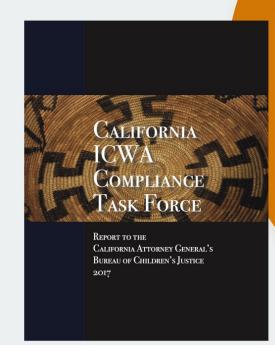


CTFC

The mission of the California Tribal
Families Coalition is to promote and
protect the health, safety and welfare of
tribal children and families, which are
inherent tribal governmental functions
and are at the core of tribal sovereignty
and tribal governance.

CTFC is a successor organization to the California ICWA Compliance Task Force.
The California ICWA Compliance Task
Force Report may be found at
www.caltribalfamilies.org.

The Presenters



Presenters

Geneva Shaw, MSW, is a Social Work Dept. faculty member at Humboldt State University. She has 12+ years experience as an administrator, direct practitioner, and technical assistance provider of social work in Tribal communities including 6 years with the Yurok Tribe developing, implementing, and reporting on many state and federally funded programs including Indian Child Welfare and Title IV-E. She is a Hoopa tribal member and Karuk/Yurok/Apache decent.

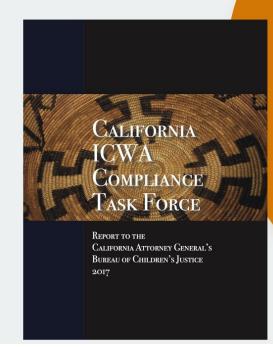
Kimberly Cluff, JD, has worked exclusively in the field of Indian law including advocacy and litigation connected to tribal economic development, Indian Child Welfare, domestic violence, strengthening tribal governance and tribal ordinance development. Ms. Cluff also extends her advocacy to legislative efforts, for example spearheading the California Tribal Customary Adoption Act.

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Permanency, in the context of this training means permanent connections for children and youth. This can be in the form of reunification or finding another permanent home and includes connections to the child's biological family, neighborhood, or culture. This training presents information, strategies, and concepts that, if pursued during the first 90 days of a child welfare case, may positively impact permanency efforts and outcomes.

Goals for this Webinar

Additional
Concepts to
Get Started

Let's see what we know...



1.Placement and Active Efforts: The Legal Standards in the first 90 Days

2. Social Work Practice lens on the Legal Standards

3. Advancing permanence conceptually & in practice



Aaron Yazzie

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Permanency

"Permanency is not a philosophical process, a plan, or a foster care placement, nor is it...a relationship that lasts only until the child turns age 18. Permanence should bring physical, legal and emotional safety and security within the context of a family relationship and allow multiple relationships with a variety of caring adults." --Gerald P. Mallon, D.S.W., at The Hunter College of Social Work, New York.

Beyond 18...



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Let's see what we know...

To understand where we are we going, we have been...



- 1880's-1960 -Indian Boarding Schools & Forced Assimilation
- 1950's Federal Termination policy & Indian Adoption Project.
- 1978 Passage of the Indian Child Welfare Act (ICWA)

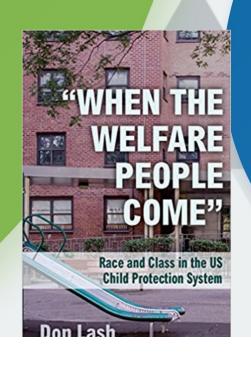










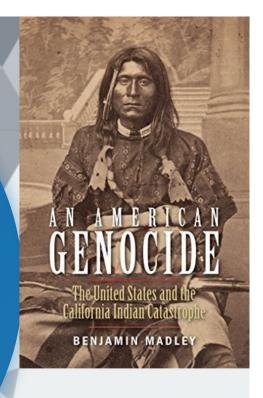


In the late 70's Congress heard:

Removal rate of approximately 25-35% for Indian children and the bad outcomes for removed children

The Congressional history states "[t]he wholesale separation of Indian children from their families is perhaps the most tragic and destructive aspect of American Indian life today."

