

# Local Indian Child Welfare Advisory Committee (LICWAC)



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Washington State Department of  
**CHILDREN, YOUTH & FAMILIES**

# What is LICWAC?

- An acronym for Local Indian Child Welfare Advisory Committee.
- A body of volunteers representing local tribes, Indian Organizations or members at large, formed to
  - Provide advice on case planning services for Indian children when the tribe is not involved or is unavailable.
  - Ensure DCYF policies and laws governing Indian child welfare are being followed.



# History of LICWAC

- Local Indian Child Welfare Advisory Committees (LICWACs) have been active in WA State since the early 1970's and predate the Indian Child Welfare Act.
- Instituted to address the issue of separation of Indian children from their families and communities.
- Derived from tribes and off reservation groups who asked for state policy reform.
- LICWACs exist statewide, the number of committees vary in each region.



# Historical Timeline State of Washington

- Early 1970's – LICWACs are formed
- 1972 Office of Indian Affairs is established, now known as Office of Indian Policy
- 1976 LICWAC becomes a codified regulation (WAC)
- 1977 Indian Policy Advisory Committee (IPAC) is formed, 2018 it changed to DCYF Tribal Advisory Policy Committee a (TPAC)
- 1978 Indian Child Welfare is enacted
- 1987 State/Tribe Agreement is signed
- 1987 DSHS Administrative Policy 7.01 is implemented, 2018 DCYF Administrative Policy 10.03
- 1989 Centennial Accord is signed
- 1990 ICW Manual is developed, (revised in 2000 & 2016)
- 2011 Washington State Indian Child Welfare



# Honoring Roxanne Finney



# Indian Child Welfare Act (ICWA)

- A 1978 federal law
- The intent of Congress was to protect the best interest of Indian children and promote the stability and security of Indian tribes and families
- Finding that “there is no resource that is more vital to the continued existence and integrity of Indian tribes than their children”
- States are required to adhere to ICWA, tribes can develop their own codes.



# Established minimum standards for states

- Tribal notification
- Tribes to intervene and be a party to the case
- Transfer of jurisdiction to tribal court
- Requires remedial and rehabilitative services for Indian families are provided before placement occurs (active efforts)
- Follow placement preferences
- Meet a higher standard for dependency and termination
- Requires a qualified expert witness



# Washington State ICWA 2011 Legislative Intent



- Protect the essential tribal relations and best interests of Indian children.
- When placement is necessary for the child's safety, WA State is committed to a placement that reflects and honors the unique values of the child's tribal culture.

**Chapter 13.38 RCW Indian Child Welfare Act**



# Definition of Indian Child

- “Indian child” means any unmarried person who is under age 18 and is either a) a member of an Indian tribe or b) is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe.  
**25 U.S.C. § 1903(4)**
- “Indian child” means an unmarried and unemancipated Indian person who is under eighteen years of age and is either: 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 (7)**



# ICWA-Placement Preference

- A member of the Indian child's extended family;
- A foster home licensed, approved, or specified by the Indian child's tribe; or
- An Indian foster home licensed or approved by an authorized non-Indian licensing authority;
- An institution for children approved by an Indian tribe or operated by an Indian organization which has a program suitable to meet the Indian child's needs.

**25 U.S.C. § 1915 (b) (i-iv)**



# Placement Preferences Cont.

- A child foster care agency approved by an Indian tribe or operated by an Indian organization which has a program suitable to meet the Indian child's needs.
- A non-Indian foster care agency approved by the child's tribe.
- A non-Indian family that is committed to:
  - Promoting and allowing appropriate extended family visitation
  - Establishing, maintaining, and strengthening the child's relationship with his or her tribe or tribes; and
  - Participating in the cultural and ceremonial events of the child's tribe

