

## Intro Episode

Carrie Owen ([00:30](#)):

[inaudible] Hello everyone. I just spoke to you in the Dakota language and I spoke to you in the Dakota language because that's one of the original languages of Minnesota, and what I said was my native name is Ishta maza win , which means Iron Eyes Woman and I currently live at the Prairie Island Indian Community, one of the 11 reservations in Minnesota, and I'm also a member of the Omaha Tribe, enrolled member of the Omaha Tribe of Nebraska, and I'm a member of the Meskwaki Tribe of Iowa, and I'm also part Dakota. I'm one of the three ICWA compliance consultants in the American Indian Wellbeing Unit within the Department of Human Services, Child Safety and Permanency division. I'm very excited about this podcast. These first six podcasts focus on six major provisions of the Indian Child Welfare Act, also known as ICWA and the Minnesota Indian Family Preservation Act, also known as MIFPA.

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It is our hope that these six podcast sessions assist in expanding your knowledge of ICWA MIFPA implementation and practice application, which we hope to result in increased ICWA MIFPA compliance for county and private agencies who work with Indian children and families within the state of Minnesota. Compliance of these laws equals protection for all our native children and families who reside in Minnesota. Previously, the unit was utilizing webinars called the ICWA Coffee Talks, but we really felt like it was necessary to broaden our network. I also will mention that during the course of these sessions, you may hear our team referenced as the ICWA Unit and the American Indian Wellbeing Unit. Recently we changed our name from the ICWA Unit to the American Indian Wellbeing Unit, so you may hear the two being used interchangeably. We made this change to encompass the wide range of services our unit provides beyond ICWA.

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Each podcast will begin with the legal definitions, which can be dry and seem like legal jargon, but please bear with us as the legal language is important and guides the application in practice, which is foundational. Then a team member will go over frequently asked questions, and then we'll end each podcast with the story regarding the provisions highlighting the importance that impacts ICWA and MIFPA. In the future, we hope to bring forward other podcast series to bring alive personal stories and history of federal state laws along with agreements. We thought it was important to share a Dakota prayer song at the beginning of each series. As you have heard. The Dakota Song sums up our beliefs that creator comes first before anything else and is often sung in the household by women in the morning to start the day. A way of acknowledging our children are sacred and gifts from the creator. I'd like to also mention I am honored to be on a team with such talented, knowledgeable people. My coworkers, which in native tradition equate to my relatives. Each of them bring their cultural knowledge from their diverse tribal backgrounds. These are things that you cannot learn in any college or higher education setting. It must be lived, and they also bring their profound professional knowledge as well. And lastly, I want to say Mitakuye Oyasin, which is a central part of the Dakota worldview, defining our relationship to each other and the land, meaning we are all related. Thank you.

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Why does the Indian Child Welfare Act matter? The Indian Child Welfare Act was enacted in 1978 in response to a crisis affecting Native American and Alaskan native children, families, and tribes. Studies reveal that large numbers of native children were being separated from their parents, extended families and communities by state child welfare and private adoption agencies. Research found that 25 to 35% of all native children were being removed. Of these 85% were placed outside their families and communities, even when fit and willing relatives were available. Congressional testimony documented

the devastating impact removal had on native children, families, and tribes. While much of the testimony focused on the harm to native parents and their children who were involuntary, separated by decisions of local child welfare authorities, there is also considerable emphasis on the impact on tribes of the massive removal of their children. For example, Mr. Calvin Isaac, tribal chief of the Mississippi Band of Choctaw Indians and representative of the National Tribal Chairman's Association testified as follows, "culturally, the chances of Indian survival are significantly reduced if our children, the only real means for the transmission of tribal heritage are to be raised in non-Indian homes and denied exposure to their ways of their people.

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Furthermore, these practices seriously undercut the tribe's ability to continue our self-governing communities. Probably in no area is it more important that tribal sovereignty be respected than in any area as socially and culturally determinative as family relationships. One of the most serious failings of the present system is that Indian children are removed from the custody of their natural parents by non-tribal government authorities who have no basis for intelligently evaluating the cultural and social premises underlining Indian home life and child rearing. Many of the individuals who decide the fate of our children are at best ignored of cultural values and at worst contemptful of the Indian Way, and convinced that removal usually to a non-Indian household or institution can only benefit the Indian Child. Congress pass ICWA with the expressed intent to protect the best interest of children and to promote the stability and security of Indian tribes and families."

