

ICWA & The Foster Youth Bill of Rights

MAY 27, 2021




**CALIFORNIA
TRIBAL FAMILIES
COALITION**

Mica Llerandi, Policy & Advocacy
Associate

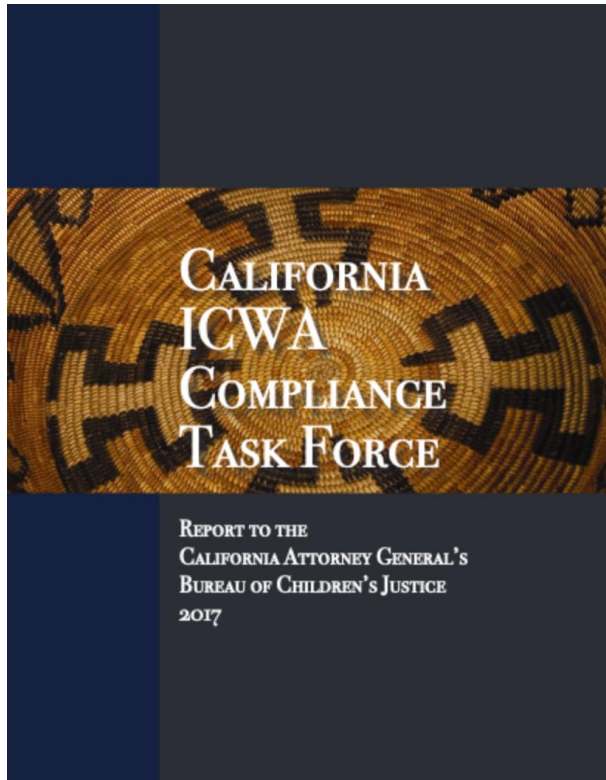
Geneva Shaw, Training and
Curriculum Development Director



WELCOME AND INTRODUCTIONS

- Welcome & Land Acknowledgement
 - Presenter's Intros
 - Who is in the room and where are you tuning in from? (Former/Current Foster Youth?, Professional Role/title, how long have you worked in Child Welfare/ICWA/with foster youth?) – drop it in the chat
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WHO IS CTFC?



The mission of the California Tribal Families Coalition is to promote and protect the health, safety and welfare of tribal children and families, which are inherent tribal governmental functions and are at the core of tribal sovereignty and tribal governance.

CTFC is a successor organization to the California ICWA Compliance Task Force Report. The report may be found [here](#) or at www.caltribalfamilies.org.



What do YOU hope to get out of today?

What's Your Burning Question??

Drop it in the chat box....



INTENT & OVERVIEW OF
THE DAY

Strengthening
county/tribal
collaborative
relationships is
at the heart of
today
Active Efforts


- WHAT IS ICWA?
- HOW DID WE GET TO ICWA?
- WHY DO WE NEED ICWA? THEN & NOW
- ICWA OVERLAY WITH FYBoR
- PRACTICE CONSIDERATIONS



PURPOSE OF THE ICWA

Passed by Congress in 1978, ICWA gives Tribes the rights in child welfare cases involving Indian children which is a recognition of tribal sovereignty.

To protect the best interests of Indian children and Indian Tribes by recognizing that no resource is more vital to the continued existence and integrity of Indian tribes than their children.



WHAT IS ICWA?

- Federal law that sets minimum standards for Indian child custody proceedings. Includes:
 - Inquiry
 - Notice
 - Active efforts
 - Tribal intervention
 - Transfer to tribal courts
 - Placement Preferences
 - Heightened evidentiary preferences

California has adopted the federal ICWA provisions in state law in the Welfare and Institution Code through SB 678 in 2006 and AB 3176 in 2018.



HOW DID WE GET TO ICWA?

- **Federal trust responsibility** between tribes and the Federal Government
– tribes have a political relationship with the Federal Government.
- **Influence of various federal policies**, including policies that allowed Indian lands to be taken from tribes and Indian children to be removed for assimilation.
- **Disproportionality of Indian children** in the child welfare system, A/I and N/Alaskan children are in foster care at double the rate of nonminority children – In California, tribal children are 4.7 times more likely than white children to be in care.

WHY DID WE NEED ICWA ?

- In hearings prior to the passage of ICWA, Congress found that:
 - An alarmingly high percentage of Native American Families were broken up due to unwarranted removal and many were placed in non-native foster and adoptive homes.
 - Nationally: 25-35% of Native American children were removed from their families and communities.
 - In California: over 90% of those removed were placed in non-Native homes. And Native American children were more likely to end up in adoptive placement.

