

A young girl with blonde hair is captured in a joyful dance pose on a lush green lawn. She is wearing a vibrant orange long-sleeved top and a matching orange skirt with a white belt. A white capelet is draped over her shoulders, and she holds long, flowing ribbons in shades of red, blue, and white that trail behind her. She is also wearing white leggings and orange moccasins. In the background, white wooden chairs are visible, suggesting an outdoor event. The overall scene is bright and celebratory.

SUPPORTING NATIVE CHILDREN

A Guide for CASA/GAL Advocacy in
WASHINGTON State Courts

*Confederated Tribes of Grand Ronde Veterans
Powwow*

Supporting Native Children: A Guide for CASA/GAL Advocacy in State Courts

ORIGINAL 2013 EDITION

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Produced for:

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**TRIBAL
COURT**

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This guide was developed by Sarah Cline, an intern with the School of Public Policy at Oregon State University in consultation with Angela Fasana, the Court Administrator for the Confederated Tribes of the Grand Ronde Community of Oregon. Points of view or opinions in this document are those of the authors and do not necessarily represent the official position or policies of the Confederated Tribes of the Grand Ronde Community of Oregon, or Oregon State University or King County Superior Court.

Nothing contained in this guide is to be considered as the rendering of legal advice for specific cases, and readers are responsible for obtaining such advice from their own counsel. This guide and any worksheets are intended for educational and informational purposes only.

Washington State Indian Child Welfare Law



WACASA ICWA Institute 2018

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INTRODUCTION

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If you are a CASA/GAL volunteer representing a Native American child and you lack Tribal affiliation or familiarity with Tribal Nations (i.e. their history, political status, cultural values and practices) this guide is designed for you!

In reviewing the four primary CASA/GAL volunteer responsibilities—investigation, advocacy, facilitation, and monitoring—this guide explains what is unique about serving the best interests of a Native youth entering, currently experiencing, or exiting foster care. Before we begin, we should cover some basic facts and figures.



Image: Foster Family Liaison/ Cook Inlet Tribal Council

Native children are over represented in the foster care system

- Across the U.S., Native American children are separated from their families at a rate of **2.2 times** that of the general population.
- According to the map (opposite page), Native youth are overrepresented in the foster care systems in 20 states, and **5 time higher in Washington State.**
- In North Dakota, South Dakota, and Nebraska **1 in 9** Indian children are in foster homes, adoptive homes, or boarding facilities. Indian children are placed in care at a rate of **20 times** the national average in these states.
- Native American children are in Foster Care in King County at a rate **7 times higher than** their representation in the general population

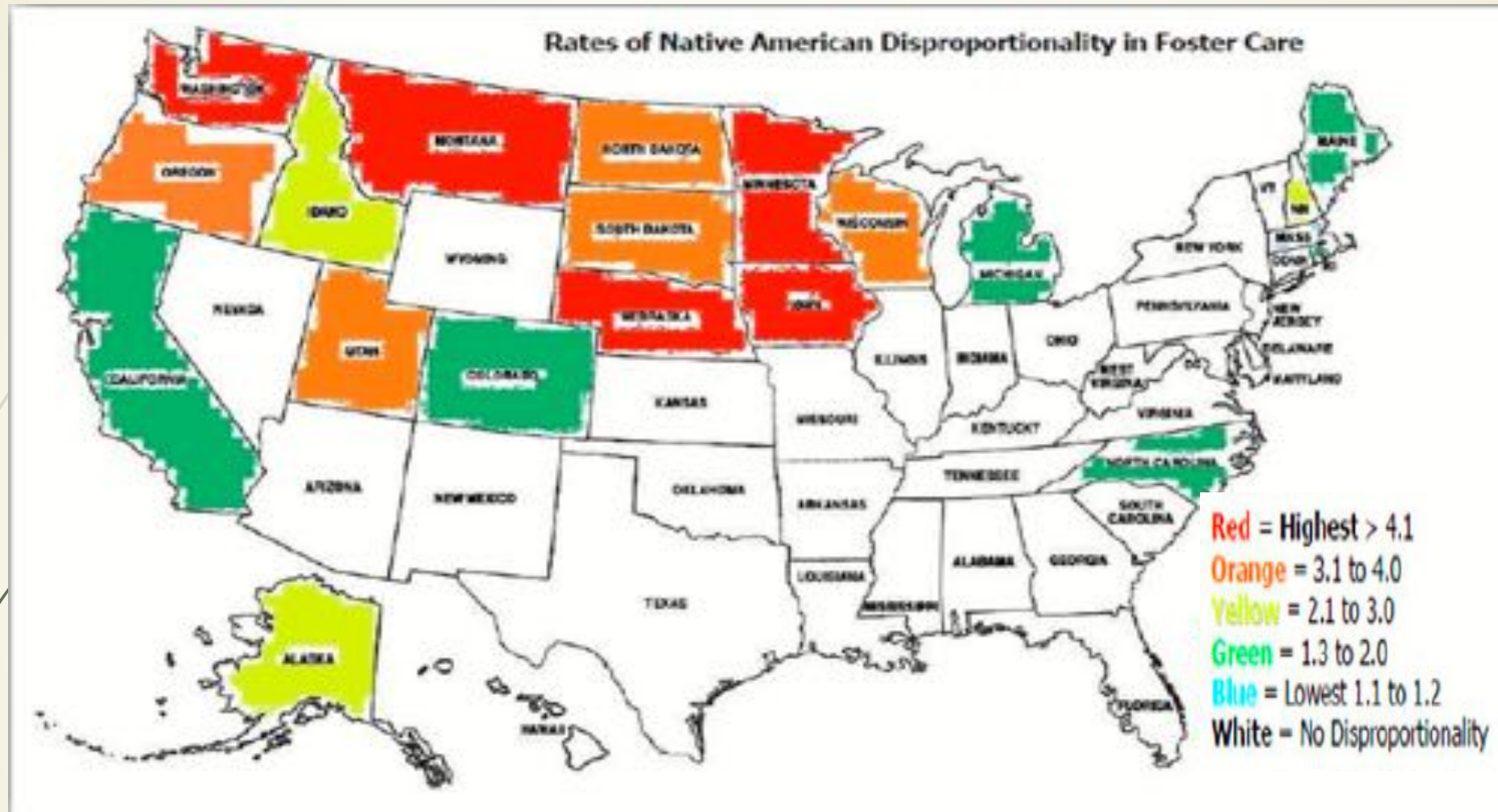
Native children are more likely to be placed in non-Native homes

