



**Improving Compliance
with the
Indian Child Welfare Act:
A Guide for Juvenile and
Family Courts**

Improving Compliance with the Indian Child Welfare Act: A Guide for Juvenile and Family Courts

Bulletin authored by Model Court Liaisons of the National Council of Juvenile and Family Court Judges:

Martha-Elin Blomquist, PhD
Franz J. Braun
Crystal Soderman Duarte, MPA

Mimari Akatsu Hall, MA
Gina Jackson, MSW
E.J. Maldonado, MA

The National Council of Juvenile and Family Court Judges®, headquartered on the University of Nevada campus in Reno since 1969, provides cutting-edge training, wide-ranging technical assistance, and research to help the nation's juvenile and family courts, judges, and staff in their important work. Since its founding in 1937 by a group of judges dedicated to improving the effectiveness of the nation's juvenile courts, the National Council of Juvenile and Family Court Judges has pursued a mission to improve courts and system practice and to raise awareness of the core issues that touch the lives of many of our nation's children and families.

This Technical Assistance Bulletin is a publication of the National Council of Juvenile and Family Court Judges in collaboration with Casey Family Programs, whose mission is to provide, improve – and ultimately prevent the need for – foster care, and is a product of Cooperative Agreement number 2010-DD-BX-K026 through OJJDP. Points of view or opinions are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice or Casey Family Programs. Reproduction of this publication for non-commercial education and information purposes is encouraged, and must include the copyright notice and attribution to:

Technical Assistance Bulletin, Improving Compliance with the Indian Child Welfare Act: A Guide for Juvenile and Family Courts, National Council of Juvenile and Family Court Judges, Reno, Nevada.

© 2012, National Council of Juvenile and Family Court Judges. All Rights Reserved.

Cover photo: Omashkoonce McCauley-Santos - Ojibwe and Omaha Grass Dancer - Age 5
Taken by: Beau Brewer

Mari Kay Bickett, JD
Chief Executive Officer
National Council of Juvenile
and Family Court Judges

Shawn C. Marsh, PhD
Chief Program Officer
National Council of Juvenile
and Family Court Judges

Melissa Bahmer, MS
Assistant Director
National Council of Juvenile
and Family Court Judges



Acknowledgements

The authors of this publication would like to express gratitude to the Tribal Judicial Leadership Group for providing inspiration and direction, the Lead Judges of the Model Courts Project for their commitment to improving the lives of Native children, and Casey Family Programs for their partnership. The QUICWA Compliance Collaborative and Tribal STAR have also been integral partners in this work. Additional thanks go to the McCauley-Santos family for permitting the use of the cover photo.

Background and Purpose

In 2007, the Lead Judges of the National Council of Juvenile and Family Court Judges' (NCJFCJ) Model Courts Project came to an historic decision to pursue a shared national goal to reduce the disproportionate representation and disparate treatment of children and families of color in dependency court systems. The Courts Catalyzing Change: Achieving Equity and Fairness in Foster Care initiative (CCC), jointly supported by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) and Casey Family Programs, was developed to create and disseminate judicial tools, policy and practice guidelines, and action plans for courts to reduce disproportionality and disparities for children and families, locally, statewide, and nationally.¹ This initiative calls attention to the disparate outcomes experienced by children of color, including Native² children who enter care at a rate two times higher, and in some states at a rate of eleven times higher, than their representation in the general population.³

The training on the history and spirit of ICWA, including listening to the stories of the adoptees was life changing! It was worth flying across the country just to hear.

– Judge Jeri Beth Cohen, Florida Statewide Model Court

The QUICWA Compliance Collaborative of the Minneapolis American Indian Center (MAIC)⁴ is a national consortium of Indian tribes, urban organizations, and advocacy groups whose members use ICWA performance measures to advocate for change in the behaviors, practices and policies of child welfare systems throughout the country. NCJFCJ joined the QUICWA Compliance Collaborative in 2010 and has formed an ongoing partnership with the MAIC to bring focus to the role judges have in achieving ICWA compliance.

