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No. 98003-9

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

IN RE THE DEPENDENCY OF Z.J.G. AND M.G., Minors,
WASHINGTON STATE DEPARTMENT OF CHILDREN, YOUTH,
AND FAMILIES,

Respondent,

v.

SCOTT JAMES GREER,

Appellant.

ON APPEAL FROM THE SUPERIOR COURT OF
THE STATE OF WASHINGTON FOR KING COUNTY

SUPPLEMENTAL BRIEF

TARA URS
LA ROND BAKER
Attorneys for Appellant

KING COUNTY DEPARTMENT OF PUBLIC DEFENSE
Director's Office
710 Second Avenue, Suite 200
Seattle, WA 98104
Phone: (206) 477-8789
tara.urs@kingcounty.gov

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I. INTRODUCTION

This case presents an opportunity to resolve fundamentally important questions about the Indian Child Welfare laws.¹ At issue is when a state court has a “reason to know” a child may be an Indian child. A “reason to know” finding is significant because it triggers the requirement that the party seeking removal provide legal notice to a Tribe, informing them of their right to intervene in the case. Once a state court finds a “reason to know,” the court must treat the child as an Indian child until the Tribe has had the opportunity to respond to the notice. Therefore, the “reason to know” finding is a gatekeeper to ICWA and WICWA’s protections of family integrity and Tribal sovereignty.

Here, the trial court should have found a “reason to know” that the children involved in this matter may be Indian children based on the testimony proffered at the 72-hour shelter care hearing. At that hearing, the parents identified specific Tribal nations with whom their children are eligible for membership and other nations with whom the children have ancestry. Further, the Department of Children, Youth, and Families (DCYF)

¹ This brief refers to the federal Indian Child Welfare Act as “ICWA” (25 U.S.C. § 1901 et seq.); the Washington State Indian Child Welfare Act as “WICWA” (RCW 13.38.010 et seq.); the 2016 regulations of the Bureau of Indian Affairs (BIA) as “federal regulations” (25 C.F.R. § 23 et seq.); and the Bureau of Indian Affairs, U.S. Dep’t of Interior, Guidelines for Implementing the Indian Child Welfare Act, (Dec. 2016) as “BIA Guidelines.”

social worker swore in the dependency petition and affirmed in open court that there was a “reason to know,” but subsequently contradicted that testimony on direct examination.

The trial court ultimately found there was not a “reason to know” and failed to apply ICWA and WICWA at the removal hearing but, according to their Tribe, the children *are* Indian children. By asking to affirm this result, the state asks this Court to adopt a rule that would deny the protection of ICWA and WICWA to children who are in fact Indian children. And because the “reason to know” finding also triggers legal notice to Tribes, affirming this result would deny Tribes notice in future cases involving Tribal members.

Congress enacted ICWA to address policies and practices that resulted in the “wholesale separation of Indian children from their families.” H. Rep. 95-1386 (July 24, 1978) at 9. Likewise, WICWA expressed a commitment “to protecting the essential tribal relations and best interests of Indian children.” RCW 13.38.030. This Court’s interpretation of what establishes a “reason to know” will determine the extent of ICWA and WICWA’s protections and the integrity of the entire statutory scheme.

II. ISSUES PRESENTED FOR REVIEW

1. Whether the trial court incorrectly failed to apply ICWA and WICWA when the court removed Z.G. and M.G. from their parents

even though the court had a “reason to know” they may be Indian children under RCW 13.38.070(1) and 25 U.S.C. § 1912(a).

2. Whether, at a removal hearing, the detailed process contained in 25 C.F.R. § 23.107 requires a trial court to end its ICWA inquiry when any party “indicates” the children are Indian children.
3. Whether the lower court erred by holding the state’s preliminary investigation, rather than legal notice, is sufficient to protect Tribal sovereignty.

III. STATEMENT OF THE CASE

Mr. Greer is the father of Z.G. and M.G. RP 35. During a time in June 2018 when his family was struggling with housing and was living in an R.V., his children were placed in protective custody due to concerns of neglect and unsanitary living conditions. RP 15-16. The state filed a dependency petition requesting out-of-home placement. CP 2.