- In South Dakota, **13%** of Native foster kids are placed in Native homes.
- Before the Indian Child Welfare Act (ICWA) in 1978, approximately **85%** of all Indian foster children and **91%** of adoptees were in non-Indian homes.

*Data obtained from Padilla, J. and Summers, A. (2011); Sullivan, L. and Walters, A. (2011a); American Academy of Child & Adolescent Psychiatry (1975), 2014 JCJFCJ Research Report: Assessing ICWA Compliance in Seattle, WA. <https://www.ncjfcj.org/assessing-icwa-compliance-seattle>

Disproportionate Rates of Native American Children in Foster Care, 2013

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“Indigenous peoples have the collective right to live in freedom, peace, security, as distinct peoples, and shall not be subjected to any act of violence, including forcibly removing children of the group to another group.”

Declaration on the Rights of Indigenous Peoples, United Nations 2007

EFFECTS OF REMOVAL

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Images: Great Plains ICWA Summit / Indian Country Today Media Network

For the Child

“We know that Indian kids in foster care settings where they are disconnected from siblings, family, and their culture are at much greater risk for behavioral and mental health problems.”

– Dr. Antony Stately, University of Washington

“Indian children who are placed in non-Indian settings suffer consequences when they come into adolescence and adulthood. They have difficulty in education, in work, in interpersonal relationships... because they don't feel like they fit in either place.”

– Honorable Jill E. Tompkins, National American Indian Court Judges Association

EFFECTS OF REMOVAL

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For the Tribal Nation

“It’s a different way of looking at it, but for our children, they don’t belong just to the mother and the father, they don’t belong just to the grandparents, they belong to the community...”

– Rose-Margaret Orrantia, South Dakota State University

“Our greatest asset as a nation is our children. We have to have those citizens there that will help us in the future define who we are as a people and develop our Tribes.”

– David L. Gover, Native American Rights Fund

TRIBAL NATIONS HAVE ENDURED MANY ATTEMPTS AT ASSIMILATION

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- In the 1880s-1940s, the federal government tried to dismantle Tribal Nations by breaking up their lands and communities.
- In the 1950s-60s, the federal government sought to end the existence of Tribes by terminating their sovereign status and laying claim to their lands.
- Throughout this period, Indian Boarding Schools were used to “Kill the Indian, Save the Man” –encouraging Native youth to abandon their cultures, languages, traditional names and identities. It was often said that the child welfare system picked up where boarding schools left off.