In December 2011 the Lead Judges of the NCJFCJ dependency Model Courts met to better understand the reasons the Indian Child Welfare Act (ICWA) was enacted and the experiences of Native children in state child welfare systems. The judges listened to powerful testimony from Native adoptees and a birth mother, each of whom experienced the loss of connection and culture through their experiences in state child welfare systems. They learned about the history of child welfare in Indian country and systematic

NCJFCJ DEPENDENCY MODEL COURTS

Alabama-Coushatta Tribe of Texas
Austin, Texas
Baltimore, Maryland
Chicago, Illinois
Dallas, Georgia
Court
Gila River Indian Community
Hattiesburg, Mississippi
Honolulu, Hawai'i
Livingston County, Michigan
Las Vegas, Nevada
Los Angeles, California
Mississippi Band of Choctaw Indians
Newark, New Jersey
New Orleans, Louisiana
New York, New York
Portland, Oregon
Prince George's County, Maryland
Seattle, Washington
Milwaukee, Wisconsin
Yurok Tribe

Statewide Model Courts

Florida
Kentucky
New Hampshire
New York

Senior Model Courts

Charlotte, North Carolina
Cincinnati, Ohio
Des Moines, Iowa
Indianapolis, Indiana
Reno, Nevada
Salt Lake City, Utah
San Jose, California
Tucson, Arizona
Washington, D.C.

1 To learn more about the National Council of Juvenile and Family Court Judges, the Model Courts Project, and the CCC initiative visit www.NCJFCJ.org.

2 For purposes of this document "Native" refers to American Indian and Alaskan Native populations.

3 See Padilla, J. & Summers, A. (2011). Disproportionality rates for children of color in foster care. National Council of Juvenile and Family Court Judges.

4 More information is available from the Minneapolis American Indian Center at www.maicnet.org

state and federal practices to purposely break up tribal families.⁵ These practices included removing thousands of Native children from their families and tribes, placing children in boarding schools far from home for years at a time. The Indian Adoption Project undertaken by the Child Welfare League of America and the Bureau of Indian Affairs placed Native children in foster care for adoption by non-Native families. The legacy of these policies and their negative impacts on tribal communities and families continues today.

This testimony, along with presentations from tribal judges and other experts, helped the Lead Judges understand the importance of tribal children maintaining connections to family, community, and culture. Congress recognized the significance of these connections more than 30 years ago in the findings set forth in the ICWA:

...there is no resource that is more vital to the continued existence and integrity of Indian tribes than their children and that the United States has a direct interest, as trustee, in protecting Indian children who are members of or are eligible for membership in an Indian tribe; that an alarmingly high percentage of Indian families are broken up by the removal, often unwarranted, of their children from them by nontribal public and private agencies and that an alarmingly high percentage of such children are placed in non-Indian foster and adoptive homes and institutions; and that the States, exercising their recognized jurisdiction over Indian child custody proceedings through administrative and judicial bodies, have often failed to recognize the essential tribal relations of Indian people and the cultural and social standards prevailing in Indian communities and families. The Congress hereby declares that it is the policy of this Nation to protect the best interests of Indian children and to promote the stability and security of Indian tribes and families...⁶

With a deeper understanding of the impact of past governmental policies on Native children and their families, and a recognition that the ICWA's vision of keeping Native children connected with their tribal heritage is still unrealized, NCJFCJ's Model Court Lead Judges committed to improving compliance with the ICWA in their local jurisdictions.

With vision and commitment both on- and off-the-bench, judges have the power to make change. The Model Courts, the CCC initiative, and the work described in this publication are built on the premise that judges are gatekeepers to the foster care system. As gatekeepers, they are capable of initiating systems change through their leadership of a multidisciplinary collaborative body. No child enters or leaves foster care without a judge's order. Children's experiences are impacted by the decisions made and expectations set by judicial officers.

The ICWA is important even in states without federally-recognized tribes within their boundaries and in states with relatively low numbers of Native people. Data from the 2010 census show that 78 percent of Native people live in urban settings, not on tribal land, and that the population of tribal people living off tribal lands is growing. Regardless of the make-up of its population, it is the state court's responsibility to follow the ICWA. Commitment and partnerships from all involved in child welfare are necessary to achieve full ICWA compliance.

