



MEMO

TO: Mississippi Band of Choctaw Indians
FROM: Michael L. Foster, EdD, MPH
Owner/Evaluator, Evaluation for Program Improvement Consulting Services
(EPIC Services)
RE: 10th Annual Tribal/State Indian Children Welfare Act Conference

EXECUTIVE SUMMARY

INTRODUCTION

On February 16, 2022 in Choctaw, Mississippi, approximately 80 social workers from various Departments of Health Services, State and Federal Judges and community members attended the 10th Annual Tribal/State Indian Child Welfare Act (ICWA) Conference in-person, with an additional 161 attending virtually. The conference was hosted by the tribal court of the Mississippi Band of Choctaw Indians and the Mississippi Youth Courts.

AGENDA

The Keynote Speaker, Sandra White Hawk (Sicangu Lakota) focused on the emotional impact of being an Indian child adoptee. Her experiences were depicted in *Blood Memory*, a documentary based on her life experiences as an adoptee and her return to her tribal roots at 35 years old. Two emergent themes of Miss White Hawk's presentation included: 1) Native American language and culture have been systematically taken away from Native communities. It is not something that has been lost; and 2) Never fear being seen as a fake Indian. Your authentic Indian self exists within your DNA, within your blood memory.

The Indian Child Act and Indian Law, presented by Professor Kathryn Fort, Esquire, Director of Clinics at Michigan State University College of Law, had several chief takeaways. Two things to take into consideration when determining if ICWA applies include: 1) Do we have an Indian child? Do we have to send notice to the tribe? To what extent did an active effort to reunify the family happen? To what extent were you able to place the child in accordance with the placement preferences?; and 2) ICWA applies to guardianships. Under ICWA, foster care placement is the temporary removal of a child from their home, placed with a foster family guardianship or conservator for a limited amount of time without a termination of parental rights.

Mandatory Reporting and ICWA with Anna Claire Steele, Esquire, Staff Attorney at Mississippi Department of Child Protection Services (CPS), and Tanya Phillips, Esquire, Senior Staff Attorney in the Tribal Attorney General's Office for the Mississippi Band of Choctaw Indians, explored the implications of ICWA from a state perspective and tribal perspective, respectively. Two key takeaways regarding mandatory reporting requirements for the state included: 1) Duty to Report - Section 43-21-353: Mandatory reporters include attorneys, social workers, psychologists and any other person who has reasonable cause to suspect abuse or neglect involving an individual under 18 years of age; and 2) Name and address of the child and parent shall be in the report; in addition, the age of the child, the child's injuries, previous injuries and other information available should be in the report; however, CPS will take the report with as much information

as can be provided. Two chief takeaways from the tribal perspective included: 1) Reporters are required to report if they know or have reasonable suspicion of child abuse involving a Native American child who is living on the reservation, and in some cases, not living on the reservation; and 2) There is a minimum \$500.00 fine and a maximum of six months of imprisonment for failure to report Native American child abuse or neglect.

The **Native Culture Panel**, was facilitated by Chief Justice Cheryl Demmert Fairbanks (Tlingit/Tsimshian) and centered on the theme *Out of the Box and Into The Circle*. This panel included Dan Issac (Mississippi Band of Choctaw Indians), Richard Cruz (Assiniboine/Sioux/Arapaho), Dr. Johonna McCants-Turner, Sonya Shah (India) and Chief Justice Emeritus Robert Yazzie (Diné). Two chief takeaways included: 1) Circles are a way to pursue justice and healing by gathering together and each person sharing how they have been impacted by a situation; and 2) Unhealed trauma can be transmitted intergenerationally and can manifest in several ways, including alcoholism, emotional abuse and violence, among others.

