

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

Sisters in the Wind Reader Guide

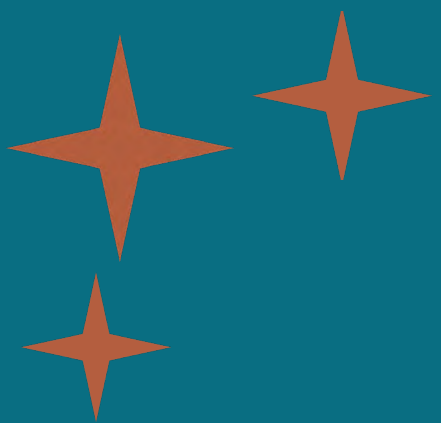


Table of Contents

About NICWA	1
About ICWA	2-3
Protect ICWA Campaign.....	4
ICWA 2050	5
Frequently Asked Questions.....	6-8
Resource Links.....	9-10
Membership.....	11
About the Author.....	12
About the Book.....	12
Book Club Questions.....	13
Interview with the Author.....	14-16
Bookmark.....	17



About NICWA

The National Indian Child Welfare Association (NICWA) supports the safety, health, and spiritual strength of Native children. Grounded in Native values, we work to keep Native children with their families and their communities.

Our Mission

NICWA protects the safety, health, and cultural identity of all Native children and families—today and for future generations—by upholding culturally based services, community strength, and Tribal sovereignty.

Our Vision

All Native children and their families are safe, healthy, and belong to strong communities that are culturally and spiritually abundant.



About ICWA



Enacted in 1978, the Indian Child Welfare Act (ICWA) (25 U.S.C. 1901 et seq.) responded to the crisis of the forced removal of Native children from their families and communities at alarming rates of 25%–35%, with 85% being placed outside their families, even when relatives or Tribal members were available to care for them.

ICWA sets minimum federal standards for child custody cases involving Native children, prioritizing their best interests and strengthening family and Tribal stability. It mandates efforts to keep families intact, prioritizes out-of-home placements within a child’s family and community when possible, and ensures the child’s Tribal Nation and family are fully informed and involved in state court proceedings. Widely regarded as the gold standard in child welfare policy, ICWA has guided appropriate placements for Native children that meet all their needs—including cultural and family connections—for decades, and NICWA is committed to upholding this federal law and strengthening its implementation through education, awareness, and improved compliance.

More Context

ICWA was enacted in 1978 after studies conducted by the Association on American Indian Affairs (AAIA) revealed widespread removals of Native

children into state and private child welfare systems. AAIA, in partnership with Tribal Nations, conducted an 11-year effort to raise awareness, develop legislation, and advocate for the passage of ICWA. ICWA is a restorative response to the forced removals, rooted in a century of failed federal policies aimed at the destruction of Native Nations and the assimilation of Native people, including federally supported and operated boarding schools, resulting in lasting intergenerational trauma in Native communities and families.

In 1975, shortly before the passage of ICWA, federal policy shifted from a focus on assimilation to a recognition of inherent Tribal sovereignty and Tribal self-determination, acknowledging Tribal Nations’ right to govern their affairs, including child welfare. The Indian Self-Determination and Education Assistance Act (P.L. 93-638) enabled Tribal Nations to contract for social services previously operated by the federal government. Following this shift, Title II of ICWA authorized the first dedicated child welfare funding for Tribal Nations to address child welfare under both Tribal and state jurisdiction. This funding, though initially disbursed through competitive grants, allowed Tribal Nations to develop child welfare programs and services that reflected their cultural values, traditions, and beliefs. Since 1978, advocates for Native children have expanded access to federal funding sources supporting Tribal child welfare programs and services, although they still lack parity with states.

Before 2013, legal challenges to ICWA primarily focused on state court interpretations of ICWA requirements in individual cases. However, following the 2013 U.S. Supreme Court decision in *Adoptive Couple v. Baby Girl* (No. 12-399), a small, but well-funded group of attorneys and conservative advocacy organizations began challenging ICWA’s constitutionality. Between 2014 and 2017, 14 federal lawsuits were filed by or with help from this anti-ICWA coalition. In 2023, the U.S. Supreme Court upheld ICWA as constitutional in *Haaland v. Brackeen* (No. 21-376) in a 7-2 decision, marking a monumental victory for Indian Country and safeguarding ICWA’s protections for Native children and families.

