

TOPIC: Working with the ICWA Worker For a Child in Your Home

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Micro Training Course Developed by Aileen McInnis, Alaska Center for Resource Families
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INSTRUCTIONS FOR FOSTER PARENT TRAINING CREDIT:

**Read through this self-study.*

**Fill out the "CHECK YOUR UNDERSTANDING" Questionnaire*

**Return to ACRF for 1.0 hour of training credit.*

At a recent **Let's Talk ICWA** teleconference training, three tribal representatives gave excellent ideas of how foster parents and ICWA workers can better work together. In the past, there's often been distance between the tribe and the foster family caring for an Alaska Native child. This has been changing. Through the Indian Child Welfare Act or ICWA, Tribes can take an active role in the state custody case. How can foster parents use this opportunity to connect with the tribe of the child in their care?

WHAT IS ICWA? The Indian Child Welfare Act or ICWA is a federal law that outlines the procedure for when an American Indian or Alaska Native child with Tribal affiliation comes into a state's child welfare system. It includes the right of the tribe to be noticed and to intervene (or become a legal party); preferences for foster care and adoption placement; and benchmarks of active efforts to prevent removals and reunify families. Despite the clear preference for tribal children to be in relative or tribal homes, at times an American Indian or Alaska Native Child will be placed in a non-ICWA or non-preference home. These reasons might include the need to be closer to urban resources or a failure to find a relative or tribal home to place a child. Non-ICWA homes are needed and welcomed to provide good care to Indian and Alaska Native children. Non-ICWA foster families need to be aware that ICWA applies which puts responsibility on them to help tribal children stay connected (or sometimes even get connected) to their respective tribe. Sometimes children may be placed in an ICWA compliant home, but the foster parents may not be the same tribe as the child. In all these situations, foster families caring for a tribal child can look for help from their team, which includes the caseworker, the OCS Regional ICWA Specialist and the designated tribal ICWA worker.

WHAT IS THE ROLE OF THE ICWA WORKER? The ICWA Worker is the tribal representative in the OCS case. He/she is the face of the Tribe as the tribe participates in deciding the fate of the children in OCS custody. The ICWA worker is often a tribal member who lives in the village or community, but not always. Tribes may have their own ICWA representative (who often may do several roles in the community) or may join with other tribes to be represented by a larger compact such as Bristol Bay Native Association or Kawerak. Some places like Anchorage, have tribal representatives on-site at OCS to provide representation for children. If tribes chose to "intervene," they become legal parties to the case which means they have a right to all the information and to have a seat at the table just as OCS, the Guardian ad Litem, and the legal representation for the parents. The ICWA Worker is the face of the tribe and is participating in the cases that involve the tribe's children in the state child welfare system. ICWA workers also assist in finding extended family or tribal homes to care for the child, participate in team decision making meetings, represent the tribe in court proceedings, and provide monthly updates to their tribal councils.

There is another important person that foster families should be aware of. In each of the five OCS regions, there is an OCS employee called the OCS ICWA Specialist and a statewide ICWA Coordinator who works closely with these positions. You can find contact information for each of these folks on the OCS State Website. These folks work with their OCS colleagues to collaborate with tribes, educate OCS staff, oversee out-of-preference placements meetings and assist with educating resource families and community partners.

HOW DO YOU FIND OUT WHO THE ICWA WORKER IS? First of all, talk with your caseworker. OCS should be determining right from the beginning of placement if a child is a tribal citizen and if ICWA applies. Sometimes it may not be known if a child is a Tribal member or eligible for membership, (you can't just look at someone and make assumptions, there are many blond hair, blue eyed Alaska Natives.) Workers need to do a diligent family search to determine ICWA eligibility. Often asking "where is your family from?" can help yield details that will help with the search. Once it is determined what

tribe the child is from, it is fairly easy to track down the tribal representative or ICWA worker. On the state OCS/ICWA webpage, there is a listing of the *Designated Tribal Agents for Notice* (2018 updated list should be released soon) and the listing of Tribes by region. Your local OCS ICWA Specialist can also help you find the tribe and designated contact.

IS IT OKAY TO CONTACT AN ICWA WORKER? SHOULD YOU WAIT TO BE CONTACTED? It is certainly okay to contact the ICWA worker! You shouldn't wait because the ICWA worker may not know where their children are right away. Check always with the caseworker first to learn who it is, if there has been notice to the tribes, and if there are any concerns or issues that you are not aware of. During our Let's Talk ICWA call, the ICWA workers talked about working well with foster parents and encouraged them not to be afraid to reach out and introduce themselves. It helps to keep in mind that everyone's goal is to make sure that children are protected and taken care of and that children will have lifelong connections to their family, community, and culture.

HOW CAN FOSTER PARENTS AND ICWA WORKERS WORK TOGETHER? The speakers gave other information that will help you with the relationship.

- Send monthly updates or include the ICWA worker in your email updates to the GAL or caseworker.
- Send pictures of the child. Some tribal children have not lived in the village for years or sometimes ever. A picture puts a face on the child. One worker took these pictures to the tribal council meetings to help the people deciding about the child get to really know who this child was and how he were doing.
- ICWA workers can educate you about their tribe and their region. They can let you know about activities coming up near you or even assist with planning a visit to the community so that the child can see their tribal community.
- A foster parent is supposed to help a child participate in culturally appropriate activities. The ICWA worker can talk to you about what is expected of their tribal members and may have suggestions for activities or other tribal contacts in your community.
- There are many great stories about ICWA workers and tribal members helping a child stay connected through activities, clothing or food. One foster parent visiting Bethel met up with a tribal member who knew his foster son and who sent a package of king salmon back with him to share with his foster son.
- ICWA workers can assist in efforts a child establish his cultural identity and maintain it. That includes helping to keep a youth connected or introduced to relatives or people in the community. It might also include getting the right documentation as well such as helping with the application to enroll a child in the tribe or obtain tribal ID cards.
- Alaska has 229 tribes and each tribe establishes its own membership and enrollment criteria. The ICWA worker can help with clarification of what membership looks like for the child's particular tribe and help to clarify Tribal laws as related to membership.
- ICWA workers can help adoptive parents as well. When a child is adopted by a non-Native family, he may still retain tribal status depending on the tribe. ICWA workers can help explain what the child's individual tribe's guidelines are and the benefits of keeping tribal status.

Don't be afraid to reach out. Sometime there is a level of discomfort from foster families, thinking they may be judged if they are not Alaska Native and caring for an Alaska Native child. A parent may be sensitive about their lack of knowledge about a child's tribe or Alaska Native culture in general. But we all start at a point of ignorance. We all have things to learn. If we reach out with an open heart and come from a place of trying to do what is best for a child – knowing we may not know what "best" is, we often find that there is a very helpful person on the other end ready to take our hand. The results of child welfare situations may not always turn out the way we want, and there may be true pain and discomfort in some interactions because of the inherent conflict of these cases. But the children need us to learn to work together to help them establish a healthy sense of their Alaska Native or American Indian identity. Making a connection to the ICWA worker can help you build a bridge to that goal.

Learn more about tribal and cultural issues by checking out resources at www.acrf.org then go to the SUPPORT Tab then ICWA.

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