Solution: **Different laws for Indian Children=ICWA,**Passed October 1978



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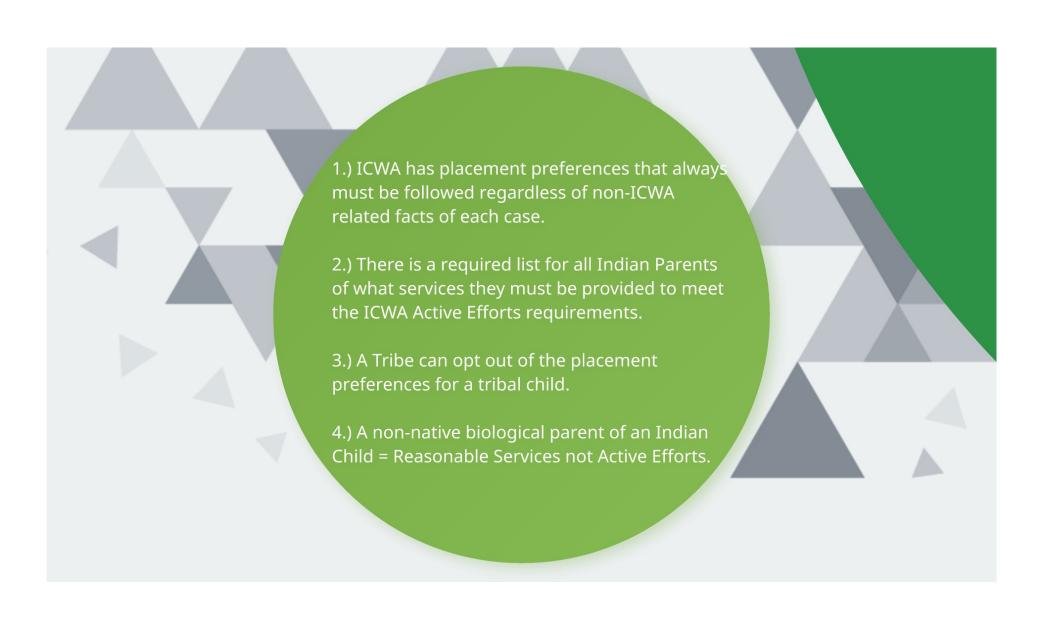


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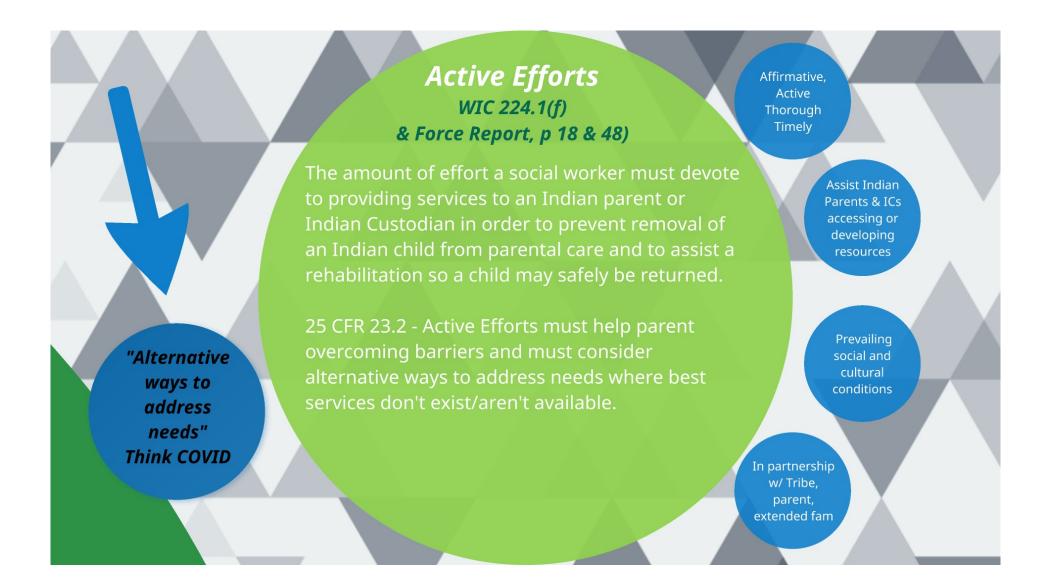
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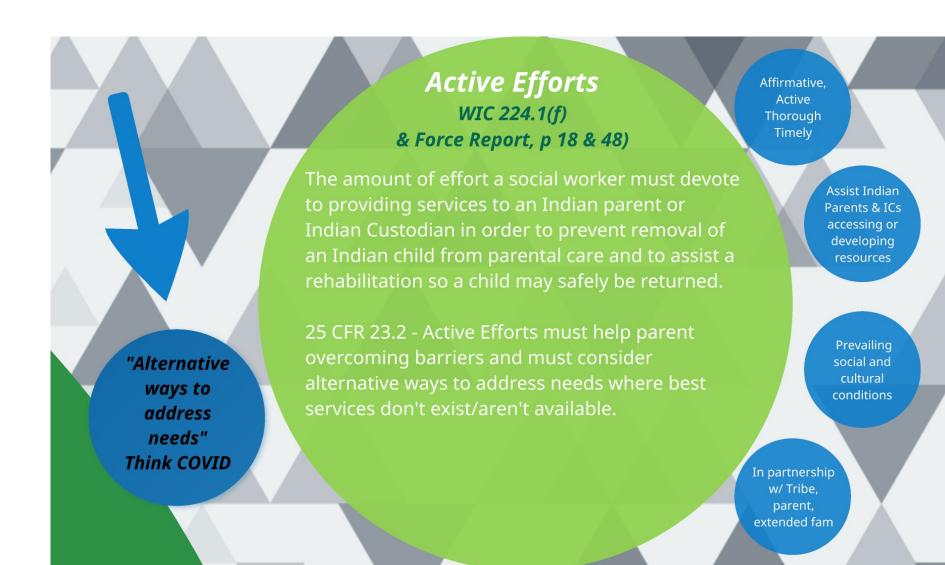
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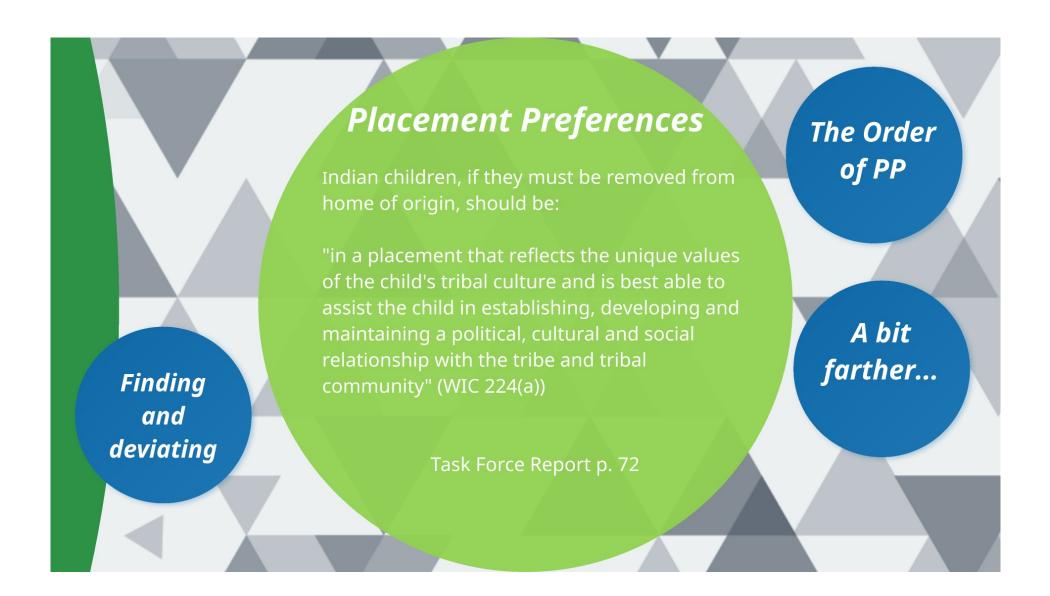