“ICWA is a restorative response to the forced removals, rooted in a century of failed federal policies aimed at the destruction of Native Nations...”

“Together, we can accomplish things that none of us can do alone.”

- ICWA 2050 Plan



ICWA 2050

In November 2024, the Protect ICWA Campaign released ICWA 2050, a 25-year strategy to strengthen ICWA and Tribal child welfare. Honoring the 46th anniversary of ICWA, ICWA 2050 casts a vision that recognizes and upholds the critical role that Tribal Nations play in protecting Native children, helping families in Tribal child welfare systems, and assisting states as they implement ICWA.

Protect ICWA Campaign



The Protect ICWA Campaign was established in 2018 by the National Indian Child Welfare Association, the National Congress of American Indians, the Association on American Indian Affairs, and the Native American Rights Fund, in response to legal challenges to ICWA. Together, we work to serve and support Native children, youth, and families by protecting ICWA and strengthening its implementation. The Campaign informs policy, legal, and communications strategies with the mission to uphold and protect ICWA. Each partner organization contributes unique strengths and focuses on distinct priorities, and together our work is more impactful than it would be individually.

ICWA 2050 outlines a uniting vision spanning decades and sectors, including human services, legal, and media. It represents a holistic vision and approach to changing the interrelated systems that protect Native children for generations to come. Each goal has a powerful impact on the cultural fabric we are weaving back together to create nurturing networks for Native children and families, including:

- **Increase Tribal child welfare capacity** to ensure the best care for Native children within their communities.
- **Improve outcomes in state child welfare systems** by strengthening relationships between Tribal and state governments and improving Tribal advocacy.
- **Enhance Tribal-federal partnerships** to ensure federal policy supports Tribal sovereignty and the well-being of Native children.
- **Improve communication about ICWA** as the gold standard of child welfare policy and emphasize the importance of honoring Tribal sovereignty.

[The ICWA 2050 plan is available here](#)

Frequently Asked Questions

What is ICWA, and why was it passed?

ICWA, enacted into law in 1978, addresses the high rate of Native children removed from their families by public and private child welfare agencies. ICWA aims to “protect the best interests of Indian children and promote the stability and security of Indian Tribes and families” (25 U.S.C. § 1902). It establishes minimum federal standards for state child custody cases involving Indian children who are members of, or eligible for membership in, federally recognized Tribes. This includes child custody proceedings focused on foster care, guardianship, or adoptive placements, termination of parental rights, and status offenses like truancy or running away from home that are not criminal violations if committed by adults.

How does ICWA protect Native children and their families?

When ICWA applies to a child’s case, the child’s Tribe and family have a legal right to participate in decisions about services and placements. A Tribe, parent, or Indian custodian may also request to transfer the case from state court to the child’s Tribal court. ICWA sets federal minimum requirements for the removal and placement of Indian children in foster care, guardianship, or adoptive homes, and allows the Tribal Nation to intervene as a legal party. ICWA’s protections also apply to placements in residential or group care settings, ensuring culturally supportive and appropriate placements for Native children.

Who is covered by ICWA?

ICWA applies to Indian children involved in state child custody proceedings, but specific criteria must be met for it to apply. According to ICWA, an “Indian child” is:

- Unmarried
- Under the age of 18
- A Tribal member or eligible for membership and the biological child of a Tribal member (25 U.S.C. § 1903)

Each Tribal Nation determines its own eligibility and membership

requirements for its citizens and is the only entity that can determine a child’s membership. For ICWA protections to apply, the child must be a member of, or eligible for membership in, a federally recognized Tribe. ICWA’s application is based upon a Native child’s political status as a member of a sovereign Tribal Nation, not a racial classification. This political status and the government-to-government relationship that Tribal Nations have with the United States government is enshrined in the U.S. Constitution, federal law decisions, and treaties between the U.S. government and Tribal Nations.

When does ICWA NOT apply to a Native child’s placement?

ICWA doesn’t apply in certain situations: custody disputes between parents or family members (such as divorce cases), juvenile delinquency proceedings for criminal acts (like theft) that would also be crimes for adults, or cases under Tribal court jurisdiction.

Does ICWA apply if the Tribe isn’t involved in my child welfare case?

Yes, ICWA still applies. Even if a Tribal Nation does not actively participate in the case, the state is legally required to follow ICWA requirements to protect the rights of Native children and families.

