

**SPIRIT OF ICWA:
Gold standard or just
a good idea?**

- Why is there an ICWA?
- What is the Spirit of ICWA?
- What does it look like?

**The historical
context ...
for child welfare efforts
and Indians**

**Why trust is not automatic
when confronted with:
“I am from the
government - I am here
to help”**

or

“Trust us, we know what is best for your children”

Indian Child Welfare Efforts

130 years ago

BIA started as part of the War Department



**In 1879 Carlisle Indian School,
patterned after the military
model, opened.**



...in the museum at Haskell



**Generations learned to parent
from BIA dorms**





**Indian Child Welfare
Efforts
50 years ago**

**1958 Indian
Adoption Project**
**Joint project of the BIA
&
the Child Welfare League
of America [CWLA]**

1958 Indian Adoption Project

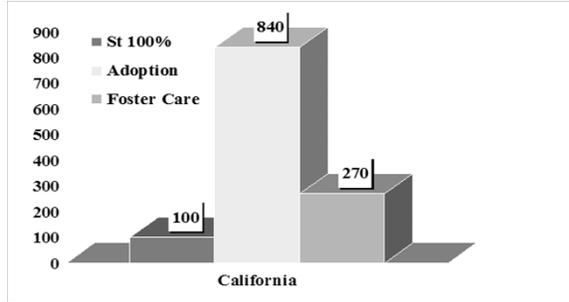
- **Goal:** to provide adoptive placement for American Indian children whose parents were deemed unable to provide a 'suitable' home
- States were paid by the BIA to remove Indian children from their homes alleging "neglect"
- Transracial placements were encouraged and most were separated from their communities
- 25 - 35% of all Indian children were removed from their homes

Indian Child Welfare Efforts 30 years ago

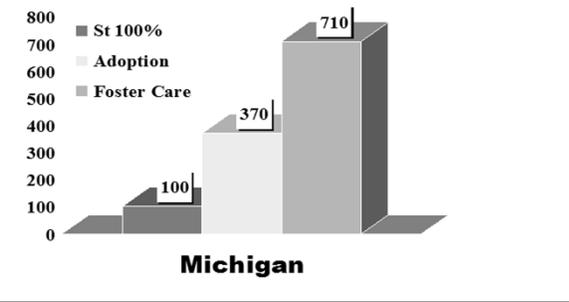
American Indian Policy Review Commission of the United States Congress