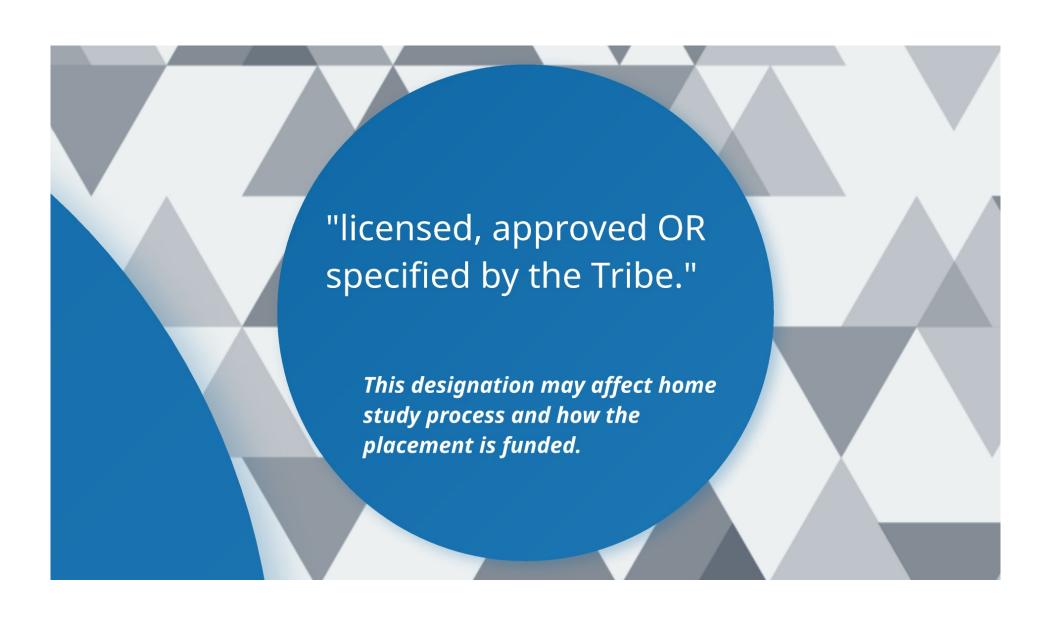


The Order...