EVALUATION OF THE 10TH ANNUAL TRIBAL/STATE ICWA CONFERENCE

The goals of the 10th Annual Tribal/State ICWA Conference included:

1. Heighten awareness of or expanded knowledge about ICWA
2. Strengthen understanding about how to apply the legalities of ICWA to their work
3. Elevate awareness about the emotional impact of adoption on Native children
4. Deepen appreciation for the importance of culture among Native families engaged in child foster care or adoption proceedings
5. Reinforce or expand knowledge about mandatory reporting and ICWA

Participants were asked the extent to which each of the five goals above were achieved, using a scale of 1 (not at all) to 10 (completely). The conference achieved its goals. In fact, the average score per item ranged from 8.9 (“Heighten awareness of or expanded knowledge about ICWA”) to 9.4 (“Elevate awareness about the emotional impact of adoption on Native children” and “Reinforce or expand knowledge about mandatory reporting and ICWA”).

Participants’ narrative feedback focused on three areas for future consideration: 1) Topics to explore, such as how to become a licensed foster parent and cultural discipline; 2) Content and Pedagogy, such as having break-out groups and allowing ample time for Q&A after each presentation; and 3) Implementation and Administration, such as having raffles for door prizes throughout the day and providing pre-printed name tags.

And finally, to continue building on the collaboration between the Mississippi Band of Choctaw Indians and the Mississippi Youth Courts in organizing this conference in the future, I would like to make four recommendations for your consideration, understanding that some of these approaches may have been tried in previous convenings: 1) Explore the topics that participants mentioned being interested in; 2) Consider varying the format of presentations to allow participants to interact with one another in a variety of settings; 3) Consider intentionally organizing break-out groups along various dimensions; and 4) Consider hosting future conferences that further explore ICWA with targeted audiences and more specific content.



10TH ANNUAL TRIBAL/STATE INDIAN CHILDREN WELFARE ACT CONFERENCE

EVALUATION REPORT





INTRODUCTION

On February 16, 2022 in Choctaw, Mississippi, approximately 80 social workers from various Departments of Health Services, State and Federal judges and community members from the Mississippi Band of Choctaw Indians and other tribes attended the 10th Annual Tribal/State Indian Child Welfare Act (ICWA) Conference in-person, with an additional 161 joining in virtually. The event was hosted by the tribal court of the Mississippi Band of Choctaw Indians and the Mississippi Youth Court.

The goals of the conference included:

1. Heighten awareness of or expanded knowledge about ICWA
2. Enhance understanding about how to apply the legalities of ICWA to their work
3. Elevate awareness about the emotional impact of adoption on Native children
4. Deepen appreciation for the importance of culture among Native families engaged in child foster care or adoption proceedings
5. Reinforce or expand knowledge about mandatory reporting and ICWA

The conference included both a circle of drummers—some of whom were clad in traditional garb—and a youth dance troupe, also adorned in traditional Choctaw regalia. The dance performance was narrated by Dan Isaac (Mississippi Band of Choctaw Indians), who explained the significance of the dances, which represented parts of the history of the Mississippi Band of Choctaw Indians and highlighted some of their social conventions. The dance performance also included an opportunity for the audience to join in.



AGENDA



Remarks by Tribal Chief **Cyrus Ben** (Mississippi Band of Choctaw Indians) and **Andrea Sanders**, Director of Child Protective Services.

The event kicked off with opening remarks and a welcoming address by Tribal Chief Cyrus Ben (Mississippi Band of Choctaw Indians) and Andrea Sanders, Director of Child Protective Services. Both acknowledged the important role that this body of professionals has in the well-being of Indian children and families involved in foster care and adoption proceedings. Furthermore, both underscored the need for a grounded and thorough understanding of ICWA to do their work effectively.



Keynote speaker, **Sandra White Hawk** (Sicangu Lakota) Founder and Director of First Nations Repatriation Institute

Sandra White Hawk (Sicangu Lakota) offered personal remarks about her experiences of sexual and physical abuse as a Native child adopted by a white family. She also shared stories of restoration and healing through her eventual return to the Rosebud Reservation in South Dakota, where she was reunited with her birth family and community. Ms. White Hawk's journey was the subject of *Blood Memory*, a documentary shown to participants, which was followed by a brief Question & Answer session.