The petition filed by the state alleged that the “the petitioner knows or has reason to know the child is an Indian child” based on the following:

“Mother has Tlingit-Haida heritage and is eligible for membership with Klawock Cooperative Association. She is also identified as having Cherokee heritage on her paternal side. Father states he may have native heritage with Confederate Tribes of the Umatilla in Oregon.”

CP 2.²

² The Central Council of Tlingit and Haida Indian Tribes of Alaska (hereafter “Tlingit & Haida Tribe”) has 21 communities that are recognized as Community Council Chapters, including Klawock, www.ccthita.org/government/delegates/chapters/index.html (last viewed 4/27/2020).

At the beginning of the shelter care hearing the trial court did not ask each participant whether they knew or had a reason to know if the children were Indian children. RP 4-9. The state's first witness was social worker Richard Summers who testified that he filed the petitions and that the information in the petitions was correct. RP 10. During the direct examination of Summers, the state asked whether "these children qualify" under WICWA. RP 11. Summers testified he had called the Tlingit & Haida Tribe and "they gave me information that the maternal grandmother is an enrolled member, but the mother is not enrolled, and the children are not enrolled." RP 11. Summers also stated, "To my knowledge, the father is not enrolled in a federally recognized tribe either." RP 11-12.

Later in the same hearing, both parents testified the children are eligible for tribal membership. RP 67, 88. The children's mother, L.G., testified at the shelter care hearing that she is eligible for membership in the Tlingit & Haida Tribe, but when asked by the state if she is an "enrolled" member, she said no. RP 88, 90. L.G. was never asked about her Cherokee heritage. RP 82-92. Mr. Greer testified that L.G. has Cherokee heritage and that he has Native American heritage through the Confederated Tribes of the Umatilla in Oregon. RP 66-67.

During closing arguments, both parents asked the court to apply ICWA's heightened standard for removal, which requires proof of

imminent physical danger or harm, because there was a reason to know that the children are Indian children. RP 110, 113-14. In response, the state read the definition of Indian child into the record and argued ICWA did not apply because there was no proof the children in fact met that definition. RP 117-18. The trial court ruled ICWA did not apply, based on “the testimony in this case and the reasonable cause standard,” and removed the children from the parents’ care. RP 118.

Days after the shelter care hearing, the dependency court granted the Tlingit & Haida Tribe’s motion to intervene and, at subsequent proceedings, the court determined there was a “reason to know” that Z.G. and M.G. were Indian children, and applied ICWA and WICWA. CP 19.

S.G. sought discretionary review, challenging the trial court’s failure to comply with ICWA at the shelter care hearing. After the Court of Appeals Commissioner granted review, the Court of Appeals affirmed the trial court’s order on September 3, 2019. Mr. Greer moved to reconsider, and his motion for reconsideration was denied on November 19, 2019.

Mr. Greer sought this Court’s review because the Court of Appeals decision affirming the trial court order stands in violation of ICWA, WICWA, and federal regulations designed to protect Indian children. This Court granted Mr. Greer’s petition for review on April 1, 2020.

IV. ARGUMENT

A. **The State’s Proposed Interpretation of a “Reason to Know” Violates Federal ICWA Regulations and WICWA**

When the state seeks to remove children from their parents, the state court must ask all of the participants at the emergency removal hearing whether they know or have a “reason to know” that the children are Indian children. 25 C.F.R. § 23.107. When a state court finds a “reason to know,” it triggers a requirement that the petitioning party provide legal notice to the Tribe. 25 U.S.C. § 1912(a); RCW 13.38.070(1). Further, the court must apply all of ICWA’s protections to the case until the relevant Tribe has an opportunity to respond to the notice. 25 C.F.R. § 23.107(b)(2). The lower court’s interpretation of the “reason to know” inquiry is inconsistent with both state and federal law, inconsistent with longstanding precedent in this state, and ultimately undermines the integrity of both ICWA and WICWA.

1. **The Testimony at Shelter Care Established a “Reason to Know” Under the Plain Language of Both WICWA and ICWA**

Under ICWA, when state law provides a higher standard of protection to the rights of a parent of an Indian child, courts must apply the higher standard. 25 U.S.C. § 1921. Therefore, to know what law applies, this Court must analyze WICWA and ICWA together to determine the legal standard most protective of the parents’ rights. *Matter of Adoption of*

T.A.W., 186 Wn.2d 828, 844, 383 P.3d 492, 498–99 (2016) (recognizing “the more protective act will supplant the less protective act.”).

