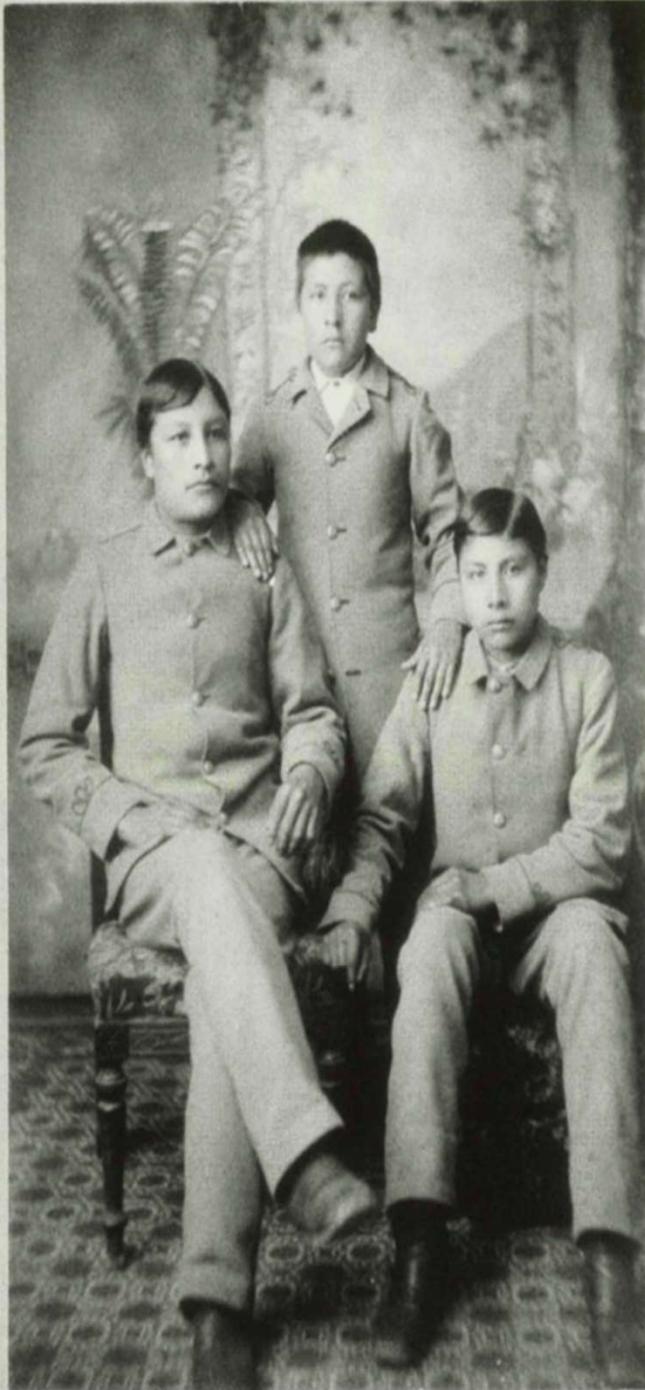


COMMISSION ON NATIVE CHILDREN: ICWA July 15, 2022



Panelist: Judge Bill Thorne, Dr. Angelique Day, & Dr. Priscilla Day



Taken 6 months after entrance to school.

“Kill the
Indian,
Save the
Man”



Family Separation & the Legacy of Indian Child Removal

Education at boarding schools was intended to assimilate Native American children, like this group of Chiracahua Apaches at the Carlisle Indian School, into white society. (National Archives, 1886).

Contemporary inequalities are rooted in a long history of Indian family separation.

Our Past Shapes Our Present

Past

Slavery and
colonization

The legal codification
of race

Forced removal of
Native children to
boarding schools

Continued Indian child
removal through child
welfare and juvenile
justice

Continued
institutionalization of
racism

Whiteness and
advantages

Social Impacts

Housing and legalized
segregation

Inequitable Laws: Poverty
& Child removal

Trauma & Family
surveillance

Continued over
representation of Indian
children and families in
CW and Mass
incarceration