**RCW 13.38.180 (d)(e)(f)(i-iii)**

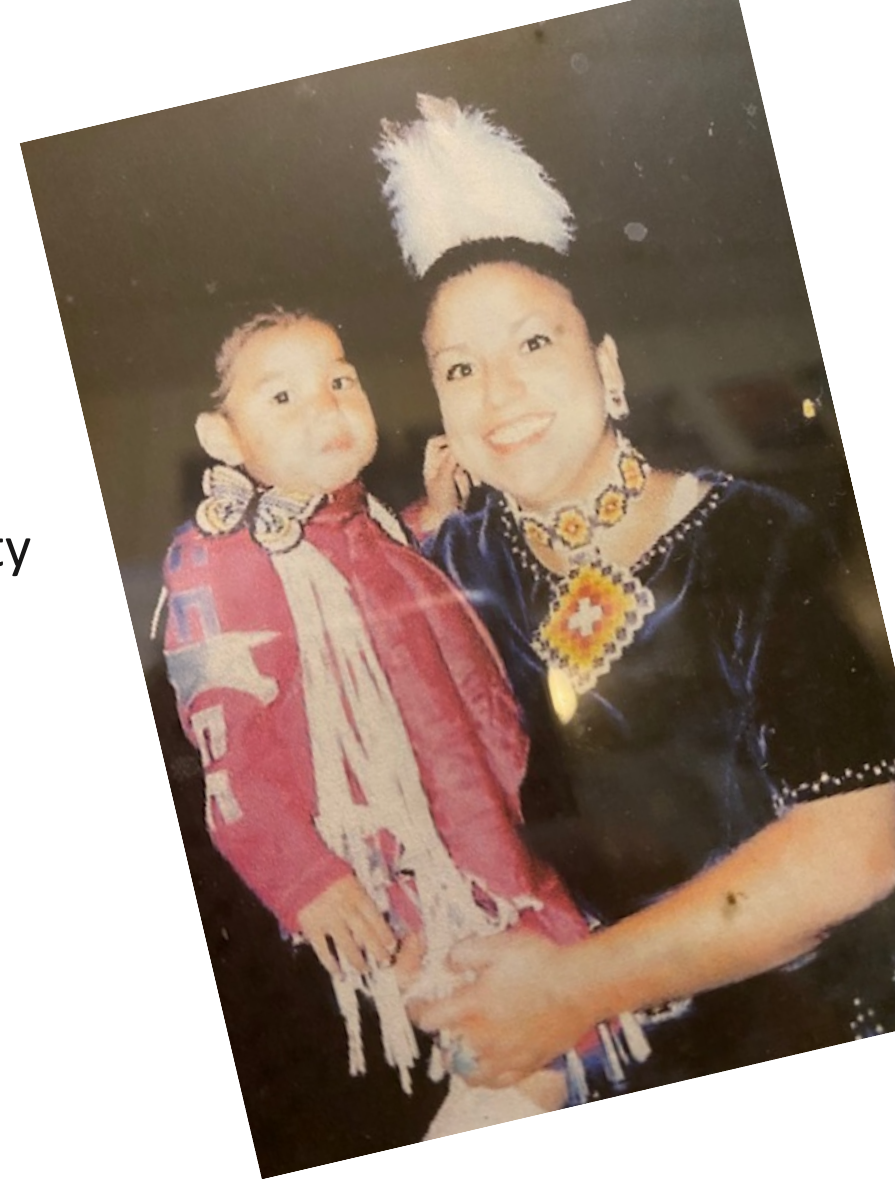


# Cultural Case Planning

ICWA does not apply to Indians who are:

- Descendants of members of federally recognized tribes or
- Canadian First Nations Indians, members of Metis community or non-status community from Canada or
- Members of non-federally recognized tribes

However, it is the policy that DCYF caseworkers provide cultural case planning for every child in the foster care system. **For non-ICWA children, cultural planning be specific to the child's Indian Tribe and family, when possible.**