WICWA contains a number of provisions more protective than federal law. Under WICWA there is “reason to know” when a child “is *or may be*” an Indian child. *Compare* RCW 13.38.070(1) *and* RCW 13.34.065(4)(h) *with* 25 U.S.C. § 1912(a). Therefore, under WICWA, the question for the trial court is not whether the child *is* an Indian child but only whether the child “may be” an Indian child. *Id.*

Further, unlike the federal law, WICWA defines an Indian child as a child who is “eligible for membership” regardless of whether a parent is a member. According to WICWA, “written determination by an Indian tribe *that a child is a member of or eligible for membership in that tribe...* shall be conclusive that the child is an Indian child.” RCW 13.38.070(3)(a). Unlike federal law, WICWA contains a definition of “member” and “membership.” RCW 13.38.040(12) (defining membership as “a determination by an Indian tribe that a person is a member *or eligible for membership* in that Indian tribe.”).³ Therefore, when the parents in this case

³ WICWA’s definition of “member,” modifies the definition of Indian child. An “Indian child” as child who is “(a) A member of an Indian tribe; or (b) eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe.” RCW 13.38.040.

testified that the children were eligible for membership, they testified that the children *are* Indian children under WICWA and provided sufficient reason to know that notice to the relevant Tribes was required to make the ultimate determination.

However, even without considering the textual differences in WICWA and ICWA, there was a “reason to know” here based on federal law alone. In order to give effect to the phrase “reason to know,” the federal statute must be construed to permit courts to find a “reason to know” even when the state court does not actually “know” the child is an Indian child. *See* 25 U.S.C. § 1912; *Matter of S.R.*, 394 Mont. 362, 376, 436 P.3d 696, 704 (2019) (holding “the standard for triggering ICWA’s tribal notice and enrollment eligibility determination requirements is low—the court must merely have a ‘reason to know,’ i.e., a reasonable basis upon which to believe that a child may be an Indian child.”). Because having a “reason to know” must mean something broader than to “know,” federal regulations recognize that there is a “reason to know the child is an Indian child,” even where “the court does not have sufficient evidence to determine that the child is or is not an ‘Indian child.’” 25 C.F.R. § 23.107(b).

Further, the federal implementing regulations require state courts to find a “reason to know” when any party has discovered information indicating the child is an Indian child. 25 C.F.R. § 23.107(c) (listing “reason

to know” factors). Likewise, the BIA Guidelines encourage state courts to interpret those factors “expansively.” BIA Guidelines at 11.

The state may suggest that there is not a reason to know unless testimony satisfies each element of the federal statutory definition of an Indian child. In other words, the state contends someone must testify that either the child *is* a member of a Tribe or the parent *is* a member *and* the child *is* eligible for membership. *See* DCYF Answer to Petition for Review at 15. That argument ignores the plain language of WICWA, which requires only that the child “may be” an Indian child. It also ignores WICWA’s definition of membership, which expands the definition of an Indian child to include children who (as the parents here testified) are “eligible for membership” in a federally recognized Tribe. This argument further asks this court to read the phrase “reason to know” out of the federal statute, requiring evidence that the court “knows” the child is an Indian child. Finally, the argument ignores the BIA Guidelines instructions to interpret the enumerated “reason to know” factors expansively. For all of the reasons stated above, the trial court should have found a “reason to know” based on the testimony here.

2. Federal Regulations Require State Courts to Follow a Strict Process to Determine Whether There is a “Reason to Know”

The 2016 federal ICWA regulations prohibit the kind of back and forth about a family’s relationship with a Tribe that the trial court undertook here. According to federal regulation, “at the commencement of the proceeding” state courts “must ask each participant” whether the participant knows or has a “reason to know” that the child is an Indian child. 25 C.F.R. § 23.107; BIA Guidelines at 11. Once *any* participant provides the court information that *indicates* the child is an Indian child (or satisfies another one of the enumerated factors) the inquiry ends until the Tribe has the opportunity to respond to legal notice. 25 C.F.R. § 23.107(c)(2).

