The Indian Child Welfare Act of 1978: Communication and Collaboration Between Tribes and the County

Erika Salinas
Dr. Annette Reed, Faculty Mentor

Abstract

The purpose of the Indian Child Welfare Act (ICWA) of 1978 is to protect Native American children and uphold tribal sovereignty. This can be achieved through effective communication and collaboration between tribal and county governments. However, evidence in literature on this topic has shown a disconnection between the two government entities. The researcher conducted four interviews with tribal ICWA social workers by asking a set of 18 questions used to analyze the tribal ICWA worker's relationship with the county. The results from this study found that communication and collaboration are good with county supervisors; however, they can be improved when dealing with county workers. Recommendations on how to sustain and/or improve the relationships between tribes and the county to maximize the effectiveness of the ICWA are identified.

Introduction

The Indian Child Welfare Act of 1978 is a federal law that is aimed at preserving cultural and familial ties among Native American children and families while encouraging respect for tribal authority in decisions concerning the placement of Native American children in foster care. It also limits states' powers regarding Indian children and imposes specific procedural requirements on state courts and state child welfare agencies in the removal and placement of Indian children (Brown et al. 2002). A need for this law became apparent after a 1976 study by the Association on American Indian Affairs. The findings reported that 25% to 35% of all Indian children were being placed in out-of-home care (Unger 1977). Of those children being placed in out-of-home care, 85% were being placed in non-Indian homes or institutions (Unger 1977).

Sources that have researched compliance with The Indian Child Welfare Act of 1978 focus on the county. However, not much research has been conducted on the tribal perspective. As active sovereign entities, tribes have designated ICWA representatives who assist in receiving notice from state child welfare agencies and
state courts where an Indian child welfare case has been filed to ensure that the tribe is informed and can respond to the notice. It is important to acknowledge the issues and concerns that tribes have with regard to how the county deals with their children when they enter the system because these children are members of their sovereign nations. This information is essential to research because in order to understand the gaps between communication and collaboration with child welfare agencies, both sides (county and tribal) must be examined. Previous research focuses more on the counties when it should also take the tribes into account. For the purpose of this article, the terms Indian, Native American, and American Indian are used interchangeably to refer to Native American people.

This study will explore the research question of “How do tribal Indian Child Welfare Act (ICWA) social workers define their level of communication and collaboration with the county?” The relationship formed between the two governments is necessary for the best outcomes of the child who falls under ICWA. This will help the child to maintain connection with their tribe, culture, and traditions - all rights they have as granted by their membership in their respective tribes.

Literature Review


The National Indian Child Welfare Association (1997) reported that in 1819, the United States government passed legislation to establish the Civilization Fund, the first federal policy to directly affect Indian children. It provided grants to private agencies, primarily churches, to establish programs to “civilize” the Indian. In a report to Congress in 1867, the Commissioner of Indian Affairs declared that the only successful way to deal with the “Indian problem” was to separate the Indian children completely from their tribes, resulting in complete absence of culture and identity (National Indian Child Welfare Association 1997). This policy led to the creation of boarding schools that utilized military type discipline. Throughout the remainder of the 19th century, boarding schools became more oppressive, eliminating the use of native language and cutting the children's hair. To Native Americans, the cutting of hair was a sign of mourning or shaming (National Indian Child Welfare Association 1997). In addition, school officials gave the children more Christian names, thus the names their parents or family had given them were eliminated. Furthering the assimilation process, officials banned the practice of any Native American ceremonies or rituals, declaring that children only learn Christianity (National Indian Child Welfare Association 1997). In 1910, bonuses were used to encourage boarding school workers to take leaves of absence and forcibly gather as many students as possible from surrounding reservations (National Indian Child Welfare Association 1997).
Aside from boarding schools, other federal practices encouraged the displacement of Indian children from their families and communities. In 1884, the “outing” system placed numerous Indian children on farms in the East and Midwest in order for the children to learn the “values of work and the benefits of civilization” (National Indian Child Welfare Association 1997, 1).