5 Video and other resources from this meeting are available at <http://ncjfcj.org/our-work/tribal-work>

6 25 USC § 1901, et. seq.

In addition to the ICWA itself, four tools are available to help examine current court and system practices, identify improvements needed, and select specific practices and processes to follow for ICWA compliance:

- Improving Compliance with the Indian Child Welfare Act Discussion Guide, adapted from the California American Indian Enhancement Project's (CAIEP) "Implementation Toolkit."⁷ The section of the document entitled "Continuum of Readiness" can assist child welfare systems in evaluating current resources and needs. A sample of the Discussion Guide is included at the end of this document and is available on the NCJFCJ website.
- The QUICWA Performance Checklist developed by the Minneapolis American Indian Center (MAIC) and the ICWA Performance Measurement Tool developed by the NCJFCJ are data collection tools to obtain ICWA performance measures in child abuse and neglect hearings. Either tool may be used depending on user needs.
- Improving Compliance with the Indian Child Welfare Act Action Planning Worksheet can be used by courts to develop specific plans aimed at achieving full compliance with the ICWA. A sample of the Action Planning Worksheet is included at the end of this document and is available on the NCJFCJ website.
- Indian Child Welfare Act Checklists for Juvenile and Family Court Judges⁸ is a bench tool for judges and other professionals to follow the provisions of ICWA in each hearing involving Native children and families.

I was struck by Rachael Kupcho's message that sometimes "love is not enough." We can provide children with affection, care and resources. But, there is no substitute for family. This is particularly true for Native American children who have a unique social and cultural heritage.

– Judge Ned Gordon, New Hampshire Statewide Model Court

This technical assistance bulletin provides juvenile and family courts with practice recommendations and tools to improve compliance with the letter of the ICWA as well as with the "spirit of the ICWA" through services and supports. The first, most critical and ongoing step is to develop respectful and authentic relationships with tribes to fully implement the ICWA and best serve Native children. Following the development of relationships, courts should collaborate to examine practice, build understanding through training, develop an action plan, and monitor the action plan to ensure accountability and progress. Judges and child welfare workers must commit to a course of action that is inclusive of tribal voices and that leads to real and sustainable change for Native children and families.

The recommended practices below are based on the framework of judicially-led collaborative systems change processes where all stakeholder groups are represented at the table and contributing to the systems change work, such as those utilized in NCJFCJ Model Courts. A judicially-led collaborative

7 For more information, please see the American Indian Enhancement Project website at <http://calswec.berkeley.edu/toolkits/implementation-toolkit-american-indian-enhancement-project/implementation-toolkit-american-indian-enhancement-project>. The continuum was developed by Tom Lidot (2009).

8 Available at <http://ncjfcj.org/our-work/tribal-work>

consists of a designated lead judge and key stakeholders from the court and the community. These include social service agencies, prosecuting attorneys, attorneys for the parents, guardians ad litem, court staff, tribal representatives, Court Appointed Special Advocates (CASA) volunteers, citizen review board members, foster youth alumni, parents who were previously involved in the child welfare system, and any other relevant participants. A judicially-led collaborative is the forum in which key decision-makers and system partners identify strengths and barriers to effective court and system practice and develop action plans that are built upon strengths to eliminate barriers and improve outcomes for children and families.

Step One: Develop Meaningful and Ongoing Collaborative Relationships

Developing meaningful and respectful relationships with tribal partners is critical to improving a state court's ICWA compliance because it is the first step to understanding the significance of keeping Native children connected with their culture and community. "The extent to which tribal and state cooperation succeeds or fails depends in large part upon the ability to understand each other's philosophical, legal, and historical realities. Cultural barriers to communication can, if left unattended, prevent meaningful cooperation from taking place."⁹ This section of the guide provides strategies for juvenile and family courts and court systems to identify, reach out, and develop essential relationships.