Some of the emergent themes of Ms. White Hawk's presentation included:

- Annual reunion for Native adoptees could be an ideal space for support to Native adoptees.
- Native American language and culture have been systematically taken away from Native communities. It is not something that has been lost.
- Never fear being seen as a fake Indian. Your authentic Indian self exists within your DNA, within your blood memory.
- Natives know what is best in their own community. There is no need for external involvement from the state/federal government or any outside entity.
- Healing can happen in the safety of a talking circle.
- Other Indians are central to an adoptee's goal to fully heal from the trauma that they have experienced and to reclaim their authentic Indian self.



Indian Child Welfare Act and Indian Law, Professor **Kathryn Fort**, Esquire, Director of Clinics at Michigan State University, College of Law

Miss Fort, Esquire, “represents tribes in complicated ICWA cases,” among other things. During her presentation, Miss Fort highlighted important factors to consider related to ICWA through examples of contemporary ICWA cases throughout the nation. Each was a complicated case and underscored the unique challenges and opportunities embedded in foster care and adoption proceedings involving Native children, families and communities.

Some key highlights of this component included:

- A regulation that was issued in 2016 holds that if you have reason to believe that an Indian child is involved in the case, you shall treat that child as an Indian child, absent evidence otherwise.
- Important considerations for an ICWA proceeding: Do we have an Indian child? Do we have to send notice to the tribe? To what extent did an active effort to reunify the family happen? To what extent were you able to place the child in accordance with the placement preferences?
- ICWA applies to guardianships. Under ICWA, foster care placement is the temporary removal of a child from their home, placed with a foster family guardianship or conservator for a limited amount of time without a termination of parental rights.
- ICWA law guarantees legal representation for indigent parents. So, if a parent in one of your cases does not have a lawyer, ICWA law requires that they have one.
- You have an ICWA case if you have an Indian child who is in a foster care placement, a termination of parental rights proceeding, a pre-adoptive placement or an adoptive parent placement.
- Important to stay updated on who is the Agent for ICWA notice for any given tribe. Under ICWA law, this is the individual to whom the state is required to send information.



Mandatory Reporting and ICWA with **Anna Claire Steele**, Esquire, Staff Attorney at Mississippi Department of Child Protection Services (CPS) **Tanya Phillips**, Esquire, Senior staff attorney in the Tribal Attorney General's Office for the Mississippi Band of Choctaw Indians.

Miss Steele, Esquire, and Miss Phillips, Esquire, provided highlights on mandatory reporting requirements for childhood foster care and adoption, with an emphasis on Native American children. Miss Steele shared information on the reporting requirements for the state of Mississippi, while Miss Phillips addressed this topic from the perspective of the Mississippi Band of Choctaw Indians.

Some key chief takeaways about mandatory reporting for the state of Mississippi included:

- Section 43-21-353: Mandatory reporters include attorneys, social workers, psychologists, and any other person who has reasonable cause to suspect abuse or neglect involving an individual under 18 years of age.
- Name and address of the child and parent shall be in the report; in addition, the age of the child, the child's injuries, previous injuries and other information available should be in the report; however, CPS

will take the report with as much information as can be provided.

- Incidents can be reported through the hotline (1-800-222-8000), the CPS website (mdcps.ms.gov), or through the App.
- The name of the reporter of an incident of child abuse or neglect is redacted in the report. Law enforcement is not allowed to give out the name of the reporter.
- Unlawful disclosure of the reporter's name is a misdemeanor.
- Failing to report abuse and neglect is a misdemeanor, which is punishable by a fine of up to \$5,000.00 or imprisonment for up to one year or both.

Some chief takeaways of mandatory reporting for Indian country included:

- Two key federal statutes are applicable to virtually everyone, including: 1) Under Title 18 USC Chapter 53, Section 1169: Similar to the state statute, there is a list of occupations and professions who are mandatory reporters that are specific to Indian country; and 2) Under Title 25, Chapter 34, Section 3203, Subsection D: The name of the reporter of a child abuse or neglect incident is confidential and shall not be disclosed, without the consent of the informant, to any person other than a court of competent jurisdiction or an employee of an Indian tribe, a state or federal government employee who needs to know the information in the performance of such duties.
- Reporters are required to report if they know or have reasonable suspicion of child abuse involving a Native American child living on the reservation, and in some cases, not living on the reservation.
- There is a minimum fine of \$500.00 and minimum six months of imprisonment for failure to report Native American child abuse or neglect.
- Furthermore, anyone, such as a supervisor, who attempts to prohibit or actually prohibits a person from making a report can be punished for interference, which is also a misdemeanor.
- Under Title 18, Chapter 53: There is civil and criminal immunity for making a good faith report. This excludes any report meant to harass someone or resulting from domestic issues between people, or someone unhappy with the outcomes of a child custody case.
- Making a false report can bring a penalty.





