

# Tribal-State Relations

The United States Congress and Tribal governments have articulated the importance of protecting the safety, permanency, and well-being of American Indian and Alaska Native children. Through the Indian Child Welfare Act (ICWA) of 1978, Congress stated that there is “no resource that is more vital to the continued existence and integrity of Indian tribes than their children” (25 U.S.C. Sec. 1901).

This brief is intended to help States, Tribes, and related jurisdictions find ways to work together more effectively to meet the goals of ICWA.

## What’s Inside:

- Key factors affecting Tribal-State relations in child welfare
- Components of successful Tribal-State relations
- Promising practices in Tribal-State relations from across the country
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## Key Factors Affecting Tribal-State Relations in Child Welfare

Tribal child welfare has had a particularly poignant history in the past century. Thousands of Indian children were forcibly removed from their homes, families, and Tribes and placed in boarding schools where a policy of assimilation left them unable to speak their Native language or participate in their Native culture. Native customs and practices were destroyed, families were broken up, and generations of Indian children grew to adulthood without the benefit of parenting or the support of their families or Tribes. This has contributed to a great level of distrust and historical trauma that continue to affect American Indian and Alaska Native families.

Today, almost all Tribes operate some form of child protection services, and many have their own Tribal codes, court systems, and child welfare programs. A number of factors affect relationships between Tribes and States in the provision of child welfare services. These include, but are not limited to:

- The Federal trust responsibility between Tribes and the Federal Government, which refers to the Federal Government's obligation to protect Tribal self-governance, assets, resources, lands, and treaty rights (25 U.S.C. §§ 450; 450a)
- The influence of various Federal policies, including policies that allowed Indian lands to be taken from Tribes and Indian children to be removed for assimilation
- State jurisdiction over Tribal affairs, for instance, through Public Law 280 (P.L. 280), initially enacted in 1953 in six "mandatory" States and other "optional" States in 1968 that elected to assume full or partial State jurisdiction on Indian reservations, and eliminating Federal jurisdiction for Indian Country (Gardner & Melton, n.d.)
- Tribal-State disagreements, especially those that end up in court and result in a "winner" and a "loser"
- Availability of funding for child welfare activities, which historically required Tribes to access much of their child welfare funding through the States, although Tribes could access funding from title IV-B and Bureau of Indian Affairs Indian child welfare grants
- Tribal-State differences in child welfare values and practices, especially differences related to the importance of family, community, culture, and permanency
- Disproportionality of Indian children in the child welfare system, such that American Indian and Native Alaskan children are in foster care at a rate that is double that of nonminority children (U.S. Department of Health and Human Services, 2011)

Since the passage of ICWA, Tribes could run their own child welfare systems but were unable, until recently, to directly receive title IV-E funds except through their States. The passage of the Fostering Connections to Success and Achieving Adoptions Act of 2008 allowed Tribes to apply for child welfare funding directly from the Federal Government through title IV-E of the Social Security Act.

It is impossible to talk about Tribal-State relations without referencing the long and

difficult history. The timeline at the end of this brief provides a glimpse at that history and important events and milestones.

More recent legislation has attempted to address some of the inequities of the past:

- In 1978, Congress passed ICWA (Public Law 95-608), establishing Federal standards for the removal, placement, and termination of parental rights of American Indian and Alaska Native children. ICWA also clarified the jurisdiction of State and Tribal governments in child welfare, authorized Tribal-State agreements, and provided funding for the development of Tribal programs.
- In 1991, the Indian Child Protection and Family Violence Prevention Act (Public Law 101-630) established Federal requirements for the reporting of and investigation of child abuse and neglect on Tribal lands, required background checks on individuals who have contact with American Indian and Alaska Native children (including foster and adoptive families), and authorized funding for Tribal child abuse prevention and treatment programs.
- In October 2008, the Fostering Connections to Success and Increasing Adoptions Act (Public Law 110-351) was passed, giving Tribes, among other things, the option to directly access title IV-E funds to operate foster care, adoption assistance, and, if elected, kinship guardianship assistance programs. The act also requires each State title IV-E agency to negotiate in good faith with any Tribe that request to develop an agreement with a State to administer all or part of the title IV-E program.
- In November 2009, President Barack Obama released a memo in tandem with a reiteration of [Executive Order 13175](#), ordering Federal agencies to engage in government-to-government consultation with Tribes. The [memo](#) states:  
  