Throughout the 1950s and ’60s, the adoption of Indian children into non-Indian homes, primarily within the private sector, was widespread. In 1959, the Child Welfare League of America (CWLA), which was the standard-setting body for child welfare agencies, in cooperation with the Bureau of Indian Affairs (BIA), initiated the Indian Adoption Project. In the first year of this project, 395 Indian children were placed up for adoption with non-Indian families in eastern metropolitan areas (National Indian Child Welfare Association 1997, 2). Later, in 2001, Shay Bilchik, the president and CEO of the CWLA, made a public apology on the League’s behalf. A portion of the apology read “In many instances, [the children] were deprived of their culture, their language, connections to their families, their tribe, and in many instances it caused such hurt and sorrow and deprived them of so much happiness in their lives” (Tribal Successful Transitions for Adult Readiness [STAR] 2009, 26). This apology was recognition of how the CWLA did not act in the best interest of tribes or the children and acknowledged the negative impact that the Indian Adoption Project had on the lives of these children.

A 1976 study by the Association on American Indian Affairs found that 25% to 35% of all Indian children were being placed in out-of-home care (Unger 1977). Eighty-five percent of those children were being placed in non-Indian homes or institutions (Unger 1977). Congress found these statistics to be shocking, and because of these findings, Congress saw a need for reform. Specifically, in California, it was found that over 90% of California Indian children subject to adoption were placed in non-Indian homes and that Indian children were more than eight times as likely as non-Indian children to be placed in adoptive homes. Overall, one of every 124 Indian children in California was in a foster care home, compared to a rate of one in 367 for non-Indian children (Broadhead et al. 1976).

In a response to the overwhelming evidence from Indian communities that the loss of their children meant the destruction of Indian culture, Congress passed The Indian Child Welfare Act of 1978.

The Indian Child Welfare Act of 1978

In 1978, Congress signed The Indian Child Welfare Act (25 U.S.C 1901 et seq.) into law, and it is regarded as the most significant piece of federal legislation affecting American Indian families (Brown et al. 2002, 7). Congress prefaced the Act by stating,

There is no resource more vital to the continued existence and integrity of Indian tribes than their children... [A]n alarmingly high percentage of Indian families
are broken up by the removal, often unwarranted, of their children from them by non-tribal 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 have often failed to recognize the essential tribal relations of Indian people and the cultural and social standards prevailing in Indian communities and families (Indian Child Welfare Act 1978).

“The ICW A includes provisions that require the following: 1) identification of Indian children by the state and subsequent notification to the child’s parents and the child's tribe of their rights to intervene in state child custody proceedings; 2) the use of tribal courts by way of requests for transfer of jurisdiction; and 3) procedural requirements for child custody proceedings that remain in state courts, including tribal intervention, standards of proof, and placement preferences” (Brown et al. 2002, 9). The ICWA applies only to child custody proceedings: foster care placement, termination of parental rights, pre-adoptive placement, and adoptive placement (25 U.S.C. § 1920 [1]). Furthermore, the ICWA may only apply to an Indian child, defined under the law as any unmarried person who is under age eighteen and is either a) a member of an Indian tribe or b) is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe (Sec 1903, 4).

“ICWA creates the following two-part requirement for states to remove an Indian child from his/her home: 1) proof that active efforts have been made to prevent the breakup of the Indian family and that these active efforts have proved unsuccessful; and 2) a court finding supported by clear and convincing evidence that the continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child” (Brown et al. 2002, 9). When removed, the law states that preference shall be given to the child’s placement with one of the following, in descending priority order: 1) a member of the child’s extended family, as defined in Section 1903 of The Indian Child Welfare Act (25 U.S.C. Sec. 1901 et seq.); 2) a foster home licensed, approved, or specified by the child’s tribe; 3) An Indian foster home licensed or approved by an authorized non-Indian licensing authority; or 4) an institution for children approved by an Indian tribe or operated by an Indian organization which has a program suitable to meet the Indian child’s needs (25 U.S.C Chapter 21).