Here, the trial court did not make the required inquiry at the start of the hearing in this case. Nevertheless, the state’s first witness, the DCYF social worker, quickly established a “reason to know” when he swore that the petition he filed was true and correct; in that petition he wrote that there was a “reason to know” the children were Indian children, detailed the parents’ relationships with several Tribes, and noted that Tribal notification was under way. CP 2; RP 11-12. Continuing to interrogate the precise nature of the family’s relationship to their Tribes violated the federal regulations by empowering the state court, rather than the Tribe, to determine whether children are Indian children. *See* 25 C.F.R. § 23.108 (prohibiting a state

court from substituting its own determination regarding Tribal membership). Therefore, the trial court erred by departing from the process described in the regulations. *See People In Interest of S.B.*, 459 P.3d 745 (Colo. App. 2020), *cert. denied sub nom. R. B. v. People*, 20SC101, 2020 WL 996724 (Colo. Mar. 2, 2020) (reversing where the lower court only conducted an inquiry of the father).

B. The Lower Court Upends Well-Settled Caselaw that Protects Indian Children and Tribal Sovereignty

Prior to the lower court decision in this case, existing caselaw in Washington correctly applied ICWA’s definition of a “reason to know.” Intervening statutory changes, all of which were intended to strengthen the law’s protections, do not undermine the well-settled law of this state.

In 2005, the Court of Appeals held that there was a “reason to know,” pursuant to 25 U.S.C. § 1912(a), when a mother told the DCYF social worker that, according to her adoptive parents, her biological father was “full-blooded Cherokee.” *In re Dependency of T.L.G.*, 126 Wn. App. 181, 189-93, 108 P.3d 156, 161-63 (2005). The court in *T.L.G.* specifically rejected the very argument endorsed by the lower court in this case: that the children were not Indian children because the mother testified she was neither enrolled in a Tribe nor a member of a Tribe. *Id.* at 190. The Court noted that whether or not the mother believed herself to be a tribal

“member” was “not dispositive,” since “[t]ribes control the rules of their membership, and whether [the mother] is a member is a question only the tribe can definitively answer.” *Id.* at 190-91. The statutory language in 25 U.S.C. § 1912 relied on by the court in *T.L.G.* has not changed.

The decision in *T.L.G.* honors the historical rationale for ICWA, described in detail by *amici*. See generally Amicus Brief of American Indian Law Professors *et al.*; Amicus Brief of Historian Margaret Jacobs. Because of our painful national legacy of separating Indian children from their families and communities, there are generations of people raised outside their Tribal community who may not be able to accurately articulate the nature of their relationship to their Tribe but who may, nevertheless, fall within the class of people ICWA intended to protect. Faulting those, like the parents now before this Court, who have an imperfect understanding of their political relationship to a Tribe, only compounds the very injuries that ICWA was designed to remedy.

Although *T.L.G.* found that the mother’s statement that her father was “full-blooded Cherokee” was sufficient to create a “reason to know,” the case does not stand for the proposition that an assertion of Indian ancestry is sufficient to determine whether a child meets the legal definition of “Indian child.” Rather, the case merely holds that a parent’s description of Indian ancestry can be sufficient to establish a “reason to know” and

trigger notice to the Tribe, giving the *Tribe* the opportunity to determine whether the child meets the legal definition of an Indian child. *See* Children’s Tribes Amicus Br. at 2-3 (noting that the only party that has conclusive evidence of Tribal membership is the Tribe, but their participation depends on legal notice from the state). That understanding of ICWA’s notice requirement has informed practitioners in Washington for the past fifteen years.

The subsequent passage of WICWA and the promulgation of new ICWA regulations only strengthen, rather than undermine, the holding of *T.L.G.* WICWA’s statutory language, requiring notice to tribes when there is a reason to know the child “may be” an Indian child, is consistent with the holding of *T.L.G.* In addition, the statutory intent of WICWA states that it “shall not be construed to reject or eliminate current policies and practices that are not included in its provisions.” RCW 13.38.030. Accordingly, WICWA by its terms embraced “policies and practices” that were current at the time it was passed, in 2011, including the implementation of the holding of *T.L.G.*, and cannot be construed as a retreat from those practices.