EVERY TRIBE IS UNIQUE

- As of November, 20118, there are **573 federally recognized Indian Nations and Alaska Native villages** in the U.S. and **29 recognized Tribes in Washington State**.
- There are another 400+ Indian Nations that are non-federally recognized.
- Some Tribes were terminated by the federal government and no longer recognized, but this does not mean that their language, culture, customs, and citizen base do not remain intact.
- **Tribal Nations determine citizenship** requirements as foreign nations do—and these may vary broadly. Some Tribes have specific blood quantum requirements (e.g. 1/16th is most common), require proof of ancestry (e.g. family member historically listed on Tribal rolls); some are determined by patrilineal and matrilineal descent.
- Some Tribes have significant resources (economic, social, environmental, etc.), while others do not.
- **Do not make broad assumptions; instead, embrace a learning attitude and acknowledge ignorance of Tribal history, customs, traditions and current affairs.**

WASHINGTON STATE TRIBES

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THE INDIAN CHILD WELFARE ACT (ICWA)

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WHAT IS THE ACT?

Congress adopted ICWA with the intent of actively promoting the continued viability of Indian nations, recognizing that a Tribe deprived of its children could never have a future. ICWA affirms the sovereignty of Indian Tribes and affirms the jurisdiction Tribes have always had to address the needs of their children. ICWA also regulates the handling of cases involving Indian children who come into contact with state courts. ICWA addresses both the removal of Indian children from their homes and communities as well as addresses the need for placement of Indian children in homes where they can retain their family and Tribal ties.

WHEN WAS THE ACT PASSED?

Adopted in 1978, ICWA was one of the first policies adopted by the federal government in the new (and current) era of Tribal Self-Determination.

WHY WAS THE ACT PASSED?

The major impetus for the passage of ICWA were studies and hearings conducted by Congress in the 1970s revealing that the unwarranted removal of Indian children from their homes was common. Statistics showed that **at a minimum**, 25 percent of all Indian children were either in foster homes, adoptive homes or boarding schools. Most often, the Indian children who were removed by state officials (often never to return) had not been physically abused in their homes. However, state social workers and state judges still routinely judged these families as unfit because of "neglect" or "emotional mistreatment". The decision to permanently remove Indian children was often related to child-rearing practices that were common and accepted in Indian communities but unfamiliar to state social workers and judges.

THE INDIAN CHILD WELFARE ACT (ICWA)

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Images: Miss Indian Princesses / Sarah Cline; Eagle Fans / Red Path Native American Regalia

WHO DOES THE ACT APPLY TO?

The act applies to children enrolled or eligible for enrollment with a federally recognized Tribal Nation. Not all Indian children are protected by ICWA, only those children who possess the political status of being enrolled or eligible for enrollment in a federally recognized Indian Tribe.

WHY MUST A CHILD BE ENROLLED OR ELIGIBLE FOR ENROLLMENT?

ICWA is not a race-based law, but a law that is based on political status. The U.S. recognizes that certain Tribes are separate political nations for the purpose of child welfare. A child that is not enrolled or eligible for membership, even though they may possess Indian heritage, does not have the political status of being a citizen of a Tribal nation. If the Act applied to all children with Indian heritage it would be a race-based law and would be unconstitutional.

THE INDIAN CHILD WELFARE ACT (CONT.)

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WHAT IS REQUIRED OF WASHINGTON STATE COURTS TO COMPLY WITH ICWA?

The Act has several requirements for State Court compliance. The three that are directly related to CASA volunteer work are:

I. NOTICE

If there is reason to know that an Indian child is involved in a child custody proceeding the agency must notify the identified Tribes. This notice to the Tribe is critical to jurisdiction. If it is later determined that the child is an Indian child as defined by the Act and the state did not provide notice to the Tribe, delay and jurisdictional issues may arise. As a CASA volunteer, it is imperative that you are consistently asking the court and the child welfare agency to make a determination about whether the child is an Indian child and about whether the Tribe or Tribes have been notified. At every hearing the court should inquire whether there is reason to know the child is an Indian child.

II. ACTIVE EFFORTS

If the state is seeking to place an Indian child in foster care, the child welfare agency must make **active efforts** to provide services to prevent the breakup of the family and must demonstrate with a **qualified expert witness** that continued custody of the child by the parent is likely to result in **serious emotional or physical damage to the child**. The standard of "Active Efforts" is a heightened standard as compared to cases involving non-Indian children. For assistance with "Active Efforts" determinations, see "*Active Efforts Principles and Expectations*" referenced on page **32**.



III. PLACEMENT

The Act sets forth placement preferences when Indian children are placed out of their home. Absent good cause, placement of an Indian child shall be in accordance with these placement provisions:

- i.) A member of the Indian child's extended family;
- ii.) A foster home licensed, approved, or specified by the Indian child's Tribe;
- iii.) An Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
- iv.) 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.

