but the kits will still include the other essential items. They are now able to provide delivery on a limited amount of existing furniture inventory.

Education and Activities Guide for Parents

- *The Ultimate Parents' Guide to Education and Activity Resources* –educational activities for children
<https://www.washingtonpost.com/lifestyle/2020/04/28/parents-guide-education-resources-novel-coronavirus/?arc404=true>

Domestic Violence Resources

- Native specific domestic violence helpline – available 7am-10pmCT, confidential: 844-762-8483 [StrongHearts Native Helpline](#)
- Domestic/sexual violence services for LGBTQ population: 206-568-7777 [NW Network](#)
- Oregon-based helpline for Native Americans: 503-318-5213
- Map listing of all Oregon based domestic/sexual violence services:
<https://www.ocadsv.org/find-help>
- National Domestic Violence Hotline is 24/7, confidential and free: 800-799-7233 and through [chat](#)
- National Sexual Assault Hotline is 24/7, confidential and free: 800-656-HOPE (4673) and through [chat](#)
- Love is Respect – teen dating violence hotline 24/7, confidential and free: 866-331-9474; TTY: 866-331-8453; Text: loveis to 22522; En Espanol and through [chat](#)

Youth Line

- YouthLine is a teen-to-teen crisis, support, and help line. Call 877-968-8491; Text 'teen2teen' to 839863 ; Chat www.oregonyouthline.org

Oregon Food Resources

<https://govstatus.egov.com/or-dhs-food>

Access to Technology

During this time of social distancing and limited face-to-face contact, an increased number of tribal families and communities are being impacted by the pandemic. It is essential we support our tribal children and families in accessing the necessary technology to support case planning, coordinate services, and meaningful family time. This includes, but not limited to access to internet services, phones, tablets, and laptops. Child Welfare has a responsibility to ensure tribal children and families have opportunities to be active in their case planning, receive support services, and maintain tribal, familial and community connections.

Active Efforts

Active efforts require Child Welfare staff to be creative in their planning on how to best coordinate services, maintain meaningful family time and identify ways to support tribal children and families in obtaining technology resources. We must take an active role in locating, accessing, and providing such resources. **This could include:**

- Taking an inventory of technology currently available at the homes of the tribal children, families and placements. Then developing a list of the types of technology necessary to

support case planning, maintaining meaningful family time and connecting with support services.

- Researching and identifying local resources that would be of support, as well as ensuring tribal children, families, and placements know how to use such resources and/or know who to contact if issues arise.
- Assisting with completing applications, following up with inquiries and setting up support services.
- **Costs considerations** – Are there costs associated with providing active efforts? Which forms need to be completed? Who can approve funding? These are all questions to ensure such services are available to the family in a timely manner.

Hotspot Resources – Xfinity WIFI hotspots across the country are available to anyone who needs them for free – including non-Xfinity internet subscribers. To find a Xfinity WIFI hotspot, check the hotspot location map at

- wifi.xfinity.com
- Download the Xfinity WIFI hotspots app from the [App Store](#) or [Google Play](#)
- AT&T hotspots are open to the public. Learn more about AT&T hotspots, visit [AT&T hotspot website](#)

Internet Resources – Internet Essentials by Comcast is offering two months of free, high-speed internet to qualified individuals. After the two-month free period, customers will be charged \$9.95/month (subject to change).

You may qualify if you:

- Are eligible for public assistance programs like SNAP, housing assistance, Medicaid, SNAP, SSI, the National School Lunch Programs, and others
- Live in an area where Comcast internet service is available
- Have not subscribed to Comcast internet within last 90 days (customers who are only Comcast cable or phone customers may be eligible)
- Have no outstanding debt to Comcast, or have debt that is less than one year old.

Internet Essential customers can also purchase a [low-cost computer](#). To learn more, visit the [Internet Essentials website](#) or [apply for Internet Essentials now](#).

Spectrum – [Spectrum Cable Internet](#) (aka Charter) is available in parts of Oregon and is offering 2 months free for students. They are not available in Portland metro area.