Likewise, the promulgation of new ICWA regulations in 2016 only strengthened, rather than undermined, the holding of *T.L.G.* The BIA recognized the continuing need for ICWA, acknowledging that Native American children “are still disproportionately more likely to be removed

from their homes and communities than other children.” 81 Fed. Reg. 38778, 38779 (June 14, 2016) (noting the need to correct state court interpretations of ICWA that “have essentially voided Federal protections for groups of Indian children to whom ICWA clearly applies.”). The regulations were motivated by numerous accounts of Indian children unnecessarily removed from their parents and extended families. BIA Guidelines at 6. Therefore, the regulations were intended to correct state interpretations that diluted ICWA’s reach and cannot be used to justify weakening legal protections for Indian children and Tribes.

The state’s effort to distinguish *T.L.G.*, because it addressed the termination of parental rights, and not a removal at shelter care, is misplaced. Although, the question of notice only reached the attention of the court of appeals under after the parents’ rights were terminated, the court held that ICWA’s notice requirements were triggered by the mother’s assertion of Cherokee heritage, which the mother first articulated to the Department prior to the removal of her children. *See In re Dependency of T.L.G.*, 126 Wn. App. at 189-91. The case construes the notice provisions of the statute and not the requirements for the termination of parental rights. *Id.*

Since the Court of Appeals decision in this matter in September 2019, courts of appeal around the country have decided similar cases

consistent with *T.L.G.* and at odds with the approach of the lower court in this case. *See* Children’s Tribes Amicus Br. at 7-11. For example, in March of this year a California Court of Appeal found a “reason to know” based on testimony of the father that, “he had Native American Indian heritage, but he was unable to identify the correct tribe.” *In re N.D.*, 46 Cal. App. 5th 620 (Cal. Ct. App. 2020). Likewise, in December 2019, a Court of Appeals in Texas held that once a child “was suspected of having Native American heritage by virtue of her Father's claims of tribal ancestry and by virtue of the Department's own pleadings, she was presumptively an Indian child, meaning that under these circumstances, notification to relevant tribal authorities was required.” *Interest of S.J.H.*, 594 S.W.3d 682 (Tex. App. 2019); *See also People In Interest of S.B.*, 459 P.3d at 749 (holding that the father’s indication that children had Indian heritage through their grandfather was reason to know). *Cf. In re Austin J.*, B299564, 2020 WL 1872524, at *8 (Cal. Ct. App. Apr. 15, 2020) (suggesting that testimony that children are eligible for membership is sufficient to trigger a reason to know finding and rejecting the mother’s argument that a reason to know existed where the only evidence proffered to support a reason to know finding was that “she had been told her mother had Cherokee ancestry”). *See also In re A.M.*, E073805, 2020 WL 1631230, at *2 (Cal. Ct. App. Mar. 5, 2020)

(finding that evidence the Mother was “unsure” of American Indian descent was insufficient to trigger ICWA’s notice requirement).

Taken together, the Court of Appeals decision in *T.L.G.*, which was endorsed by the subsequent passage of WICWA, and has since been supported by the 2016 ICWA Regulations and BIA Guidelines, remains the proper construction of the “reason to know” statutory language.

C. The Lower Court’s Interpretation of The Law Would Have Detrimental Consequences for Families and Tribes

Weakening the “reason to know” provision will undermine the core purposes of ICWA and WICWA by preventing notice to Tribes and preventing the application of statutory protections at shelter care hearings when children face removal from their parents.

1. The State’s Proposed Reading of ICWA Will Deny “Vitaly Important” Notice to Tribes, Undermining Tribal Sovereignty

Limiting the application of the “reason to know” provision will prevent Tribes from receiving notice of pending dependency cases, undermining all of the rights guaranteed by ICWA.

Notice is a key component of the congressional goal to protect and preserve Native American families. It ensures that the tribe will be afforded the opportunity to assert its rights under the act. *Without such notice, the rights guaranteed by the ICWA are meaningless.*

Matter of Welfare of M.S.S., 86 Wn. App. 127, 134, 936 P.2d 36, 40 (1997) (emphasis added); BIA Guidelines at 31 (describing prompt notice as “vitally important”). ICWA’s requirements ensure Tribes receive timely, predictable notice such that they can intervene and advocate for the rights and interests of Tribal members. 81 Fed. Reg. 38778, 38782 (2016) (noting that because 78% of Native Americans live outside of Indian country, Tribes may be less likely to find out about cases involving their citizens); *In re Custody of C.C.M.*, 149 Wn. App. 184, 198, 202 P.3d 971, 978 (2009) (recognizing a Tribe’s “strong, independent interest” in participation).