Chief Justice Cheryl
Demmert Fairbanks
(Tlingit/Tsimshian)



Dan Issac
(Mississippi Band of
Choctaw Indians)



Richard Cruz
(Assiniboine/Sioux/
Arapaho)



Dr. Johonna McCants-
Turner



Sonya Shah
(India)



Chief Justice Emeritus
Robert Yazzie (Diné)

NATIVE CULTURE PANEL

Chief Justice Cheryl Demmert Fairbanks (Tlingit/Tsimshian) facilitated a panel discussion that centered on the theme *Out of the Box and Into the Circle*, which she described as follows: “...shifting from an adversarial mindset to one of healing and transformation, where everyone has a chance to speak. One that’s holistic. One that is issue-focused. One that is facilitated and...transformational.” This panel will operate by “...weaving core values, Indigenous concepts of justice, and personal stories into the presentations.” As promised, panelists shared stories of personal trauma, followed by reconciliation, transformation and healing. As such, these sharings embody the principles and practices of Indigenous Peacemaking.

Some chief takeaways of this component included:

- Accountability is a loving, generous act of saying I love you and I want to stay in relationship with you. It’s freeing. It’s not something for us to think about as diminishing. We can do it outside of a legal system when we’re given a little bit of time and space to actually...figure it out.
- Circles are a way to pursue justice and healing by gathering together and each person sharing how they have been impacted by a situation.
- Unhealed trauma can be transmitted intergenerationally and can manifest in various ways, including alcoholism, emotional abuse and violence, among others.
- For those whose ties to their native roots have been disrupted, there tends to be a longing to connect with the culture and community of origin.
- Regardless of the reasons for disconnection—whether adoption, incarceration or otherwise—there is a need for a welcoming space to bring people back into the fold.

EVALUATION QUESTIONS

I will now explore how well the 10th Annual Tribal/State ICWA Conference met the goals outlined above. On average, the overall score for the extent to which the goals of the conference were met rated 9.2 out of 10. Below, I present the mean, range and rate of return for each goal, as well as qualitative feedback, where available.

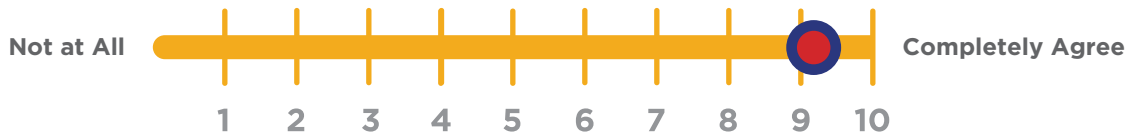
1. HEIGHTEN AWARENESS OF OR EXPANDED KNOWLEDGE ABOUT ICWA

Using a scale of 1 (not impressed at all) to 10 (very impressed), participants rated their overall impression of the 10th Annual Tribal/State ICWA Conference. We received feedback from 49 out of the estimated 80 individuals who attended the conference in-person, for a return rate of 61%. On average, they rated this item at **8.9 out of 10**, with a range of 5-to-10 points.



2. STRENGTHEN UNDERSTANDING ABOUT HOW TO APPLY THE LEGALITIES OF ICWA TO THEIR WORK

Using a scale of 1 (not at all) to 10 (completely agree), participants assessed their level of agreement with the following statement - "Attending this conference has been a rich professional development experience as it strengthened my understanding about the legalities surrounding Native children, families, and communities regarding Indian child adoption." On average, this item was rated **9.2 out of 10**, with a range of 5-to-10 points. We received ratings from 56 out of the estimated 80 individuals who attended the conference in-person, for a return rate of 70%.