Laws and policies that
privilege specific groups

Stereotypes

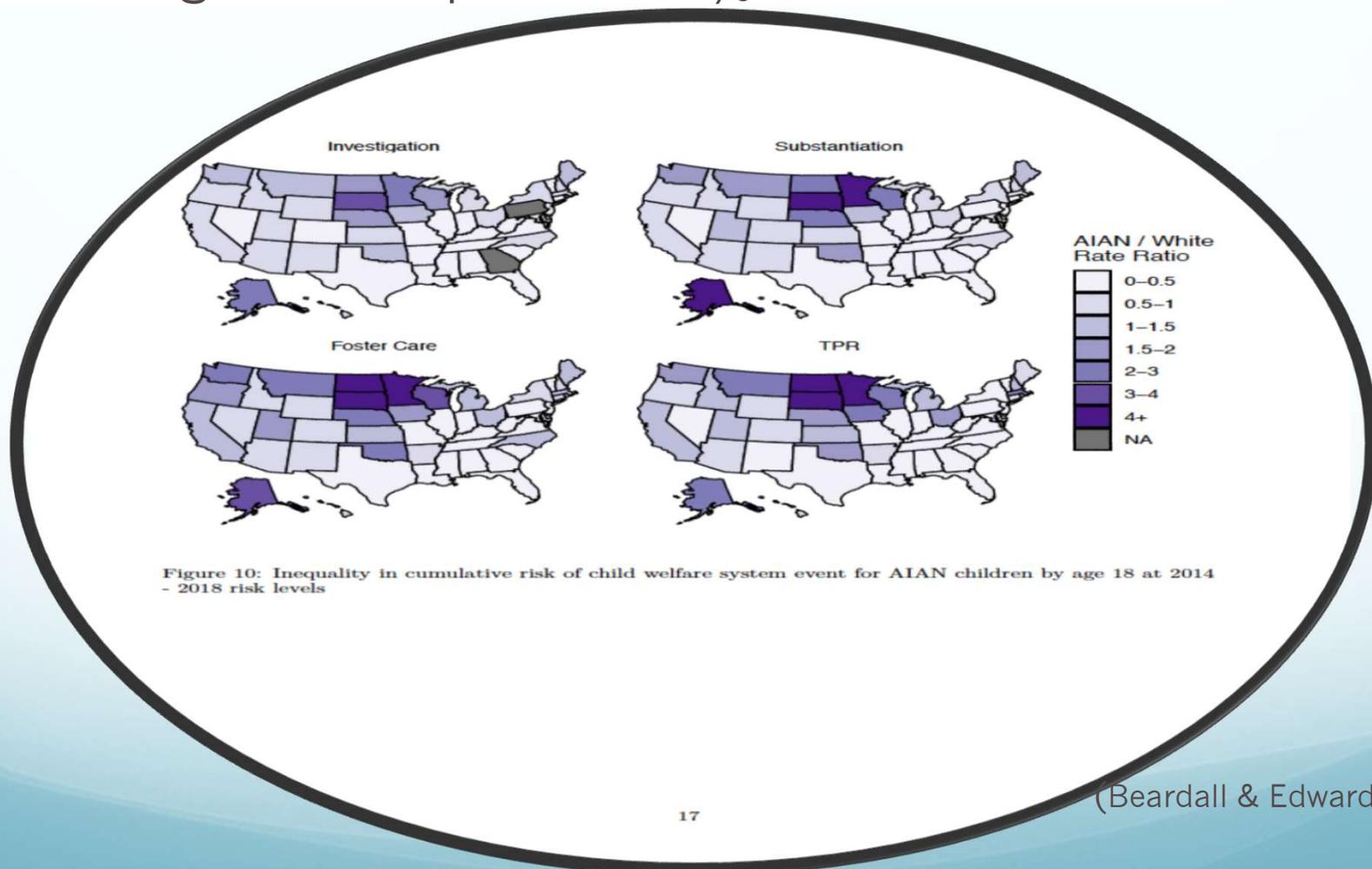
Inequities in education,
health, and wealth
building

Present

National Level Data Today

Show the legacy of Indian Child Removal

15% of Native children can expect to enter foster care at some point before age 18 compared to 5% of White children.



