

**7 - ICWA**

# **Indian Child Welfare Act (ICWA)**

**Outside Contractor  
Presenter: Stacey Tadgerson,  
Director – Office of Native American Affairs**



**Serving our  
Native American  
Communities of  
Michigan**

**CVT  
ICWA Presentation**

**Facilitators:  
Gross Bede  
Randy Tsiparou**

**June, 2009**

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**Overview**

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- ▣ Historical Background
- ▣ Indian Country Statistics
- ▣ MI Tribes & Indian Communities
- ▣ Tribal Consultation
- ▣ Indian Child Welfare Act (ICWA)
- ▣ Native American Affairs DHS Policy
- ▣ DHS Organization
- ▣ NAA Program Description
- ▣ Next Steps
- ▣ Q & A

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**Historical Background**

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## Perspective

- ❑ Past U.S. treatment of Native Americans via Treaties, Laws, & Executive Orders have had long-lasting effects upon our Tribal communities (a.k.a. Historical Trauma)
- ❑ Only in recent history have Native Americans had the opportunity to decide "what is in the best interest of their Tribes" (30-38 years)

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## Contextual View of History

- ❑ Treaty - Ceding land & waterways
- ❑ Termination - Indian Wars, Allotment, & Boarding Schools
- ❑ Removal - Relocation & Creation of reservations
- ❑ Self-Determination - Indian Education & Self-Determination Act (Self-Governance & Gaming Compacts) & Religious Freedom Act

[http://www.youtube.com/watch?v=HExGILxb\\_w&feature=related](http://www.youtube.com/watch?v=HExGILxb_w&feature=related)

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## Indian Country Statistics

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## National Data

- 71% American Indians & Alaska Natives 25 years and older had at least a high school education, compared with 80 % of the total population
- 11% had at least a bachelor's degree, compared with 24% of all people
- 72% of individuals 5 years and older spoke only English at home; 18% spoke a language other than English at home, yet spoke English "very well"; 10 percent spoke a language other than English at home and spoke English less than "very well."

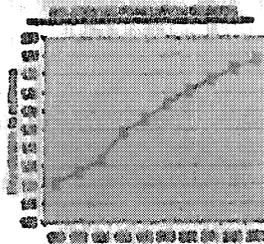
<http://www.census.gov/prod/2006pubs/cenr-28.pdf>

## Employment & Trades

- Higher proportions of American Indians and Alaska Natives were employed in service; construction, extraction, and maintenance; production, transportation, and material moving; and in farming, fishing, and forestry jobs. Lower proportions were employed in management, professional, and related jobs; and sales and office jobs
- Among the American Indian tribal groupings, between 22 percent and 29 percent of all groups were employed in management, professional, and related jobs. Similarly, between 15 percent and 25 percent were employed in service jobs.

## US Data

- The 2005-2007 Current Population Survey revealed that the American Indian and Alaska Native (AI/AN) population has larger families, less health insurance (the number of AI/ANs without health insurance is over double that for U.S. all races), and a poverty level nearly twice that of the rest of the population.



<http://info.irs.gov/Population.asp>

## Indian Health Services (IHS)

- ❑ American Indians and Alaska Natives born today have a life expectancy that is 2.4 years less than the U.S. all races population (74.5 years to 76.9 years, respectively; 1999-2001 rates), and American Indian and Alaska Native infants die at a rate of nearly 12 per every 1,000 live births, as compared to 7 per 1,000 for the U.S. all races population (2002-2004 rates).

<http://info.ihs.gov/Disparities.asp>

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## Urban Indians

- ❑ Many are not eligible for Tribal Services due to not living in the Tribal Service Area
- ❑ Many are not recognized by a federally recognized Tribe
- ❑ Reasons: Long-term residents, forced residents, permanent residents, medium & short-term visitors

<http://www.nulic.net/programs/research/>

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## Urban Indian Statistics

- ❑ Off-reservation Native children are involved in 5.7 child abuse and neglect cases per 1,000 children per year in comparison to a rate of 4.2 per 1,000 per year for the total U.S. population.
- ❑ Urban Indian women have considerably lower rates of prenatal care and higher rates of infant mortality than even their reservation counterparts within the same state.<sup>15</sup>