May 17, 1977

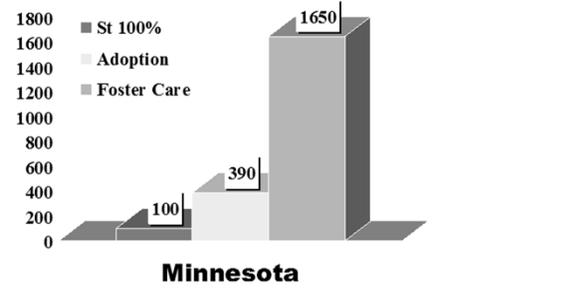
Comparative Rates for Indian Children

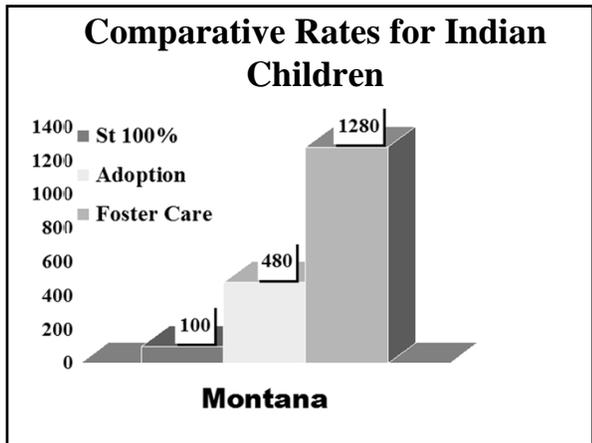


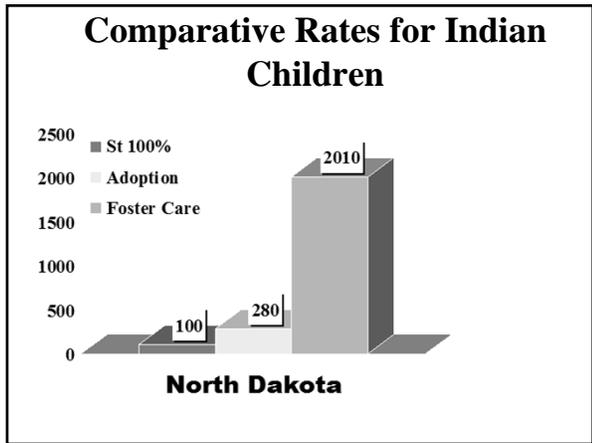
Comparative Rates for Indian Children

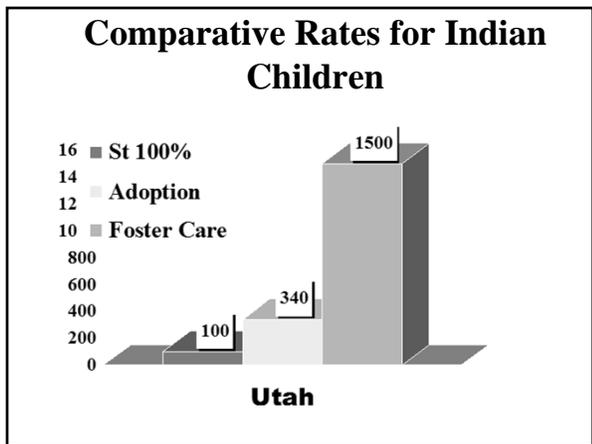


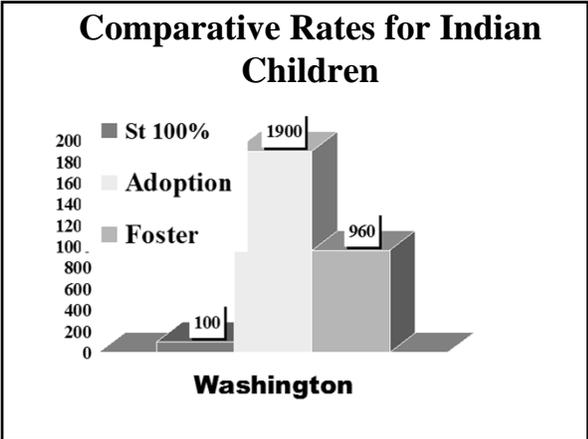
Comparative Rates for Indian Children











INDIAN CHILD WELFARE ACT P.L. 95-608 (11/8/78)

- ### Currently in Child Welfare
- We know children do best in families
 - And yet we continue to place children in foster care and institutions
 - Even very young children
 - Older children as “placements”

Today

- ~~ONE HALF MILLION~~ 420,000 children in foster care – Unclaimed children
 - 800,000 during the year
 - Twice number from 1980s
- Average child spends
 - 2 yrs in foster care & 3 placements
- 20%
 - Spend over 5 years in foster care

Problem : Foster Care

- Children growing up without families they can count on
 - [NWest Foster Care Alumni Study]
 - [ave. 24.2 years]
 - Mean length of time in care: 6.1 years
 - Mean placement change: 1.4 per year
 - 65% experienced 7 or more school changes
 - Same HS “completion” rate, but 6x GED rate***

Problem : Foster Care

- 1.8% complete bachelor’s degree
- Within 12 months of study: 54.4% w/ diagnosed disorders
 - 25.2% PTSD [2x Vietnam vet rate]
 - 20.1 % Major depression
 - 17.1% social phobia
- Higher unemployment rate
- 16.8 % public assistance
- 33.2% at or below poverty level
- 33% no health insurance

Problem – aging out

- 23,000 will age out of the “system”
- “Aging out” of system carries risks
 - Who among us would be able to make only “good” decisions at 18 or 19?
 - Correct and learn from our mistakes?
 - Survive without our own “cheerleaders” encouraging us?
 - Not give up when life knocks us down and no one picks us up?

Problem :

- Risks for 23,000 will age out of the “system”
- 60% of kids who age out will be:
 - Homeless
 - In jail
 - Dead
- Relationships can make a difference

Update

- Numbers:
- WestED bulletin published Jan 2012:
- Within 2 – 4 years –
 - 51 % unemployed
 - 25 % homeless
 - 20 % incarcerated

Spirit of ICWA

- Preserving or Re-building the connections necessary for our children to be good parents when it is their turn
- What does that look like?

SPIRIT of ICWA

- 1. Reaching Beyond Our Own Experiences
- *An exercise ...*

Assignment

An English professor wrote the words,

"a woman without her man is nothing"

on the blackboard and directed the students to punctuate it correctly.