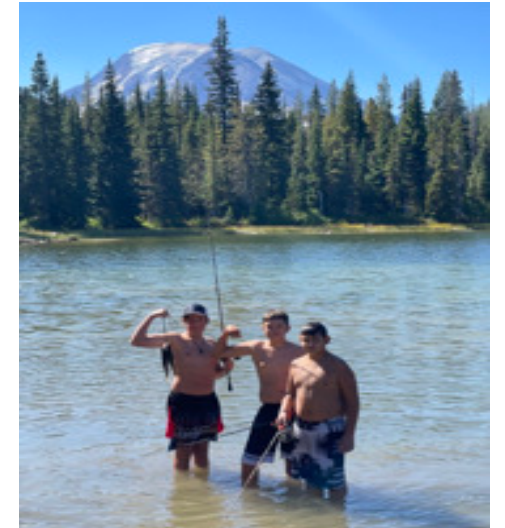
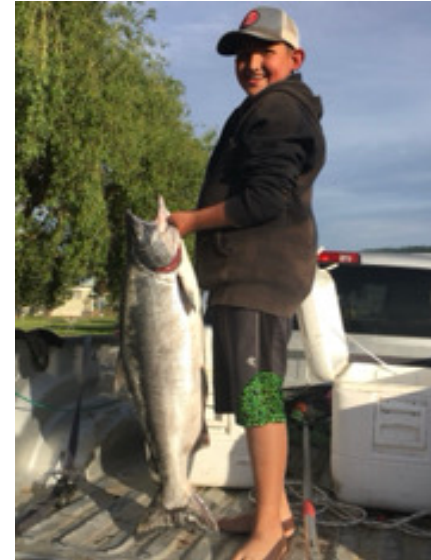
# LICWAC Functions

- Reviews cases of Indian children receiving services from DCYF.
- Acts as multi-disciplinary team in the development of culturally relevant case plans.
- Acts as an Administrative Review team.
- Acts as a Child Protection Team (CPT) staffing.
- Permanency Planning staffing.



# LICWAC Role

- Ensure the inquiry process is thorough and complete.
- Ensure placement preferences have been followed.
- Ensure tribal/relative and cultural connections are maintained.
- Assist with identifying cultural resources/activities.
- Advocate for the best interest of the Indian children.

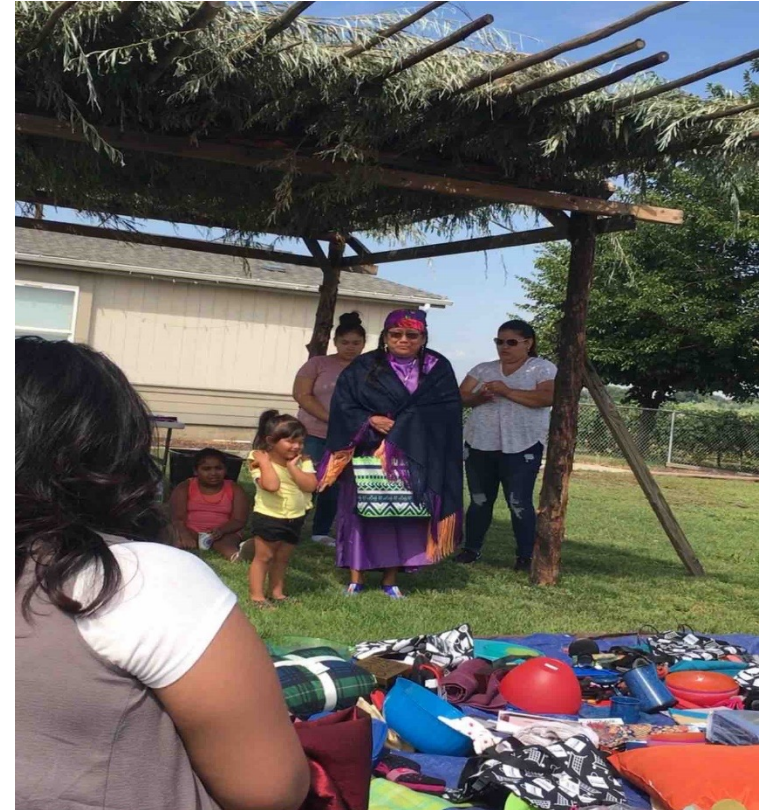


# Important cultural considerations when staffing a tribal case

~"Rights of passage": name givings, first kill and traditional food ceremonies, using a cradle board, first laugh ceremony, give away, learning from tribal elders (grandparents, aunts & uncles are important)