<http://www.nulic.net/programs/research/>

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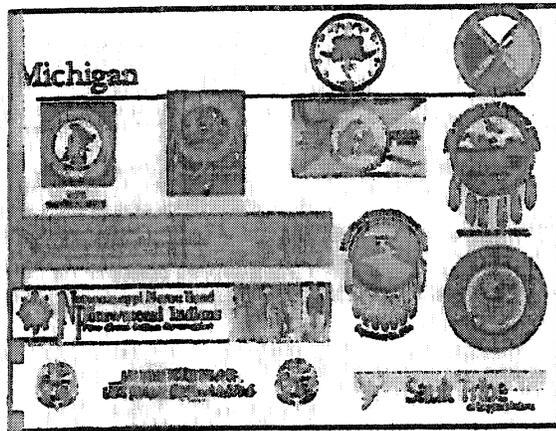
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## MI Tribes and Indian Communities



## Ojibwe/Ojibway People

- Chippewa
- Ottawa/Odawa
- Potawatomi
- People of the Three Fires
- Anishnabe
- Bimadziwin

### Federally Recognized Tribes of Michigan

- Bay Mills Indian Community
- Grand Traverse Band of Ottawa and Chippewa Indians
- Gun Lake Tribe
- Hannahville Potawatomi Indian Community
- Keweenaw Bay Indian Community
- Lac Vieux Desert Band of Lake Superior Chippewa Indians

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### Federally Recognized Tribes of Michigan

- Little River Band of Ottawa Indians
- Little Traverse Bay Bands of Odawa Indians
- Nottawaseppi Huron Potawatomi
- Pokagon Band of Potawatomi
- Saginaw Chippewa Indian Tribe
- Sault Ste. Marie Tribe of Chippewa Indians

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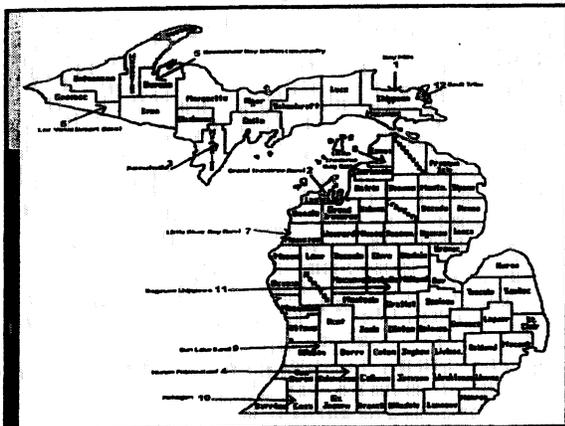
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## Tribal Government Structure

- Tribal Chairman/Chairwoman
- Ogema (Leader)
- Tribal Council
- Tribal Code
- Tribal Constitution & By-laws
  - Referendum vs. Tribal Council Delegates

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## Urban Indians



South Eastern Michigan Indians, Inc.



2124 South Road | Okemos, MI 48864-1100  
Ph: 517.246.0777 | Fax: 517.246.0556  
South Eastern Michigan Indians, Inc.  
Director: Jerri Kuhnke | Email: jkuhnke@semil.org  
Hours: Monday - Friday: 9:00 - 4:00 | Saturday: 10:00 - 12:00

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## Urban Indian Organizations

- American Indian Family Services: Behavioral Health & Youth Activities (Lincoln Park, MI)
- Native American Family Services: Healthy Start Program (Grand Rapids, MI)
- Nokomis Learning Center: Cultural (Okemos, MI) <http://www.nokomis.org/>
- North American Indian Association (NAIA) of Detroit: Family to Family, Workforce Dev.; and Senior Meals (Detroit, MI) [www.naiadetroit.org](http://www.naiadetroit.org)
- Southeastern Michigan Indians: Advocacy & Senior Meals (Centerline, MI) <http://www.semil.itgo.com>

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## Inter-Tribal Council

- ☐ 1. To act as a forum for member tribes,
- ☐ 2. To advocate for member tribes in the development of programs and policies which will improve the economy, education and quality of life for Michigan Native Americans, and
- ☐ 3. To provide technical assistance to member tribes, including the development of tribal laws and regulations.