What considerations should be made in an ICWA case?

When handling an ICWA case, state or private agency caseworkers must:

- Provide active efforts to prevent removal of the child from the home and, when removal is necessary, provide services that strengthen the family so the child can be safely returned home
- Identify a placement that aligns with ICWA’s placement preferences
- Notify the child’s Tribe and parents promptly about state court proceedings
- Actively involve the Tribal Nation, parents, and extended family in case planning and decisions

The caseworker should clearly explain a parent’s rights under ICWA, while also assisting them in advocating for their rights and the best interests of their children.

Who should you contact if you feel that your rights under ICWA are being ignored?

If you believe your ICWA rights are being ignored or violated, contact the following immediately:

- An attorney (Indian and family law experience preferred)
- Legal services
- The child's Tribe

The state court may intervene, ordering alternative services or placements if it finds ICWA has not been properly applied.

What are “active efforts”?

Active efforts are proactive, thorough, and timely actions that are required of states to maintain or reunite a Native child with their family. Active efforts differ from ‘reasonable efforts’ as they go beyond referrals to ensure families are actively supported and engaged and receive appropriate support and services.

Examples of active efforts include:

- Performing comprehensive assessments of the child and family's circumstances to aid in developing appropriate case plans and services.
- Early and active collaboration with the child's extended family and Tribe on all case planning decisions
- Arranging for culturally appropriate services
- Ensuring important support for children in out-of-home care, like visits between children and parents, are provided in a timely manner
- Removing barriers to parents' ability to achieve their case plan goals ICWA's provisions, including those for active efforts, apply whether or not the child's Tribe is involved in the custody proceedings.

What laws exist to protect the rights of First Nations families?

In the U.S., ICWA applies to federally recognized Tribes, but some states have additional policies or practices that promote collaboration with Canadian First Nations when their families are involved in the U.S. child welfare system. In Canada, [First Nations Child & Family Caring Society](#) is a valuable resource, providing information to provincial or territorial contacts for individual cases.



Resource Links

The following resources address the application of ICWA in state child custody proceedings involving an Indian child. When a case is under Tribal court jurisdiction, the Tribe's child welfare code and policies apply.

Note: Some links below lead to external websites and may change over time.

ICWA Overview

- [Indian Child Welfare Act Frequently Asked Questions](#)
- [A Guide to Compliance with the Indian Child Welfare Act](#)
- [The Indian Child Welfare Act: A Family's Guide](#)
- [The Indian Child Welfare Act of 1978](#)
- [2016 ICWA Regulations](#)
- [2016 ICWA Guidelines](#)

Making The Case for ICWA's Protections

- [Fact Sheet on Disproportionality in Child Welfare](#)
- [Understanding ICWA Placements Using Kinship Care Resources](#)
- [Contemporary Attachment and Bonding Research: Implications for American Indian/Alaska Native Children and their Service Providers](#)
- [Fact Sheet on Cultural Connectedness and Indigenous Youth Well-Being](#)
- [The Heart of ICWA – YouTube Videos](#)
- [Dr. Maria Yellow Horse Brave Heart on Historical Trauma – YouTube Videos](#)

Other ICWA and Child Welfare Related Online Resources

Family Resources

- NICWA's [Resources for Families](#) page
- NICWA's resources on [Voluntary Services](#)
- NICWA's resources on [Private Adoption](#)
- NICWA's [ICWA Doesn't Apply to My Child Welfare Case. What Other Help Can I Receive?](#)
- [NICWA and the Grandfamilies and Kinship Support Network: A National Technical Assistance Center tip sheets](#)
- [Legal Assistance for Native Kinship/Grandfamilies Involved with Child Welfare: How to Find an Attorney C Help Them Help You](#)
- [How Relative Caregivers Can Advocate for Relative Native Children in State Child Welfare Custody](#)
- [How Relative/Kin Caregivers Can Access Services and Advocate for Native Children in Their Care](#)
- NICWA's [Tracing Native Ancestry](#) and the Bureau of Indian Affairs' (BIA) [A Guide to Tracing American Indian & Alaska Native Ancestr](#)
-