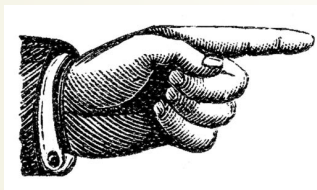
QUESTIONS TO ASK

- When you are appointed to a child, **ask if the child is of Native heritage**. Make sure a final determination has been made. Continue to ask until a definitive answer is given.
- If the child is of Native heritage, **ask if the child is enrolled or eligible for enrollment in a Federally recognized Tribe**. Continue to ask state agencies to make a determination about the child's enrollment status. Remember ICWA does not apply unless the child is enrolled or eligible for enrollment.
- If the child is enrolled or eligible for enrollment, consistently **ask if the requirements of the Indian Child Welfare Act are being followed**. Ask if the child is eligible for Tribal services through the Tribe or other Federal Indian Services such as Indian Health Services or Tribal educational services.
- **Ask if potential foster placements will support the cultural well-being of the child.**
- If in care, **ask if the child feels connected to their Tribal community** (i.e. Does the child receive monthly updates/newsletters from their Tribe? Do they participate in powwows, sweats, round dances, canoe journeys, etc.? Do they spend time with their extended Native family?)



SOURCES OF INFORMATION

- EXTENDED FAMILY—AS POTENTIAL FOSTER PLACEMENTS, AS COURIERS OF FAMILY HISTORY AND KNOWLEDGE, AND AS CONSTANT TIES TO THE TRIBAL COMMUNITY.
- TRIBAL RESOURCE DIRECTORY— MAKE CONTACT WITH THE ADMINISTRATORS OF TRIBAL PROGRAMS TO DETERMINE WHAT SERVICES ARE AVAILABLE TO YOUR CHILD (I.E. INDIAN EDUCATION PROGRAM, TRIBAL HEADSTART, INDIAN HEALTH SERVICES, INDIAN CHILD WELFARE PROGRAM, ETC.).
- NATIONAL DIRECTORY OF TRIBAL JUSTICE SYSTEMS—THE NATIONAL AMERICAN INDIAN COURT JUDGES ASSOCIATION HAS AN ONLINE DIRECTORY OF TRIBES WITH ICWA CONTACTS. THE GUIDE IS AVAILABLE AT WWW.NAICJA.ORG



MAKE A FACT SHEET ABOUT YOUR CHILD'S TRIBAL NATION. INCLUDE INFORMATION ON TRIBAL HISTORY, CULTURAL EVENTS, GOVERNMENT, ETC.

FEEL FREE TO USE THE WORKSHEET AT THE END OF THIS MANUAL AS A GUIDE.



Advocating for the best interests of the child in the community and the court

In the Community

• **This type of advocacy may seem uncomfortable compared to other CASA volunteer work but remember CASA volunteer work is about pushing limits and opening doors for CASA children.**



• **If the child has lived outside of the Tribal community for most of their life, you will need to play a more active role in building their connections to culture, customs, and history.**

• **Locate Tribal or local Native persons to serve as mentors to the child creating another set of eyes on the child.**

• **In non-Tribal communities, advocate for the child's expression of cultural values .**

In court, do not be shy in calling attention to failures to engage a foster child in the of their Tribal Nation. When a child is young, there may seem to be little value in attending powwows and cultural events, but...

There is no time but the present to root a child in their culture.

In your recommendations to the court, advocate for increased connections where there is a need. For example, request:

- Transportation to cultural events be coordinated by the caseworker
- Reevaluation of the delivery of culturally competent services
- Bi-monthly respite care with Tribal elders and mentors
- Enrollment in a course offered by the Tribe (i.e. language learning, beadwork, traditional foods, dancing, drumming)
- Receipt of Tribal newsletters, event calendars, program bulletins, etc.

Speak up for the child's needs!

Even when the child lives far away from their Tribal community, there is no excuse for neglecting their cultural identity and well-being. Make recommendations to connect the child with local and national organizations that represent Tribal interests and/or traditional events (i.e. NDN Spark, Native American Youth Alliance).

As a CASA volunteer, you are an advocate for the child's rights as a Tribal citizen.