Because notice plays such a significant role in the statutory scheme, ICWA contains detailed procedures for providing legally sufficient notice. *E.g.* 25 C.F.R. § 23.111 (listing, *inter alia*, information required in the notice); 25 C.F.R. § 23.11 (specifying, *inter alia*, the method of service). Regulations require a published list of designated agents for service at all federally recognized Tribes so that Tribes can select the proper person or office to receive and consider notices. 25 C.F.R. § 23.12.

The initial shelter care hearing is the first opportunity a state court will have to make a “reason to know” determination, and therefore, to determine whether a Tribe must receive legal notice. Early notice benefits children who will have the support of their Tribe from the start of the case. BIA Guidelines at 12 (applying ICWA when there is a “reason to know”

“ensures that ICWA’s requirements are followed from the early stages of a case and that harmful delays and duplication resulting from the potential late application of ICWA are avoided.”).

2. The Lower Court Would Deny Indian Children Protection Under ICWA and WICWA at the Most Critical Time in the Case: When Initial Removal is Sought

A core purpose of both ICWA and WICWA is to prevent the out of home placement of Indian children. RCW 13.38.030 (WICWA’s purpose is to “prevent out of home placement of Indian children...”); 81 Fed. Reg. 38778, 38803 (June 14, 2016) (ICWA is “designed to keep children, when possible, with their parents, family, or Tribal community—[which] should benefit children regardless of whether it turns out that they are Indian children.”). Therefore, ICWA allows state courts to remove a child on an emergency basis only when “necessary to prevent imminent physical damage or harm to the child.” 25 U.S.C. § 1922; 25 C.F.R. § 23.113(b)(1); RCW 13.38.140. That heightened standard cannot achieve its purpose of preventing removal unless the court applies ICWA at the initial stages of a case as required by 25 C.F.R. § 23.107. Indeed, the neglect allegations in this case present precisely the type of state court removal that concerned the drafters of ICWA. 81 Fed. Reg. 38778, 38790 (June 14, 2016) (describing concern for removals based on poverty and substandard housing).

D. The State’s Preliminary ICWA Inquiry is not a Replacement for Legal Notice

The state’s reliance on the sufficiency of the DCYF social worker’s phone call to “the Tribe,” prior to the shelter care hearing, is fundamentally misplaced. The state argues, incorrectly, that, “*information from the tribe itself contradicted the legal definition of Indian child, as the tribe reported the mother was not a member and the children were not members.*” DCYF Answer to Petition for Review at 14 (emphasis added). That is not true.

First, no Tribal representative testified at the shelter care hearing in this case. Rather, a state social worker testified about a conversation he had with an unnamed person at “the tribe.” RP 11. It is unclear whether that person was in a position to opine on Tribal membership criteria. *See In re Custody of C.C.M.*, 149 Wn. App. at 197–98 (holding that only a person authorized to take a legal position may waive a Tribe's rights under ICWA).

Further, the social worker only contacted one of the Tribes identified by the parents. The state made no inquiry with respect to the Cherokee Nation or the Confederated Tribes of the Umatilla, undermining the suggestion that the state’s inquiry was a robust process. *See also* Children’s Tribe Amicus Br. at 5-6 (explaining that legal notice and any preliminary inquiry should have been, but was not, directed to designated agents at both Klawock Cooperative Association and Tlingit & Haida).

But most importantly, the social worker’s testimony did not “contradict the legal definition of Indian child” because the social worker testified about tribal “enrollment” and not “membership.” RP 11-12. Yet, “membership” rather than “enrollment” is required to satisfy the definition of an Indian child. *In re Dependency of T.L.G.*, 126 Wn. App. at 191 (distinguishing enrollment from membership); *see also* Amicus Brief of American Indian Law Professors, *et al.*, at 7-8 (describing variation in Tribal membership determinations). Confusing Tribal enrollment with Tribal membership is precisely the kind of error that can occur when state child welfare authorities substitute their judgement for a Tribe’s and underscores the very reason why Tribes must receive notice.