<http://www.itcmi.org/mission.htm>

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## Tribal Consultation

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## Tribal Sovereignty

- ☐ A government-to-government relationship between the United States and federally recognized Tribes.
- ☐ Established by Laws, Treaties, Statutes, & Executive Orders.

<b>Myths:</b>	<b>Truths:</b>
<b>Not Race-Based</b>	<b>Stems from Laws</b>

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## Michigan Laws

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- ❑ Michigan Social Welfare Act
- ❑ Michigan Child Protection Law
- ❑ Michigan Child Care Licensing Act
- ❑ Michigan Juvenile Court Rules
- ❑ Michigan Adoption Code
- ❑ Michigan Probate Code
- ❑ Michigan State Ward - Delinquent Act
- ❑ Michigan Juvenile Facilities Act
- ❑ Michigan Youth Rehabilitation Services Act

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## Federal Laws

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- Indian Child Welfare Act of 1978
- Indian Child Protection and Family
- Violence Protection Act
- Adoption and Safe Families Act of 1997
- Social Security Act, Title IV
- Adoption Assistance and Child Welfare Act
- Multiethnic Placement Act
- Interstate Compact on the Placement of Children

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## Indian Child Welfare Act (ICWA)

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### ICWA HISTORY

- ▣ Indian Reorganization Act of 1934 led to the Indian Adoption Project



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### ICWA HISTORY

- ▣ In 1958 the Devils Lake Sioux Tribe of North Dakota began efforts to change these practices



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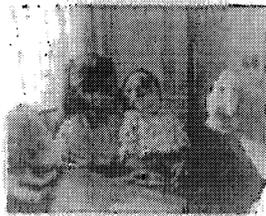
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### ICWA HISTORY

- ▣ The Indian Child Welfare Act was enacted in 1978



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§1902 Congressional declaration of policy stated:

- Congress hereby declares that it is the policy of this Nation to protect the best interest of Indian children and to promote the stability and security of Indian tribes and families by the establishment of minimum Federal standards for the removal of Indian children from their families and the placement of such children in foster or adoptive homes which will reflect the unique values of Indian culture, and by providing for assistance to Indian tribes in the operation of child and family service programs.

<http://www4.law.cornell.edu/uscode/html/uscode25/uscode25.usc.sec.25.00001901---000-.html>

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### Indian Child Welfare Act (1978)

- A minimum of 25 percent of all Indian children were either in foster homes, adoptive homes, and/or boarding schools, against the best interest of families, tribes, and Indian communities.
- About 85 percent of Indian children were placed in either a white foster home or white adoptive homes.
- Whereas most non-Indian communities can expect to have children out of their natural homes in foster or adoptive homes at a rate of 1 per every 51 children, Indian communities know that their children will be removed at rates varying from 5 to 25 times higher than that.
- Congress recognized the wholesale removal of Indian children from their Tribal cultures into non-Indian Foster and Adoptive Homes; and sought to end this practice.

<http://www4.law.cornell.edu/uscode/html/uscode25/uscode25.usc.sec.25.00001901---000-.html>

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### ICWA & TEAM PURPOSE



- To protect the best interest of Indian children
- Promote the stability and security of Indian tribes and families

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**Native American Affairs DHS Policy**

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**New Policy**

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**Four Main Manual Sections:**

- Indian Outreach Services (IOS)
- Native American Affairs (NAA)
- NAA Glossary (NAG)
- Tribal Agreements (TAM)

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**Indian Outreach Services**

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**IOS 100 to IOS 365**

**Sample Manual Item Headings**

- Indian Outreach Worker (IOW) - IOS 110
- Indian Outreach Services (IOS) - IOS 100
- Service Program Description - IOS 205
- Program Philosophy - IOS 210
- Target Population - IOS 215
- Service Activities - IOS 220
- IOW Responsibilities & Referral Form (DHS-382) - IOS 320

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## Native American Affairs

### Format Features NAA 100 to NAA 610

- ❑ **Indian Child Welfare Specific Sections and Language for CPS, FC, JJ, and Adoption**
- ❑ **Hyperlinks Between Child Welfare Policy & NAA Policy**
- ❑ **Links to Definitions**
- ❑ **Tribal Contact Information**