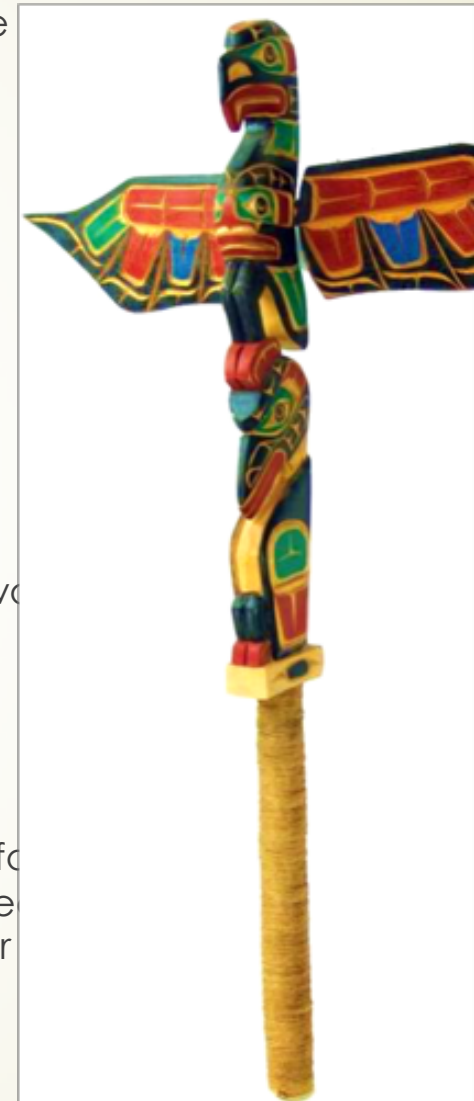


Image: Kwakwaka'wakw Eagle Staff

FACILITATION

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Facilitating the delivery of services ordered by the court for the child

Going beyond the investigation of resources for the child and the recommendation of their use, CASA volunteers act as mediators among the parties engaged in service delivery.

“Never assume that lawyers, caseworkers, and other child welfare service providers are aware of ICWA requirements. Educate those working on the child’s case as much as possible.” (Austin, 2009, p. 7)

If the child is not enrolled with their Tribe, remind the case-worker and lawyer of the benefits of Tribal citizenship—re: health care, education, housing—and seek to secure them.

Facilitating services for the child will be much easier when you build trust with the Tribal community. To do this, remember you serve the Tribal Nation’s interests by **SERVING THE BEST INTEREST OF THE CHILD.**



Image: Boys at the Pine Ridge (S.D.) Reservation/Aaron Huey

MONITORING

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Monitoring compliance with orders of the court



Image: Plains Indian ledger art / National Museum of Natural History (Inv. 08664400)

FREQUENTLY ASKED QUESTIONS

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My CASA kid doesn't look Native... How can I tell if ICWA applies?

First, there is no Native "look." Children of any skin color may have Native heritage and may be enrolled or eligible for enrollment with a Tribal Nation. Always ask if the family has or knows of American Indian or Alaska Native ancestry regardless of the child's physical appearance. Enrollment status in a federally recognized Indian Tribe, not physical appearance will determine whether ICWA applies.



If my CASA kid is of 100% Indian descent, why might they not be eligible for enrollment and Tribal benefits?

Just as other sovereign nations are allowed to set their own criteria for citizenship, Tribes are afforded that same right. Tribes have various criteria for membership/citizenship, such as residency requirements, blood quantum, enrollment status of parents, etc. A child may be of Native descent but not meet the specific criteria for their Tribe.

If the Tribe doesn't involve itself in the case, shouldn't we just look for the most expedient placement—even if it's non-Indian?

If the child has the opportunity to access Tribal benefits and have their Tribe be an additional advocate, it is better for you to be patient with the Tribe, who may be faced with many cases and limited resources.

Isn't it offensive to call Native Americans "Indian"?

American Indians and Alaska Natives have different preferences when it comes to this. Simply ask what theirs is!

FREQUENTLY ASKED QUESTIONS

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How do socioeconomic conditions factor into foster placement?

ICWA states that the standards are to align with the prevailing cultural standards of the Indian community in which the parent or extended family resides or with which the parent or extended family members maintain social and cultural ties. This standard displaces state regulations and requirements about what constitutes an adequate placement.

Are there any scenarios where ICWA preferences do not hold in placing an Indian child?

In cases involving ICWA, Bureau of Indian Affairs (BIA) Guidelines state that state courts must follow strict procedures and meet stringent requirements to justify any result contrary to ICWA preferences. The following factors are the only scenarios in which a court may deviate from ICWA requirements:

1. The unavailability of suitable homes that meet the preference criteria;
2. The extraordinary physical or emotional needs of the child as established by testimony of qualified expert witnesses; and
3. At the request of the biological parents or of a child of sufficient (older) age.



Image: Powwow / Native American Youth Alliance (2010)

United States Indian Policies

➤ US Constitution:

- Declares treaties are the supreme law of the land.

➤ Sovereignty:

- Is the exclusive right to exercise supreme political (e.g. legislative, judicial, and executive) authority over a geographic region, group of people, or oneself.

➤ Supreme Court:

- Established the term “dependent sovereign” for the protection of Tribes from State laws.

Trust Relationship

- The legal obligation under which the US has charged itself with moral obligations of the highest responsibility and “trust” toward Indian tribes.
- A promise to provide goods and services in exchange for lands.
- A duty to protect.