- A.) For less than adoption (FC, G'ship)
 - 1. Member of Extended Family
 - 2. Foster home licensed, approved OR specified by the Tribe.
 - 3. An Indian Foster Home licensed by a non-Indian authority
 - 4. Institution approved or operated by Indian org that has program suitable to the child's needs.
- B.) For Adoption
 - 1. Member of Extended Family
 - 2. Other members of the Child's Tribe
 - 3. Another Indian family

For both types the Tribe can establish a different order, must be followed as long as least restrictive setting.

"Types" of home placements

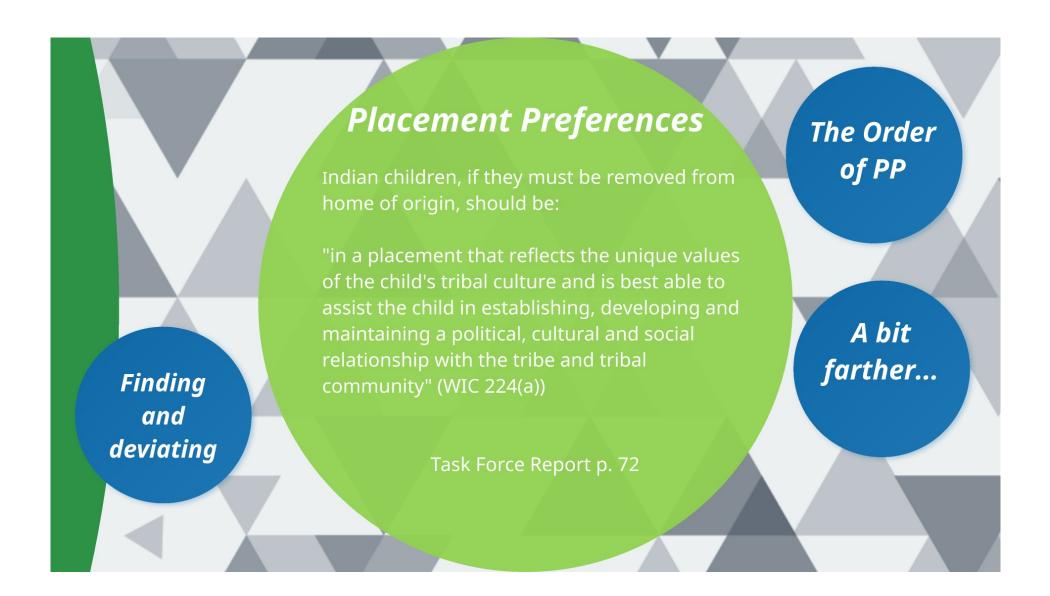