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## Manual Sections Highlighted

### Notification of Court Proceeding & Case Management

- ❑ **Identification of an Indian Child & the DHS-120 (Notice of Proceedings Concerning North American Indian Child) - NAA 200**
  - ❑ **Prescriptive Language & Timelines**
  - ❑ **Contact with the Tribe & Tribal Involvement**
- ❑ **Indian Child Welfare Case Management: Culturally Appropriate Services, Active Efforts, Family-Centered Practice, & Tribal Intervention - NAA 205 & NAA 210**

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## Manual Sections Highlighted

### Placement

- ❑ **Placement Priorities for Indian Children (NAA 215)**
  - **Foster Care, Pre-Adoptive, Adoptive**
  - **Placement Preferences & Priorities**
- ❑ **Placement/Replacement of Indian Children (NAA 220)**
  - **Case Conference/Team Decision Meeting**
  - **Replacement Hearing**

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## Manual Sections Highlighted

### Permanency Planning

(NAA 245)

- Cross Cultural Elements
- Permanency Planning Goals
- Termination of Parental Rights (NAA 255)
- Ongoing Permanency Planning
- Developing an Adult Support System

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## Canadian & Historic Tribes (NAA 205)

- Tribal membership & eligibility are political issues
- DHS services impact social issues
- ICWA guidelines are a best-practice for culturally competent services
- Good stewards of children in care
- Ambassadors of good faith efforts
- DHS provides services to Native children & families living in Michigan & within their jurisdiction

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## Michigan State Historic & Canadian Tribes

- Identification
- Working with State Historic and Canadian Indian Tribes, Families, and Children
- Culturally Appropriate Services
- Court Discretion

NAA 205

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### Tribes & Courts

- ❑ Tribal Jurisdiction – NAA 233
- ❑ Emergency Placement – NAA 235 & 255
- ❑ Clear & Convincing Evidence – NAA 235 & 255
- ❑ Qualified Expert Witness – NAA 235 & 255
- ❑ Safe Delivery Act – NAA 235 & 255

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### Youth Services

- ❑ Aftercare for Indian child(ren): Youth in Transition (YIT), Education & Training Voucher (ETV), Transitional Medicaid, TIP, & Michigan Youth Opportunities Initiative (MYOI) – NAA 420
- ❑ Juvenile Justice for Indian child(ren) – NAA 500

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### Native American Affairs Manual

- ❑ Stresses the importance of developing a rapport with the Tribes as partners in the care of Indian children.
- ❑ Location:
  - On-line Manual (DHS Staff/DHS Net)
  - Public DHS website (Private Agencies & Clients
    - [www.michigan.gov/dhs](http://www.michigan.gov/dhs)

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DHS Organization

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DHS MISSION

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□ The Michigan Department of Human Services assists children, families, and vulnerable adults to be safe, stable, and self-supporting.

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Office of Native American Affairs

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Department of Human Services

12 Federally Recognized Tribes  
Michigan State Historic Tribes  
Urban Indians  
Canadian Indians

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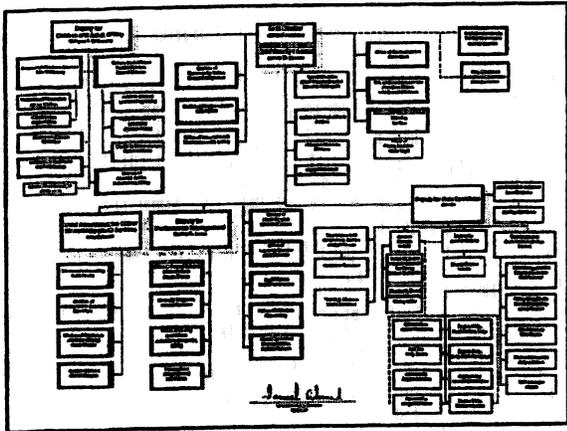
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Program Description

- IOS 115
- NAA 100
- NAA 105

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Mission

- The mission of the Native American Affairs Program is to provide services and to raise awareness of the socioeconomic plight of North American Indians through advocacy to enhance the well-being and preservation of North American Indian tribes, communities, and families.**

