

NICWA NEWS

Quarterly Newsletter • Fall 2023

The **LATEST** **INSIDE**

**Activating Change in
Tribal Child Welfare**





National Indian Child Welfare Association
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The National Indian Child Welfare Association (NICWA) is a nonprofit, membership-based organization dedicated to the well-being of American Indian and Alaska Native children and families. Headquartered in Portland, Oregon, NICWA serves tribes, individuals, and private organizations throughout the United States and Canada by serving as the most comprehensive source of information on American Indian child welfare and acting as the only national Native organization focused on building tribal capacity to prevent child abuse and neglect.

Our Mission

The National Indian Child Welfare Association is dedicated to the well-being of American Indian and Alaska Native children and families.

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NICWA News is the quarterly newsletter for members and donors of the National Indian Child Welfare Association. Membership is available in multiple levels starting at \$35. For reprint requests, additional copies, or other information, contact us at info@nicwa.org

Message from the Executive Director

Dear NICWA Members, Sponsors, Donors, and Friends,

This fall issue of NICWA News embraces the theme “Activating Change in Tribal Child Welfare.” As we shared in our summer issue, in the wake of the Supreme Court decision in *Haaland v. Brackeen* affirming the constitutionality of ICWA, NICWA and our Protect ICWA Campaign partners—the Native American Rights Fund, National Congress of American Indians, and Association on American Indian Affairs—have redoubled our advocacy to strengthen ICWA implementation and compliance. We’re building on the strength of the coalition and deep bench of support for ICWA that we’ve grown over the past several years. We’re going to sustain the momentum of our relentless advocacy, emboldened by the Brackeen win and flurry of state ICWA laws passed. Recent federal actions include consultation with tribes about federal government support to help state courts and child welfare agencies meet their obligations under ICWA. The U.S. Department of Health and Human Services (HHS) also released a federal rule that will allow tribes and states to have different licensing standards for kinship and non-kinship foster homes, making it easier to implement ICWA placement preferences prioritizing placement with extended family if out-of-home placement must occur. We’re also eagerly anticipating HHS action on the federal Adoption and Foster Care Analysis Reporting System data collection requirements for states this fall.

This issue of *NICWA News* comes on the heels of Child Welfare Worker Appreciation Week. In subsequent pages, you’ll read about one way we honored child welfare workers who participated in our fall training institutes in Oklahoma City. I mention this specifically because child welfare workers are the heart of our system. It’s people that respond to concerns about the safety of children and provide services to strengthen our families. It’s human beings—our workers, you!—who create the experience that families and children have with our systems. **Activating change in our systems is dependent on the child welfare workers who live out our community vision and values for how to keep children safe and serve and support families to raise healthy and spiritually strong children.**

In the coming months, NICWA will work with tribal child welfare programs to identify the promising practices that tribes throughout the country are implementing. As we work to strengthen our programs, implement the services our communities need, and support our child welfare workers, we are not starting from ground zero. There are many good things already happening in tribal communities, formal services and informal community practices, that reduce the trauma of child welfare system involvement and support families in caring for their children. Our goal is to partner with you to lift up and share the things that we know work. In this way we can facilitate peer learning and support uptake and adaptation of a wide variety of practices that address family and children’s needs throughout their involvement with the child welfare system and most importantly, in preventing families’ involvement with the system when possible.

Native communities have deep ancestral wisdom about how to raise thriving children, and we can structure our relationships and services in ways that build on the foundation of that wisdom. We look forward to working with you to build our collective tribal child welfare capacity by sharing what communities are already doing and how they enacted the system change that families and children need to have better outcomes and thrive.

With gratitude for your good work for Native children,

Sarah L. Kastelic

Sarah L. Kastelic, PhD (*Alutiig*)



Uniform Law Commission Considers Uniform State ICWA Law

The Uniform Law Commission (ULC), a national organization that develops and advocates for uniform state laws, formed a Study Committee in the summer of 2022 to examine the need for a uniform Indian Child Welfare Act (ICWA) state law. The Study Committee, made up of attorneys in private practice, state court judges, a state legislative representative, and law professors, met to examine the need for a uniform, model state ICWA law. The ULC has leadership from each of the states that help guide the work of ULC in developing and advocating for uniform laws. The Study Committee on Indian Child Welfare Act Issues met five times from November 2022 to July 2023 and invited select representatives from state and private organizations and tribal communities to observe. On July 13, 2023, the Study Committee issued a [report](#) on their findings.