The approach to tribal engagement and working with tribes should come from a place of honor, respect, and mutual learning. During the 2010 White House Tribal Nations Conference, the President shared this statement:

We know that, ultimately, this is not just a matter of legislation, not just a matter of policy. It's a matter of whether we're going to live up to our basic values. It's a matter of upholding an ideal that has always defined who we are as Americans... and I'm confident that if we keep up our efforts, that if we continue to work together... we will achieve a brighter future for the First Americans and for all Americans.

It has become the policy¹⁰ of this nation to value tribal consultation and begin a new path of tribal-state relations which is a very different approach from the past. Relationship building with tribal representatives may take time, as governmental practices in the past have ignored, diminished, and were destructive to tribes by forcing assimilation and termination.

Genuine relationship building requires respect and an understanding of historical and political realities. Effective collaboration begins with carefully planned approaches to acknowledging historical trauma and striving to achieve an understanding of each other's perspectives. While ICWA only applies to federally recognized tribes, the "spirit of the ICWA" is so important to Native children's

safety, permanency, and well-being that the recommended best practices and tools in this bulletin should be applied to all Native children, regardless of federal tribal status. Many states have passed

9 Aliza G. Organick & Tonya Kowalski, *From Conflict to Cooperation: State and Tribal Court Relations in the Era of Self-Determination*, 45 CT. REV. 48 (2008).

10 Executive Order 13175. See <http://www.whitehouse.gov/the-press-office/memorandum-tribal-consultation-signed-president>.

laws to apply the ICWA to state recognized tribes. For example, in 2006, the California Legislature passed Senate Bill 678, which allows participation of non-federally recognized tribes in dependency matters. Advocating for similar state legislation is a strategy the judicially-led collaborative could consider when developing an action plan.

Complying with ICWA is the state court's responsibility, however, each gathering of the collaborative builds the foundation for genuine state-tribal relationships and improved compliance with the ICWA. Court system professionals can approach these gatherings as opportunities to understand more about tribal culture and respectful approaches for establishing long-lasting relationships.

Meaningful relationship building requires:

- Respectful communication¹¹
- Mutual learning
- Building trust through ongoing collaboration

The judicially-led collaborative should:

- Identify tribes within the state and in neighboring states, including tribes that are not federally or state recognized using the Federal Registry to obtain contact information.¹² If there are no tribes within the state identify tribes outside of the state whose members may be represented in the child welfare population.
- Research the state and local history regarding tribes. Learn about tribes that were removed from their lands within state borders, relocated, or extinguished.
- Determine if the tribes have a court, problem-solving council, or other resolution process in the community. The judge or judicial officer should reach out to the tribal court judge or tribal representative personally. This may require a series of phone calls or an in-person meeting, for example for coffee or lunch, to develop rapport and begin to build a meaningful relationship.
- Visit a tribal community to observe the tribal court and to learn more about the community culture. Be sure to ask the tribal court judge about how to follow tribal protocols.
- Invite the tribal court judge and/or tribal representatives to participate in the next collaborative meeting and ask the tribal court judge and/or tribal representative to talk about the tribal community, its history, tribal family law, and parenting practices. Ask to learn about:

11 It is important to demonstrate respect in a way that others consider respectful, not just what the dominant culture considers respectful. The collaborative should become familiar with protocol prior to meeting with the tribal court judge. Tools such as Tribal STAR "Tips for Following Protocol When Working with Tribal Communities" are a valuable resource. Available at <http://theacademy.sdsu.edu/TribalSTAR/PDF%20Files/TipsforProtocol.pdf>

12 The Federal Registry includes the current list of designated tribal agents for service of notice. It is available from the Bureau of Indian Affairs at www.BIA.gov.

- o The tribe's successes and challenges regarding child welfare cases in state courts; and
 - o The services the tribe can provide for children and families, and any state services available to assist.
- Ask a tribal court judge or tribal representative to participate in the judicially-led collaborative as an active stakeholder. The knowledge and expertise that this person will bring can help the collaborative more effectively problem-solve and improve the well-being of Native children and families. Tribes are not required to comply with the ICWA; however, they have a vested interest in the state court following the law.
 - Identify the urban Indian organizations in the state.
 - Identify existing resources and ICWA advocates or specialists within the state, who may be located at universities, state agencies, and local non-profit organizations and who have relationships with tribes or are working with tribal communities.
 - Encourage work on a statewide level. Consider convening a tribal court-state court forum to improve relationships and the functioning of tribal and state judicial systems. Work with the state Court Improvement Project (CIP) to assist in fulfilling the CIP's mandate of meaningful and ongoing engagement with tribes.

