

NICWA Child Welfare Redesign

Summary of Findings from Regional and National Listening Sessions

A publication of the National Indian Child Welfare Association | December 2021

During 2021, the National Indian Child Welfare Association (NICWA) held nine virtual listening sessions, two national and seven regional, with tribal nation representatives and tribal citizens to learn more about the experiences and perspectives of American Indian and Alaska Native (AI/AN) people in the child welfare system. The sessions were attended by approximately 445 participants with a variety of professional roles and lived experience. The participants were asked questions regarding their experiences and thoughts for addressing concerns related to the current child welfare system in the United States and how to support participants in advocating for change. Six questions and two poll questions were asked during the listening sessions. An overall summary of the responses is described below.

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Goals for the listening sessions:

- Provide background on child welfare redesign discussions within the child welfare field
- Share NICWA's approach and experience working with tribal communities to promote redesign of child welfare for AI/AN children and families
- Hear participant perspectives of what redesign should address and how NICWA can engage participants in this process

Summary Findings

1. What do you see as the most important supports that help AI/AN families keep their children safe?

- Immediate family and extended family
- Comprehensive, culturally appropriate services and supports including helping families meet their basic needs
- Nurturing and maintaining a connection with your tribal community
- Supporting and connecting to culture

Among all listening sessions, immediate family and extended family were discussed as one of the most important supports that help AI/AN families keep their

children safe. Many people talked about the importance of a connection to family. Family involvement with children was also discussed as important and the belief that families know best how to keep children safe.

Comprehensive services and supports including helping families meet their basic needs were stated in all listening sessions. A variety of services were identified including mental health, substance abuse treatment, services that address intergenerational trauma, school related services that focus on early intervention, parent support classes (i.e., parenting and healthy relationships), and wrap-around services. It was also stated that these services should be located locally, culturally appropriate, and trauma responsive. Basic needs were also expressed as important supports with housing being the number one item that respondents mentioned, and transportation being named as well. Other basic needs included adequate food, clothing, shelter, and healthcare.

Community connection was also a main theme. "It takes a community to raise a kid," was stated by one participant. Others talked about the need for families to have involvement within their community and the importance of that support. A lot of respondents discussed the importance of having a connection to community and talked about this hand and hand with family connection. One person said that "every member of the community has a role to play," and that knowing their community's values, culture, and beliefs was important.

Culture was also discussed as an important support to families. This was discussed as cultural connections, cultural identity, and cultural experience. One person talked about the importance of having definitions of safety being culturally grounded so that they align with community values. Indigenous food sovereignty, spiritual helpers, and cultural healing practices were also mentioned.

2. What do you see as the greatest barriers to AI/AN families' keeping their children safe?

- Lack of services and challenges to meeting basic needs
- Institutional racism within child welfare systems that do not serve AI/AN families well
- Substance abuse
- Historical trauma that contributes to substance abuse and mental health issues

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Lack of services and meeting basic needs were described as some of the greatest barriers to AI/AN families keeping their children safe. Many services and supports were named as lacking in Native communities. These included substance abuse treatment, in-home services, economic support, and prevention services. To serve families well, those services and supports must be high quality, culturally based, and long-term. Basic needs were described as food stability, housing, health care, childcare, and employment that provides a living income. Many people also specifically mentioned that tribes located in rural areas have an even harder time accessing services and supports for their families.

A common theme among the nine listening sessions was that mainstream systems do not serve AI/AN families well. This was described by one respondent as the “colonization of the child welfare system.” Institutional racism and implicit bias in state child welfare systems contribute to workers who are not culturally competent, systems that do not respect or understand Native cultural values, non-compliance with the Indian Child Welfare Act (ICWA), and no flexibility when it comes to funding tribally designed services. It is oftentimes “well intended” state workers who believe they know what is best for AI/AN children who are unintentionally causing more harm.

Substance abuse was discussed by many respondents as being a barrier to safety of children. Many people said both drugs and alcohol continue to be barriers to safety in their communities. Out of the respondents who discussed substance abuse, the majority of those people said that substance abuse was usually seen as co-occurring with mental health and trauma.