Once a state court has determined that a particular child custody proceeding is governed by ICWA, the court must adhere to multiple requirements in order to comply with the act. To protect the interests of tribes, ICWA requires states to provide notification to the tribe at least 10 days in advance of pending involuntary child custody proceedings (25 U.S.C. § 1912 [a]). Delivery must be made by registered mail with a return receipt requested to the parent(s) and/or Indian custodian(s), as well as the child’s tribe (25 U.S.C. § 1912 [a]).
The ICWA and California

In 2006, the California Legislature passed Senate Bill 678, and it was signed into law by Governor Arnold Schwarzenegger in 2007 (Geary & Radoff, 2007). SB 678 is the uniform application of The Indian Child Welfare Act in California. Changes in the federal law to fit California standards allow participation of non-federally recognized tribes, on request and at the discretion of the judge in the dependency matter. This difference expands the option and availability of culturally appropriate services to children from non-federally recognized tribes. SB 678 encourages the courts and counties to work with an Indian child’s family and tribe to ensure that the child’s emotional, political, and spiritual well-being is promoted by fostering strong connections with the child’s extended family, culture, ancestral homeland, and tribe (Geary & Radoff, 2007). Tribal Successful Transitions for Adult Readiness [STAR] (2009) reported that “Tribal youth who maintain connection to their families and culture demonstrate better outcomes; that the ‘Tribal’ as identified in the Act itself does not match being ‘Tribal’ in a historical context; that many ‘Tribes’ are unrecognized yet still function as Tribes, maintain their own culture, ceremonies, language, traditions, and systems of government” (p. 46).

In regards to the placement preferences outlined in ICWA federal law, SB 678 codified placement preferences into California state law, indicating that California has an interest in:

- protecting the essential tribal relations and best interest of an Indian child by...
- placing the child, whenever possible, in a placement that reflects the unique values of the child’s tribal culture and is best able to assist the child in establishing, developing, and maintaining a political, cultural, and social relationship with the child’s tribe and tribal community (California Indian Legal Services 2012, 15).

The most significant change made by SB 678 was the new exception to termination of parental rights. The new exception applied where termination of parental rights would be detrimental to an Indian child, including but not limited to cases where 1) termination would substantially interfere with the child’s connection to his or her tribal community or the child’s tribal membership rights; or 2) the child’s tribe identifies guardianship, long term foster care with a fit and willing relative, tribal customary adoption, or another permanent plan (California Indian Legal Services 2012). This exception recognizes that the severing of the legal relationship of a parent and child is not a concept that is culturally recognized by most Indian tribes, which ultimately reorients social services agencies away from the narrow view that conventional adoption is always the best placement for the child (California Indian Legal Services 2012).
Studies of Compliance of the ICWA in California

In 2006, a thesis titled “Federal Indian Policy and the Indian Child Welfare Act of 1978: An Exploratory Study on ICWA Compliance Among CPS Workers in Sacramento County,” written by Roche and Kloh at California State University, Sacramento looked to gather demographic information on American Indian youth in dependency systems at Child Protective Services (CPS) in order to discover what barriers may exist among county workers in their efforts to comply with the ICWA in Sacramento county. Statistics that sparked this study showed that in 2005 alone, there were seventy-two unpublished ICWA cases that were reversed, in whole or in part, because of failure to follow the ICWA statute. The research done by Roche and Kloh (2006) had six major findings:

1) The majority of respondents have received some training on the ICWA, but most respondents have not read the legal guidelines necessary for understanding the spirit of the law (meaning inclusion of non-federally recognized tribes), as well as implementing the substantive and procedural provisions of the ICWA; 2) there appears to be little communication with tribes and involvement of the extended family of the Indian child in case planning; 3) there is an underutilization of American Indian resources in serving Indian children; 4) there is a lack of familiarity with the procedural and substantive provisions of the ICWA; 5) more than half of the respondents did not apply all of the requirements of active efforts to reunify American Indian families; and 6) unless placed with extended family, Indian children generally were not placed into American Indian foster homes (113).

Roche and Kloh (2006) state that with regard to training and familiarity with the ICWA requirements, over half to nearly all of the respondents in their study indicated that they were only somewhat familiar to not familiar at all with the ICWA requirements, despite the fact that nearly all had attended at least one ICWA training (114). Based on their findings, the authors had several recommendations in order to improve ICWA compliance in Sacramento County (Roche and Kloh 2006). One recommendation was for Sacramento County to hire Native American caseworkers or caseworkers who are knowledgeable of and involved with the local Native American community as well as creating an “Indian unit,” meaning social workers who specialize in handling ICWA cases, who understand Native American families, and who are involved with the Indian community (Roche and Kloh 2006, p. 119). Finally, the last recommendation from Roche and Kloh (2006) was that Sacramento County should implement an ICWA advisory board from local Indian community representatives who could help the county evaluate their ICWA policies and practices (120). None of these recommendations have been implemented since the completion of the study.