The NCJFCJ can:

- Assist in identifying tribes and urban Indian organizations within the state and elsewhere in the country.
- Facilitate initial communication between the state court judges and tribal judges.
- Provide tools and sample protocols for inviting the tribal court judge and tribal council to the jurisdiction.
- Provide other targeted technical assistance relevant to developing relationships between state courts and tribal courts, councils, and communities.

Step Two: Build Understanding Through Training

It is essential for judges and child welfare stakeholders to develop solid working knowledge of the requirements of the ICWA, as well as an understanding of why the law is necessary in order to achieve full compliance. ICWA trainings should include an understanding of tribal sovereignty, intergenerational trauma, institutional and structural racism, and implicit bias. In the process of examining the history of institutional and structural racism, the court system should engage in *Courageous Conversations*¹³ facilitated by an expert so each member of the collaborative has an opportunity to examine his or her own unconscious biases and belief systems, and their effect on decision-making in the child welfare system.

13 Casey Family Programs. (2008). *Knowing Who You Are*.

We have a lot to learn about allowing families to have a voice in what will happen to their children. It is really clear that it is all about relationships and how we need to build upon them. I am learning patience and the importance of allowing stories to be told because the value of these stories is more important than time.

– Judge Patricia Clark, Seattle, Washington Model Court

A multidisciplinary approach to training should be developed in collaboration with tribal partners, including tribal faculty, especially the voices of those who have experienced the child welfare system.

Training should include information on:

- Tribal sovereignty and the unique political status of tribes
- The history and understanding of “why” the ICWA was enacted
- The spirit of the ICWA
- Historical and intergenerational trauma
- ICWA inquiry and notification to tribes
- Tribal intervention and jurisdiction
- Active efforts and when active efforts apply
- Use of qualified expert witnesses
- Placement preferences
- Evidentiary standards throughout the child welfare case

There is a direct tie between a court’s or agency’s respect for federal and state Indian Child Welfare Act (ICWA) laws and their understanding of Tribal sovereignty.

– Professor Kurt D. Siedschlaw, University of Nebraska at Kearney

The judicially-led collaborative should:

- Assess the training needs of the judges and stakeholders.
- Involve tribal voices in training, including local and state agencies, tribal colleagues, directors of urban Indian organizations, and national partners (e.g., National Resource Center for Tribes, N National Resource Center for Legal and Judicial Issues), and contribution from Native adoptees and birth parents.
- Work with partners, including the state CIP to establish a series of multidisciplinary trainings that

include the key components above.

- Commit to ongoing training.

The NCJFCJ can:

- Serve as a liaison for tribal engagement with federally recognized tribes and urban Indian organizations, as well as state recognized tribes, and non-recognized bands, tribes, and Native communities.
- Assist with developing a training agenda.
- Connect the judicially-led collaborative with local and national speakers to facilitate the ongoing conversation about race, intergenerational trauma, and the ICWA, including experts able to provide first-hand testimony of their experiences in the child welfare system.

Step Three: Assess Current Practice

Once new and existing collaborative tribal partners have been identified and stakeholders have received training, the next step is to begin to work together to exchange information about child welfare practices in state and tribal systems in order to coordinate efforts where necessary. To achieve ICWA compliance it is essential at this early stage to assess the court and child welfare system's capacity to collect and evaluate data, including baseline data, so compliance can be measured. The work the collaborative accomplishes through information sharing and assessing practice is paramount to achieving the goal of full ICWA compliance and improving outcomes for Native children. Without it, the collaborative is subject to using a decision-making process that lacks the necessary information and insight required to fully implement the ICWA to the letter.

