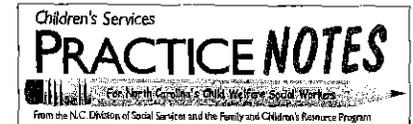


# Working with American Indian Families

*Excerpts reprinted with permission from Children's Services Practice Notes, Volume 11, Number 2, February 2006. In this article, the term "American Indian" is used interchangeably with "American Indian/Alaska Native" solely for the purpose of brevity.*



Despite their amazing cultural variety, all American Indians have one thing in common: a history of astounding resiliency.

Today, after centuries of violence, racism, and adversity, American Indian tribes are growing and continuing as unique, vibrant cultures. Many Indian families are thriving, healthy, and strong. They are nurturing their ancient ways, building their economies, strengthening their communities, and looking to the future with optimism and hope.

Yet oppression has left its mark. Many people believe that Indians' history of discrimination and forced assimilation is the true reason for the alcoholism, drug abuse, and domestic violence that plague some Indian families (Gover, 2000).

Whatever their cause, problems such as these can make it hard for some Indian families to ensure the safety and well-being of their children. To work successfully with Indian families in crisis, child welfare workers must keep several things in mind.

First, they must understand that many Indians are citizens not only of the U.S. but also of their own tribes, which are distinct sovereign entities. Because of this, child welfare practice with many Native people is governed by the Indian Child Welfare Act (ICWA), a federal law with which all child welfare workers must comply.

Child welfare workers must also understand that our government's past efforts to break up Indian families and destroy Native culture casts a terrible shadow over their work. Though it goes back many years, this

history extends to the very recent past and directly involves child welfare agencies.

They say that past behavior is the best predictor of future behavior. If this is true, unless they make a special effort to learn about, partner with and support American Indian children and their tribes, child welfare workers today are probably still at serious risk of misunderstanding and harming Native families.

The following brief history and tips regarding dealing with tribes and cultural considerations are provided to help you guard against the mistakes of the past and prepare for successful partnerships with American Indian families in the future.

In their dealings with the American Indians, the American government's initial policy was a well-chronicled one of extermination. After 1871, the policy shifted to one of assimilation (Halverson, et al., 2002). Boarding schools, adoptions and child welfare intervention were a significant part of this effort.

From the 1950s to the 1970s many private organizations tried to "save" Indian children by removing them from their homes and placing them for adoption in non-Native homes (Goldsmith, 2002). At the same time, Indian children were placed in foster care at shocking rates: a 1969 survey conducted in 16 states with large Indian populations found that between 25% to 35% of all Native children were removed from their families and placed in foster or adoptive homes. In some states Native children were 13 times more likely to be

removed from their homes than non-Native children (Goldsmith, 2002; CWLA, 2005). The majority were placed in non-Native foster homes.

Statistics such as these, as well as ten years of hearings, led Congress to pass the Indian Child Welfare Act of 1978. The law can be seen as an effort to end state and county child welfare policies and practices that Congress believed were devastating American Indian tribes. ICWA does several important things to protect Indian children and Indian tribes. First, it establishes a federal standard that defines what is in the best interests of Indian children. This standard is different from the standard for other children, in part because Indian children enjoy a different status in the courts because they are also part of tribes, which are distinct sovereign entities. This standard acknowledges that it is of vital importance to the well-being of Indian children to protect their rights as Indians, including their right to be raised in a home that immerses them in their cultural heritage (Goldsmith, 2002).

ICWA also protects the decision making role of the child's tribe by requiring state courts and child welfare agencies to notify tribes, invite them to intervene, and comply with tribal preferences during: 1. Foster care placements, 2. TPR proceedings, 3. Preadoptive and adoptive placements, and 4. Juvenile court custody or guardianship of the juvenile. Even if a tribe initially declines to intervene, it can change its mind at any time.