The Roche and Kloh (2006) study was important because it found that county social workers need further education about the ICWA, as it is critical when
working with members of Native American tribes as well as the ICWA workers. Also, it found that many county social workers have not read the ICWA law in its entirety; therefore, county social workers may not understand why the law was passed and the necessary steps in placing Native American children if they have not even read the law (Roche and Kloh 2006).

Interpreting the law into county policy, “from 2008 to 2010, a California Breakthrough Series Collaborative (BSC) addressed the disproportionality of African American and American Indian/Alaska Native (AI/AN) children in public child welfare services” (Lidot, Orrantia, and Cchoca, 65). The Continuum of Readiness was to be utilized by California counties looking to make strategic decisions in order for compliance with ICWA and in addressing disproportionality through collaboration with tribes and urban Indian communities. The study reported many successes by California counties while applying the Continuum of Readiness to their practices (Lidot, Orrantia, and Cchoca 2012). This approach implements a simple assessment that determines the top priorities of interested counties in the following areas:

1) creating awareness of culturally-relevant resources to support addressing disproportionality (clinics, ICWA services, American Indian and tribal services, Tribal TANF, etc.); 2) awareness of American Indian culture, history, and values that can increase culturally responsive social welfare practice; 3) establishing relationships with American Indian agencies, community members, community leaders, and providers that serve youth in the system; 4) providing support for developing realistic and achievable goals and/or objectives in the county System Improvement Plan, which includes American Indian/tribal stakeholders; 5) improving ICWA compliance; 6) providing technical assistance and support for future or existing coalitions that are working to address gaps and challenges faced by county child welfare systems and local American Indian ICWA service providers; and 7) dealing with “other” self-identified efforts that must be clearly related to supporting collaboration with tribes and AI programs (Lidot, Orrantia, and Cchoca 2012, 71)

These different approaches are important because they promote cultural competency within the Native American community and create a working relationship between tribal and traditional agencies.

The BSC (2012) research documented the achievements of several counties that utilized the Continuum of Readiness. For example:

Alameda County strengthened its collaboration with the Bay Area Collaborative of American Indian Resources (BACAIR), a collaborative that unites services for AI/AN tribal youth in ICWA. Alameda also implemented a concentrated effort to ensure proper identification of AI/AN youth. Fresno County strengthened its communication and relationships with local tribal ICWA designated agents. In
addition, the county established additional linkages between tribal representatives and multiple county departments and revised their ICWA policies and procedures. Placer County established a Native Family Services Team to manage ICWA cases, including ICWA related policies and procedures; the county also established additional linkages between tribal representatives and multiple county departments including the courts. San Diego County developed a collaborative team called the Seventh Generation and supported the development of Club 7, a support group for American Indian foster youth and friends. San Diego also filmed a video, *A Parent's Guide to Child Welfare Services and the Juvenile Court: ICWA Version*, which is still used as an engagement tool to increase the reunification of Native American parents and their children involved in the child welfare system. San Diego County was also able to reduce disproportionality from 1.2% in 2007 to 0.9% in 2010 (81).

The California Breakthrough Series Collaborative (2012) study was important because it produced the Continuum of Readiness, which allowed for a reciprocated relationship between counties and tribes. The Continuum of Readiness was tested, and the tests showed improvements in communication and collaboration, which is important when working with two sets of governments. There are significant differences between Native American culture and Western society; the California BSC study creates a functional way for them to understand and be able to work with one another.