Services Provider Resources

- NICWA's [Resources for Service Providers](#) page
- BIA's [ICWA page](#), includes a directory of ICWA designated Tribal agents (contacts for Tribal membership inquiries related to ICWA's application for each federally recognized Tribe)
- Native American Rights Fund's [A Practical Guide to the Indian Child Welfare Act](#)
- National Council of Juvenile and Family Court Judge's [ICWA Judicial Benchbook](#)
- Association on American Indian Affairs and Casey Family Program's [A Survey and Analysis of Tribal-State Indian Child Welfare Act Agreements](#)
- Casey Family Program's [Strategies for Successfully Recruiting and Retaining Preferred-Placement Foster Homes for American Indian Children](#)
- NICWA's Policy Page on [Latest State ICWA Developments and Resources](#)
- NICWA's [online ICWA course, training institutes, and training in your community](#)
- NICWA's [State of American Indian and Alaska Native Children and Families Report](#)
- Capacity Building Center for Tribes – [Resource library](#)

Membership

To stay informed about issues impacting Native child welfare, policy developments, and new resources for service providers and families, consider becoming a member of NICWA.



Sweetgrass Membership

- o Individual and Discounted Membership
- o Sweetgrass Individual Membership (\$100)
- o Elders and Students (\$45 discounted rate)



Cedar Membership

- o Tribal and Organizational Membership
- o Cedar (\$400 for two primary contacts)



Sage Membership

- o Tribal and Organizational Membership
- o Sage (\$1,000 for four primary contacts)

All membership levels receive the same great benefits. Your membership gives you access to:

- Monthly members-only e-bulletin
- Members-only webinars
- Networking opportunities at the NICWA annual conference
- NICWA News publication
- Recognition in NICWA's annual report and members-only e-bulletin
- 10% discount on online course registration
- \$100 discount on standard in-person NICWA annual conference registration

About the Author



Angeline Boulley, an enrolled member of the Sault Ste. Marie Tribe of Chippewa Indians, is a storyteller who writes about her Ojibwe community in Michigan's Upper Peninsula. She is a former Director of the Office of Indian Education at the U.S. Department of Education¹.

About the Book

From the instant New York Times bestselling author of *Firekeeper's Daughter* and *Warrior Girl Unearthed* comes a daring new mystery about a foster teen claiming her heritage on her own terms.

Ever since Lucy Smith's father died five years ago, "home" has been more of an idea than a place. She knows being on the run is better than anything waiting for her as a "ward of the state". But when the sharp-eyed and kind Mr. Jameson with an interest in her case comes looking for her, Lucy wonders if hiding from her past will ever truly keep her safe.

Five years in the foster system has taught her to be cautious and smart. But she wants to believe Mr. Jameson and his "friend-not-friend", a tall and fierce-looking woman who say they want to look after her. They also tell Lucy the truth her father hid from her: She is Ojibwe; she has – had – a sister, and more siblings, a grandmother who'd look after her and a home where she would be loved.

But Lucy is being followed. The past has destroyed any chance at safety she had. Will the secrets she's hiding swallow her whole and take away any hope for the future she always dreamed of?²

¹ Angeline Boulley, (2025). About Angeline. <https://www.angelineboulley.com>
² MacMillan Publishing (2025). *Sisters in the Wind*. <https://us.macmillan.com/books/9781250328533/sistersinthewind/>

Book Club Questions

- Lucy is told to keep her Native heritage quiet when she's in the foster system. How does this act affect her sense of self?
- How might Lucy Smith's life experience have been different if ICWA had been applied in her case?
- ICWA prioritizes relative care when kids can't stay safely at home. Why is this important?
- How does the impact of the historical and contemporary traumas Native people face leave Native kids vulnerable? How does the child welfare system exacerbate this vulnerability?
- Jamie grew up knowing he was Native, but he didn't know his tribal affiliation (p.91). Why is this a common experience among youth in foster care?
- What is lost when Native kids grow up disconnected from their family, community, and culture?
- Did the dual timeline — jumping between Lucy's younger life and experience in the foster care system versus the present-day—build suspense?
- How did the mystery of the diner bombing and stalking affect your perception of the characters? Did it change who you suspected and why?
- As you read, did you try to find connections to *Firekeeper's Daughters* or *Warrior Girl Unearthed*? Did this affect your reading experience?
- Exploring and nurturing a sense of belonging is a central theme in the book. How do you see ICWA supporting that journey?
- Jamie's dream was to write a book about why ICWA is important and why it matters when ICWA's protections are applied to Native children and families (p.367). Who could such a book influence, and what impact do you think it could have?