1978: The Indian Child Welfare Act

Public Law 95-608

- A federal law established in 1978 to prevent the on-going unwarranted removal of Indian children from their families, tribes and communities.
- Prior to ICWA, 25-35% Indian children were removed (in some communities it was 100%)
- ICWA applies to States
- Tribes are not bound by ICWA and many have well developed Child Welfare Codes and Tribal Courts



ICWA Congressional Findings:

“There is no resource that is more vital to the continued existence and integrity of Indian tribes than their children”

ICWA - Minimum standards for states:

- Tribal notification
- Tribal intervention and participation in State Court as a party
- Transfer of jurisdiction to tribal court
- Remedial and rehabilitative services for Indian families required before placement occurs
- Placement preferences
- Active Efforts
- Higher legal standard for dependency and termination
- Qualified Indian Expert

ICWA in WA State Historical Timeline

- Early 1970's – LICWACs are formed
- 1972 Office of Indian Affairs established, 1990 Office of Indian Policy created
- 1976 LICWAC becomes a codified regulation (WAC)
- 1977 Indian Policy Advisory Committee formed (IPAC)
- Nov 1978 Federal Indian Child Welfare is enacted
- Aug 1987 State/Tribe Agreement is signed
- Nov 1987 7.01 Administrative Policy is implemented
- Aug 1989 Centennial Accord is signed
- 1990 ICW Manual Printed, revised 2000 & revised 2016
- 2007 Bi-annual ICW Case Review (reviewed again 2009, 2012 & 2015)
- 2011 Washington State Indian Child Welfare is enacted

Washington State ICWA: 2011 RCW 13.38

Applies to:

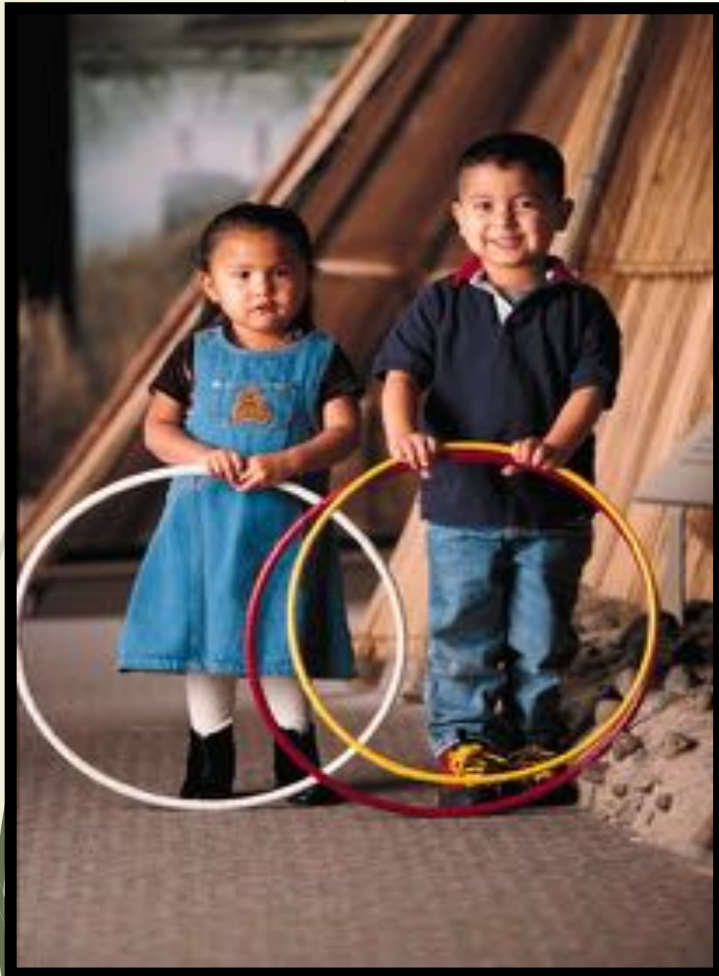
- Dependency and termination of parental rights proceedings
- Foster care guardianships
- Non-parental custody proceedings
- Adoption proceedings
- Some CHINS proceedings

Legislative Intent

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



Verifying Indian Status



- Inquiry to Tribe/Band/Nation
- Family Ancestry Chart
- Inquiry into the child's Indian status (intake to case closure)

Active Efforts: RCW 13.38.040(1)(a)

- ▶ Timely and diligent efforts to provide or procure services
- ▶ Engage the parents or Indian custodian in;
 - ▶ reasonably available, and
 - ▶ culturally appropriate:
 - ▶ preventative ,
 - ▶ remedial or
 - ▶ rehabilitative services –
 - ▶ including services offered by tribes and Indian organizations whenever possible



Active Efforts Defined: RCW 13.38(1)(a)

(i) Removal: If Seeking non-emergent out of home placement;

- Agency must show they **actively worked** with parents to engage them in remedial services and rehabilitation programs to prevent the breakup of the family
- **beyond simply providing referrals to such services.**

(iii) Dependency: to continue out of home care, the agency must show they;

- **Actively engage** parents in court ordered and individual service plan remedial services and rehabilitative programs
- **beyond simply providing referrals to such services.**

(iii) Termination: The agency must show they;

- **Actively engaged** parents or Indian custodian in services or the remedial program ordered by the court, OR identified by the agencies individual service and safety plan
- **beyond simply providing referrals to such services.**

Active Efforts: RCW 13.38.040(1)(b)

(b) In any foster care placement or termination of parental rights proceeding,.....