**ICWA Focused Organizations and Conferences**

Based on my research, there is only one national organization dedicated to the well being of American Indian children and families: The National Indian Child Welfare Association (NICWA). Originally the Northwest Indian Child Institute, NICWA was founded in 1983. NICWA offers many services to tribes and those working in Indian child welfare. One service they offer is the Tribal Child Welfare Worker Certification which serves as an effective way for highly qualified child welfare workers to demonstrate their professional proficiency in the field of tribal child welfare, to tribal communities and child welfare programs, and to the Native American families they serve (Tribal Child Welfare Worker Certification, 2014). Another service they provide in the capacity of ICWA is that for the past 32 years, NICWA has held an annual conference based on Indian Child Welfare and, more specifically, focuses on the Indian Child Welfare Act. This conference is attended by individuals such as social workers, tribal leaders, judges, service providers, and concerned community members.

Specifically in California, Tribal STAR has made an enormous impact in the region of Southern California. Tribal STAR is a program of the San Diego State University School of Social Work, Academy for Professional Readiness (Tribal
[STAR] Successful Transitions for Adult Readiness 2009). The mission statement on their website reads:

Tribal STAR’s mission is to improve collaboration efforts that ensure Tribal foster youth are connected to culture, community and resources throughout their transition to adulthood by providing training and technical assistance to communities and organizations that serve Tribal foster youth with the goal of increasing positive outcomes during their transition to adulthood (Tribal [STAR] Successful Transitions for Adult Readiness 2010).

Tribal STAR is utilized by tribes and agencies in Southern California as a resource for topics pertaining to ICWA. This program provides trainings to county social workers, tribal ICWA social workers, foster family agency social workers, child welfare programs, etc., at no cost to the attendee (Tribal [STAR] Successful Transitions for Adult Readiness 2009). This program has been vital to the Native American community located in Southern California, and it has played a role in helping the Native families and children in that area.

Finally, there is an Annual California State ICWA Conference that has been held for the past twenty-one years. Each year, different California tribes offer to host this event, alternating between Southern California and Northern California. This conference focuses solely on ICWA and how to increase knowledge and skills for service providers, agencies, leaders, legal practitioners, and judges. This event is open to anyone who is interested in attending.

There are many efforts being made to expand the knowledge of the ICWA and to provide services to tribes, counties, and service providers to understand the purpose of the ICWA and how beneficial it is to Native American children. With the absence of the ICWA, many Native American children were displaced out of their tribal communities, and both the children and tribes have experienced the negative effects of this. The creation of these organizations and the services they provide create a huge impact within the communities they serve and have become a step in the right direction towards a positive future.

**Methodology**

This study consists of cross-sectional qualitative research that explores the question: How do tribal Indian Child Welfare Act (ICWA) social workers define their level of communication and collaboration with the county? The researcher conducted interviews with four different tribal ICWA social workers that represented both Southern and Northern California tribes. Prior to beginning the study, the Institutional Review Board at California State University, Sacramento approved this research.
Sample and Procedures
The tribal ICWA social workers who agreed to take part in this research read and signed a consent form that stated the research question, the purpose of the study, the tribal ICWA social worker’s involvement, and how any identifying information will be omitted. The researcher conducted qualitative research using phenomenology which focuses on obtaining detailed descriptions of the participants’ experiences (Creswell 2009). This was done through interviews with the four tribal ICWA social workers using a list of eighteen questions (see Appendix). The interviews were recorded and then transcribed.

Measures
The first six questions explored the tribal ICWA workers’ interpretations of the ICWA. Specific questions included: “How do you interpret the Indian Child Welfare Act of 1978?” and “What are the strengths and weaknesses of ICWA?” Questions seven through twelve asked about the effect that the ICWA has on Native American people and the tribe itself. Specific questions included: “Do you feel that you have a strong relationship with the county when dealing with ICWA cases?” and “Do you feel as if the county has a strong sense of cultural competency when dealing with your tribe?” Questions thirteen through eighteen asked about the tribal ICWA social workers’ feelings on the communication and collaboration that they have with county Child Protective Services workers. Specific questions include: “In your experience as a tribal ICWA social worker, how do you feel about the communication with the county?” and “In your experience as a tribal ICWA social worker, how do you feel about collaboration with the county?”

Analysis
After the face-to-face interviews were completed, the researcher transcribed the interviews, read the transcripts, and identified commonalities from all four interviews. Reviewing the transcripts, the researcher looked at how the information obtained best answers the research question: How do tribal Indian Child Welfare Act (ICWA) social workers define their level of communication and collaboration with the county?