Assignment

**"a woman without her
man is nothing"**

Assignment

Some may have written:

**"A woman,
without her man,
is nothing."**

Assignment

**Others may have
written:**

**"A woman:
without her,
man is nothing."**

Assignment

"A woman, without her man, is nothing." **"A woman: without her, man is nothing."**

PERCEPTION

- **Is often influenced by where you are standing when observing**
- **Or the surrounding circumstance**

SPIRIT of ICWA

- **1. Reaching Beyond Our Own Experiences**
 - **Acknowledging that what we “know” may not always be right**

MIND THE LITTLE THINGS

Springs are little things, but they are sources of large streams; nails and pegs are little things, but they hold the parts of a large building together; a word, a look, a smile, a frown, are all little things, but powerful for good or evil. Think of this and mind the little things. - Hillis

Find the number of

Fs



MIND THE LITTLE THINGS

Springs are little things, but they are sources of large streams; nails and pegs are little things, but they hold the parts of a large building together; a word, a look, a smile, a frown, are all little things, but powerful for good or evil. Think of this and mind the little things. - Hillis



**Zero
to
Three**

Four

Five

Six

More ?

MIND THE LITTLE THINGS

Springs are little things, but they are sources of large streams; nails and pegs are little things, but they hold the parts of a large building together; a word, a look, a smile, a frown, are all little things, but powerful for good or evil. Think of this and mind the little things. - Hillis

MIND THE LITTLE THINGS

Springs are little things, but they are sources of large streams; nails and pegs are little things, but they hold the parts of a large building together; a word, a look, a smile, a frown, are all little things, but powerful for good or evil. Think of this and mind the little things. - Hillis

MIND THE LITTLE THINGS

Springs are little things, but they are sources of large streams; nails and pegs are little things, but they hold the parts of a large building together; a word, a look, a smile, a frown, are all little things, but powerful for good or evil. Think of this and mind the little things. - Hillis

MIND THE LITTLE THINGS

Springs are little things, but they are sources of large streams; nails and pegs are little things, but they hold the parts of a large building together; a word, a look, a smile, a frown, are all little things, but powerful for good or evil. Think of this and mind the little things. - Hillis

MIND THE LITTLE THINGS

Springs are little things, but they are sources of large streams; nails and pegs are little things, but they hold the parts of a large building together; a word, a look, a smile, a frown, are all little things, but powerful for good or evil. Think of this and mind the little things. - Hillis

MIND THE LITTLE THINGS

Springs are little things, but they are sources of large streams; nails and pegs are little things, but they hold the parts of a large building together; a word, a look, a smile, a frown, are all little things, but powerful for good or evil. Think of this and mind the little things. - Hillis

MIND THE LITTLE THINGS

Springs are little things, but they are sources of large streams; nails and pegs are little things, but they hold the parts of a large building together; a word, a look, a smile, a frown, are all little things, but powerful for good or evil. Think of this and mind the little things. - Hillis

SPIRIT of ICWA

■1. Reaching Beyond Our Own Experiences

- Acknowledging that what we “know” may not always be right
- Expert witnesses, notice to and intervention by tribes, and transfer provisions

SPIRIT of ICWA

- 1. Reaching Beyond Our Own Experiences

■2. Relationships are KEY

Western Science

- Dr. Ross Thompson,
University of California,
Davis
- National Scientific Council on
the Developing Child

Latest Neuro-Science

- Brain development keys
- 1. Brains are built over time
 - Sensitive periods
 - Formation of specific circuits –
specific abilities
 - Increasingly complex skills &
circuits built upon earlier

Latest Neuro-Science

- Brain development keys
- 2. Interactive influences of genes
and experience literally shape
the architecture of the
developing brain
 - Genes determine when...
 - Individual experience determines if...

Latest Neuro-Science

- Brain development keys
- 3. Mutually rewarding interactions are essential prerequisites for development of healthy brain circuits and increasingly complex skills
 - Interaction, mutuality and reciprocity
 - “serve & return”

Latest Neuro-Science

- Brain development keys
- 4. Both brain architecture & developing abilities are built “from the bottom up”
 - Adaptation at higher levels is more difficult if lower level circuits were not properly wired

Latest Neuro-Science

- Brain development keys
- 5. Cognitive, emotional, and social capabilities are inextricably intertwined throughout life
 - I.E. oral language acquisition depends on adequate hearing, the ability to differentiate sounds, capacity to link meaning to specific words.....and ability to concentrate, pay attention and engage in meaningful social interaction.

