

COMMON GROUND:  
PRESERVING INDIAN FAMILIES AND TRIBES



## TRIBES DEVELOP CONFIDENCE REGARDING THEIR CHILD REARING TRADITIONS



# INDIAN TRADITIONS VALIDITY AND RECOGNITION



# BOARDING SCHOOL ERA REVERBERATES

- Europeans sought to Christianize and civilize Indian people
- Boarding schools removed Indian children from their families
- Indian children were prohibited from speaking their first language, wearing their traditional clothing and practicing their own religion
- The goal was to “Kill the Indian in him and save the man”
- The goal of eradicating Indian culture was not successful but a lot of damage was done

**MANY TRIBAL MEMBERS LACK INFORMATION ABOUT  
THEIR OWN HISTORY AND TRADITIONS  
REBUILDING INDIAN NATIONS**



## THE WHITE EARTH INDIAN RESERVATION

- Established by Treaty in 1867
- 19,629 enrolled members of those approx 2,710 under age of 16
- 9,188 on reservation residents
- Roughly 5,000 tribal members on reservation
- 2009-245 child protection cases filed
- 2008-220 child protection cases filed
- 2007- 175 child protection cases filed
- 2006-197 child protection cases filed

# THE WHITE EARTH TRIBAL COURT GETTING STARTED

- ◉ We started with a blank slate and decided we needed some laws to follow
- ◉ White Earth Judicial Code enacted in 1997
- ◉ Child/Family Protection Code
- ◉ Customary Adoption Code adopted many years later-it had been a custom but never written

## CUSTOMARY ADOPTIONS WHAT WE HAVE ALWAYS DONE

- More than 300 customary adoptions completed in White Earth Tribal Court
- We complete adoptions for many different tribes
- Our customary adoptions are recognized by all federal, state and local agencies and the adoptive parents receive adoption subsidies if they qualify-but this was not always the case
- Addressing permanency for many tribes



# FOSTERING CONNECTIONS

- ◉ Tribes have always had large extended families
- ◉ Tribes have always taken in children
- ◉ Tribes have always looked to take care of the children
- ◉ Tribes have always shared responsibility for the children
- ◉ Many tribes had one chief assigned to take care of the women (widows) and children

## BEST INTERESTS OF AN INDIAN CHILD

- stable, satisfactory environment and the desirability of maintaining continuity
- the permanence, as a family unit, of the existing or proposed adoptive home
- the mental and physical health of all individuals involved;
- the capacity and disposition of the parties to give the child love, affection, guidance and to continue educating the child in the child's tribal culture and heritage.

## BEST INTERESTS OF THE TRIBE

- ◉ The ability of the tribe and its members to provide for the child;
- ◉ The ability of the tribe and its members to provide for the continuation of the tribe's culture, language, history, religion, traditions and values through its children if those children are taken away and not taught these things throughout their daily lives
- ◉ Tribal survival
- ◉ Place based people
- ◉ History kept through oral tradition
- ◉ Treaties and loss of land not forgotten

## BEST INTERESTS OF THE TRIBE

- The ability of the Tribe to continue as a viable cultural entity throughout their daily lives.
- The ability of the Tribe to continue as a viable cultural entity will be hindered by the loss of its children.
- Our elder's tell us that every child is a gift from the creator and is viewed by the Tribe as crucial to the future of the tribe as a whole.

# SUSPENSIONS OF PARENTAL RIGHTS: NOT TERMINATIONS

- Maintain and foster connections
- Always include a contact agreement
- May be reviewed by the court if one of the following occurs:
  - if there is no final permanency order in effect after a period of one (1) year after the entry of the final order suspending parental rights;
  - the adoption of the child fails;
  - or the adoptive parent is deceased.

## FAMILY DEPENDENCY TREATMENT

- ◉ Drug Court model
- ◉ Applies to child protection cases
- ◉ voluntary
- ◉ Many young women have substantial child protection histories and are ready to permanently lose their children
- ◉ This is their last chance to reunify with their children
- ◉ 18 month long court involvement
- ◉ Intensive services and monitoring 3-6 UA's per week, court meets weekly

# FOSTERING CONNECTIONS: A TRIBAL TRADITION

- Maintain connections to immediate family, extended family, tribal members and other Indian people
- Allow contact for biological parents
- Look for elders in community to provide cultural connections
- Work to foster the connections for Indian children with family, culture and language.

## **HISTORICAL TRAUMA:** **CHAIRWOMAN ERMA VIZENOR**

Healing has to take place among our people, causes of social problems, self-destruction, violence, anger and poverty are rooted in historical trauma, the holocaust of history. The white people and many Indian people don't get it, that dealing with loss of land, children taken away, families broken, loss of culture, tradition and language, constant oppression and discrimination are the historical pain and anger carried from one generation to the next.