Historical trauma was also described as a barrier to safety for children. Families in Indian Country have high rates of historical trauma that often is co-occurring with substance abuse and mental health issues.

3. What kind of tools, policies, or resources do tribal nations need to effectively address racial inequalities in child welfare systems?

- Funding that is flexible and sustainable
- Education and training for state workers regarding proper implementation of ICWA
- Mutually respectful collaboration with states
- Culturally appropriate resources for tribes, children, and families

Funding that is flexible and sustainable was described by many as an important resource for tribal nations to effectively address racial inequities in child welfare systems. Much of the funding that comes from the federal government and states is highly regulated and there are strict requirements that do not always align with the values and preferred approaches to service of tribal communities. Tribes operating their own services and having funding for culturally based services were discussed as a couple of ways to address racial inequities. Many respondents also said that tribal nations should have comparable funding to states and that it should come directly to them as opposed to through the states.

Respondents talked about the need for state workers to have quality education and training around ICWA implementation so they are not only complying with the law, but also understand the spirit of the law (effective practice). A few people talked about state policies that hold the state accountable when ICWA is not followed. A couple respondents discussed the need for states to have ICWA courts that are staffed by those who have an understanding of the spirit of ICWA. An ICWA campaign that shared positive ICWA stories showing the need for and importance of ICWA was suggested in one listening session. Also discussed was a need to revamp ICWA trainings so that they are more relatable to workers that will implement the law.

Mutually respectful collaboration with states was also mentioned as needed to effectively address racial inequalities. This discussion included government-to-government relationships, partnerships with non-Native organizations, joint jurisdictions, and memorandum of understanding with states. One person also discussed the need for some structure around the tribal-state relationships stating that a process for handling disagreements needed to be developed.

Culturally appropriate resources were discussed in many of the listening sessions. It was described in a few different ways. Some discussed a need for culturally effective resources, others talked about resources that funded culturally based services, and resources that allow for the restoration of cultural practices in tribal programs.

4. What are the most important things policymakers should know about AI/AN children and families to guide them in developing effective policy solutions to systemic racism in child welfare?

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- Understanding of tribal history, culture, and values
- Understanding of tribal sovereignty
- Understand the uniqueness of tribes
- Understanding of historical trauma and its effects upon AI/AN families and children

Understanding tribal history, culture, and values was discussed at every listening session. Many discussed the need for policymakers to learn about tribal history and acknowledge that tribes have and continue to experience historic trauma, especially the horrific events of the residential schools and what AI/AN people have endured. Others talked about the need for and understanding of tribal values and culture so that they are not imposing their belief system upon them, specifically mentioned was the importance of family relationships and fictive kin. Understanding the difference in language (e.g., meaning of the word family) is important. Accepting that the child welfare system has done harm to AI/AN children and families and that the current system continues to do harm was also mentioned.

Understanding that tribes are sovereign nations, and tribal people have a unique political status not just a racial status. One person said that AI/AN communities should not be lumped into all “communities of color” as this undermines sovereignty. Policies being developed need to support tribal self-determination and the exercise of tribal jurisdiction.

A common theme in the listening sessions was recognizing that each tribe is unique and has their own distinct culture and governmental structures. One respondent suggested that policymakers need to take the time to visit tribal nations so they can understand the differences and diversity between them. “We have governmental structures that flow from close family kinship systems to larger affiliation of clans,” addressing the fact that tribal nations can be very different from one another.

Historical trauma was also discussed when talking about what policymakers need to know. A lot of people who talked about the need for an understanding of tribal history, as discussed above, also talked about historic trauma and the effects they have had on tribal communities. This is particularly relevant in understanding why many AI/AN families may be involved in the child welfare system and how this informs the proper approaches to healing of AI/AN families and children.

5. Who should be involved to ensure child welfare redesign efforts are inclusive of AI/AN perspectives and solutions?

- Those with lived experience in child welfare systems
- Tribes and tribal leaders
- Those who serve and support AI/AN families who are in the child welfare system

When asked who needs to be involved to ensure child welfare redesign efforts are inclusive of AI/AN perspectives and solutions, respondents in most listening sessions said those with lived experience. This included AI/AN foster alum, adoptees, parents, and adults who have been involved in the child welfare system. One respondent said, “we need to ask those that this impacts the most! The families who are the experts in their own lives.” One person said that adults who have been “failed” by the child welfare system need to be included. Another person said that we need to hear stories from children who have been or are in the child welfare system. These perspectives have a bigger impact than stats alone.