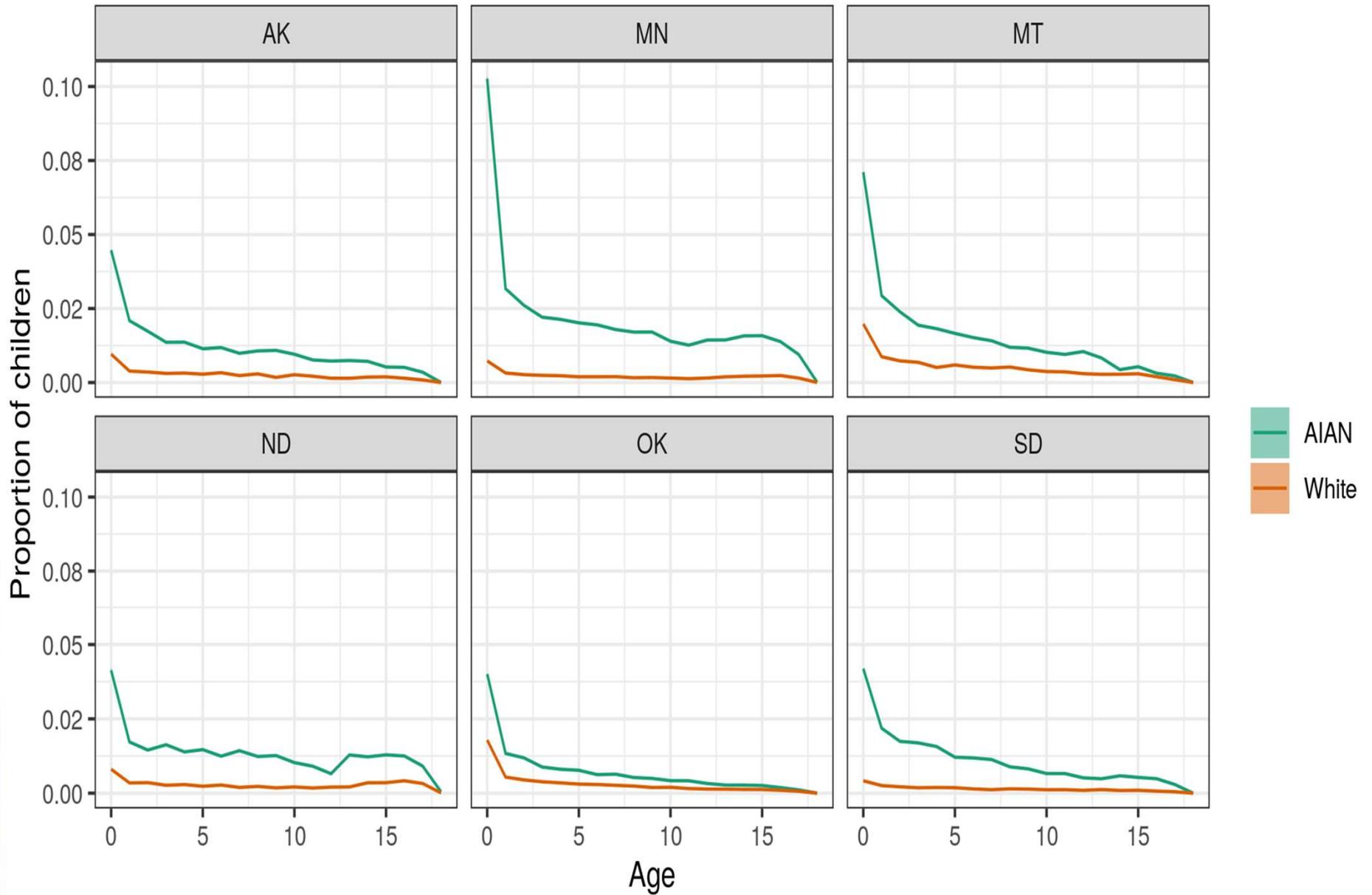
(Beardall & Edwards, 2020)