Latest Neuro-Science

- Brain development keys

Stress can be Toxic

Elevated levels of stress hormones –
cortisol

Elevated levels of inflammation
proteins - cytokines

Damages developing brain architecture

lifelong problems in learning, behavior,
and both physical and mental health

Latest Neuro-Science

- Brain development keys

Stress: Positive

moderate, short-lived physiological
responses – heart rate, blood pressure,
mild elevations in cortisol or cytokine
levels

Important & necessary in the context of
stable & supportive relationships – child
develops mastery and self control.

Latest Neuro-Science

- Brain development keys

Stress: TOLERABLE

capable of disrupting brain architecture,
but are relieved by supportive
relationships that facilitate adaptive
coping – thereby restoring heart rate
and stress hormone levels to baseline

Supportive adults protect the child by
reducing the stressful experience

American Academy of Pediatrics
Technical Report 2012

- “A tolerable stress response, in contrast to positive stress, is associated with exposure to nonnormative experiences that present a greater magnitude of adversity or threat.”
- “...the death of a family member, a serious illness or injury, a contentious divorce, a natural disaster, or an act of terrorism.”

Latest Neuro-Science

- Brain development keys
Stress: **TOXIC**
strong & prolonged activation of body’s stress management systems –
The essential feature ... is the absence of consistent supportive relationships to help the child cope ... return to baseline.

American Academy of Pediatrics
Technical Report 2012

- “...risk...is greatly reduced...[to] the extent to which protective adult relationships facilitate the child’s adaptive coping and a sense of control, thereby reducing the physiologic stress response and promoting a return to baseline status.”

American Academy of Pediatrics
Technical Report 2012

- “...risk...is greatly reduced...[to] the extent to which protective adult relationships facilitate the child’s adaptive coping and a sense of control, thereby reducing the physiologic stress response and promoting a return to baseline status.”

American Academy of Pediatrics
Technical Report 2012

- “...risk...is greatly reduced...[to] the extent to which protective adult relationships facilitate the child’s adaptive coping and a sense of control, thereby reducing the physiologic stress response and promoting a return to baseline status.”

American Academy of Pediatrics
Technical Report 2012

- “...risk...is greatly reduced...[to] the extent to which protective adult relationships facilitate the child’s adaptive coping and a sense of control, thereby reducing the physiologic stress response and promoting a return to baseline status.”

Contra-indicated

Resilience

- Allows kids to survive some of the worst trauma
- We can't protect kids from the world
- But we can equip them to survive it
- We know what builds resilience
- **RELATIONSHIPS**
- A **NET**work is better than a single lifeline.

Part of the Solution

- Engage families and communities in decisions and then solutions
- Preserve and establish relationships
- First **DO NO HARM**, then **Balance** harm to minimize long term impact
- **ASK** about membership?
- Engage tribes in problem solving – not just notice and transfer
- Use **Expert Witnesses** to problem solve – not just render opinions

SPIRIT of ICWA

- 1. Reaching Beyond Our Own Experiences
- **2. Relationships are KEY**
 - **Western Science**
 - **Tribal traditions**
 - **I.E. – Customary Adoption**

SPIRIT of ICWA

- 1. Reaching Beyond Our Own Experiences
- 2. Relationships are KEY
- **3. Active Efforts – doing things differently**
 - **Grandson Test**
 - **Visitation**

SPIRIT of ICWA

- 1. Reaching Beyond Our Own Experiences
- 2. Relationships are KEY
- 3. Active Efforts
- **4. Family Options for placement**

ICWA Placement and Connections

Establishes preferences for foster care and permanent placements

- **Family broadly defined**
- **Standards of Indian community for placement decisions**

SPIRIT of ICWA

- 1. Reaching Beyond Our Own Experiences
- 2. Relationships are KEY
- 3. Active Efforts

■4. Family Options for placement

- **My Grandmother**

Keys to judging Indian families:

- **Is the Child safe?**
- **Is the Child cared for?**
 - **Food, shelter, etc.**
- **Is the Child loved?**
- **Everything else is gravy**

Foster Care Standard

- (e) No foster care placement...in the absence of ...clear and convincing evidence, including testimony of qualified expert witnesses, that the continued custody is likely to result in serious emotional or physical damage to the child.

Termination Standard

- (f) No termination of parental rights...in the absence of ...evidence, beyond a reasonable doubt, including testimony of qualified expert witnesses, that the continued custody is likely to result in serious emotional or physical damage to the child.

Just in case?