Phone Resources – [Lifeline](#) is a federal program that lowers the monthly cost of phone and internet. Eligible customers will get up to \$9.25 toward their bill. You can only use Lifeline for either phone or internet, but not both.

Most major mobile phone carriers have signed on to the Keep Americans Connected Pledge and will:

- Not terminate the service of any wireless, home phone or broadband residential or small business customer because of their inability to pay their bill due to disruptions caused by the novel coronavirus pandemic.

- Waive any late payment fees that any wireless, home phone or broadband residential or small business customer may incur because of economic hardship related to the novel coronavirus pandemic.

Please check with your cell phone provider for specifics.

- AT&T – [AT&T’s response regarding the COVID-19 pandemic](#)
- Cricket Wireless – [Cricket’s response regarding the COVID-19 pandemic](#)
- Sprint – [Sprint’s response regarding the COVID-19 pandemic](#)
- T-Mobile – [T-Mobile’s response regarding the COVID-19 pandemic](#)
- Verizon – [Verizon’s response regarding the COVID-19 pandemic](#)

Info for students <https://www.pcc.edu/novel-coronavirus/information-for-students/service-providers/>

Meaningful, Frequent Visitations

During a time of limited resources, we need support now more than ever and to look to each other for sustenance. This is even more so for tribal families who depend on community for meaningful connections. Caseworkers should review the guidance provided by Child Welfare leadership, which called for continued restriction for in office visits and will be re-evaluated in early June. A case-by-case assessment of visitation is required. If it can be safely arranged, total visitation time should, at a minimum, continue at the previously ordered pre-pandemic amounts.

As office visits may not be a resource to connect parents with their children, we need to look for creative ways to support ongoing meaningful family contact. Planning is done in collaboration with the parents, tribe, caseworker, supervisor and any other supports the family may have. With each unique family situation, creative solutions are formed on a case by case process for the least restrictive access during a truly restrictive time.

When Setting Up Visitations Consider:

- If children were already visiting in the community, do they have the support to continue this contact? Evaluate the level of supervision needed to manage visits in the community for those visits suspended due to office restrictions.
- If there are issues with visits, notification or communication need to be relayed to the tribe, other parties, courts, and supervisor.
- Encourage staffing with supervisors/Active Efforts Specialists/consultants to overcome barriers to community visits. SSAs can supervise visitation outside of the DHS office, and especially in ICWA cases we should be pushing for in person contact between parent and child, exploring who can help support that contact, etc.
- When community visits cannot occur: Are there family members that can help facilitate virtual contact? Can virtual contact occur daily? Can stories or songs be recorded by family and shared with the children? Can watch parties be organized with relatives and foster placement? Can the children and parents play video games on a network together? (cell phone, Xbox, etc.)

- Meaningful does not equate to something we have to observe. It can be just being in a familiar place; eating together and not saying anything; or having voice or face close enough to feel the family's presence. Most importantly, meaningful is something that matters to the family. Caseworkers should check in with families on what meaningful contact means to them, and then doing what we can to facilitate those opportunities for families.

Active Efforts

To the maximum extent possible for meaningful contact and visitation, active efforts are provided in a manner consistent with the prevailing social and cultural conditions and way of life of the child's tribe. They are conducted in partnership with the tribal child, parents, extended family members, Indian custodians, and tribe. Notifying and inviting the tribe to participate in important aspects of the case will help ensure decisions are consistent with the prevailing social and cultural conditions and way of life of the tribe.

For the sake of active efforts and a culturally appropriate assessment, caseworkers should include the tribe when making their case-by-case visitation assessments. Caseworkers are encouraged to consider holding virtual family team meetings to work through visitation assessments before any modifications are made). If there are questions about whether visits may occur, the Child Welfare Supervisor, Tribal Affairs Unit and/or Active Efforts Specialist and the tribe will review and make the final decision whether the visit should occur.