On August 21, 2023, a virtual tribal consultation was announced and scheduled for September 6, 2023. At the consultation and in the prior announcement, it was stated that written comments on the uniform state ICWA would also be accepted until September 30, 2023. Represented on the tribal consultation call were a number of attorneys with subject matter expertise, two ULC Study Commission members, four tribal leaders, and representatives from a couple Native organizations.

On October 4, 2023, **a second virtual tribal consultation was announced for Monday, November 6.** The second consultation session may be a result of comments provided at the first consultation that expressed concern that more tribal leadership involvement was needed before a decision about whether to draft a uniform state ICWA law is made. The letter announcing the November 6 tribal consultation and registration link can be found [here](#). While the letter to tribal leaders does not address written comments after this second tribal consultation, NICWA encourages tribal nations to inquire about the opportunity by contacting ULC Senior Director for Strategy & Communications, Katie Robinson, at krobinson@uniformlaws.org.

NICWA's written comments stated our support for state ICWA laws, but we also expressed our concerns about the limited tribal leader involvement in the Study Committee process and recommended more tribal leader input before the Study Committee makes a decision about whether to draft a uniform state ICWA law. While having additional state ICWA laws could be helpful, there are important questions about the role of tribal nations in states where the legislation might be introduced, especially if tribal involvement is limited or not available. You can find NICWA's written comments [here](#).

ACF Releases Final Rule on Relative Caregiver Licensing and Two Notices of Proposed Rulemaking for Comment

On September 28, 2023, the Administration for Children and Families (ACF) at the U.S. Department of Health and Human Services announced a new [Final Rule](#) for tribes and states to develop separate licensing standards for relative care providers, which may differ from standards for non-relative foster care providers, and two proposed regulations, the first to establish protections for LGBTQI+ children in foster care, and the second to provide access to legal representation for children and families in the child welfare system. The proposed regulations, also known as a Notice of Proposed Rulemaking (NPRM), invite comments on the proposed changes.

You can read a copy of NICWA's submitted comments in support of separate licensing standards for relative care providers from earlier this year [at our website under Latest News](#).

1

The [first NPRM](#) proposes to require that tribal and state child welfare agencies find safe and appropriate placements and services for youth who identify as LGBTQI+ who are involved in child welfare systems.

2

The [second NPRM](#) proposes to allow tribes and states to use federal Title IV-E funds to support legal services for children in foster care, parents, and kinship caregivers. It also allows the funding to be used to reimburse tribal nations for the legal services they incur in child welfare proceedings. This expanded use of federal child welfare funds seeks to address inequities in the juvenile court system that can leave key parties without legal counsel as important, life-changing decisions are made about children in care or their parents. Tribal nations often do not have adequate funding to support their work to protect Native children in state child welfare proceedings, so this proposed change has the potential to increase legal services for Native children and greater accountability regarding the Indian Child Welfare Act.

NICWA highly encourages tribal nations and advocates for Native children to submit comments to both NPRMs.

Comments are due by November 27, 2023, and can be filed at the online links above.

NICWA will be developing comments and sharing those with tribes in early November.

Welcome New NICWA Staff!



Dallas Archuleta (*Confederated Tribes of Grand Ronde*)
Community Development and Research Specialist

Dallas is an enrolled member of the Confederated Tribes of Grand Ronde. She graduated from Portland State University (PSU) with a bachelor's degree in social work. Before coming to NICWA, she worked as a Behavioral Technician supporting kids with autism. During her time at PSU, Dallas interned at a community college organizing events and creating resources guides. Through her projects she became passionate about community development and being able to use her creativity and social work skills. Her passions led her and her aunt to create and facilitate an Indigenous Women's Healing Circle.



