

Checklist for Judges When Placing Indian Youth in Non-Indian Homes

Introduction for Judges: When an Indian child is lost in the Child Welfare System, it damages the child, the Tribe, and the Tribal community. This checklist has been developed to help judges determine the best circumstances surrounding placement of a child in a non-Indian home to strengthen the potential for a successful outcome.

Purpose: The Indian Child Welfare Act of 1978 (ICWA) requires that American Indian children in the child welfare system be placed in American Indian homes and families, if they must be removed from their immediate family. The order of placement is as follows:

- 1) placement with a Tribal relative (member of the extended family as described by the Tribe);
- 2) placement with a member of the child's Tribe;
- 3) Placement with a member of a Tribe (not the child's tribe); and finally; in a non-Indian home or institution approved by the Tribe.

The following list is developed for those instances where Tribal children or youth will be placed into a non-Indian home. The list provides guidance in an effort to strengthen cross-cultural collaboration that supports positive outcomes for the Native child.

Placement

1. Has probation or CW staff contacted the local Tribal ICWA to determine if there are Tribal foster homes or group homes that are tribally run or that have a good relationship with the local Tribes (where there may be other Tribal youth)?
2. If foster care is deemed necessary, are the foster parents able to provide access to traditional and cultural teachings and life experiences?
3. Will the foster parents be able to support the child's cultural development?

For the Tribal Youth

1. Does the child have access to his or her Tribal family, nuclear and extended, including moiety, and clan relations?
2. Does the child have access to information where he or she can learn about his or her cultural heritage?
3. Does the child have the opportunity to experience and participate in cultural activities such as Fiestas, Gatherings, Pow-wows, and Sweat Lodge, Rites of Passage (puberty, grieving ceremonies, and wakes)?
4. Does the child have access to culture bearers, Elders, traditionalists, and gatekeepers?
5. Does the child have access to culturally appropriate and sensitive wrap around services including mental health, health care, recovery and tribal healing ceremonies?

Background: This list is developed as a result of focus groups conducted with Tribal community members, including youth, Tribal gatekeepers and culture bearers. It was developed in



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Addressing the Needs of Tribal Foster Youth an effort to create concrete recommendations for judges, probation, child welfare, and other staff involved in placement and case planning and who are aware of the importance of ensuring that Tribal children and youth have continued contact with their traditions, culture, and families while they are in the Child Welfare (CW) system. It is acknowledged and well documented that there is great disproportionality with over representation of Tribal youth in the CW system. The National Indian Child Welfare Association (NICWA) has documented that improved outcomes and resilience is achieved when Tribal youth maintain connection to their culture, history and family in order to achieve and maintain a healthy identify. When connection is severed there are resulting poor outcomes for youth including high suicide rate, mental and physical health issues and participation in risky behaviors such as drinking alcohol, using illegal drugs, sexual acting out, teen pregnancy and homelessness. The initial checklist was sent as a draft to community and ICWA workers for review. Their comments have been integrated into this document.

Limitations of these recommendations: At the end of 2006, it was clear that much work needs to be done in building service-related bridges between child welfare agencies, the courts, and Tribal communities, especially those services that will support successful and culturally centered services to Tribal youth in the CW system. The list contains recommendations that will require both Tribal and non-Tribal entities to engage in candid discussions with a focus on meeting the needs of Tribal foster youth. The biggest challenge for youth receiving CW services is reintegration back into Tribal families and Tribal cultural systems. Ensuring that youth have access to Traditional mentors and cultural gatekeepers may be difficult to achieve. In some cases, Tribes may not have the infrastructure or resources to support youth reintegration into their Tribal communities. Tribal STAR has published an article "Bringing them Back", the result of a workshop Tribal STAR conducted at a NICWA conference that was held in San Diego, CA, for review and background.

Recommendations For the Foster Parents: (Non-Indian foster parents or those from a tribe different from the child or youth)

1. Parents should know and support the child's Tribal identity;
2. Parents should have access to information about Tribal cultures – including the youth's specific Tribe;
3. Parents should have access to cultural events that are planned for their area and need to integrate this into their care for the child;
4. Parents should know where to access culturally appropriate and sensitive wrap around services for the child, such as Indian Health Services and other services as appropriate and available;
5. Parents should plan to ensure their child continues to maintain contact with their Tribal family relations;
6. Access to resources and contacts should be provided for families to receive assistance in gaining entrance to tribal traditional teachings, ceremonies, and tribal activities.

Judges Checklist

Issue				
Placement	Yes	No	Person to Follow up	Date
Has probation or CW staff contacted the local Tribal ICWA to determine if there are Tribal foster homes or group homes that are Tribally run or that have a good relationship				
If foster care is deemed necessary, are the foster parents able to provide access to traditional and cultural teachings and life experiences?				
Will the foster parents be able to support the child's cultural development?				

For the Tribal Youth	Yes	No	Person to Follow up	Date
Does the child have access to his or her Tribal family, nuclear and extended, including moiety, and clan relations?				
Does the child have access to information where he or she can learn about his or her cultural heritage?				
Does the child have the opportunity to experience and participate in cultural activities such as Fiestas, Gatherings, Pow-wows, and Sweat Lodge, Rites of Passage (puberty, grieving ceremonies, and wakes)?				
Does the child have access to culture bearers, Elders, traditionalists, gate keepers?				
Does the child have access to culturally appropriate and sensitive wrap around services including mental health, health care, recovery and tribal healing ceremonies?				

For Parents	Yes	No	Person to Follow up	Date
Will the parents receive information and support for successful follow-through with recommendations?				