Interview with the Author



Angeline Boulley is an accomplished Ojibwe author with two successful novels that tackle topics like Tribal enrollment and biracial identity. When it was announced that her third novel, *Sisters in the Wind*, would be released, and be centered around the Indian Child Welfare Act (ICWA), we couldn't wait to learn more. Ms. Boulley spoke with the National Indian Child Welfare Association (NICWA)'s Executive Director, Sarah Kastelic (Alutiiq), about the book and the themes surrounding Native youth, identity, and ICWA that are explored.

Sarah Kastelic: Angeline, on behalf of the National Indian Child Welfare Association, I'm so happy to welcome you to this conversation today, and really excited to talk about your new book, which introduces the topic of the Indian Child Welfare Act, an issue that our organization is such a passionate advocate about. So very excited for our conversation today.

Angeline Boulley: Yes, me too.

Sarah Kastelic: Our first question is really just about your thought process. So, what inspired you to create this character, Lucy Smith, who is impacted by the Indian Child Welfare Act.

Angeline Boulley: I think what really drew me to this character is that I wanted to tell Jamie's story. Jamie's a character that that was in *Firekeeper's Daughter* and he references having been adopted and kind of mentions a troubled upbringing, and I wanted to explore that more and I wanted someone who would have a connection to the community where all of my stories are rooted in, on Sugar Island, and so I was able to do that. I was really wanting to capture what it is like for a young person to be in this difficult situation and be told - "Oh, don't say that you're Native, it's going to go a lot easier smoother if you don't. If you don't bring this up, then it can change how it's viewed by court and social services personnel."

Sarah Kastelic: So you've been thinking about ICWA long before this book. Even as early as your first book in developing Jamie's character, you were already thinking about ICWA and the impact of child removal?

Angeline Boulley: Yes, my career — although it's focused mostly on Indian education — I really have worked with all different types of membership services programs. So, our

social services, culture, recreation, elders you know all of these programs that my Tribe and many other Tribes do. I've been able to work with people and have learned so much over my career that I really wanted to touch on ICWA and how important it is.

Sarah Kastelic: So, you have a lot of personal experience to draw on in working with your community around these issues, as you created this character and written the story?

Angeline Boulley: Yes, and you know, I'm very fortunate that I have family members and friends who have gone through the foster care system, good experiences and negative experiences, and that I was able to interview and get that firsthand, first person account of it from different people who've either been a foster parent, or been a foster child or teen. So yeah, I try to do my research diligently and make sure I'm pulling as many first-person perspectives, rather than you know, archived information.

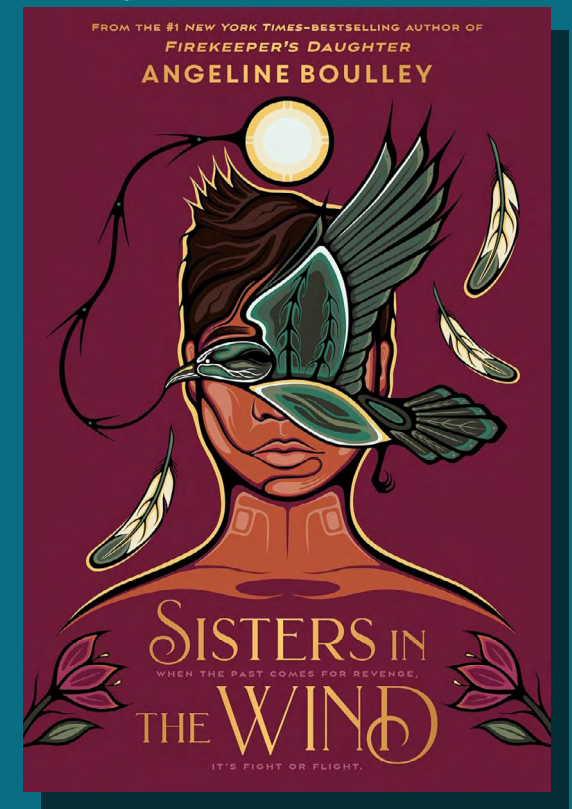
Sarah Kastelic: As a reader, I'll just say it felt like you did both of those things masterfully. Actually, you talked about the Congressional hearings when ICWA was first signed into law and you also mentioned to me in passing that you looked at the Amicus briefs that were filed in the Brackeen case recently and so it feels like you really balanced well your approach of first-person narratives and really understanding from human perspectives what this felt like, as well as the really rich archival information that's available about the long history of the Indian Child Welfare Act.