Tribes and tribal leaders were also discussed as needing to be involved. Tribes and tribal leaders have a better understanding of the needs of their own members than outsiders and should be at the table. This included tribal citizens, tribal case workers, tribal judges, and others from the community.

Tribal workers and those working directly with families were also discussed as needing to be involved in redesign efforts. Oftentimes tribal case workers know the needs of the families they are working with and the gaps that they are not able to fill. They have an important perspective in this work.

6. What information or support do you need to help you participate in child welfare redesign discussions or advocacy in the future?

- Communication and information about how to be involved
- Hearing and sharing examples of child welfare redesign from Indian Country
- Data and information
- Funding assistance to join as well as technical assistance

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When asked what information or support you need to help you participate in child welfare redesign discussions and advocacy in the future many people talked about the need for communication and information. People want to be kept informed of what is going on in the form of advance notice of meetings and information about ongoing efforts. People talked about momentum as being an important part of the communication and excitement around child welfare redesign. “Who, what, where, when, and how,” was mentioned as needed.

Many people discussed hearing and sharing examples from Indian Country about child welfare redesign. People want to know what is working as well as what was tried and did not work (lessons learned). There are a lot of people interested in hearing about the process that tribes went through to get ideas of what may work in their own communities.

Data and information were also discussed as a support that would be necessary for people to join redesign efforts. Some people talked about tribal data and others talked about accurate state data being shared with tribes. Accurate data leads to informed decision making that can help this process.

Others talked about the need for funding this type of effort which would be in addition to an already full workload that many respondents have. People want to be involved, but some said that smaller tribes especially will have a harder time providing staff time to be involved. It would be helpful to have additional resources to support the time to participate. Along with funding, others talked about the need for consultation and technical assistance to be able to contribute to the redesign efforts in a meaningful way.

Poll: How important is ICWA compliance in helping AI/AN children and families in state child welfare systems receive the services they need to heal?

- Not important: 1
- Somewhat important: 3
- Important: 27
- Very important: 147
- Number of responses: 178

Poll: Much of the current focus on child welfare redesign is based upon achieving racial equity. Do you think a racial equity focus adequately addresses the unique political status and concerns of AI/AN people in the United States?

- Yes: 44
- No: 133
- Number of responses: 177

Implications

While there were many distinct differences in the findings among the different regions, the similarities between the listening sessions provide helpful information regarding where to start in understanding the needs of Indian Country in child welfare redesign efforts. Shared values around immediate and extended family were seen as important supports to AI/AN families who are navigating the child welfare system, indicating that extended family should be engaged early and often when working with child welfare families. Building this into the structure is important as they are an important resource to keeping children safe. Culture and connection to community are also highly valued and should be incorporated into child welfare practice, as well as funding and resources. Recognizing that not only do social workers play a role in keeping children and families safe, but all community members have an important role. Strengths in the community can be utilized in different ways besides just out-of-home placements. Having a connection to that community gives families access to strengths and supports that they do not hold on their own.

It is also clear from the findings that institutional racism is a huge barrier to child safety. Mainstream child welfare standards often are not designed to effectively consider or utilize tribal values and cut off critical supports that could benefit families. Tribes know the needs of their people best and are in the best position to design programs that work for their citizens or members. Focus groups consisting of people with lived experience, community members, and tribal leaders is one possible idea in obtaining a well-rounded view of what child welfare redesign should look like in any particular community.

As the demand for child welfare redesign is growing momentum across the country, AI/AN people have a lot to contribute to the movement. Most listening session respondents do not believe that the racial equity focus on redesign is enough to address the unique concerns of Indian Country and develop appropriate solutions. Tribal nations need to be involved now and at all points in the process. Many in Indian Country are ready to be part of the conversations and the good work but need to be invited to the table and provided with support to engage in the discussion and development of solutions.