Results
After conducting the interviews, the researcher separated the participants from Southern California tribes and Northern California tribes. This allowed for comparing and contrasting based on geographical location of the tribes, as well as different strategies each region took on dealing with the county. The transcripts revealed the similarities and differences between the experiences by the Southern California and Northern California participants.
Southern California Tribes

Three of the four participants are tribal ICWA social workers employed by Southern California tribes. With over half of the participants representing Southern California, it allowed the researcher to relate the participants’ answers and gain a better understanding of the resources available to them. Analyzing the content of the interviews, the researcher was able to identify positive and negative areas of communication and collaboration with the county.

One positive outcome is that all three tribal ICWA social workers were pleased with the work of the regional heads and supervisors of the Child Protective Services units. All three tribal ICWA social workers have good working relationships with those in higher positions and feel that it makes a difference when working on the ICWA cases. In responding to the question “Do you feel as if the county has a strong sense of cultural competency when dealing with your tribe?” Participant 2 stated, “The specific units... they have ICWA units now, but overall, the head people do. They know what needs to be done. Sometimes, it’s just getting that information down to the new workers...” Participant 1 answered the same question as,

I think the regional head, I know, culturally, has what she needs. If there’s anything I need, I can take it to her and she will hear any of my complaints. It’s a hard one because I’ve come across social workers who they don’t know a lot but they respect her and they work well with me. And we work well together.

Participant 1 followed up by answering “Do you have any recommendations on how to improve communication and collaboration between the county and tribal ICWA social workers?” by stating,

...we created a relationship to where I have direct access to the regional head. So, I’m having a problem with a rogue CPS worker who doesn’t want to listen to ICWA or who doesn’t want to listen to me, I can make that one phone call and she can fix it...And it’s one thing to have a relationship with the CPS worker but when you can go straight to the supervisor and say ‘Hey I’m having problems,’ it really makes things so much easier for everyone involved.

In addressing the same question, the Participant 3 was able to express the importance of developing relationships with supervisors and that the participant’s professional relationship with the supervisor of the ICWA unit has been instrumental in the successes of communication and collaboration with the county.

On the other hand, one area of frustration for the majority of participants is the lack of communication and collaboration by counties outside the area in which the tribe resides. Participant 1 answered “When dealing with the county, do you feel as if the county fully understands ICWA and why it is important to tribes?” by stating,
I know when we were in San Diego County, they don’t even want to acknowledge us. So when we’re there with our attorneys, and myself, they didn’t acknowledge us until they absolutely had to acknowledge us so I think it really depends on what county you’re in. I think our home county, where the tribe is located—yes. They have a good understanding, but some of the outside counties, we’ve had our struggles.

In addressing the same question, Participant 3 credited the competence of their county on understanding ICWA by going through Tribal STAR training. Tribal STAR has made a big impact on tribes and counties in Southern California. The programs and trainings that they offer call for effective communication and collaboration between these two agencies regarding ICWA.

Aside from communication and collaboration with the county, Participant 3 expressed frustration over the lack of funding while answering the same question. Tribes who are able to own and operate their own casinos are able to distribute funds to child welfare services, while other tribes who lack funds and/or who have a contract with a casino are unable to distribute money to their child welfare services programs. This leaves tribal ICWA social workers in a predicament because they lack an adequate number of staff to take on the number of cases with which they are faced. Also, with the lack of funds, tribal ICWA social workers are unable to provide trainings on ICWA and associated topics to Native American people and tribes.

**Northern California Tribes**

Participant 4 is a tribal ICWA social worker employed by a Northern California tribe. This participant was able to express both frustration and praise over communication and collaboration with the county. When asked “Do you feel that you have a strong relationship with the county when dealing with ICWA cases?” Participant 4 expressed a good working relationship when it comes to the county; however, the participant noted that inexperience amongst the newer county social workers plays a role in hindering these relationships. In answering same question, Participant 4 stated in the interview,

When it comes to the actual department itself…. Some of the members I do have a pretty good relationship with. What I’ve noticed lately… Sometimes I think that they’re not all knowledgeable about ICWA. I had one social worker…she told the foster family, ‘well you know, the county is up here and ICWA is down here...’ what she was telling this foster family is that the county is of a higher place than the tribe was and I completely disagree with that. I feel that we’re equal.