These issues can be really widespread, prevalent issues for our Native communities, the issue of child removal and the long history of people taking our children is referenced in your book. But these issues are also really sensitive and very personal. And so, I was curious about how you approached portraying the cultural and emotional and legal challenges related to Native kids in foster care and adoption.

Angeline Boulley: I felt that Lucy Smith, that her story was maybe the most familiar one that we might encounter — Of a teen who hasn't been raised in her community, but finds out or has always known that she's Native, so her connection to the community, her family, it was severed a long time ago. And really, I always want my stories to be about helping teens find their way back home. And so, Lucy was a great opportunity to do that. And I felt that teens in the foster care system that they might feel similar to Lucy and think "But I don't know this word or I'm learning, pronunciations, I didn't grow up with this knowledge, but I am hungry for it. I very much want to know it."

Sarah Kastelic: Your book touches on some nearly universal human themes, identity, belonging, loss, and yet you approach these topics through a Native lens. What's your approach to that? How do you do that? What do you draw on?

Angeline Boulley: I draw upon that. There can be no one great Native American story because we are not



a monolith, and so I look at it as a mosaic of so many different stories that we can tell. And I just want to reach teen readers, and that adult crossover audience to weave these stories together. All of my stories pull from Native identity and different aspects of it. In previous books, it's been about enrolled and unenrolled Tribal members, in my second book, it's been biracial identity, and so looking at a person that maybe might not have that familiarity with their community, but they are still Anishinaabe, and they have a home with us.

Sarah Kastelic: So tell me a little bit about what role you see fiction and storytelling more broadly playing in social justice or legal advocacy.

Angeline Bouley: I find that writing a story first-person point of view can immerse a reader in an issue that they didn't know about. It can bring them into that awareness and greater understanding, and it's something that in the book, Lucy can read the senate hearing reports about the Indian Child Welfare Act, but the reader is reading Lucy's story and how this act has impacted her. And I think there's a great way to reach people, and that's what makes stories so powerful — is because we can share the parts of our culture and history and contemporary issues that we're comfortable sharing in a way that really is approachable for people who don't have any knowledge in that you know or background in that issue. And that's the best way to reach people, and to have more people out there questioning, why isn't ICWA always followed? What are the arguments opposed to it? We know that there's such good outcomes when it is followed. So, I think that you can reach so many more people through a memorable story, an engaging story, it can really speak to people's hearts, minds and really just help our teens, help our people who are those last ones and help them find their way back home.

Sarah Kastelic: And lastly, I'll just ask, what do you hope that readers, especially readers that aren't familiar with Native communities and culture, what do you hope they take away from this story — In terms of the importance of Native kids' connection to their extended family, to their community, to their culture.

Angeline Bouley: I would say what I want readers to take away is that the law is there for a reason, and it has the best outcomes when it is followed, and not when it's subverted. And to someone it might be extra paperwork, but to a young person, this could be the connection that gives them a strength and connection with family, and those their family members - they may be waiting and wondering what has happened. We don't forget those lost ones, we know they're out there, and so hopefully, Tribes and communities have a way to welcome people back home.

Sarah Kastelic: The themes of what you wrote about are so relatable here at the National Indian Child Welfare Association. We get phone calls every week from Native people who are adult adoptees who are trying to find their way back home, to try to find their family, to find their community and it's such a common experience and you've



"I draw upon that. There can be no one great Native American story because we are not a monolith, and so I look at it as a mosaic of so many different stories that we can tell. And I just want to reach teen readers, and that adult crossover audience to weave these stories together."

written about it so eloquently, I feel like it's such a gift for people to be able to learn about this issue in the way that you're presenting it. So, I just want to say in my native language, Alutiiq, "Thank you"

Angeline Bouley: Thank you so much! It's a pleasure to talk with you about this important issue. I am an educator through and through, and so I hope that I continue to write stories that are telling aspects of our communities that we're willing to share and really help those teens and help people to reconnect with their native communities and families.

Bookmark

Print this page and cut out your own NICWA bookmark!



National Indian Child Welfare Association
www.nicwa.org



Become a Member Today!

Build your knowledge, relationships, and skillset, and join a network of strong, diverse child welfare advocates working to protect Native children and families for generations to come. By becoming a member, you are making an impact!

Scan the code to learn more!