Once data is available, courts should be mindful of the fact that tribes have a vested interest in their children. Data involving tribal members represents the tribe's story of what is happening to its children. Since the tribe should be the one to tell its own story, whenever possible the tribe should be involved in how the data will be shared to develop strategies for achieving full ICWA compliance.

Assessment should include:

- Discussing successes and challenges in current and past initiatives
- Examining baseline data and information related to current practices

The judicially-led collaborative should:

- Review existing written materials from the court and child welfare agency describing policies and practices related to the ICWA.
- Utilize the Improving Compliance with the Indian Child Welfare Act Discussion Guide to discuss current practice, resources, and challenges to ICWA compliance.

- Examine state and federal circuit appellate cases to identify common issues preventing full compliance.
- Identify resources, capacity, and next steps to collect and evaluate data.
- Determine what the desired end result would look like to both the tribe and the state court jurisdiction when the ICWA is followed in its entirety (such as shifts in organizational culture and practices) and begin to strategize how to achieve the desired result.
- Utilize a performance measurement tool such as the QUICWA Performance Checklist.
- Decide how data will be used to improve practice and expand partnerships with tribes.

The NCJFCJ can:

- Provide assistance with research design, data collection, and evaluation.
- Assist with assessment of current practice, including conducting case file reviews.
- Provide examples of strategies used in other jurisdictions to improve compliance.
- Connect courts with partners such as the MAIC for assistance with research.

Step Four: Action Planning for Change

Action-planning is critical to achieve full ICWA compliance. Child welfare agencies, courts, and state CIPs have adopted a Continuous Quality Improvement (CQI) approach to action planning. This involves a “complete process of identifying, describing and analyzing strengths and problems and then testing, implementing, learning from and revising solutions.”¹⁴ By following a CQI approach to action planning, judicially-led collaboratives can better assess and respond to challenges in complying with the ICWA and measure the results of their efforts.


Action planning participants should include the judicially-led collaborative, tribal representatives and/or urban Indian organizations, and university-based professionals, or CIP representatives who may be able to assist with data collection and performance measurement.

The action plan should include:

- A description of each strategy, step, or activity
- Persons responsible for each strategy, step, or activity

14 Peter Watson, National Resource Center for Organizational Improvement, presented at the 2012 Court Improvement Program Meeting, June 28, 2012. For more information on CQI and how it is being used in child welfare and court systems visit http://www.americanbar.org/groups/child_law/what_we_do/projects/rcj/courtimp.html

- Time frames for completing the strategy, step, or activity
- Resources or materials needed
- Data or evidence to be collected to indicate accomplishments
- Plan for dissemination of results, both the successes and challenges



Judges must ask about Native heritage:
 ...out loud
 ...at every hearing
 ...on the record
 and
 ...make appropriate findings and orders.
 Document all responses and efforts to obtain information.

Based on the NCJFCJ’s work with state and tribal court judges, the Model Court Liaisons have identified critical strategies and steps for judicially-led collaboratives to include in their action plan. These strategies are listed in detail below.

The judicially-led collaborative should:

- Ensure that judges and system stakeholders are asking if the child has Native heritage prior to the initial hearing and in every hearing following the initial hearing if applicability has not been determined.
- Child welfare workers should document who was asked and when they were asked and keep a running log in the case record. This will ensure due diligence and help determine ICWA applicability. The applicability or inapplicability of the ICWA must be asked about in every case and can never be assumed.
- Apply the higher standard required by ICWA when removing a child. There must be clear and convincing evidence that continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child.
- Develop a list of qualified expert witnesses to rely on in hearings.
- Monitor the efforts made by the child welfare agency to ensure they qualify as active efforts.
- Engage with families and tribal members in the courtroom.
- Ask why the case is not in the tribal court at each hearing.
- Keep informed of culture-specific services available to Native families; advocate for the expansion of culture-specific services, including the addition of tribal foster placements.

- Develop mechanisms to collect and analyze data regularly.
- Review status of the action plan implementation; discuss successes as well as barriers for 100% ICWA compliance and correct course, when necessary, by modifying an action plan item.
- Take full advantage of the expertise and resources offered by the NCJFCJ.
- Think BIG and commit to a vision of 100% ICWA compliance by collaborating with tribes, the CIP, and child welfare stakeholders to move forward with a strategic plan of action.