As stated above, the participant expressed a good working relationship with the county. However that was not always the case. Initiative taken by the tribes is what helped these relationships unfold. In answering the question “In your experience as a tribal ICWA social worker, how do you feel about collaboration with the county?” Participant 4 stated,
We’ve made a lot of headway. We used to have a lot of problems with the county but now with three tribes, everyone is actively getting involved. I think we have a pretty good working relationship with them, a really good open relationship... they have really tried to work with us, but whether they really mean it, I don’t know.

Even though the working relationship is good, the participant expressed a need for better communication. In answering the question, “In your experience as a tribal ICWA social worker, how do you feel about the communication with the county?” Participant 4 stated:

Depending on the social worker... sometimes they forget to communicate with us... if I don’t hear anything, of course I’ll go to their supervisor... or I will CC the county’s counsel and he will get right back to me... there definitely is a lack of communication.

Participant 4 expressed good communication and collaboration with the county’s counsel. Participant 4 feels that the county’s counsel has a better understanding of ICWA and is empathetic to the tribes’ needs and wants. In answering the question, “Do you feel that you have a strong relationship with the county when dealing with ICWA cases?” Participant 4 stated

I do have a great relationship with the county counselor... [The county social workers] put a very good front on and they really want to work with us but... I don’t think the county really gets [ICWA], I don’t think they really understand as far as the social workers...Sometimes I don’t really think that they care... They’re just trained to follow policies and I don’t think they’re educated in aspects of ICWA...

Overall, Participant 4 feels that the level of communication and collaboration “depends on how involved the tribes are in the county.” Similar responses were given throughout all interviews conducted. All participants felt the importance of creating a close relationship with the county because it creates an easier way for communication and collaboration.

**Recommendations**

Each participant stated their recommendations on how to improve communication and collaboration between the county and tribal ICWA social workers when answering the question of “Do you have any recommendations on how to improve communication and collaboration between the county and tribal ICWA social workers?” The first recommendation would be for tribes to create a relationship with the Child Protective Services department, or the ICWA department if the county has one implemented. This would allow for the tribes to become familiar with the county social workers and the supervisors that they will be dealing with whenever an ICWA case is received. Participant 1 from Southern California stated
I would recommend starting with [a] meeting... Your tribe decides ‘who do we want at the table.’ When you have those people together, you figure out who those supervisors are, you get them to lunch, you provide a luncheon for them, and then you just talk about things- ‘How can we work well together?’...Developing, laying the foundation, developing relationships and true collaboration. I understand its difficult when you have those people who want to block you, who don’t want to work with you, just find out who their higher up is, get them involved, find the sympathetic ear that’s willing to work with you and then move forward on that. That would be my suggestion.

Participant 3 recommended bringing in Tribal STAR, including the schools and looking at student attendance review boards, and working with the Child Protective Team (CPT) so that they are able to intervene before the child is removed. It is apparent that these tribal ICWA social workers make a point to initiate these relationships with the county. They push for communication and collaboration because the children of those tribes depend on it. The better the communication and collaboration is between the two groups, the better the outcomes.

As stated above, Southern California has a tribal alliance that allows for county and tribal governments to get together to discuss tribal child welfare; however, this is something the Northern California tribe lacks within their county. The positive impact that this group has brought to tribes in Southern California is needed in Northern California. For example, Participant 2 discussed the positivity in this group stated

I think that with the model they’ve done down here with the tribal alliance meetings and the collaborating with getting together with the different workers and the judges and the county officials... it’s worked so well and I know that the caseloads have gone down.

A collaborative group that could be created in counties within Northern California would help tribes create a relationship with the county and encourage communication between the two groups. Participant 4 stated

I think one thing that could work is some sort of collaborational meeting whether it’s monthly; I think a monthly one would be wonderful... I think that would be great... there could be constant communication on what’s good, what’s not good, what’s new, are there any new all-county letters coming out... communication is the key... having a meeting monthly or quarterly... I think that definitely would be a step.