The entire purpose of ICWA’s notice provisions is to allow Tribes to designate their own agents for service so the Tribe has an opportunity to make the correct determination about membership. Accordingly, the state’s preliminary investigation will never be sufficient to substitute for proper, legal notice to the Tribe. *See* RCW 13.38.050 (“preliminary contacts ... *do not constitute legal notice* as required by RCW 13.38.070”).

V. CONCLUSION

Decades after Congress passed ICWA, the need for this important law has not diminished, but the law’s core protections remain under threat. This case presents a unique opportunity to reaffirm its strength.

DATED this 15th day of May, 2020.

Respectfully submitted,

KING COUNTY DEPARTMENT OF
PUBLIC DEFENSE

s/Tara Urs

TARA URS, WSBA #48335
710 Second Avenue, Suite 200
Seattle, WA 98104
tara.urs@kingcounty.gov
Phone: (206) 477-8789
Fax: (206) 296-0587

s/La Rond Baker

LA ROND BAKER, WSBA #43610
710 Second Avenue, Suite 200
Seattle, WA 98104
lbaker@kingcounty.gov
Phone: (206) 263-6884
Fax: (206) 296-0587

CERTIFICATE OF SERVICE

I certify that May 15, 2020 I served by email one copy of the foregoing pleading on the following:

Kelly Taylor
Washington State Attorney General's Office
800 Fifth Avenue, Suite 2000
Seattle, WA 98104
kellyt1@atg.wa.gov
SHSSeaEF@atg.wa.gov

Ariell Ikeda
Washington State Attorney General's Office
800 Fifth Avenue, Suite 2000
Seattle, WA 98104
arielli@atg.wa.gov

Lauren Johansen
KCDPD – SCRAPD
1401 E Jefferson Street, Suite 200
Seattle, WA 98122
lajohans@kingcounty.gov
scrap.seattle.dependency@kingcounty.gov

Kathleen Martin
Dependency CASA Program
401 4th Ave N, Rm 3081
Kent, WA 98032-4429
kathleen.martin@kingcounty.gov
casa.group@kingcounty.gov

Sarracina Littlebird
Northwest Justice Project
401 – 2nd Avenue South, #407
Seattle, W 98104
cina.littlebird@nwjustice.org

Jennifer Masako Yogi
Northwest Justice Project
401 – 2nd Avenue South, #407
Seattle, W 98104
jennifery@nwjustice.org

Kathryn E. Fort
Michigan State University
College of Law
Indian Law Clinic
648 N. Shaw Lane, Ste. 415K
East Lansing, Michigan 48824
fort@law.msu.edu

Madeline Soboleff Levy
Central Council of the Tlingit and Haida Indian Tribes of Alaska
9097 Glacier Highway
Juneau, AK 99801
msobolefflevy@ccthita-nsn.gov

Ronald J. Whitener
Center for Indigenous Research and Justice
5033 Harrison Avenue NW
Olympia, Washington 98502
ronw@cirj.org

KING COUNTY DEPARTMENT OF
PUBLIC DEFENSE

s/Tara Urs
TARA URS, WSBA #48335
710 Second Avenue, Suite 200
Seattle, WA 98104
tara.urs@kingcounty.gov
Phone: (206) 477-8789
Fax: (206) 296-0587

KING COUNTY DEPARTMENT OF PUBLIC DEFENSE

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- kathleen.martin@kingcounty.gov
- kellyt1@atg.wa.gov
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- pats@summitlaw.com
- peterg@atg.wa.gov
- pinkhamb@seattleu.edu
- ronw@cirj.org
- scrap.seattle.dependency@kingcounty.gov
- sgoolyef@atg.wa.gov
- shsseaef@atg.wa.gov
- tiffanie.turner@kingcounty.gov

Comments:

Sender Name: Christina Alburas - Email: calburas@kingcounty.gov

Filing on Behalf of: Tara Urs - Email: tara.urs@kingcounty.gov (Alternate Email:)

Address:
710 Second Ave.

Suite 200
Seattle, WA, 98104
Phone: (206) 477-0303

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