*The United States has a unique legal and political relationship with Indian tribal governments, established through and confirmed by the Constitution of the United States, treaties, statutes, executive orders, and judicial decisions. In recognition of that special relationship, pursuant to Executive Order 13175 of November 6, 2000, executive departments and agencies are charged with engaging in regular and meaningful consultation and collaboration with tribal officials in the development of Federal policies that have tribal implications, and are responsible for strengthening the government-to-government relationship between the United States and Indian tribes.*
- In 2010, a new Tribal Consultation Policy for the Health and Human Services Agency was developed with input from Tribes and a newly created Tribal consultation group. The policy, implemented in 2011, is available on the Office of Intergovernmental External Affairs website: <http://www.hhs.gov/intergovernmental/tribal/tcp.html>
- In 2010, the Tribal Law and Order Act (TLOA) was designed to address three overall Tribal justice issues: (1) lack of Federal Government accountability for investigating and prosecuting crimes in Indian Country, (2) lack of Tribal Government authority, and (3) longstanding

lack of adequate and consistent funding for Tribal justice systems. For more information, visit the TLOA website: <http://tloa.ncai.org>

A more comprehensive review of ICWA in addition to resources for working with American Indian children and families can be found on Child Welfare Information Gateway's website: [http://www.childwelfare.gov/systemwide/cultural/adoption/american\\_indian\\_families.cfm](http://www.childwelfare.gov/systemwide/cultural/adoption/american_indian_families.cfm)

Understanding the difficult history between States and Tribes, and the historical trauma it caused, is key for developing strong government-to-government relationships. The Indian Country Child Trauma Center's (ICCTC) resource guide, *Trauma in Indian Country*, defines trauma and factors that increase vulnerability for American Indian and Native Alaska populations and provides tips for professionals working with Native children and families. The resource guide is available on ICCTC's website: <http://www.icctc.org/Trauma%20in%20Indian%20Country-revised.pdf>

The California American Indian Enhancement (AIE) Project's Implementation Toolkit includes a list of common responses by individuals who may be unaware of or unwilling to open up about their heritage because of distrust or historical trauma. The toolkit also provides a 12-minute video highlighting why workers should ask every child and family receiving services if they have American Indian or Alaska Native heritage, and direction on culturally sensitive ways to inquire about ancestry. For more information, visit the AIE Project's website: [http://calswec.berkeley.edu/CalSWEC/AIE/AIE\\_Background.html](http://calswec.berkeley.edu/CalSWEC/AIE/AIE_Background.html)

## DEFINITIONS

**Indian Country** refers to: “(a) All land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation, (b) All dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a State, and (c) All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same” (18 U.S.C. Section 1151).

**Historical trauma** is collective emotional and psychological damage that spans generations. This damage stems from drastic loss and society's denial of that loss. Historical trauma for American Indians and Alaska Natives can be compared to that of Jewish Holocaust victims and their descendants (Brave Heart, 1998).

**Sovereign Nation** refers to the legal and government status of a Tribe. Sovereignty refers to the power of people to govern themselves. Tribal Sovereignty, or recognizing a Tribe as a Sovereign Nation, simply means Tribes have, by law, the right to self-governance, as they never surrendered that right to the Federal Government (American Indian Policy Center, n.d.).

## Components of Successful Tribal-State Relations

States and Tribes are most successful in achieving better outcomes for children and families when they establish positive partnerships. The following are necessary components for building strong Tribal-State relationships and questions to assess the development of each component.

### Mutual Understanding of Government Structures

To ensure a quality working relationship between Tribes and States and to identify avenues for negotiating common interests related to child welfare, an understanding of and appreciation for the different government structures is paramount.