~attending long house, shaker church, pow wows, tribal events like parades, rodeos, inspirational speakers, clubs, stick games, story telling, basketball tournaments, horse races, connections to ancestral lands & water

~things that can be done regularly: Native books, music, movies, youtube videos, newspapers, language programs, school clubs, tribal mentor programs, tribal websites, podcasts, making crafts and tribal clothing/regalia



# When Should Cases Be Staffed At LICWAC?

- Any CFWS case in which the family indicates tribal heritage and the tribe is not involved.
- When the tribe has requested LICWAC to staff the case.
- Cases should be staffed within 60 days of original placement date, or scheduled within 60 days if a staffing cannot be arranged.
- Every 6 months thereafter unless required to be staffed sooner by LICWAC.
- Monthly reviews when an Indian child is in a non-Indian placement or a timeframe designated by LICWAC.





# Impasse Process

- **Impasse** means a deadlock between DCYF and LICWAC following a staffing where LICWAC does not concur with the Department's plan and decisions, or the Caseworker does not agree with the recommendations of LICWAC.



# LICWAC Membership

- Members must be designated to serve on LICWAC by a Tribal government or Urban Indian Organization.
- Must be responsible community members who have a genuine interest in the welfare of Indian children.
- Must not be a DCYF employee.
- Must not be serving as a Guardian Ad Litem (GAL), or Court Appointed Special Advocates (CASA).
- Must be registered volunteers with DCYF and complete a background clearance.
- Have no convictions relating to DV or offenses against children.



# Who May Request A LICWAC Staffing?

- The child's Tribe
- Off reservation Indian Organization
- Members of LICWAC
- LICWAC Liaison
- Caseworker or Supervisor
- Parent
- Child
- Relative
- Foster parent
- Others involved with the child may request a staffing



# Staffing Attendance

LICWAC determines who may participate:

- The assigned Caseworker must be in attendance as the primary presenter.
- Caseworker's supervisor.
- Parents, Guardians, or Indian custodians
- Child or children being staffed-12 years or older
- Foster Parents, relatives or support persons upon agreement by the Caseworker and LICWAC
- Tribal representatives
- Attorneys, upon agreement by the Caseworker and LICWAC chairperson; and
- Guardian Ad Litem/CASAs
- Other persons necessary for additional information



# Conflict of Interest

Any LICWAC member who is:

- Expressly familiar, related to or involved in another capacity with the parties being reviewed must state the role/relationship prior to the review.
- Such a member may give input but must leave the room while the LICWAC deliberates. This includes a member who:
  - Works with the individual from the tribe/agency they represent
  - Is in an advocacy role with one or more of the individuals of the family.



# Let's hear from a LICWAC member

- LoriAnne Adams M.Ed.
  - Yakama Tribal member
  - School counselor
  - Master bead worker 😊
  - Passionate about education & child safety
  - Birthday Girl 😊



# Staffing Protocol

The Caseworker must have the following materials available at the time of the staffing:

- The most current Court Report
- The child's Family Ancestry Chart
- The Shared Planning form
- Any previous LICWAC recommendations
- The child's case file



# Resources

- **DCYF Indian Child Welfare Policy and Procedures**  
<https://www.dcyf.wa.gov/indian-child-welfare-policies-and-procedures>
- **Governor's Office of Indian Affairs**  
<http://www.goia.wa.gov/>
- **US Department of the Interior – Bureau of Indian Affairs**  
<http://www.bia.gov/>
- **DCYF Office of Tribal Relations**  
<https://www.dcyf.wa.gov/tribal-relations>





# Thank you!

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