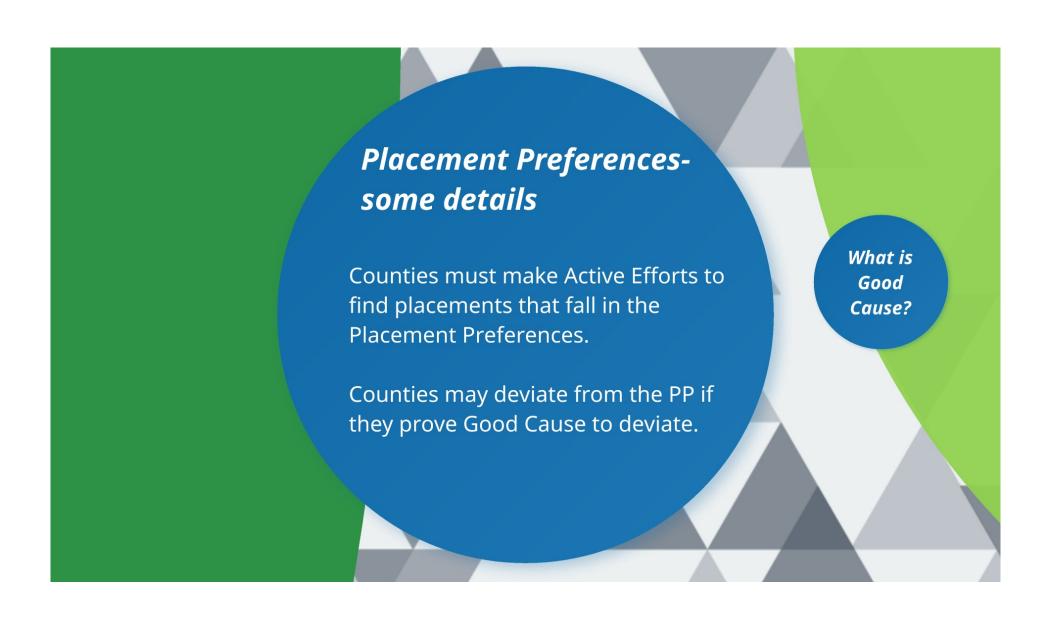
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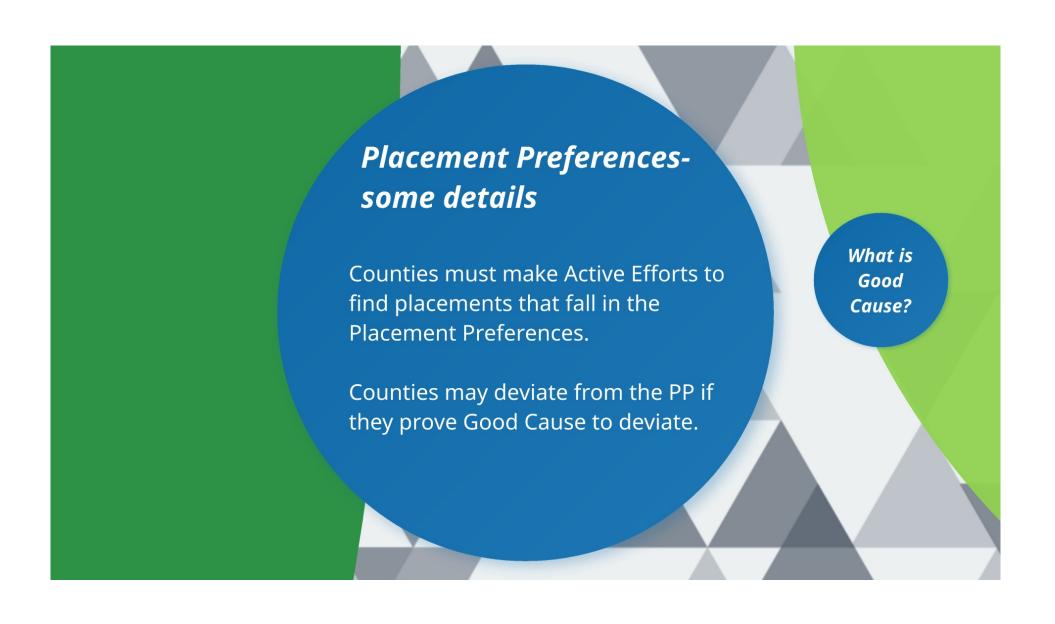


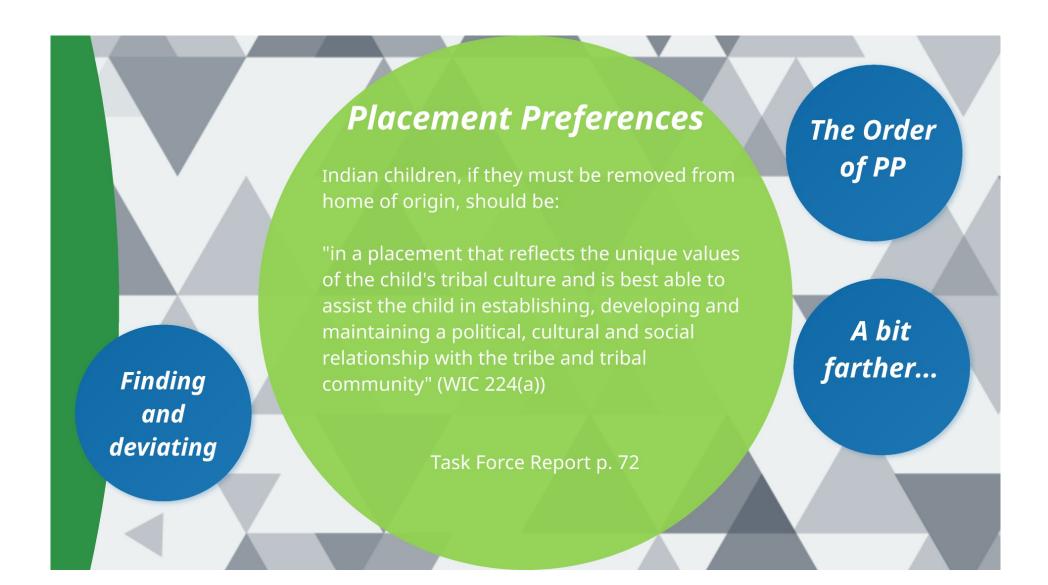


Good Cause deviations

The court may deviate from the placement preferences based on:

- 1. The request of Indian child's parents.
- 2. The request of the child, if the child has capacity.
- 3. Protecting sibling attachment.
- 4. The extraordinary physical, mental, or emotional needs of the Indian child.
- 5. The unavailability of a suitable placement after a diligent search and none has been located.