The following are some questions that can be used to assess agency and Tribal understanding of government structures:

- Who are the appropriate people at both the Tribal and State levels to discuss child welfare issues (e.g., Tribal council, State governor, child welfare director)?
- Does the agency know all the Tribes in the State and the ICWA representatives for each Tribe?
- How are child welfare program and policy decisions made within each government and governmental entity?
- What does the child welfare service delivery system look like? What are the key agencies, and what is their authority and mission?

- Who is the service population for each government?
- What is the best process for discussions and negotiations?

### Cooperation and Respect

Within Tribal communities, mutual respect and humility are greatly valued. Without cooperation from all involved parties and decision-makers, solutions cannot be reached and outcomes cannot be improved. American Indians and Alaska Natives have rich traditions, cultural practices, and unique approaches to child welfare that are among the most successful used within this population. When States respect those traditions and are open to Native approaches, there is a better chance for strengthening relationships and, above all, improving outcomes for children and families.

Below are some questions that can be used to assess the level of cooperation and respect:

- What are all the Tribal leaders' names?
- What are the Tribes' governing structures, approaches to child welfare, and practices?
- Do Federal, State, and Tribal governments have equal representation at meetings?
- Is the environment for collaboration and meetings one in which it is safe to share, learn, and explore? Are meeting locations beneficial to all those concerned?
- Are meetings equally centered on common areas of interest and agreement, as they are on differences between systems?
- Were all culturally appropriate permanency options considered?

### The Tribal STAR

The Tribal STAR (Successful Transitions for Adult Readiness) program, sponsored by the San Diego State University School of Social Work, offers a number of resources and curricula on cultural competence and training. Resources are available on Tribal STAR's website: [http://theacademy.sdsu.edu/TribalSTAR/resources/Resource\\_List.htm#Products](http://theacademy.sdsu.edu/TribalSTAR/resources/Resource_List.htm#Products)

### Pocket Culture Card

The Substance Abuse and Mental Health Services Administration (SAMHSA) provides a pocket resource for service providers working with Tribes. "CultureCard: A Guide to Build Cultural Awareness: American Indian and Alaska Native" provides brief summaries of customs, beliefs, and social norms to improve cultural competence when serving families in Tribal communities. Some topics addressed include:

- Communication styles
- Self-awareness and etiquette
- Spirituality
- The role of veterans and elders
- Community strengths
- Historic distrust
- Regional and cultural differences

Download the "CultureCard" or order copies on the SAMHSA website: [store.samhsa.gov/product/American-Indian-and-Alaska-Native-Culture-Card/SMA08-4354](http://store.samhsa.gov/product/American-Indian-and-Alaska-Native-Culture-Card/SMA08-4354)

## Ongoing Communication

Often, Tribes and States communicate only in times of conflict or misunderstanding. Various mechanisms, such as public and private forums, can promote healthy, ongoing communication. Productive working relationships are hinged on the personal relationships of individual officials and the regularity of communication between individuals. It is helpful to establish a process for frequent review and assessment of policies and develop recommendations for improvement.

Many States and Tribes have created joint child welfare advisory committees to cultivate an environment of open communication and planning. Based on the experience of the members of the Arizona Court Forum as reported in Rubin's "Tribal Courts and State Courts: From Conflicts to Common Ground" (1992), below is a list of Do's and Don'ts for establishing Tribal-State forums.

### Tribal/State Court Forum Do's and Don'ts

#### Membership

- DO select forum members from diverse perspectives who have demonstrated interest, expertise, or experience in addressing Indian law issues.
- DON'T select forum members based only on their position within the judiciary or elsewhere.

#### Mutual Respect

- DO acknowledge differences between Tribal and State court systems and seek ways of cooperating consistent with those differences.
- DON'T characterize either system as better, worse, or more or less sophisticated than the other.



### Scope

- DO proceed in phases with predetermined timeframes, including a study phase in which issues are identified, before implementing recommendations.
- DON'T devote resources to implementation until a consensus is reached concerning priority issues and recommendations.