Additional Ideas:

- Does the family have access to soap or hygiene products?
- Does the family have access to personal protective equipment?
- Is the family practicing quarantine with other families or other family members? Is someone sick? Do they have access to food, water, and other essentials?
- A family might need face coverings to meet with caseworkers or other professionals which could ease a barrier to visitation. It is good to check in with your supervisor and confirm if face coverings can be purchased or donated to the family.
- The family may have lost access to income and can no longer bring food to the visit. If there is a relative who helps the parents make food for the children during visits, it might be an active effort to provide some groceries.
- If parents are quarantined with friends or other families, someone could get sick, so an active effort could be providing a place where the parents can self-isolate in order to continue future visits.

The pandemic is a time to have more meaningful communication with your families. It is important we are checking in with our tribal families on a regular basis to ensure safety and wellbeing. It is critical to communicate with your resource network: tribe, parents, children, relatives, foster parents, attorneys, etc.

Active efforts are tailored to each child and family within each ICWA case and could include additional efforts by the agency working with the child and family. The minimum actions required to meet the “active efforts” threshold will depend on unique circumstances of the case. It is recommended Child Welfare determine which active efforts will best address the specific issues facing the family and tailor those efforts towards appropriate, safe visitations.

Resources

- DHS Child Welfare Visitation Policy (extended through early June 2020)
<https://dhs.oha.sharepoint.com/:b:r/teams/Hub-DHS-CW/SiteAssets/SitePages/COVID-19-Guidance/Visitation%20Guidance.pdf?csf=1&web=1&e=hWfK6>
- Guides on having successful phone or video visitation
<https://www.nccdglobal.org/blog/successful-video-visits-young-children>

Congregate Care

Congregate care programs are facilitated through the Child Caring Agencies (CCA's) in Oregon. These include Behavioral Rehabilitation (BRS) treatment through BRS Residential or Psychiatric Residential Treatment Programs, for example. The risk for exposure to the COVID-19 outbreak is higher in congregate care settings due to the close-proximity of individuals served.

Active Efforts for Children who Must Remain in Congregate Care

Each CCA is required to have policy and protocol related to the COVID-19 pandemic. The caseworkers can talk to the facility and request their agency protocol related to COVID-19 including program cleanliness and response to heightened risk. **Guiding questions:**

- Find out what the visitation and contact restrictions are for children placed in the facility at this time.
- How might we provide continued contact between parent/child while child is placed in this setting? Will caseworker’s face to face contacts with the child be limited by facility restrictions?

If a child must remain in congregate care, talk to the facility about what will happen if there is an outbreak at the facility. Ask what will happen if staff members are sick and unable to work. Find out what measures are put in place to keep the facility clean. Find out if there are ways to isolate a child if a child becomes ill at the facility and what that isolation will look like for that child. Have a specific plan in place for the child should the facility need to close, and a plan for the care and wellbeing of the child should the child become exposed to COVID-19 while at the facility.

Resources

Ideas for making emergency plans with youth in congregate care can be found here:

<https://ylc.org/wp-content/uploads/2020/03/YLC-Toolkit-for-Emergency-Planning-with-Youth-in-Congregate-Care.pdf>

ICWA Compliant Placements

Active efforts require an ICWA compliant placement unless there is good cause to deviate from ICWA placement preferences. This legal requirement continues to apply during the pandemic. Active efforts also require a diligent search for the Indian child's extended family members and includes contacting and consulting with extended family members. Work with your Child Welfare branch, ICWA Unit, or Tribal Affairs to renew family finding efforts and efforts to find tribal or other foster homes. It is more important than ever to try to get youth into family settings. Ask the child, parents family friends and relatives if they know of an alternative place for the child during the pandemic. Consider if it would be safe to reunify the family. Consider if the placement is meeting the current needs of the child and is the least restrictive placement, or if the placement is no longer necessary

During the pandemic, Child Welfare must continue to engage in relative searching to identify possible family placements. If a child is not in an ICWA compliant placement, Child Welfare will continue to consult with the child's tribe, the child, parents, family, and friends to identify an ICWA compliant placement. Caseworkers will consult with the tribe and their AAG to determine whether to seek a good cause finding from the court. Consider whether it is safe to reunify the family. Consider whether the placement is meeting the current needs of the child and is the least restrictive placement or if the placement is no longer necessary.