- Brain science & social science: 'stranger' foster care is harmful
- Foster care is not a neutral
- In deciding if foster care is needed, we need to balance the harm & risks
- If foster care is needed, we need to minimize the harm

SPIRIT of ICWA

- 1. Reaching Beyond Our Own Experiences
- 2. Relationships are KEY
- 3. Active Efforts
- 4. Family Options for placement

■5. A different approach to Children and their families

ICWA is a different approach to helping families....helping them to heal

- **Grandmother Test**
- **Instead of distance**
- **All are family**
- **Permanence is a state of mind: “belonging to each other”, not a legal decision**

SPIRIT of ICWA

- 1. Reaching Beyond Our Own Experiences
- 2. Relationships are KEY
- 3. Active Efforts
- 4. Family Options for placement
- 5. A different approach to Children and their families

■6. Joint ownership of problem, solutions, and RESULTS

SPIRIT of ICWA

- These children
- - ALL the children
- Are OUR CHILDREN
- We should do for them what we would demand for our own.

Layman's definition of insanity

- Do the same thing over and over....
- and hope for a different result.
- Hope is NOT a strategy
- Someday is NOT a plan.

ICWA

- Gold Standard?
- or
- Just a good idea for all children?

The End....

■After a story



The Wolves Within
Author Unknown



I too, at times, have felt a great hate for those that have taken so much, with no sorrow for what they do. But hate wears you down, and does not hurt your enemy. It is like taking poison and wishing your enemy would die. I have struggled with these feelings many times."



The Wolves Within
Author Unknown



An old grandfather, whose grandson came to him angry at a schoolmate who had done him an injustice, said "Let me tell you a story. I too, at times, have felt a great hate for those that have taken so much, with no sorrow for what they do. But hate wears you down, and does not hurt your enemy. It is like taking poison and wishing your enemy would die. I have struggled with these feelings many times."



The Wolves Within
Author Unknown



An old grandfather, whose grandson came to him angry at a schoolmate who had done him an injustice, said "Let me tell you a story. I too, at times, have felt a great hate for those that have taken so much, with no sorrow for what they do. But hate wears you down, and does not hurt your enemy. It is like taking poison and wishing your enemy would die. I have struggled with these feelings many times."



The Wolves Within
Author Unknown



An old grandfather, whose grandson came to him angry at a schoolmate who had done him an injustice, said "Let me tell you a story. I too, at times, have felt a great hate for those that have taken so much, with no sorrow for what they do. But hate wears you down, and does not hurt your enemy. It is like taking poison and wishing your enemy would die. I have struggled with these feelings many times."



The Wolves Within
Author Unknown



An old grandfather, whose grandson came to him angry at a schoolmate who had done him an injustice, said "Let me tell you a story. I too, at times, have felt a great hate for those that have taken so much, with no sorrow for what they do. But hate wears you down, and does not hurt your enemy. It is like taking poison and wishing your enemy would die. I have struggled with these feelings many times."



The Wolves Within
Author Unknown



He continued, "It is as if there are two wolves inside me; one is good and does no harm. He lives in harmony with all around him and does not take offense when no offense was intended.



The Wolves Within
Author Unknown



He continued, "It is as if there are two wolves inside me; one is good and does no harm. He lives in harmony with all around him and does not take offense when no offense was intended. He will only fight when it is right to do so, and in the right way."



The Wolves Within
Author Unknown



But the other wolf, ah! He is full of anger. The littlest thing will set him into a fit of temper. He fights everyone, all the time, for no reason. He cannot think because his anger and hate are so great. It is helpless anger, for his anger will change nothing. Sometimes it is hard to live with these two wolves inside me, for both of them try to dominate my spirit."



The Wolves Within
Author Unknown



But the other wolf, ah! He is full of anger. The littlest thing will set him into a fit of temper. He fights everyone, all the time, for no reason. He cannot think because his anger and hate are so great. It is helpless anger, for his anger will change nothing. Sometimes it is hard to live with these two wolves inside me, for both of them try to dominate my spirit."



The Wolves Within
Author Unknown



But the other wolf, ah! He is full of anger. The littlest thing will set him into a fit of temper. He fights everyone, all the time, for no reason. He cannot think because his anger and hate are so great. It is helpless anger, for his anger will change nothing. Sometimes it is hard to live with these two wolves inside me, for both of them try to dominate my spirit."



The Wolves Within
Author Unknown



The boy looked intently into his Grandfather's eyes and asked, "Which one wins, Grandfather?"



The Wolves Within
Author Unknown



The boy looked intently into his Grandfather's eyes and asked, "Which one wins, Grandfather?"
The Grandfather smiled and said, "The one I feed."

Thank-you

For everything you do
...and will do...
to preserve and re-build
connections for the
children