### Persistence

- DO design a process that invites broad-based participation in identifying issues and making recommendations.
- DON'T be discouraged by lack of participation or lack of progress.

### Performance

- DO assign manageable tasks to forum members or subcommittees to be accomplished within established timeframes.
- DON'T delay too long before dividing the work of the forum into tasks that can be accomplished within the timeframes established.

### Solutions

- DO emphasize creative solutions to jurisdictional issues that avoid litigation and are consistent with the rights of the parties, sovereignty, and judicial independence.
- DON'T emphasize jurisdictional limitations.

### Communications

- DO emphasize person-to-person communication and education to address jurisdictional issues.
- DON'T seek to address jurisdictional issues solely through large-scale change in the law or legal systems.

For a list of Tribal contact information, visit the Bureau of Indian Affairs website: <http://www.bia.gov/WhoWeAre/BIA/OIS/HumanServices/IndianChildWelfareAct/index.htm>

Another resource for searchable ICWA contact information is Ayazuta, which has downloadable ICWA Tribal contact data, information on qualified ICWA expert witnesses, and other resources searchable by Tribe name, State, or keyword. View these tools and more at the website: <http://www.ayazuta.com>

## Promising Practices in Tribal-State Relations

Working together, States and Tribes around the country have developed a number of promising approaches to strengthening Tribal-State relations in child welfare, including:

- Using Tribal-State advisory committees, forums, and collaborative groups
- Using culturally adapted evidence-based practices
- Developing Tribal-State court forums and partnerships
- Developing culturally competent permanency alternatives

## Tribal Advisory Committees, Forums, and Collaborative Groups

- The Tribal Law and Policy Institute along with the U.S. Department of Justice's Office of Victims of Crime produced a report highlighting 12 promising practices for meeting the needs of victims of violence and domestic abuse in Indian Country. Many of the programs employed a variety of Tribal-State partnerships and collaborations to provide culturally competent services to meet the needs of Native families and communities. For instance, the Eastern Band of Cherokee Indians collaborated with county and State agencies in North Carolina to form the **Heart-to-Heart Child Advocacy Center**. The mission of the Heart-to-Heart Child Advocacy Center is to provide comprehensive and culturally competent child abuse evaluation, investigation, judicial, and healing services. The Child Advocacy Center model had been widely used in non-Native communities but was adapted to meet local Tribal needs and customs. Heart-to-Heart utilized a multidisciplinary approach, bringing together Tribal and Federal law enforcement, Tribal child protective services, mental health services, and medical and educational agencies to coordinate services for child victims.

*Victims Services: Promising Practices in Indian Country* details each program's service area and demographics, services, unique approaches, and keys to success. Download the full report: [http://www.ojp.usdoj.gov/ovc/publications/infores/victimsvsindian\\_country2004/729404.pdf](http://www.ojp.usdoj.gov/ovc/publications/infores/victimsvsindian_country2004/729404.pdf)

- **Alaska's Tribal State Collaborative Group (TSCG)** is a partnership of State and Tribal organizations—Tribal members and leaders, representatives from Alaska's Office of Children's Services, and other representatives—that meets three times a year to discuss issues affecting American Indian and Alaska Native families involved in the child welfare system. TSCG works to improve ICWA compliance, and much of the group's work has focused on disproportionality. Equal representation at meetings is a core principle of TSCG, and the workgroup has fostered a common language among the State and Tribes that is leading to a better continuity of care for children and families. More information is available on Alaska's Health and Human Services website: <http://hss.state.ak.us/ocs/ICWA/tscg/tscg.htm>

## Culturally Adapted Evidence-Based Practices

- Due to historical trauma, many American Indian and Alaska Native parents face stressors such as unemployment, substance abuse, and depression, which affect their abilities to nurture and support their children. California's Indian Child and Family Services (ICFS) is making strides in improving outcomes for Native children and families while strengthening Tribal-State relationships. ICFS focuses on adapting evidence-based practice models to the Native culture, such as the Incredible Years (IY) Parenting Training Program, which has evolved into the **SPIRIT Parenting Program**. The SPIRIT program involves two phases, (1) a historical motivational interview that places families' issues within a historical context and (2) implementing



a culturally embedded evidence-based practice, such as IY, which has evolved over time to include cultural strengthening.