➤ **"active efforts" means a**

➤ **documented,**

➤ **concerted, and**

➤ **good faith effort to**

➤ **facilitate** the parent's or Indian custodian's

➤ **receipt of and engagement in services** capable of meeting the criteria set out in (a) of this subsection.

Active Efforts – ICWA Regulations 2016

- **Comprehensive assessment** of the circumstances of the family with a focus on safe reunification as the most desirable goal;
- **Identify services** and help parents **overcome barriers** and **actively assist** parents in obtaining services;
- **Identify, notify and invite the Indian child's tribe** to meetings;
- **Diligent search for extended family** and contact them to provide family structure and support for the child AND parents;
- **Offer and employ** all available culturally appropriate family preservation **strategies and facilitate** use of remedial AND rehabilitative **services by the child's tribe**;
- **Keep siblings together**;
- **Regular visits with parent** or Indian custodian in the most natural setting as well as **trial home visits**.....consistent with **health, safety and welfare of the child**;

Indian Child Welfare Act Proceedings; Final Rule, 81 Fed. Reg. 38,778 (June 14, 2016), 25 C.F.R. § 23.101. (For brevity, because this brief largely refers to the regulations, citations are shortened – 25 C.F.R. § 23.xxx for the regulations, FR p. 3xxxx for the comments to the rule.)

Active Efforts – ICWA Regulations 2016

- ▶ **Identify community resources;**
 - ▶ Housing
 - ▶ Financial
 - ▶ Transportation
 - ▶ Mental health
 - ▶ Substance abuse
 - ▶ And peer services
- ▶ And **actively assist** the Indian child's parent or the child's family in utilizing and accessing those resources.

Active Efforts – ICWA Regulations 2016

- ▶ **Monitor** progress and participation in services;
- ▶ **Consider alternative ways** to address the needs of the Indian child's parents and, where appropriate, the family, if the optimum services do not exist or are not available;
- ▶ Provide **post-reunification services and monitoring**.

Best Interests of the Indian Child

RCW 13.38.040(1)(b)

(2) "Best interests of the Indian child" means the use of practices in accordance with Federal ICWA, WICWA and other law designed to:

- (a) **Protect** the safety, well-being, development, and stability of the Indian child;
- (b) **prevent** the unnecessary out-of-home placement of the Indian child;
- (c) **acknowledge the right of Indian tribes** to maintain their existence and integrity which will promote the stability and security of their children and families;
- (d) **recognize the value to the Indian child** of establishing, developing, or maintaining a political, cultural, social, and spiritual relationship with the Indian child's tribe and tribal community; and
- (e) in a proceeding under this chapter where out-of-home placement is necessary, to **prioritize placement** of the Indian child in accordance with the placement preferences of this chapter.

Foster Care or Pre-adoptive Placements

- Extended Family
- Foster Home licensed by the child's tribe;
- Another licensed Indian foster home
- A placement approved by an Indian tribe or operated by an Indian organization



Foster Care or Pre-adoptive Placements, cont..

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- A non-Indian family committed to:
 - Promoting and allowing extended family visits;
 - Promoting the child's tribal connections;
 - Participating in cultural and ceremonial events of the child's tribe;
- The Indian child's Tribe may set different placement priorities.
- The court should consider the placement preferences of the child and parents



RCW 13.38.180

Adoptive Placement Preferences

- ▶ A member of the child's extended family;
- ▶ Other members of the Indian child's tribe; or
- ▶ In any adoptive placement of an Indian child under State law, a preference shall be given, in the absence of good cause to the contrary, to a placement with other Indian families.



Good Cause to depart from placement preferences:§ 23.132

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- Must be stated on the record or provided in writing
- The party seeking to depart from placement preferences has the burden of proof
- The court's determination of good cause must be based on one or more of the following:
 - (1) Requested by one or both of the Indian child's parents;
 - (2) The request of the child, if the child is of sufficient age and capacity.....;
 - (3) The presence of a sibling attachment that can be maintained only through a particular placement;
 - (4) The extraordinary physical, mental, or emotional needs of the Indian child, such as specialized treatment services that may be unavailable in the community where families who meet the placement preferences live;
 - (5) **The unavailability** of a suitable placement **after** a determination by the court that **a diligent search** was conducted to find suitable placements meeting the preference criteria, but none has been located.