Evan Roberts (*Tlingit*)
Community Development and Government Affairs Fellow

Evan is Tlingit, with family from Klawock and Kuiu Island, Alaska, and grew up outside of Boulder, Colorado. She is a recent graduate of Yale University with a bachelor's in ethnicity, race, and migration, and a focus in Indigenous studies. There, she was very involved in the Yale Native community, including as president of the Native and Indigenous Student Association and a mentor for the Yale Native American Cultural Center. Evan is passionate about helping Indigenous communities in every way and is excited to be a part of the amazing work that NICWA does.



(Pictured left to right: NICWA staff at the summer staff retreat; Lindsay Early, NICWA operations director, teaching staff how to make babies in cradleboards)



Activating Change in Tribal Child Welfare

Tribal child welfare systems are a vital part of Native communities. They surround families with resources and support to help create safe and healthy environments that contribute to the upbringing of healthy and strong Native children.

For tribal communities, Native children have always been the most important members of our communities as they are the ones who will become the leaders of the next generation. They will be our storytellers, passing on our values through stories of coyote and other four-legged relatives; our tribal leaders, guiding our people forward while being grounded in our traditions; our language revivers, ensuring that we are always able to communicate to our ancestors; our knowledge keepers, assuring that wherever we are we can find our way home. Native children walk in two worlds. As their caretakers, it is important that we create the bridges to allow them to cultivate connections that are everlasting and serve as vital tools for them to succeed in this life. For our tribal communities to thrive, we must protect and uplift the voices of those who will ensure that our way of being lives on, our children.

As Native people, we understand the value of community and how each person has a role in the upbringing of Native children, including the important and difficult work of tribal child welfare workers, who step in to provide care, support, and safety for children when needed. Tribal child welfare workers must ensure the immediate safety of the children they serve while at the same time, implementing best practices that may include adapting mainstream practices with the cultural teachings of healing within the community they serve. Workers keep in mind that the children and families they serve are experiencing the lasting effects of intergenerational trauma and the historic mistrust that comes with outside help and social services in general. Tribal child welfare workers know that a first step in building trust with families and the community is utilizing Indigenous practices and values in the services they offer.

Tribal child welfare workers wear many hats. They are investigators, listeners, problem solvers, and advocates. They work long hours and holidays because they love and care about the children and families they serve. It is a call to serve for many, and the positive influence workers have had on the families they serve has been incalculable.

NICWA board vice-president Angela Connor (*Choctaw*) was a tribal child welfare worker for two decades. She shared her personal experience and the importance of decision-making when working with Native children and families.

“First and foremost, you must pray to the Creator to give you wisdom and guidance in the decisions you make,” she said. “We do not have mirrors to see into the future and must make hard decisions sometimes and rely on our faith always, doing what we think is in the best interest of a child.”

While the work is necessary, it can often be difficult to navigate situations, and, in turn, can take a toll on those working in the field.