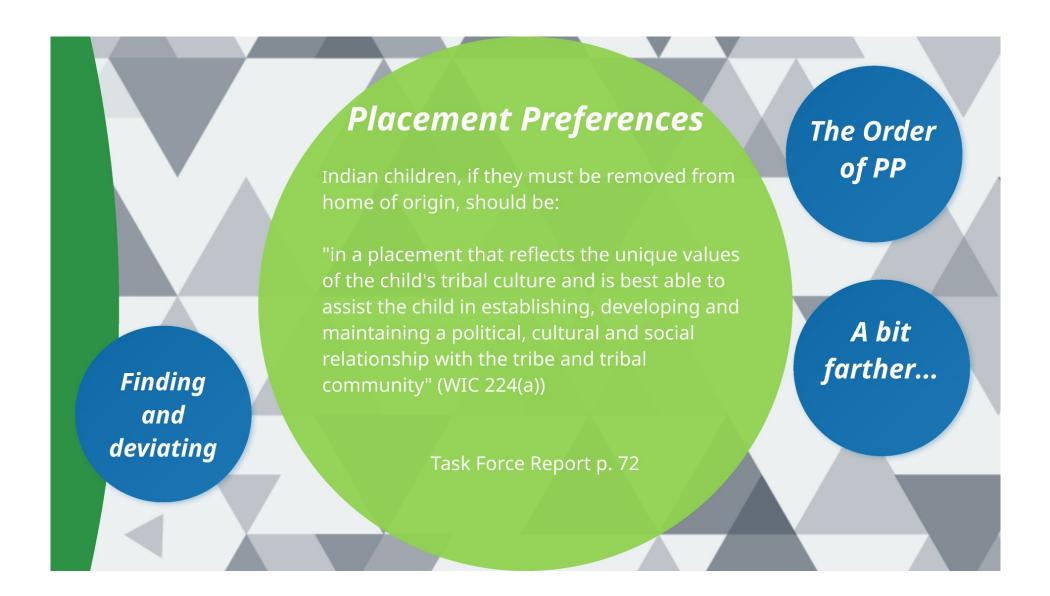
A bit farther into the weeds....

1.) A Tribally Specified Home is different than a Tribally Approved Home.

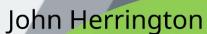
2.) The type of long term "permanent" out of home placement options available to Indian Children are different, e.g: Tribal Customary Adoption under CA law is only available in an ICWA case.



Thomas David Petite









25 USC Section 1921

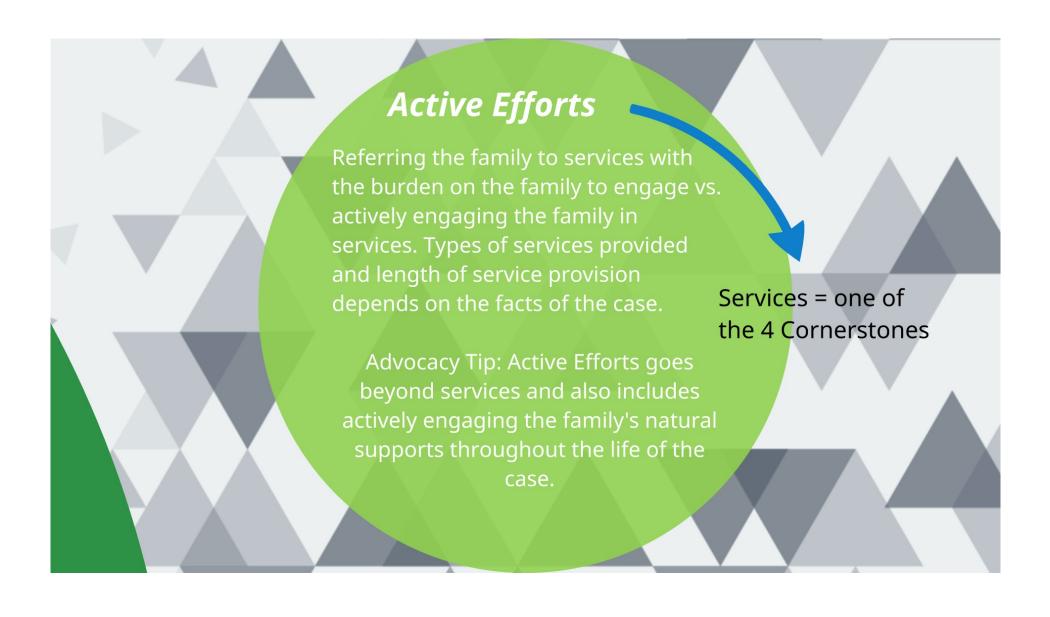
"In any case where State or Federal law.....provides a higher standard of protection to the rights of the parent or Indian custodian of an Indian child than the rights provided under this subchapter, the State or Federal court shall apply the State or Federal standard"