MINNESOTA TRIBAL CW

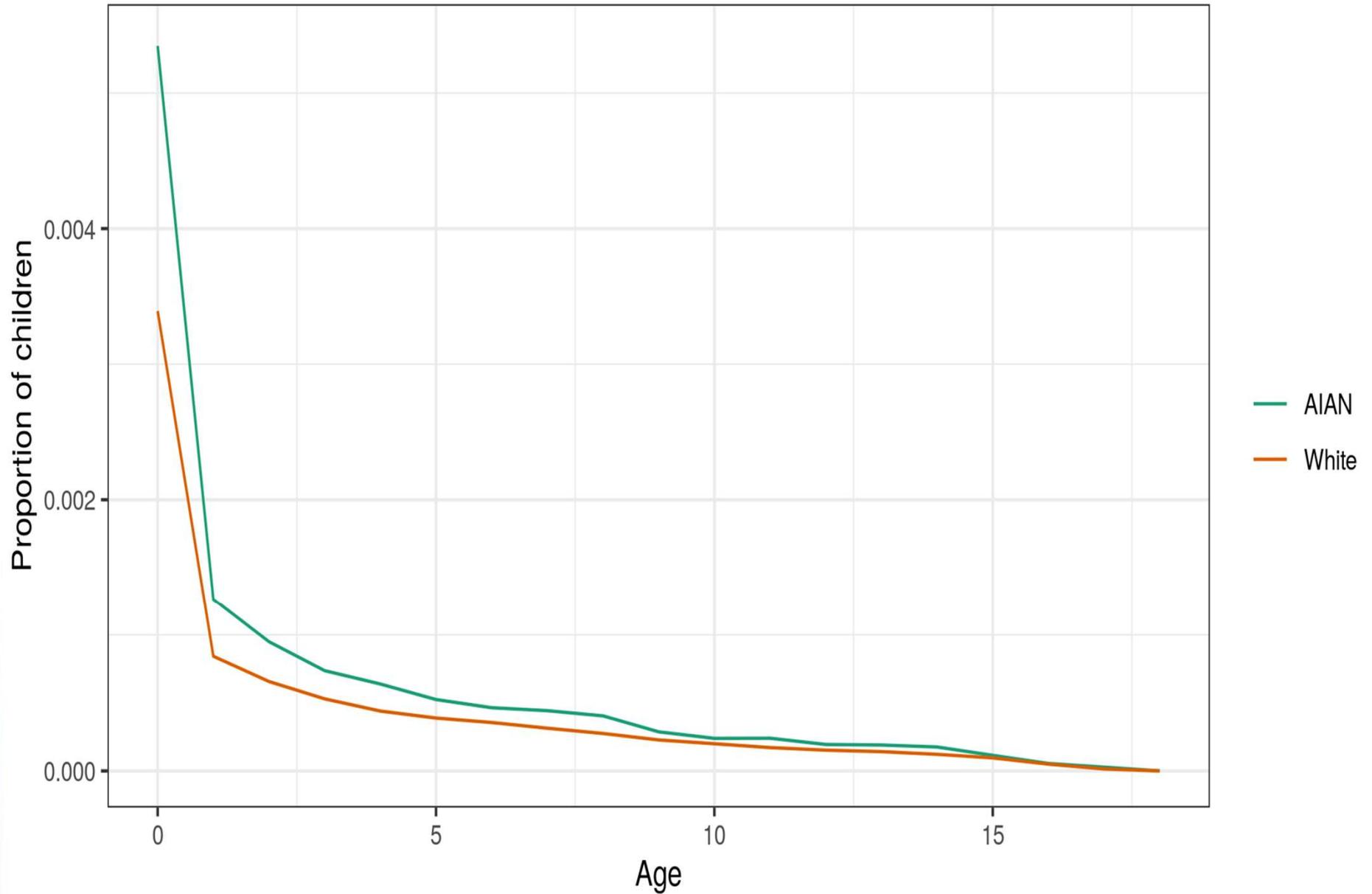
- Half (50%) of AI/AN children in MN will have their families investigated by CW
- Compared to white children, AI/AN are 3x more likely to be investigated;
- 4x more likely to have a substantiated care = 20% before age 18;
- 30% will experience out of home removal (foster care);
- 25% will experience full TPR – pre-ICWA levels

(Beardall & Edwards, 2020; MN DHS, 2020)

Foster Care in high-risk states



Age-specific risks of termination of parental rights (US), 2014 - 2018



ICWA OVERVIEW



- ICWA passed in 1978
- Remedy High Removals



- Goal: Family and Cultural Preservation
- Based on: Tribal Sovereignty



- Ongoing: High Rates of Removal (under age 1)
- Over 40 Years: Never Fully Implemented

ICWA – Blueprint for Child Welfare Transformation

ICWA: Gold Standard CW Policy & Practice

1st national legislation with a preference for preserving families by placing children with relatives

Since the passage of ICWA, 48 states have language that prefers relatives when a child is placed out of the home

ICWA contained the strongest language in favor of family preservation as an important option for children in out-of-home-care until the passage of FFPSA in 2018

ICWA ensures dependency courts consider prevailing cultural and social standards and AI/AN children stay connected to their tribes and cultures



Active vs. Reasonable Efforts?