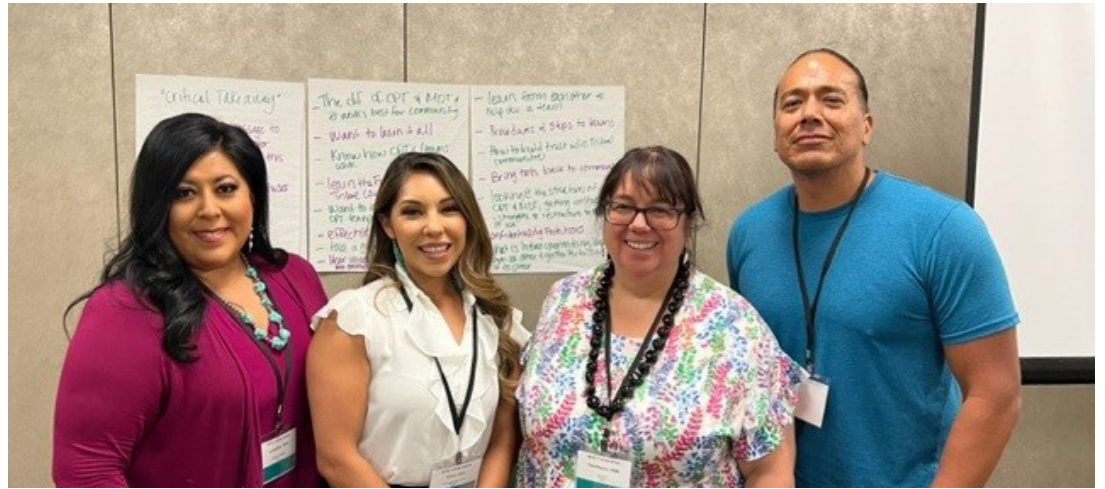
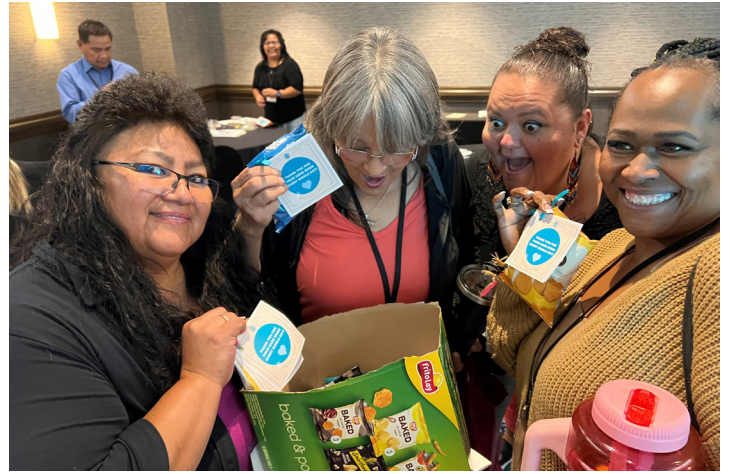
As a tribal child welfare worker, it is important to carry the right tools that will allow you to take care of yourself, colleagues, and community. NICWA board member, tribal councilwoman, and former assistant director of youth services Mikah Carlos (*Salt River Pima-Maricopa Indian Community*) shared about ways that she cares for herself as a valued community member and leader.

“For myself, whenever I’m experiencing an especially difficult season with my work, I take the time to pause and reflect on my ‘why.’ ‘Why do you do what you do?’ Being able to refocus myself on my why is critical for me to remind myself of the larger purpose I’m serving for my community and my people. Part of refocusing myself also includes doing and finding things that fill my cup, depending on what I feel is lacking in my life. Sharing time with family and friends, getting outside into nature to reconnect with the land, attending community events, practicing

traditional songs, and anything else that brings me joy.”

Taking time to care for yourself allows you to be a good relative as well as be deep-rooted in your work supporting the well-being of Native children and their families.

As we show appreciation and honor those working in the field of tribal child welfare, we also honor and thank the elders, tribal leaders, early child development staff, urban Indian health workers, daycare providers, tribal early learning centers, aunts, uncles, community organizers, and all advocates working tirelessly for the well-being of Native children and their connection to their families, communities, and cultures. We see you, and we appreciate all that you do!



(Pictured above are attendees of the September Training Institute in Oklahoma City during Child Welfare Worker Appreciation Week)



Tribal Governments Protecting Seven Generations

Encoded in tribal cultures is a natural helping system. Our worldview and values, clans and extended family members, natural helpers and healers, traditional ceremonies, and oral tradition keep children safe. Tribal leaders are the stewards of their community's resources, and it is their job to ensure accountability to the community to protect the best interests of Native children.

Tribal leaders play a key role in operating their tribal child welfare services.

They are the lawmakers who enact tribal code, responsible for establishing an effective court system that is oriented toward the best interest of children.

They ensure programmatic standards for child welfare services and for a qualified workforce. Practice standards are set in the form of policies and procedures, practice models, complaint procedures, job descriptions, job qualifications, and sometimes by licensing child welfare professionals and/or foster homes.

They secure and allocate resources, including funding, and oversee intergovernmental relations that affect resources and services for children and families. Elected tribal government officials work to ensure there are ample resources to protect tribal children. During the budget process, the tribal council may use information about the needs in their community to determine the priority given to funding child welfare activities.