Tribal Foster Families

Child Welfare continues to work with the tribes to increase tribal foster parent recruiting efforts. More people are staying at home and may be looking for a way to give back to the community as well as potentially having more availability to foster a child right now.

ICWA Court Proceedings

Other than the Chief Justice Order, there are no statutory changes or emergency rules that change practice substantially in Oregon. The Juvenile Court Improvement Project judges requested a statutory temporary waiver of timelines in juvenile cases that was not moved forward by the Chief Justice. Currently, judges have the ability in most cases to make a finding for good cause to extend a timeline to give parents more time for reunification. Judges also requested the flexibility to schedule hearings on a case-by-case basis determined by the facts of the case, the need for judicial intervention to prevent harm to a child or to protect the constitutional rights of a parent, and the staffing and capacity of the court. **Recommended practice during pandemic:**

- Pay attention to active efforts in your cases
- Contact Active Efforts Specialists for flexibility and creativity in providing active efforts

Active Efforts

Currently there are no court closures in Oregon which allow for continuances of regularly scheduled review dependency hearings, and court blanket orders in place. You may be frustrated with the lack of active efforts a family is receiving and confused about what legal recourse the tribe has. Oregon's Chief Justice Order No. 20-006 classified many juvenile dependency proceedings as "Category 2 essential proceedings," including protective custody applications, shelter hearings, jurisdiction and disposition hearings and trials, hearings on a parent's objection to the child's continued placement in substitute care, and hearings on motions to dismiss. These proceedings shall be held on the date scheduled and conducted by remote means if reasonably

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feasible. All other juvenile dependency proceedings, such as permanency hearings, are classified as “Category 3 essential proceedings,” and shall be scheduled in accordance with the policy developed by the Presiding Judge in each county. Many courts in Oregon are holding all juvenile dependency hearings virtually through phone or video conferencing.

Although the challenges faced today are unique, Child Welfare branches should continue providing active efforts and reunification during the pandemic. Timelines for reunification are short. Childhood is a critical time for tribal children’s development and will affect whether they grow into safe, happy, and healthy adults and elders. Childhood only lasts for a short while and does not wait for the pandemic to end; the reunification of tribal children and families should continue, even during a pandemic.

Waiting for a “no active efforts” finding at the next status review hearing is never an appropriate remedy for the family. Even if the court makes a “no active efforts” finding at the next status review hearing and extends services, a lot of damage can be done to the family that might not be reparable with an extension of services. Early intervention is critical. See if things can be resolved by some informal discussions with the county agency social worker or by having virtual or telephone Family Team Meetings.

Problem solving and creativity goes a long way to getting a family back on track and getting active efforts back on track.

Above and Beyond

You may currently be frustrated with the accessibility or variety of available and appropriate services to ensure active efforts are met. The pandemic, however, does not eliminate Child Welfare’s responsibilities to provide active efforts. It is important to be aware of the services a family is currently receiving and all available appropriate alternatives.

The pandemic calls for everyone to go above and beyond their typical work on ICWA cases. While technology is more important than ever before, services and visitation may need to be modified, and placements may need to be re-assessed, by taking quick action to work with tribes and parties on a case-by-case basis and using creativity, active efforts can continue to be provided. Caseworkers should staff cases with their AAG if court action is necessary.

Additional Resources

211 connects people with health and social service organizations that include food, housing, employment, healthcare, services and resources including assistance programs that target specific services. <https://www.211info.org/>

CALL 211 or 1-866-698-6155 TEXT your zip code to 898211 (TXT211)

Tribal Affairs COVID-19 Updates and Resources

<https://www.oregon.gov/DHS/ABOUTDHS/TRIBES/Pages/COVID-19.aspx>

Source Document

Active efforts in ICWA Cases During the Pandemic (2020), California Indian Legal Services, Community Legal Education Self-Help Series

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