Here are a few examples of how participants intend to apply this information to their work:

- "Will share knowledge with colleagues and the general public who don't understand ICWA."
- "I will be able to teach others and make sure courts apply the correct law."
- "It has given me an understanding of how we can help and protect our Native children, not only at my job but throughout our tribal communities."

3. ELEVATE AWARENESS ABOUT THE EMOTIONAL IMPACT OF ADOPTION ON NATIVE CHILDREN

When asked to rate how much the presentation by Sandra White Hawk (Sicangu Lakota) and watching *Blood Memory* helped them better understand the emotional impacts of Indian child adoption policies and practices on Native children and families using a scale of 1 (not at all) to 10 (completely agree), on average, participants rated this item as **9.4 out of 10**, with a range of 5-to-10. We received responses from 56 out of the estimated 80 individuals who attended the conference in-person, for a return rate of 70%.



Here are examples of policies, programs and practices that participants mentioned to address this issue:

- “One thing I would like for the Mississippi Department of Child Protective Services and Native American social services to work close together more in reference to foster homes. The movie made me realize how helpful this could be for Native American children. I also think that this should be discussed more in depth in social work classes and job trainings for social workers.”
- “Create programs to help maintain children in their homes before removing them. If children are removed make sure foster homes are being visited by social workers. Better background checks on foster parents.”
- “More Native American licensed Foster homes; Native Americans taking jurisdiction over the cases in the beginning versus deciding to do so later; more conferences and trainings for all.”
- “Counseling by Native Americans who understand the trauma caused to the adoptees and their birth families.”
- “In our practice, we as social workers have to treat each Indian child as if ICWA applies unless determined otherwise. It is best practice to notify the tribe at the initial involvement with a Native child and determine eligibility.”

4. DEEPEN APPRECIATION FOR THE IMPORTANCE OF CULTURE AMONG NATIVE FAMILIES ENGAGED IN CHILD FOSTER CARE OR ADOPTION PROCEEDINGS

When asked to assess the impact of the Culture Panel on reinforcing or expanding their understanding about the importance of culture in their work using a scale of 1 (not at all) to 10 (completely confirmed or expanded), on average, participants rated this item as **9.2 out of 10**, with a range of 5-to-10. We received responses from 56 out of the estimated 80 individuals who attended the conference in-person, for a return rate of 70%.



Here are some examples of participants' narrative comments:

- “We could strengthen our practice by next steps to take if a family or individual identifies as Native American.”
- “I was not aware of the depth of what took place with the Indian children until today. Laws to prevent this from ever happening again should be in place and upheld.”
- “Group meetings (with survivors) with honest discussion concerning emotions and trauma.”
- “Implement gatherings to help healing within tribal communities.
- “Welcome home ceremonies”

5. REINFORCE OR EXPAND KNOWLEDGE ABOUT MANDATORY REPORTING AND ICWA

When asked to rate how much this conference confirmed or added to their understanding about mandatory reporting and ICWA using a scale of 1 (not at all) to 10 (very much so), on average, participants rated this item as **9.4 out of 10**, with a range of 5-to-10. We received responses from 48 out of the estimated 80 individuals who attended the conference in-person, for a return rate of 60%.



Here are some examples of participants' narrative comments:

- “I would not avoid obstacles. I would report them and find appropriate assistance.”
- “Refer to ICWA person.”
- “I will make sure that I report to the correct parties. I also will make sure that I ask the appropriate questions.”
- “I encourage my workers to ask about Native American heritage and contact tribes for questions. I encourage clients to look into their heritage if they believe that they are eligible for membership.”
- “This applies to all cultures. If children are being mistreated they should be placed with parents that care. If we have placed children of Native heritage with parents that mistreat them (or) keep them from their heritage, we should remove them as foster parents.”
- “I would avoid obstacles to mandatory reporting for ICWA by putting my biases aside.”
- “I did not attend this panel. I wonder if it addressed ways of ensuring child safety that don't depend on reporting to the state given challenges and obstacles that these processes can bring to children and youth, for instance, trauma from reporting on loved ones harming them and being revictimized by response to their stories, etc.”
- “Family Preservation”
- “Sometimes I need ICWA information for my committee to make decisions on some cases.”
- “I do not have any obstacles in my work as a hospital social worker.”
- “I work with the elderly and if I see something not right, I can report it to APS.”
- “Work in the best interest of children. ICWA has played a huge role so the system doesn't break families.”
- “By avoiding our children entering the state system.”