Because child welfare funding comes from a variety of complex sources, tribal leaders work creatively with their child welfare administrators to maximize the resources available to the tribe. This includes tribal, state, county, and federal funds. Using the “braiding and blending” funding

method, tribes use flexible funding to maximize and create the largest pool of resources possible to meet the needs of the community.

In the last two decades, tribes have exercised their sovereignty in child welfare by decolonizing and re-Indigenizing their services. Mainstream systems have never served Native families well; they have perpetuated the transmission of intergenerational trauma through adverse childhood experiences. Tribes have the authority to design their child welfare system in a different way.

Decolonization is reclaiming and utilizing our worldview, values, traditions, and beliefs—the natural helping system—as the foundation for governance structures and functions of child welfare.

It's why tribal child welfare programs and services can look vastly different from state or county programs and services.

Tribal leaders are a group of adults with unique responsibility and resources to help protect children and create the conditions where they can thrive. The exercise of tribal sovereignty is inextricably linked to the well-being of children. No aspect of sovereignty is more important than protecting and nurturing our children. Our communities and cultures are dependent on raising healthy tribal citizens.

To read more tribal leadership and child welfare programs, download and read “Effective Leadership for Tribal Child Welfare” on NICWA's website at www.nicwa.org/tribal-leaders/.

Indigenizing Tribal Child Welfare through Systems Change



As NICWA has traveled throughout Indian Country this year, we have been privileged to be in community and conversations with tribal social workers, tribal leaders, and community members as they strive to activate change in their tribal child welfare systems. A common theme we hear is a desire among tribal staff to develop or improve culturally based services for families they serve.

We have seen programs work with their language and culture departments and trusted elders to redefine what a healthy and safe family means to their community and draw on the "old ways" of healing to reclaim their cultural identity and strengthen community connections. Child welfare leaders have opened up dialogue with community members and the parents and children they serve to ask them what they need to feel supported by their tribal programs. Program staff have listened and worked hard to usher in programs and services informed by the community for the community. Tribal programs are moving away from ineffective mainstream intervention and treatment models and are rebuilding their tribal social services to reflect tribal community vision, values, and healing practices.

One example of this work is at the Red Lake Nation. The Nation renamed their children's services program, Ombimindwaa Gidinawemaaganinaadog, which translates to "Uplifting Our Relatives." The Ombimindwaa Gidinawemaaganinaadog brochure describes the new approach as being rooted in, "...Anishinaabe language, culture, traditions, beliefs, and values." They state, "Our main focus is on Inter-generational Family wellness which includes

physical, emotional, spiritual, mental, and cultural wellness. Our inter-generational approach addresses health and wellness for each family member that is inclusive to each hill of life (infancy, adolescence, adulthood and elderhood). Our framework is person centered, trauma and resiliency focused, and is grounded in the Anishinaabe worldview, the Seven Grandfather teachings, National Association of Social Work (NASW) Code of Ethics, and cultural humility (29024-Red-Lake-OMBIMINDWAA-Family-Children-Adult-Service-Brochure.pdf (redlakenation.org))." In addition to changing their program name, they have begun using terms such as our "relatives" rather than "clients" and "reunification services" rather than "child protective case management services" to make clear the goal of the services to families and the community. This demonstrates the shift in focus when we change our terminology with those we serve. To say we are serving a relative rather than a client invokes a different set of values and fosters more care and compassion towards the children and parents we serve.

As more programs move towards a culturally centered service delivery system, where cultural identity is reclaimed and cultivated, Native communities will continue down a path of healing from the negative effects of generational trauma, towards a future where our children will know who they are as Native people and will carry on the language, traditions, and stories of their ancestors.





42ND ANNUAL

Protecting Our Children

Together We Stand:
Preserving the Spirit of ICWA
April 7–10, 2024 • Seattle, WA



NICWA
National Indian Child Welfare Association
Protecting Our Children • Preserving Our Culture

**Conference Registration
Opens November 1, 2023**

2023–2024 NICWA Training Institutes

Join us for a culturally based training!