*(Continued on page 18)*

### 10 Tips for Collaborating with Tribes Under ICWA and Adoption and Safe Families Act (ASFA)

1. Approach tribes with respect as unique, sovereign entities. Treat tribes as partners.
2. Know the law and state/tribal agreements.
3. Inquire whether children/parents are American Indian in all cases at every stage of the case.
4. Provide tribes with timely notice of ICWA cases. Be sure to notify the right contact at the tribe, usually the social service provider.
5. Give tribal court orders and acts full faith and credit. Tribal courts have full authority to conduct Indian child custody proceedings (ICWA, P.L. 95-608, Section 1911 (d)).
6. Work collaboratively with tribal social workers in implementing ICWA requirements; include tribal social workers in all aspects of case plan development, including permanency planning.
7. Remember that the ICWA active efforts requirement is a higher standard of service than the reasonable efforts requirement under ASFA.
8. Contact extended family members. Remember that American Indian extended families are much larger than mainstream families and include relatives beyond grandparents, aunts, uncles, and cousins.
9. Follow ICWA or tribal placement preferences.
10. Do not fast-track potential Indian child welfare cases without immediately involving the tribes and/or extended family members.

Source: Amanda Cross, *Institute for Child and Family Policy, Univ. of Southern Maine, in consultation with NICWA (Muskie, 2003).*

### Cultural Considerations for Child Welfare Practice with Native Americans

**Help-seeking patterns.** For various reasons Native people may be reluctant to seek "official" help. If an individual is unable to resolve a problem on her own, she will commonly turn to the following resources, in this order:

1. Immediate family
2. Extended family (cousins, aunts, uncles)
3. Religious leader
4. Tribal council/organization
5. Mainstream resource system

**Time.** Indian people may not feel a sense of urgency about time. Many will come to an appointment late—or not at all—if they have something they believe is more important to do. Events that may be considered more important can include the needs of family and friends, family crises, ceremonies, or deaths.

#### Communication Styles.

**Nonverbal.** Often Indian people communicate a great deal through nonverbal gestures, such as using downcast eyes or ignoring an individual when they are unhappy with or disagree with a person.

**Humor.** Indians may use humor to express truths or difficult messages, and might cover great pain with smiles or jokes. It is important to listen closely to humor, as it may be seen as invasive to ask for too much clarification.

**Criticism.** It is often considered unacceptable for an Indian person to criticize another, even if the individual has been exceedingly abusive. There is a common belief that people who have acted wrongly will pay for their acts in one way or another, although the method may not be the legal system.

Sources: AIMHAC, 2004; Dial, 2005

### Article References and Reader Resources

American Indian Mental Health Advisory Council. (2004, March). "Cultural competency guidelines for the provision of clinical mental health services to American Indians in the state of Minnesota." (edocs.dhs.state.mn.us/lfserver/Legacy/DHS-4086-ENG)

Cross, T. (2005, May 24). "Disproportionality in human services: A broad view of disparities faced by American Indian and Alaskan Native children in human services." Presented at the teleconference Racial Disproportionality in Child Welfare: Tools and Strategies for Change - Session I - May 24, 2005 (hunter.cuny.edu/socwork/nrcfcpp/downloads/ppt/native\_american\_disproportionality.ppt)

Goldsmith, D. J. (2002). "In the best interests of an Indian child: The Indian Child Welfare Act." *Juvenile and Family Court Journal*, 9-17.

Gover, K. (2000). Kevin Gover, Assistant Secretary-Indian Affairs, Department of the Interior. Speech delivered at the Ceremony Acknowledging the 175th Anniversary of the Establishment of the Bureau of Indian Affairs, September 8, 2000. (bureau-of-indian-affairs.com/goverstatement.html)

Halverson, K., Puig, M. E., & Byers, S. R. (2002). "Culture loss: American Indian family disruption, urbanization, and the Indian Child Welfare Act." *Child Welfare*, 81(2).

For the full text of this article, see [practicenotes.org/vol11\\_no2.htm](http://practicenotes.org/vol11_no2.htm).