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## DHS Intersect

- ICWA Case Profiling & Monitoring (CPS/FC/Adoption/Guardianship/JJ)
- Tribal State Partnership
- IV-D (Child Support)
- TANF
- ETV & YIT
- Tribal Consultation (Tribal/State Agreements)
- Adult Services
- Child Care Development Fund
- IV-E
- IV-B
- Head Start/Early Head Start
- Emergency Preparedness
- CWTI Training Facilitator
- CWI Task Force
- FRC's
- IOS Services

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## Office of Native American Affairs

- Native American Task Force Study
- Established 1978
- Former Directors: Valerie Johnson (1978 - 1995), Rochelle Whitepigeon - Ettawageshik (1995 - 2000), & Paul Cloutier (2000 - 2007)

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## Service Elements

- Native American Affairs (ONAA) located in the Office of Interagency and Community Services, Central Office.
- Indian Outreach Workers (IOWs), twelve workers located in Baraga, Chippewa, Delta, Gogebic, Isabella, Kent, Luce, Mackinac, Marquette, Menominee, Van Buren, and Wayne counties.

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### Indian Outreach Workers (IOWs)

- Baraga (Joanne Racette)
- Chippewa (Theresa Shawanese)
- Delta (Louise "Lulu" Beauchamp)
- Goegebic (Daniel Roberts)
- Isabella (Jessica Maynard)
- Kent (Grace Boda)
- Luce (Barbara Sharp)
- Mackinac (Ronda Engle)
- Marquette (Georgianna "Georgie" Maynard)
- Van Buren (Greg Morsaw)
- Wayne (Michelle White)

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### Current Initiatives

- Advocacy
- ICWA Case Profiling
- Service Enhancement
- Training
- Tribal Consultation



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### Office of Native American Affairs Initiative Projects

- Child & Family Services Review (CSFR)
- Casey Family Services (\$ Leveraging)
- Shared Youth Vision Partnership
- Tribal Consultation
- Native American Affairs Manual
- Urban Area TSP Meeting
- Long-Term Health Initiative (MPHI)

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## Current & Recent Legislation

- ❑ **Fostering Connections to Success and Increasing Adoptions Act of 2008 (HR 6893)**
- ❑ **Amends Part E (Federal Payments for Foster Care and Adoption Assistance) of title IV of the Social Security Act (SSA) to give state plans the option of providing for the state to enter into agreements to provide kinship guardianship assistance payments to grandparents and other relatives who have assumed legal guardianship of children for whom they have: (1) cared as foster parents; and (2) committed to care on a permanent basis.**
- ❑ **Amends SSA title IV part B (Child and Family Services) to authorize the Secretary of Health and Human Services to make matching grants to state, local, or tribal child welfare agencies and experienced private nonprofit organizations to help children in, or at risk of entering, foster care to reconnect with family members.**

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## Challenges

- ❑ **Payment ratios for levels of care (Medical - IHS)**
- ❑ **Funding for Contract Health & other Tribal Services (Medical - HIS; Gaming)**
- ❑ **In-home & Out-of-home Services (Medical, Behavioral Health, & Child Welfare)**
- ❑ **Prevention (Medical - IHS, Behavioral Health, & Child Welfare - CWITF)**
- ❑ **Foster care, Adoption, & Guardianships (CR Settlement)**

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## Next Steps

- ❑ **Data collection**
- ❑ **ICWA & IOS posters**
- ❑ **IOS Monthly Reports**
- ❑ **Website Development**

<http://www.youtube.com/watch?v=sM7uNJZCCQ0>

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## Q & A

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## Resources

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- <http://www.michigan.gov>
- <http://www.indianz.com>
- <http://www.ihb.gov>
- <http://www.narf.org>
- <http://www.nicwa.org>
- <http://www.ncai.gov>
- <http://www.doi.gov/bia/>
- <http://indian.senate.gov/public/>

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## Contact Information

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235 S. Grand Ave.;  
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Lansing, MI 48909  
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Grace Boda, Indian  
Outreach Worker  
(Kent County, DHS)  
415 Franklin  
Grand Rapids, MI  
49507  
(616) 247-6038  
[BodaG@michigan.gov](mailto:BodaG@michigan.gov)

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Thank you for your participation



Bamaa pil minwaa  
kawaabmin!

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