December Training Institute

Virtual

- Positive Indian Parenting



January Training Institute

Albuquerque, NM

- Positive Indian Parenting
- Understanding ICWA
- Tribal Customary Adoption



April Training Institute

Seattle, WA

- Positive Indian Parenting
- Understanding ICWA



NICWA and the San Manuel Band of Mission Indians Partner to Relentlessly Advocate for the Needs of Native Children and their Families

In August 2023, NICWA received a three-year, \$450,000 grant from the San Manuel Band of Mission Indians, a federally recognized Indian tribe located near the city of Highland, California, to support our ICWA and Family Advocacy Program, which has two interrelated and mutually reinforcing components: NICWA's services to families who request information and social work support to navigate the child welfare system, and protection of vulnerable Native children and families in state child welfare systems through ICWA compliance and upholding Native tribes' inherent right to protect and care for their member children and families. The first component addresses child and family well-being at the individual level, focusing on immediate family needs, while the second component addresses the structural level, focused on child and family well-being over the longer term.

"In our advocacy to protect ICWA, we point directly to the strengths of our tribal cultures and communities and to the importance of children being culturally connected. The growing body of research evidence to support these facts is just catching up to what our Native peoples have known for thousands of years: culture is prevention," said NICWA Executive Director Sarah Kastelic. "Thanks to our longstanding and growing partnership with San Manuel Band of Mission Indians, we will continue to relentlessly advocate for the needs of Native children and families and provide support to families navigating the child welfare system. We appreciate the decade of support the San Manuel Band of Mission Indians has provided for this critical work to keep Native children connected to their families, community, and culture. This multi-year grant in particular provides NICWA with an important source of stability for our work protecting

and supporting Native children and families. It's champions like the San Manuel Band of Mission Indians who make our work possible."

The San Manuel Band of Mission Indians is proud to support NICWA's mission and work to serve families and tribes across Indian Country through the ICWA and Family Advocacy Program.

"Indian Country witnessed a great legal victory with the Supreme Court this year, but there is still so much work to be done in our communities concerning the welfare of our children," San Manuel Band of Mission Indians Chairwoman Lynn Valbuena says. "NICWA provides expert assistance and guidance families need as they seek to remain whole. It is an honor to stand alongside this association and provide the financial support for their critical efforts to provide the tools families need to ensure the glue of generational completeness remains."

Each year, NICWA provides compassionate social work support to over 500 families trying to navigate the child welfare system and refers them to information, resources, and programs.

Families should visit www.nicwa.org/families for more information about resources. If you still have questions regarding an ICWA case or other Indian child welfare issues, contact NICWA via email at info@nicwa.org, online at www.nicwa.org/request-information, or by calling (503) 222-4044.



NICWA

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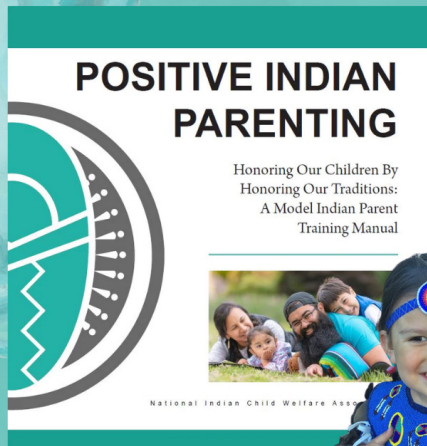
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National Indian Child Welfare Association

Positive Indian Parenting

NICWA introduces the 4th edition of Positive Indian Parenting with expanded information on virtual as well as in-home services.



What is Positive Indian Parenting?

For over 30 years, passionate, experienced, and committed NICWA trainers have traveled the country providing instruction to frontline workers to help families in their communities using a culturally-specific approach rooted in tradition.

Positive Indian Parenting was designed to help parents and families with returning to our traditional teachings. Through eight sessions, participants will discuss examples of traditional practices and teachings from several different tribes. Instructors will also share teachings from local areas and communities. Each session discusses how to apply those teachings and values today.