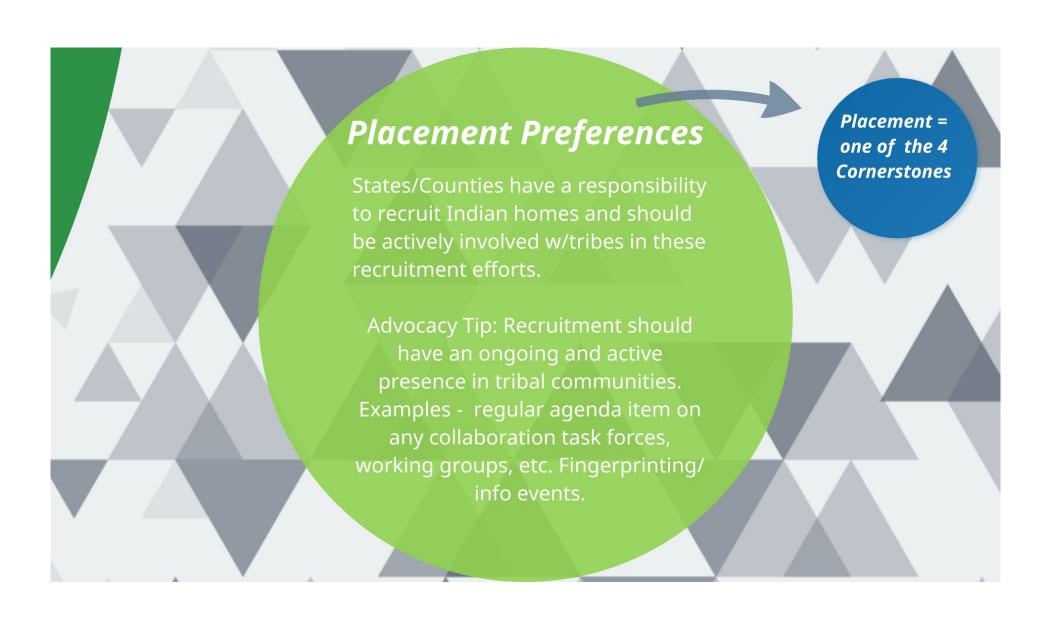




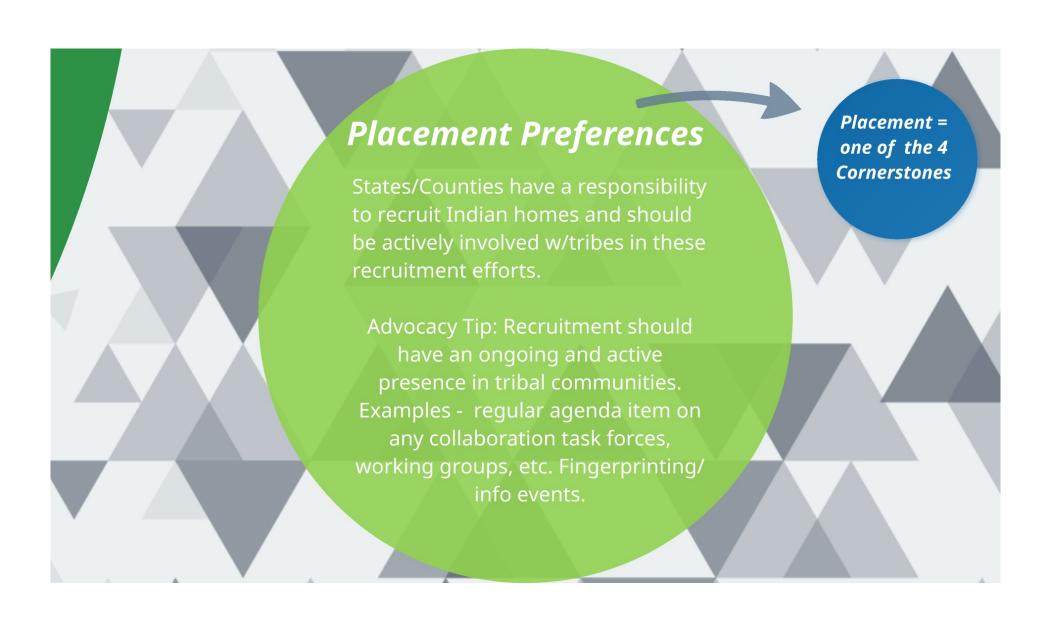




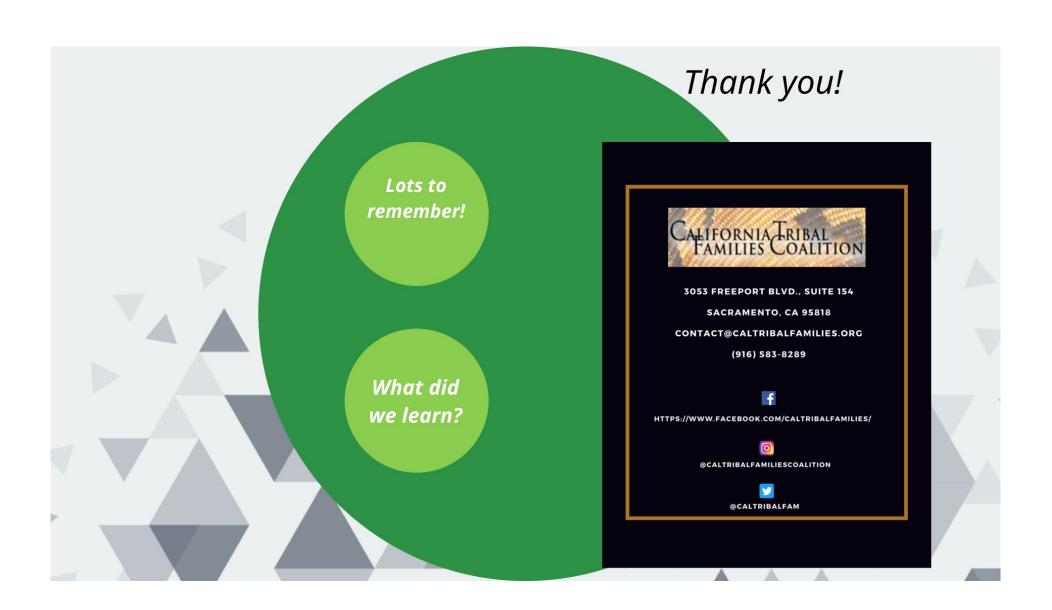






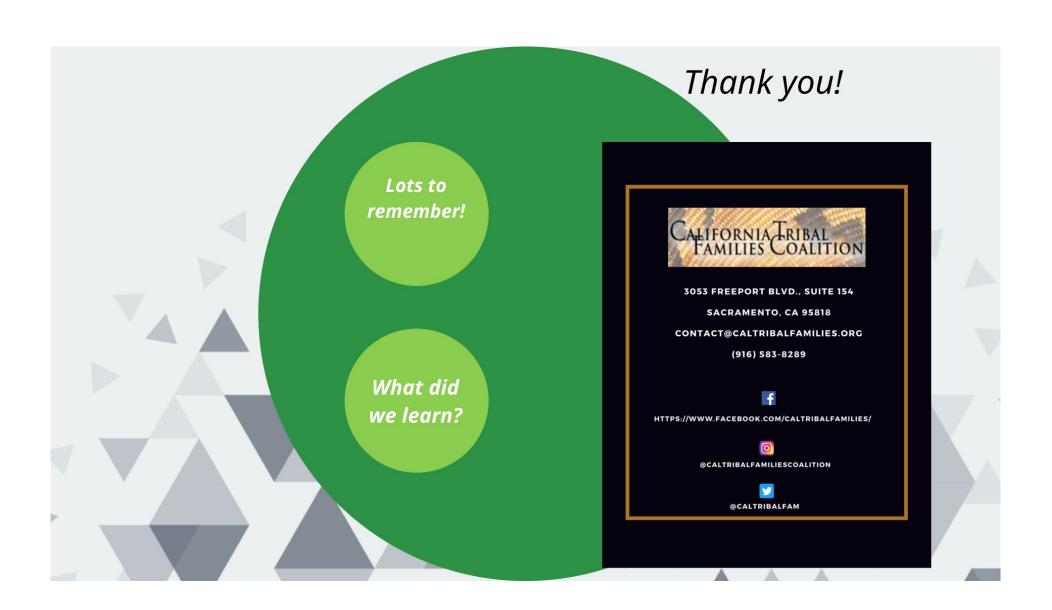






That's a whole lot of information....

There are many excellent resources out there that help navigate the Minimum Federal Standards and California State law. You do not have to memorize! For example, the Judicial Council of California has a 4 page summary. Caution: Always be sure the resources are up to date!



Let's test ourselves...

- 1.) ICWA has placement preferences that must be followed regardless of non-ICWA related facts of each case. **FALSE**
- 2.) There is a required list for all Indian Parents of what services they must be provided to meet the ICWA Active Efforts requirements. **FALSE**
- 3.) A Tribe can opt out of the placement preferences for a tribal child. **FALSE**
- 4.) A non-native biological parent of an Indian child gets Reasonable Services not Active Efforts. **FALSE**

Extra Credit: Name a famous engineer that is American Indian.

