Midwest Regional EduNet

EduNet Webinar Agenda

EduNet Webinar: How Children's Advocacy Centers Can Support the Implementation of ICWA

On-demand Release Date: October 17, 2022

Welcome, Introductions, and Review of Agenda by Midwest Regional CAC EduNet Webinar Presentation

Course Description:

Participants will explore strategies to engage AI/AN children and families in culturally responsive ways, improving access to and participation in the CAC process. This will ideally lead to increased criminal prosecutions and accurate safety assessments improving public safety.

Learning Objectives:

- 1. Understand why professionals who work within Child Advocacy Centers need to have a working understanding of the Indian Child Welfare Act.
- 2. Identify strategies to support the implementation of ICWA within the context of Child Advocacy Center work.
- 3. Understand the importance of and how to practice with cultural humility in the context of ICWA cases.

Instructor Bio: Lisa Stark, MSW

Lisa Stark, MSW, (Ojibwe) provides training and technical assistance to tribes and agencies engaged in developing trauma-informed child welfare systems and tribal child advocacy best practices. Trained as both a clinician and a child welfare worker, Lisa has a wealth of direct practice experience in tribal child welfare, including work as a case manager/ICWA Representative for the Bad River Band of Lake Superior Chippewa Tribe of Indians and as an Assistant Director/ICWA Representative for the Lac Courte Oreilles Band of Lake Superior Chippewa Indians. She has been with the NNCTC since 2020.

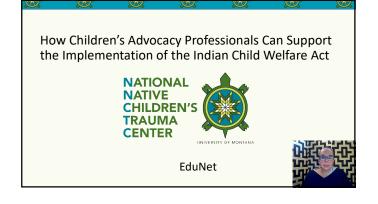
Continuing Education: Approved by Minnesota Board of Social Work for 1 hours of CEU through October 2023.

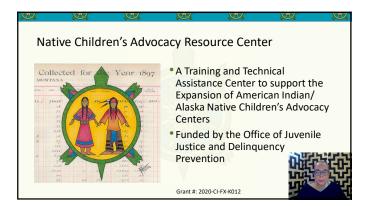
Course Coordinator:

Should you have any questions, please do not hesitate to contact Sara Lee, Program Manager at <u>sara.lee1@childrensmn.org</u>.



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Learners will be able to:

- Understand why professionals who work within Children's Advocacy Centers need to have a working understanding of the Indian Child Welfare Act
- Identify strategies to support the implementation of ICWA within the context of Child Advocacy Center work
- Understand the importance of and how to practice with cultural humility in the context of ICWA cases.



The Indian Child Welfare Act (ICWA)

- ICWA Background
 - History of removal of American Indian and Alaska Native children



• Tribes determine citizenship/ membership



Affairs of the U.S. Senate. Photo courtesy: NBCUniversal 5

The Importance of ICWA

- "There is no resource that is more vital to the continued existence and integrity of Indian tribes than their children."-Indian Child Welfare Act, 25 U.S.C. § 1901
- "Tribal children are the ones who will carry forward the tribal culture, the tribal lifeways, the tribal government, and the tribal existence. Tribal Nations depend on tribal children to ensure that the tribal community continues on into the future."
 Professor Angelique Wambdi Eaglewoman, Mastering American Indian Law

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The Spirit of ICWA

- What does ICWA mean to Tribal Nations?
- ICWA remains relevant today

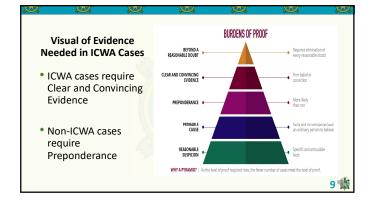


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Vital Aspects of ICWA

- Notice requirements and timeline
- Placement preference
- Qualified expert witness (QEW)
- Levels of Evidence Needed for Adjudication & Termination
- Intervention
- Potential to transfer
- Active efforts