F

Fall 2006  
Vol. 22, No. 4

Stand Up

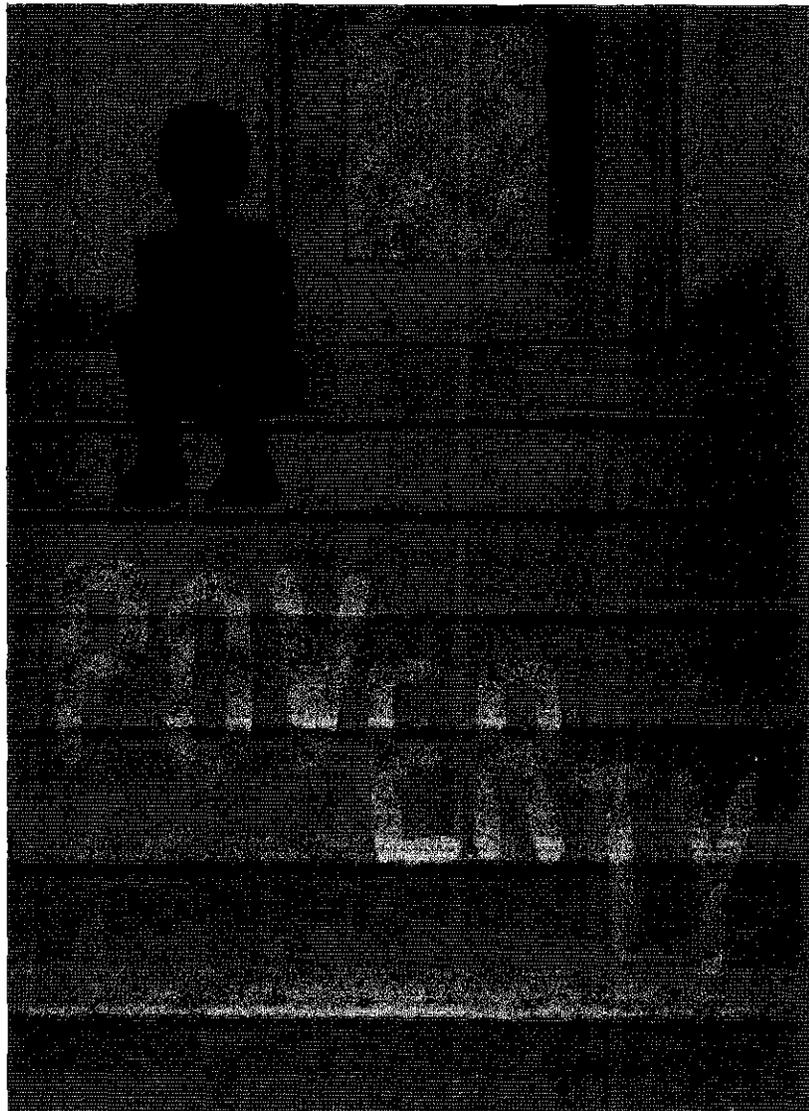
for an

Abused

Child<sup>®</sup>

# the CONNECTION

News and Information from the National Court Appointed Special Advocate Association



## The Interplay of Poverty and Child Welfare

Also in This Issue:

Youth Editorial

Working with American Indian Families

CBS Cares Profile



CASA  
Court Appointed Special Advocates  
FOR CHILDREN

# inside the CONNECTION



A publication of the National CASA Association, representing 948 program offices and 53,847 CASA volunteers nationwide.

CASA (Court Appointed Special Advocates) is a nationwide movement of community volunteers who speak up for the best interests of abused and neglected children.

CASA volunteers work for the judge to review and monitor cases of children who become part of the juvenile justice system. CASA volunteers work closely with the child and family to bring an independent assessment of the case to court, recommending to the judge what is best for the child's future.

CASA volunteers help prevent children from becoming "lost" in the child welfare system. CASA gives children a chance to grow up in safe, permanent homes.

Mimi Feller ..... *President*  
 Marcia Sisk ..... *Immediate Past President*  
 Hon. Ernestine Gray ..... *Vice President*  
 Michael Piraino ..... *Chief Executive Officer*  
 James Clune ..... *Chief Communications Officer*  
 Michael Skinner ..... *Managing Editor*  
 Sharon Heiber ..... *Contributing Editor*  
 Brian Lew ..... *Contributing Editor*

*The Connection* is designed to keep CASA programs, volunteers and the public abreast of the latest news and developments affecting CASA's work with abused and neglected children. Written contributions are welcome. Published quarterly by the National CASA Association.

*The Connection* is produced and paid for by the National CASA Association.