ICFS's SPIRIT Parenting Program helps Native families recognize the effects of historical trauma and learn parenting skills to stop the transfer and continuance of trauma and improve parent-child relationships. The parenting program consists of 15–19 weekly, 2-hour in-home sessions incorporating parenting training with the Native view that children are sacred gifts from the creator.

Collaboration with local agencies and courts has expanded ICFS into a referral-based services organization. The Riverside County Department of Public Social Services provides referrals and contacts to improve coordination of resources and care for Native families. Local partnerships yielded a County Tribal Alliance composed of judges, local caseworkers, child welfare managers, Tribal representatives, and other representatives. The alliance meets quarterly to discuss training, collaborate on improving ICWA services, and address other issues affecting the Tribes and State.

Betsy Davis, Program Evaluator, said that while ICFS's focus is on prevention, it approaches prevention differently than the standard child welfare view. "Prevention can be a colonized phrase to people who have suffered through history, especially when it's a history no one talks about. Here, prevention is stopping the flow of historical trauma through generations. History is the problem, and societal blindness is what continues the problem. When we stop the flow of trauma, we can strengthen families."

For more information on the SPIRIT Parenting Program or other ICFS services:

- Visit the ICFS website:  
<http://www.indianchildandfamily.org>
- Contact Renda Dionne, Ph.D.  
951.764.3943 or [dionner@msn.com](mailto:dionner@msn.com)

- **The Indian Country Child Trauma Center (ICCTC)** at the University of Oklahoma Health Sciences Center, in conjunction with the National Childhood Traumatic Stress Network and SAMHSA, adapted existing evidence-based treatments to incorporate traditional healing practices, teachings, and concepts relevant in Indian Country. Each program emphasizes the American Indian value of respecting and honoring children and incorporates the importance of cultural identity and individuality. ICCTC provides training on the following programs:

- The Honoring Children, Making Relatives program is based on parent-child interaction therapy.
- The Honoring Children, Respectful Ways program provides treatment for children with sexual behavior problems.
- Honoring Children, Honoring the Future makes use of an evidence-based youth suicide prevention curriculum.
- Honoring Children, Mending the Circle incorporates trauma-focused cognitive-behavioral therapy adapted for traditional beliefs and practices.

For more information, read "Adapting evidence-based treatments for use with American Indian and Native Alaskan children and youth," by Delores Subia

BigFoot and Janie Braden, published in American Bar Association's *Child Law Practice*: <http://www.icctc.org/focus%20article.pdf>

Visit ICCTC's website: <http://www.icctc.org>

## Tribal-State Court Forums and Partnerships

- **The Tribal Court Appointed Special Advocates program (CASA)** is one way to improve ICWA compliance and strengthen Tribal-State relations. The CASA program trains community volunteers to serve as advocates who speak on behalf of the best interest of American Indian and Alaska Native children involved in abuse and neglect cases. These culturally competent advocates can be particularly helpful in cases in which a transfer of jurisdiction is taking place (Wilkins, 2008). As of January 2012, there were 18 Tribal court programs located in 10 States.

National CASA features several resources on its website, including *A Guide to Establishing a Tribal Court CASA Program Board of Directors or Advisory Committee*: [http://nc.casaforchildren.org/files/public/community/programs/Guides-Manuals/0801\\_tribal\\_board\\_guide\\_0012.pdf](http://nc.casaforchildren.org/files/public/community/programs/Guides-Manuals/0801_tribal_board_guide_0012.pdf)

For more information, visit the Tribal Court Clearinghouse's website: <http://www.tribal-institute.org/lists/casa.htm>

- In 1994, the Idaho Supreme Court suggested forming a **State/Tribal Court Forum** consisting of representatives from each of the State's six Tribes and members of the Idaho Judiciary. After much work considering jurisdictional conflicts

regarding claims of State and Federal governments, the Forum established a *Tribal Court Benchbook*. The benchbook provides a quick reference guide to Idaho's Tribal courts for State and Tribal judges, attorneys, and the public.