The NCJFCJ can:

- Assist with data collection and link the collaborative with other resources such as university partners that can provide additional assistance.
- Provide samples of protocols, procedures, and forms used in other jurisdictions.
- Facilitate an action planning process, as funding allows.
- Assist with tracking progress on the action plan and offer recommendations when barriers to implementation are encountered.
- Provide cutting-edge information, research, and tools to guide improvement of ICWA compliance efforts.
- Identify national training opportunities and resources

One of the great lessons I've learned as a judicial leader is how important it is to follow-up and follow through on initiatives. I was shocked when confronted with the history of how our Indian families and communities were cruelly and systematically broken down by our government. I have come to understand that, because this is part of our history as Americans, it compels a responsibility for all of us to address, not just those who live in areas with a large Native population. Faced with these harsh realities and a sense of responsibility, it is easy to be inspired to want to make a change. All your best intentions, however, are only as good as your willingness to continue to stand behind them. To really make a difference, you must continue to revisit your initiatives and find ways to implement your intentions into a new way of business.

—Judge Darlene Byrne, Austin, Texas Model Court

Successful action planning to achieve full ICWA compliance requires ongoing and active monitoring of plan implementation. It is critical for the collaborative to meet regularly to check on implementation progress. Regularly scheduled meetings allow the collaborative to stay on task with the implementation schedule, identify successes and barriers, and modify next steps as needed.

Conclusion

Judges have a great responsibility to protect our nation's children and correct a past that undermined Native families and cultural connections. Judicially-led collaboratives have an opportunity to bring knowledge and awareness, and to inspire a vision to fulfill the intent of the ICWA. With broad-based commitment to full ICWA compliance, state courts and child welfare systems can have a transforming effect on many lives, not only for the children and families before the court, but for the lives of generations to come.

Resources

National Council of Juvenile and Family Court Judges: <http://www.ncjfcj.org>

National Resource Center on Legal and Judicial Issues: <http://www.apps.americanbar.org/child/rcjji/home.html>

National Resource Center for Tribes: <http://www.nrc4tribes.org/>

National Indian Child Welfare Association: <http://www.nicwa.org>

Minneapolis American Indian Center, QUICWA Compliance Collaborative: <http://www.maicnet.org>

Tribal STAR, a program of the Academy for Professional Excellence, San Diego State University School of Social Work: <http://theacademy.sdsu.edu/TribalSTAR>

Tribal Law and Policy Institute: <http://www.tribal-institute.org/lists/icwa.htm>

American Indian Enhancement Project of California Toolkit: http://calswec.berkeley.edu/CalSWEC/AIE/AIE_home.html

Tribal Projects Unit of the California Center for Families, Children, & the Courts: <http://www.courts.ca.gov/3067.htm>

Native American Rights Fund, Practical Guide to the Indian Child Welfare Act: <http://www.narf.org/icwa/index.htm>

Center for Court Innovation: <http://www.courtinnovation.org/research/21/publication>

ICWA Desk Guide: http://hss.state.ak.us/ocs/Publications/pdf/ICWA_Brochure.pdf

Working Effectively with Tribal Governments (online cultural competency course): <http://tribal.golearnportal.org>

SAMHSA Culture Card: <http://store.samhsa.gov/shin/content/SMA08-4354/SMA08-4354.pdf>

Indian Child Welfare Act Law Center: <http://www.icwlc.org/training.html>

Child Welfare Information Gateway. (2012). Tribal-State relations. Washington, DC: U.S. Department of Health and Human Services, Children's Bureau: http://www.childwelfare.gov/pubs/issue_briefs/tribal_state/index.cfm

Child Welfare Information Gateway: <http://www.childwelfare.gov/systemwide/courts/icwa.cfm>

This list is not intended to be exhaustive. Please email us at caninfo@NCJFCJ.org if you have identified additional resources that could assist courts in engaging with tribes and complying with the Indian Child Welfare Act.