The last item on the survey read as follows:

PLEASE SHARE ANYTHING ELSE YOU THINK IS IMPORTANT FOR US TO KNOW, SUCH AS OTHER TOPICS YOU WOULD LIKE TO EXPLORE RELATED TO ICWA.

Overwhelmingly, participants' feedback on the conference was laudable. These two quotes are exemplary: "Thank you for the wonderful opportunity to listen, learn and return home hopeful" and "Thank you for the opportunity to learn and connect! I especially enjoyed the film, and the opportunity to hear directly from Sandy White Hawk."

Participants also discussed:

Future topics to explore

- "How to become a licensed foster parent"
- "Cultural Discipline"
- "Need people from MS speaking about our process of how to handle ICWA. Would like to hear from social workers that work with Choctaws in MS. More information on mandatory reporting for MS Indians, statistics, etc."
- "Difference in reporting abuse & neglect versus probing to find out additional information to hold it over students & parents (who have) previously had involvement with CPS"
- "Something on how we can help more in the local tribes in all areas. I myself have tried doing things for the Sandersville tribe but always get told no by leaders in Philadelphia"
- "Native language acquisition"
- "My only suggestion is that I would like to have more in depth information about MS tribe, laws, information, etc."
- "I would like to know more about the history of the MS Band of Choctaw Indians and displaced/stolen Indian children prior to ICWA legislation"

Content and Pedagogy

- "It is very important that this information is shared with CPS, prosecutors, defense attorneys and judges"
- "This conference should cover more topics"
- "Break-out groups"
- "Ms. Fort's presentation was very interesting. Would like to have time to ask questions. Very important issue!"

Implementation and Administration

- "Door prizes would be nice periodically throughout the day"
- "Pre-printed name tags"
- "Need ice water"
- "Please include sausage and biscuits at breakfast"
- "Need caramel apples"

CONCLUSION: RECOMMENDATIONS AND NEXT STEPS

The 10th Tribal/State Annual ICWA conference was a success, as indicated by survey responses and participants' narrative feedback. In the spirit of ongoing improvement and capacity building, in conclusion, I would like to offer the following for consideration, understanding that many or perhaps all of these suggestions may have been implemented at previous conferences:

1. Explore the topics that participants mentioned being interested in

It is important to honor the feedback from participants about what they would like to learn more about. This feedback has been summarized above.

2. Consider varying the format of presentations to allow participants to interact with one another in various settings

Create different opportunities for participants to share their thoughts with one another. For instance, feedback can be gathered through Q&A and responses in front of the entire audience. Another option could be breakout groups in which participants engage in table talk. To maximize data collection, it may be advisable to have these breakout groups led by a team member, who would either then provide an overview of key learnings from the breakout group to the rest of the participants or choose for a volunteer from the group to do so. And finally, a third option would pair participants for a more intimate discussion, with their thoughts or learnings captured through narrative feedback that would then be submitted for review.

3. Consider intentionally organizing breakout groups along various dimensions

It may also be good to consider having affinity groups (i.e. breakout groups arranged by shared role) or by topic of interest (e.g., exploring the role of family involvement in ICWA or how the relationship between tribal leadership and CPS could be strengthened). These formats would either create an opportunity for people who occupy similar roles to cross-pollinate and delve deeply into a given topic or would be a chance for folks from different roles to engage with one another to build understanding and possibly result in future collaborative efforts, strengthening professional alliances that break through silos, and create a culture of support.

4. Consider hosting future conferences that further explore ICWA with targeted audiences and more specific content

The planning team may consider hosting a follow-up conference to provide more historical context for the passage of ICWA and to engage participants in developing next steps related to Native children, families and communities involved in foster care and adoption proceedings. For instance, there may be a follow-up convening targeting social workers. This could be an opportunity to delve deeply into issues relevant to this particular role and then possibly lead to practical solutions to address these issues and to support family preservation.

Prepared by