This collaborative group would allow for tribal ICWA workers in the same county and/or surrounding counties to be more involved with the county to create an environment that would collaborate in the best interest of the Native American child.

Another recommendation was to provide training to county workers and educate them on ICWA and tribal involvement. The participants had similar frustrations
with the county in that the county workers feel as if ICWA creates more of a burden on their workload. However, the tribal ICWA social workers feel as if the procedures of ICWA call for a more collaborative effort, something the county social worker may not see upfront. The Northern California participant explained how newer county social workers do not seem familiar with ICWA and tribal governments. Requiring training on working with tribes and ICWA would allow the county social workers to gain the skills and knowledge necessary for better outcomes in working with tribal ICWA social workers while maintaining cultural competency. The lack of cultural competency creates a divide, and eliminating that divide would allow for a more open relationship between counties and tribes to work together.

In regards to communication, one recommendation that the Northern California tribal ICWA social worker had was, “I would love to have some sort of agreement with [the county] saying that any time that they get in contact with our [tribal] member they are to call us immediately and we will pick the child up.” This would allow for the county to keep the tribes involved from the beginning of the case and, in turn, the tribes would feel as if the county is making more of an effort to communicate and collaborate with them. The better the communication is between the two entities, the better the outcome for the child.

Limitations
The biggest limitation was the number of participants. With the time constraint, it was difficult trying to recruit tribal ICWA social workers who were willing to participate in the timeframe given. Still, the researcher was able to gather one participant from a Northern California tribe and would have liked to interview more participants from Northern California. Another limitation was that the central region of California was not represented in this sample. With participants from central California, the research study would allow for input from tribes from each region of California.

Further Research
The researcher would like to expand this research study and interview more tribal ICWA social workers from both Southern and Northern California to make the findings stronger. Also, this researcher would like to include tribal ICWA workers from central California to provide a more complete representation from across the state. Another aspect of research would be to focus on each specific county in California in an effort to improve communication and collaboration between these tribal and traditional governments.
CONCLUSION

Communication and collaboration between the county and tribes are vital when looking to achieve the best outcomes of ICWA. The relationship between these two entities is necessary when working in the best interest of the child. Failure to acquire these relationships can result in negative outcomes for the child. The participants within this study have made it a point to create these relationships with the county in order to create a better working relationship between the two. They push for that communication and collaboration because the children of those tribes depend on it. The better the communication and collaboration is between the two groups, the better the outcome.

Recommendations have been made by all participants in hopes to strengthen the relationships with the counties they come into contact with. These relationships are needed to create an outcome in the best interest of the child. Although ICWA has been enacted for thirty-six years, there are still social workers who have no knowledge about the law or who are uncertain about procedures of the law. Coming up with a way to create communication and collaboration between tribal ICWA social workers and the county is one step to upholding the ICWA and creating the best outcomes for Native American children.
References


Appendix

Interview Questions for Tribal ICWA Social Workers

How do you interpret *The Indian Child Welfare Act* (ICWA) of 1978?

How does *The Indian Child Welfare Act* impact Indian people?

What is your role as an ICWA social worker?

How well has ICWA worked for Indian children and families?

What are the strengths and weaknesses of ICWA?

How does ICWA affect this tribe in regards to adoption and/or foster care?

Do you feel that ICWA has been beneficial in helping children within your tribe?

Is there an ICWA committee with this tribe? How many members are on the committee? How is it decided that they are part of the committee?

If there is a committee, what is the function of the committee?

Once the tribe is informed about an ICWA case, what are the steps that you, as an ICWA social worker, take?

Do you feel that you have a strong relationship with the county when dealing with ICWA cases?

Do you feel as if the county has a strong sense of cultural competency when dealing with your tribe?

When dealing with the county, do you feel as if the county fully understands ICWA and why it is important to tribes?

In your experience as a tribal ICWA social worker, how do you feel about the communication with the county?

In your experience as a tribal ICWA social worker, how do you feel about collaboration with the county?

Does the county ever reach out to your tribe to create some type of relationship?

Do you have any recommendations on how to improve communication and collaboration between the county and tribal ICWA social workers?

Any additional comments or concerns?