Purpose of ICWA: To protect the best interest of Indian children and Indian tribes by recognizing that no resource is more vital to the continued existence and integrity of Indian tribes than their children.

WHY DID WE CONTINUE TO NEED ICWA ?


- Nationally, Native American children are twice as likely to be in foster care.
- In California, four counties with less than 10% of the population reported as Native American had high rates of Native children in foster care. These counties are:
 - Humboldt County: 38%
 - Inyo County: 36%
 - Del Norte: 29%
 - Lake County: 15%
- Native American communities continue to struggle with challenges associated with historical trauma, displacement, and effects of assimilation policies, including:
 - Native American woman are 2.5 times more likely to be raped with most perpetrators being non-Native.
 - One quarter of Native American children live in poverty.
 - Native American individuals aged 15-24 are twice as likely as the national average to commit suicide.

Wow, some of y'all get to practice social work in partnership with Tribes, their children, and their families?? What an honor and a privilege!

ICWA is the Gold Standard of child welfare practice



MUTUAL GOALS FOR COUNTIES AND TRIBES

- Tribal communities, counties, and the State all desire to **reduce the number of Native American children in the child welfare system.**
 - **Culturally sensitive social work at the front end** of a case can improve access to services that are responsive to the needs of Native American youth and families, and result in an overall reduction in case management costs and human impact over time.
 - Successful outcomes are predicated on the importance of **building collaborative relationships** with tribes and tribal communities.
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TRIBAL FOSTER YOUTH RIGHTS

- A home that upholds standards of the child's Indian community
- Clothing, grooming, hygiene should respect the child's culture
- Representatives designated by the tribe to participate in court proceedings
- To have contact with tribal members and members of their Indian community
- To attend traditional Native American religious practices
- Fair and equitable access to services regardless of race, ethnic group identification, culture, etc.
- To have culturally competent caregivers, child welfare and probation personnel, and legal council
- To have child welfare and probation personnel, and legal council who have received instruction on ICWA
- To have recognition of the child's political affiliation with a Tribe or Alaskan village, to receive assistance with becoming a member, etc.
- To have a case plan that includes protecting the relationship with their Tribe

FAMILY & COMMUNITY ENGAGEMENT

Engagement isn't just required at the individual and family level, its required at the community level as well. How do you engage with the communities you serve? How do you show up in community?

- **Direct and Transparent** - *be clear, be honest, even if speaking the truths are uncomfortable*
- **Human/Personalized** - *be yourself, YOU are your greatest tool*
- **Ongoing and Consistent** - *follow through and follow-up, check-in regularly, even if it's a quick text*
- **Respectful** – *how do you think others experience their interactions with you?*

By building relationships based on trust, honesty, and partnership we know that historical mistrust can be overcome. Establish yourself as a helper, do what you say you will do, and collaborate with other native organizations and service providers.

Professional Development Activity 1

The ability to build healthy and productive relationships is a critical component of all areas of advocacy work. To build balanced relationships with the populations we work with we must immerse ourselves in those communities and contribute in times of celebration and wellness and not just in times of struggle and trauma.

In California, we are blessed to be living and learning in places with rich and diverse tribal populations that in many ways are flourishing and even leading the way when it comes to cultural preservation, assertion of tribal sovereignty, natural resource preservation, building governmental infrastructure, program development, economic development, etc.

Task: Research and attend tribally sponsored community events in your local areas. Share those experiences with your colleagues.

Professional Development Activity 2

As a team, map out any tribal programs, agencies and resources that you are aware of in your county or neighboring counties.


Assign a tribal resource to team member to research further and bring back to the team. Research/visit/call/follow on social media and report out on the following:

1. Agency Name, Location, mission, history
2. What services do they provide?
3. What specific populations/service area do they serve?
4. What makes their practices different than mainstream and therefore culturally appropriate?
5. Are there partnership opportunities? *Reciprocity*



PRACTICE SCENARIO

A foster youth you're visiting says that they're upset because they've been grounded for staying out too late. As punishment, their foster family won't let them attend the Tribal ceremony scheduled for next weekend. Considering AB 175, how do you approach the situation?





We are
nearing
the end of
our time
together...

Questions,
Comments,
Wonders, Worries,
etc.?



Thank you!

And don't forget to follow
us on the Gram



CALIFORNIA TRIBAL FAMILIES COALITION



contact@caltribalfamilies.org



(916) 583-8289



3053 Freeport Blvd., Suite 154
Sacramento, CA 95818

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