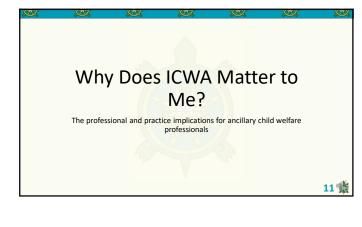


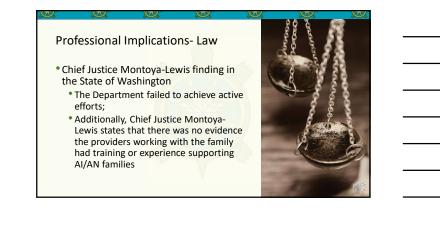


Brackeen V. Haaland

- Questions presented to the Supreme Court of the United States:
 - Did the *en banc* Fifth Circuit err by invalidating 6 sets of ICWA provisions?
 - Did the *en banc* Fifth Circuit err by reaching the merits of the plaintiffs claims in that ICWAs placement preferences violate equal protections?
 - Did the *en banc* Fifth Circuit err by affirming the district courts judgement invalidating 25 U.S.C 1915(a)(3), (b)(iii)?

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 Ancillary child welfare professionals contribute to the safety, permanency, and well-being outcomes for children in care



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Practice Implications: Permanency

- Permanency is more than a home, it is connection to:
 - Relatives
 - Tribe
 - Culture & shared values
 - Language
 - Land
 - Ceremony & traditional teachings



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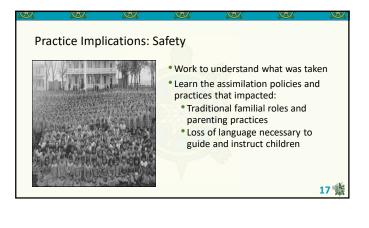


Practice Implications: Well-being



- Common well-being outcomes include:
 - Economic well-being
 - Education
 - Health (physical, social and
 - emotional) Community

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Implementation Strategies to Support ICWA • Practice with cultural humility

- Prioritize learning the history of colonialism and the policies and practices that shape present circumstances
- Assess program operations for congruence with the Spirit of ICWA





Strategy: Engage in Cultural Humility

- Commit to an ongoing process of learning and increasing selfawareness
- Seek knowledge and understanding of diversity across cultures and build skills to work across cultures
- Versed with policy and practices that impact minority populations impacted by systemic racism and oppression

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Strategy: Learn & View History with a Trauma Lens

XAX

- Policies and practices that impacted Indigenous people and tribes
 - Removal Policies
 - Prosecution for traditional and ceremonial practices
 - Boarding School Era
 - 60's Scoop & Adoption of Indian Children practices
- Impacts of historical and intergenerational trauma on individuals, families, communities and tribes



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Strategy: Assess Program Policy and Practice

- Determine whether ICWA applies to every child
 - Intake and/ or assessment paperwork
 - Social histories from family and professionals
 - Thorough documentation



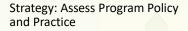
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Strategy: Assess Program Policy and Practice

- Build relationships
 - Tribal child welfare programs
 Tribal enrollment offices, BIA
 - regional offices
 - Cultural preservation departments





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- Child-Friendly Setting;
 Is the CAC accessible to the AI/AN children the center seeks to serve?
 - When walking in, do Indigenous families see themselves reflected back?

• How do you know?



Implementation Strategies

- Forensic Interviews and Medical Exams
 - Increased prevalence of adverse childhood experiences
 - Hair samples
 - Language barriers
 Match gender of child and
 - provider





Strategy: Assess Program Policy and Practice

Multidisciplinary Teams

- Tribal, state and federal representation as applicable on multidisciplinary teams, child protection teams, and other relevant working groups
- Reflect: Diversity of the MDT
- Reflect: Professional development requirements and opportunities



Strategy: Assess Program Policy and Practice

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Case Tracking

- Consider the process for ICWA cases
- Additional layer of review:
 - Evidentiary standards by disposition
 - Placement preference alignment
 - Services congruent with active effort standards