Active Efforts

- Federal standard for Indian Children
- National definition provided in 2016 AFCARS regulations
- Designed to prevent unnecessary removals and prevents further trauma to children and the family
- Designed to prevent removal; CPS is actively involved in locating and guiding family through remedial and rehabilitative services for the family
- Active efforts required in all cases
- Active efforts are a higher standard than reasonable efforts

Reasonable Efforts

- Federal evidentiary standard for all children
- No national definition
- No national standard of evidence for removal or termination of parental rights
- Designed to prevent removal when possible; CPS identifies services, families often have to navigate resources with limited support from CPS
- Reasonable efforts not required in some situations

MN ICWA Innovations

- ICWA Courts-NCJFCJ-data to support improved family permanence and reunification
- Tribal Visioning and Tribal Strategic Planning
- Funding of Tribal Training Certification Partnership through University of MN Duluth-trains all new CW workers in state and provides TA/training to individual tribes to meet their needs
- Funding for Tribal FFPSA Planning-environmental scan; tribal practice maps of 6 partner tribes and statewide; recommendations for MN to add to state FFPSA plan
- Tribal innovations-Red Lake

Return to the Circle: Community Activated Healing



My Two Aunties

White Earth Adoptees/Birth Parents/Fostered Individuals

Wiiazhegii Wem

There is a returning

June 7, 8, 9 2018

**Shooting Star Casino
Mahnomon, MN**

The White Earth Band of Ojibwe recognizes the importance of acknowledging all its relatives and wishes to provide a time of healing. Our community has been deeply impacted by systematic child removal, especially prior to the passage of the Indian Child Welfare Act. It is time to welcome our adoptees back home, nurture our birth parents, to come together and provide healing and reconnecting.

White Earth will be offering a community forum

Forum – June 6,7,8 2018 at the Shooting Star Casino, Mahnomon MN.
Wednesday 6:00 p.m. reception
Thursday - 9:00 a.m. – 4:00 pm
*Full moon ceremony in the evening
Friday – 9:00 a.m. – 4:00 pm
*Sweat lodge ceremony in the evening
Please register, as we are providing all meals and need to know for planning. Block of rooms reserved at Shooting Star Casino under Welcome Home Gathering.

SICANGU LAKOTA OYATE ADOPTEES

Welcome Home Gathering

Wičoičage Aki Un Kuṕi
"Generation After Generation, We Are Coming Home"

**Saturday,
August 29, 2015**

Rosebud Wacipi Arena, SD

The Rosebud Sioux Tribe will host a Welcome Home Ceremony during the Annual RST Wacipi & Fair for our relatives who have been adopted out or grew up in foster care. This is also an invitation to birth mothers, birth fathers, grandparents and any other relatives touched by adoption. We welcome you to attend this special ceremony of healing the grief caused by the years of separation from family and community.

**Welcome Home Ceremony to begin After Saturday Evening Grand Entry.
Gathering for Adoptees to be held from 10:00 am - 5:00 pm on Saturday,
with Location TBA.**

For More Info & Any Questions,
Please Contact,

Sandy White Hawk: www.wearecominghome.com
(651) 442-4872
sandywhitehawk@gmail.com

Marlies White Hat:
(605) 856-8203
marlies.whitehat@sintegleska.edu

Welcome Home Healing Ceremony

The UMD Center for Regional and Child Welfare Studies, Summer Institute in American Indian Child Welfare will host a Welcome and Healing Ceremony for relatives who have been adopted or grew up in foster care. We also invite birth mothers, birth fathers, grandparents and any other relatives touched by adoption to participate.

This special welcoming ceremony is to heal the grief caused by the years of separation from family and community and is open to anyone who was impacted by out of home care.

The ceremony will be held at Northern Lights Casino in Walker, July 11th starting at 8:30 a.m.

Please call: Sandy White Hawk at 651-442-4872 or email Priscilla Day at pday@d.umn.edu with any questions.