The standards for determining whether a placement is unavailable must conform to the prevailing social and cultural standards of the Indian community in which the Indian child's parent or extended family resides or with which the Indian child's parent or extended family members maintain social and cultural ties.

Tribal Involvement



Tribes can be involved in the case as follows:

- **Full jurisdiction by the Tribe**
- **Tribe as a legal party to the case**
- **Case consultation with the tribe**

Tribal Engagement

- ▶ When a child is determined to be Indian it is important to establish a positive working relationship with the Tribe
- ▶ There should be early and ongoing contact with the Tribe.



Local Indian Child Welfare Advisory Committee

When the child's tribe is not available or the tribe requests a LICWAC staffing:

- To assist with case and cultural consultation
- To provide knowledge of local resources
- To encourage the preservation of the Indian family, Tribe and heritage;
- To encourage preservation of the child's tribal identity;
- Participation by representatives of tribal governments and Indian organizations in planning for Indian children;



Promoting Cultural Connections and Ethnic Identity

- ▶ Tribes are the first and foremost experts on cultural issues, contact them about tribal events
- ▶ Research Internet for local Tribal resources
- ▶ Connect with child's relative/ or other tribal members
- ▶ Healthy racial and ethnic identity can help establish consistency with regards to how children view themselves
- ▶ Keeping children connected with their family and community will have a positive impact on their development

Always Remember

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**We all
Smile
In the
Same
Language**



Resources

- ▶ We Shall Remain
<https://www.youtube.com/watch?v=G50iwY6YjSk>
- ▶ Bringing Our Children Home:
<https://www.dshs.wa.gov/ca/indian-child-welfare>
- ▶ Governor's Office of Indian Affairs
<http://www.goia.wa.gov/>
- ▶ US Department of the Interior – Bureau of Indian Affairs
<http://www.bia.gov/>
- ▶ NCJFCJ INDIAN CHILD WELFARE ACT – Judicial Bench Book
10/31/2017
<http://www.ncjfcj.org/ICWABenchbook>
- ▶ Indian Child Welfare Act Proceedings; Final Rule, 81 Fed. Reg. 38,778
(June 14, 2016), 25 C.F.R. § 23
<https://www.law.cornell.edu/cfr/text/25/part-23>

A Practical Guide to ICWA

<http://narf.org/icwa/index.htm>

Active Efforts Principles and Expectations

http://www.dhs.state.or.us/policy/childwelfare/icwa/active_efforts.pdf

American Indian Tribes & Cultures

<http://42explore2.com/native4.htm>

Connecting Children to their Native American Roots

<http://www.ayazuta.com>

Indian Country Child Trauma Center

<http://icctc.org/>

Kid Info: The History of Native American Indians

http://www.kidinfo.com/American_History/Native_Americans.html

National CASA Association

<http://www.casaforchildren.org>

National Child Welfare Resource for Tribes

<http://www.nrc4tribes.org>

National Congress of American Indians

<http://www.ncai.org>

National ICWA Resources

<https://www.childwelfare.gov/systemwide/courts/icwa.htm>

National Directory of Tribal Justice Systems

<http://www.naicja.org>

Native Youth Leadership Alliance

<http://nativeyouthleadership.org>

Our Children are Sacred: Why ICWA Matters

http://www.courts.ca.gov/documents/jj_spr11_connors.pdf

The Legacy of Native American Boarding Schools

amnestyusa.org/amnestynow/soulwound.html

Turtle Talk: Indigenous Law and Policy Center

<http://turtletalk.wordpress.com/>



Image: Child care/ Tribal Child Care Association of California (2010)

NATIVE CASA CHILD WORKSHEET

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1. NAME OF CASA CHILD'S TRIBAL NATION(S):
2. LOCATION OF RESERVATION(S):
3. PIECES OF TRIBAL HISTORY (SIGNIFICANT HISTORICAL DATES):
4. CURRENT LEADERS OF TRIBAL GOVERNMENT:
5. TRIBAL RESOURCES (E.G. CHILD WELFARE, CULTURAL CONNECTIONS, EDUCATION):

NATIVE CASA CHILD WORKSHEET (CONT.)

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6. TRIBAL MEDIA (IE. NEWSLETTER, FACEBOOK PAGES, WEBSITES):

7. CALENDAR OF TRIBAL EVENTS:

8. LOCAL (AND/OR OFF-RESERVATION) NATIVE RESOURCES:

9. AGE APPROPRIATE NATIVE READING MATERIALS:





Many thanks to
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And to
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503-879-2303

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