This project was supported by Cooperative Agreement No. 2002-CH-BX-K001 from the Office of Juvenile Justice & Delinquency Prevention, Office of Justice Programs, US Department of Justice. Points of view or opinions in this document are those of the authors and do not necessarily represent the official position or policies of the US Department of Justice.

Unless otherwise noted, children in *Connection* photos are not from actual abuse and neglect cases.



Support provided by the  
**Kappa Alpha Theta Foundation**

Subscriptions: \$35 for one year. Subscriptions to *The Connection* are included as part of National CASA Association membership. See page 15.

© 2006 by the National CASA Association, 100 W. Harrison, North Tower - Suite 500, Seattle, WA 98119-4123.  
 Phone (206) 270-0072 or (800) 628-3233 Fax (206) 270-0078.  
 Email: [theconnection@nationalcasa.org](mailto:theconnection@nationalcasa.org)  
[nationalcasa.org](http://nationalcasa.org) and [casanet.org](http://casanet.org)  
 All rights reserved.

## Voices & Viewpoints

Volunteer Voice, Melisa Byrd .....	2
Message from the CEO .....	3
Looking to Leave Poverty Behind Guest Youth Editorial by Hattie Rice .....	5
Closing Words from Judge Glenda Hatchett .....	26

## Special Features & Profiles

The Interplay of Poverty and Child Welfare .....	7
Profile: CBS Cares .....	12
Working with American Indian Families .....	17

## Regular Features

Novel Volunteer Book Club .....	14
Top Tips for Volunteers .....	16
Child Welfare News .....	19
Resources for Foster Youth—Apprenticeship Programs .....	20
Association News .....	21
Pointers from Programs .....	22
Awards & Recognition .....	24
<i>Connection</i> Sightings .....	25



We welcome letters, comments and suggestions. The editorial staff of *The Connection* reserves the right to approve all content and submissions. If you do not want your comments to appear in the publication, simply include a line that says, "This letter is not for publication." Advertising inquiries are also welcome. Articles and advertising appearing in *The Connection* do not necessarily reflect the official position of the National CASA Association or its member programs.

*The Connection*  
 National CASA Association  
 100 W. Harrison  
 North Tower, Suite 500  
 Seattle, WA 98119  
 Email: [theconnection@nationalcasa.org](mailto:theconnection@nationalcasa.org)

**Photo Submission Requirements:** Please submit your best original photos. Digital photos are often not acceptable for print purposes. *Connection* staff will make every effort to return photos but cannot guarantee their return.

**Accession No.** 15722

**Title:** Working with American Indian Families

**Author(s):** North Carolina Division of Social Services  
North Carolina Family and Children's Resource Program

**Year:** 2006

**Format:** Article

**Language** English

**Organization:** Court Appointed Special Advocates for Children

**Series:** Inside the Connection, Fall 2006, pp. 17-18

**Source:** North Carolina Division of Social Services  
North Carolina Family and Children's Resource Program

**Abstract:** In this brief article, the authors provide guidance to helping professionals who work with American Indian families in crisis. The authors provide a brief history of the child welfare system's interaction with Tribal communities and families in order to provide context for current attitudes and expectations. They describe the Indian Child Welfare Act (ICWA) of 1978, which seeks to protect Indian children and tribes by establishing Federal standards defining what is in the best interest of Indian children. ICWA also protects the decision-making role of Tribal communities. The article includes ten tips for collaborating with Tribes under ICWA and the Adoption and Safe Families Act (ASFA). The article also includes a side bar highlighting cultural considerations for child welfare practice with Native Americans. (This article is excerpted from Children's Services Practice Notes, Volume 11, Number 2, February 2006).

**Availability:** National CASA Association, 100 West Harrison, North Tower, Suite 500, Seattle, WA 98119-4123; Telephone: (800) 628-3233, Fax: (206) 270-0078, E-mail: [theconnection@nationalcasa.org](mailto:theconnection@nationalcasa.org), Web site: [www.nationalcasa.org](http://www.nationalcasa.org) or [www.practicenotes.org/vol11\\_no2.htm](http://www.practicenotes.org/vol11_no2.htm)