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ICWA recognizes that tribes have inherent sovereignty and right of self-governance. ICWA establishes federal requirements that apply to all state child custody proceedings involving native children, along with procedural safeguards that protect the right of native parents and tribes, and ICWA applies to native children who are members of or eligible for membership in federally recognized tribes. ICWA was critically needed and crafted to address some of the most long-standing and egregious removal practices, specifically targeting native children in American history. Among its added protections for native children, ICWA requires case workers to follow protocols when handling ICWA cases, including providing active efforts to families, identifying a placement that fits iqua preference provisions, notifying the child's tribe and their parents of any child custody proceeding and working actively to involve the child's tribe and their parents in all proceedings. These added protections address not only specific system abuses directed at native children, but also their unique political and cultural considerations.

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ICWA has been labeled the gold standard of child welfare policy by national leading child advocacy organizations far beyond Indian Country. The measures ICWA takes to keep native children in relative care whenever safe and possible are best practice in the wider field of child welfare and increasingly codified in state and federal law for the wider population. Almost every Native American family has personal stories of their family being broken apart and lives changed forever because of federally sanctioned policies that authorized widespread removal of native children from their parents and extended family. ICWA's focus is to keep children in their families by requiring active efforts to prevent removal involving a child's tribe at the earliest possible time so they can be involved in decision making for their members and relying on traditional helping and healing ways. Until ICWA is fully implemented as intended, protections for native children, families, and tribal communities continue to be relevant today as it was 40 years ago.

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In addition to federal law, the state of Minnesota also enacted the Minnesota Indian Family Preservation Act, recognizing that tribes do not exist without their children. The Minnesota Indian Family Preservation Act was established in 1985 to strengthen and expand parts of ICWA. Minnesota's law and its amendments emphasize the interest in supporting preservation of tribal identity of Indian children, recognize in tribes as appropriate entities to provide direction to state as the best interest of tribal children. The Minnesota Tribal and State Agreement was developed to provide policies and procedures, maximizing participation of tribes in decisions regarding Indian children, addressing barriers to implementing services for protection of Indian family and children, and preventing foster care and non-Indian adoptions. This agreement is directed at child welfare activities. The department, through its local social service systems and attempts to affect the state's judicial systems, it represents development of comprehensive working relationships among each of the 11 Minnesota tribes and the Department for Delivery of Child Welfare Services.

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The purpose of the agreement is to protect the long-term interests of Indian children and families as defined by tribes and their local service agencies by maintaining the integrity of Indian families, extended family and tribal communities. The best interest of Indian children are inherently tied to the concept of belonging. Key to the theme of short-term and permanency planning. Belonging is only realized for Indian children by recognizing and enhancing support networks in child's extended family, clan or tribal systems. ICWA, MIFPA and the agreement applies specifically to providing child welfare services to Indian families. ICWA takes precedence over all state and other federal law that may conflict regarding Indian child welfare cases. Unless state or federal laws provide a higher standard of protection for the rights of children and Indian custodians, the goal is ensuring Indian children will remain with their parents whenever possible, if not possible, the Indian custodian of their tribe.

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And when it's not possible that an Indian person and thereafter a person of Indian descent. Tribal input is critical in any decision regarding the children. MIFPA provides higher standard of protections or provisions than the ICWA in several areas. MIFPA requires an additional notice at the earliest time the agency begins working with Indian children in both voluntary and involuntary proceedings. It has more stringent requirements that individuals must meet to be a qualified expert witness. Any practitioner working with ICWA in Minnesota must familiarize themselves with provisions of MIFPA. Well, there are others. The following six major provisions are identified. Inquiry, notice, MIFPA Notice, ICWA Notice, Qualified Expert Witness, Active Efforts and Placement Preference.

Speaker 2 [\(13:32\)](#):

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