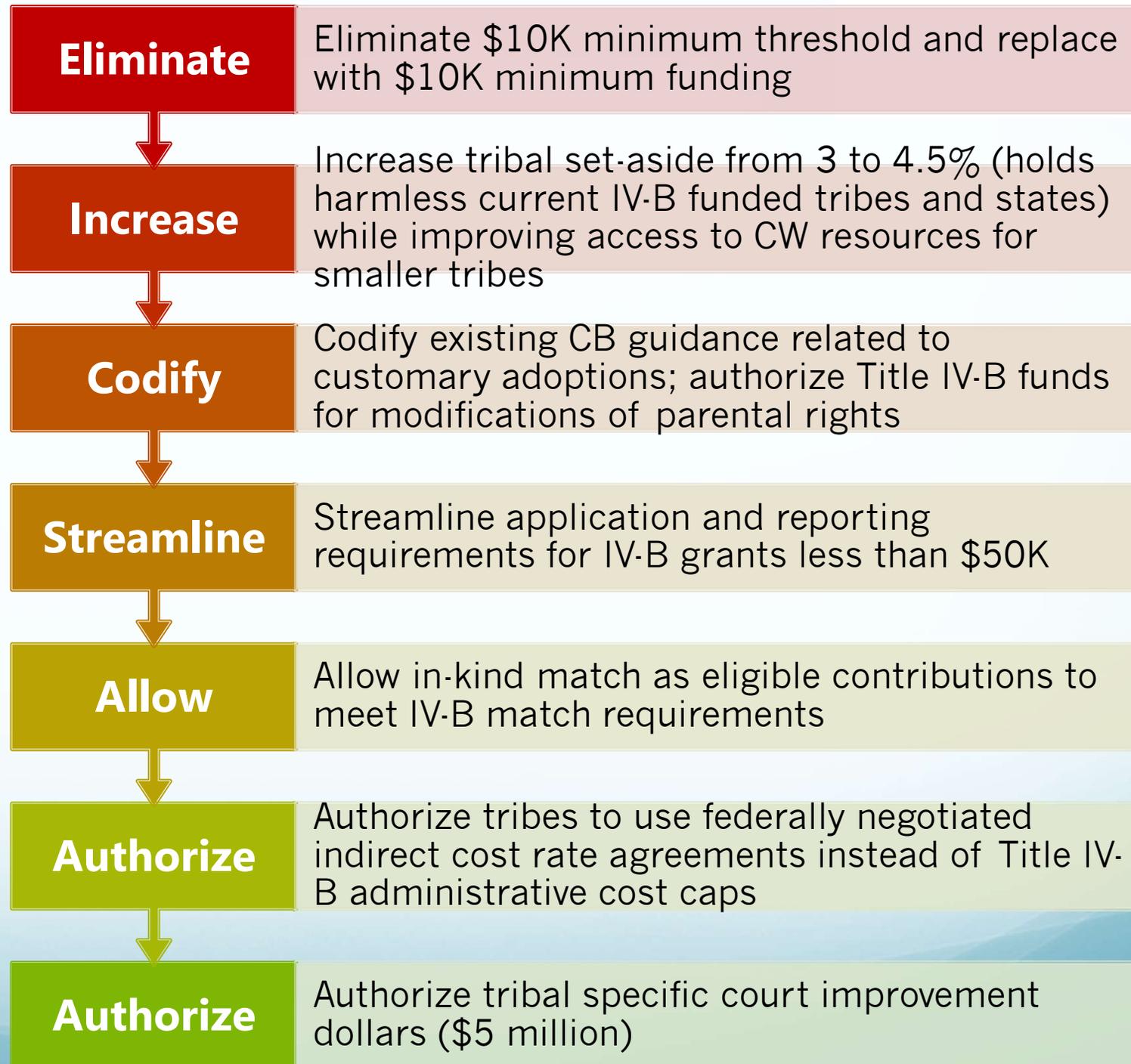
Structural Change Recommendations



- ✓ Laws & Policies
- ✓ Partnerships
- ✓ Practices
- ✓ Safety Networks
- ✓ Judicial Practice
- ✓ Cultural Restoration
- ✓ Tribal IV-E & IV-B Expansion

- Repeal harmful laws like US Adoption and Safe Families Act – unreasonable timelines & financial incentive for adoption; FFPSA-add concrete resources
- Cross-system partnerships (tribal/state; behavioral health, law enforcement, medical, substance abuse, etc.)
- End mandated reporting, infant drug testing, and other over-surveillance of families, neglect diversion rather than removal
- Universal basic income and other concrete family supports; proposed legislation to add these
 - ✓ Culturally supportive housing developments – Lummi Tribal Nation-WA & Native Connections-AZ
- Customary adoption – No TPR (termination of parental rights); restore intergenerational connectedness
- Peacemaking courts (not adversarial but healing; engage in family group input and responsibility)
- Restorative tribal practices-*Uplifting our Relatives; Seven Grandfather Teachings Practice Models (onboarding, policies and procedures, organizational structures, engaging with families, staff self care)*

Tribal Family Fairness Act





SUMMARY AND DISCUSSION



Thank You!

Dr. Priscilla Day

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