View the benchbook, revised in 2005:

[http://www.isc.idaho.gov/tribal/TribalCourtBenchBook\\_2005.pdf](http://www.isc.idaho.gov/tribal/TribalCourtBenchBook_2005.pdf)

For more information on Tribal-State court forums and partnerships, including a how-to guide, visit the Walking On Common Ground website: <http://walkingoncommonground.org>

- **The Native American Communities Justice Project (NACJP)**, a partnership of the Tribal Law and Policy Institute and the California Administrative Office of the Courts, launched a program to study Native American victims of family violence. The project sponsored a series of 17 meetings that brought together, for the first time, more than 500 Native Americans and California court representatives to hear the voices of Native American victims of family violence, discuss challenges to meeting Native American community needs relating to the State court system and family violence, and explore solutions to these issues. The NACJP marks the first time any California State agency utilized a community-engagement strategy that contacted every Tribal government regardless of Federal recognition.

More information is available on the Tribal Court Clearinghouse website: [http://www.tribal-institute.org/lists/state\\_relations.htm](http://www.tribal-institute.org/lists/state_relations.htm)

## Culturally Appropriate Permanency Alternatives

Practitioners who provide more culturally appropriate options in safety and permanency create greater acceptance and cooperation from the child's Tribe and reduce potential conflicts in case planning. Families may also be more engaged when there is an individualized approach.

- **Tribal customary adoption** is an adoption that occurs under the customs, laws, or traditions of the child's Tribe. In these traditional adoptions, parental rights are modified but not terminated, and important family connections may be better maintained. In many Tribal codes, in which "statutory" adoptions are completed under laws resembling State laws, there are provisions for validating traditional or customary adoptions in Tribal courts. States also are becoming more aware of the benefits of recognizing Tribal customary adoption and exploring ways to implement this practice. Minnesota and Washington have begun to implement this approach and educate their State workers.

In 2010, California enacted a law (Welfare & Institutions Code § 366.24) that allows Tribal customary adoptions to be completed in a State court. Under the provisions of this new law:

- Birth parents' parental rights are not terminated but are modified by terms specified in the adoption order.
- Home studies are completed by the child's Tribe or its designee.
- Adoptive placements are approved according to the prevailing social and cultural standards of the child's Tribe.
- Criminal background and child abuse registry checks are required as they are for all adoptive placements.

Tribal STAR has assembled an array of resources about Tribal customary adoption, including factsheets for Tribal workers, county workers, agency memoranda, a PowerPoint presentation, and sample forms for Tribal customary adoption orders. These resources are available on Tribal STAR's website: <http://theacademy.sdsu.edu/TribalSTAR/resources/customaryadopt.htm>

## Conclusion

Protecting American Indian and Alaska Native children and meeting the goals of ICWA requires a complex system of child welfare services that involves many different entities, including law enforcement, the courts, and social service agencies. However, when States and Tribes work together in a cooperative manner, children and families benefit in the following ways:

- Improved access to placement and treatment resources
- An increased ability to address underlying issues that affect safety, treatment, reunification, and placement
- Lower risk for disruption in the permanent placement
- Enhancement of the child's connection to his or her culture and relationship with his or her Tribe

While collaboration can be challenging, it is important for States and Tribes to continue to actively pursue opportunities to form positive working relationships with patience, acceptance, and flexibility. Through the development of cooperative practices such as forums and advisory committees, Tribal-State arrangements, training and information-sharing opportunities, and culturally competent permanency alternatives, Tribes and States have the opportunity to improve services and more effectively meet the safety and permanency needs of American Indian and Alaska Native children and families. In developing Tribal-State collaborations, both entities would do well to heed the advice of Sitting Bull, a wise Lakota ancestor: "Let us put our minds together to see what life we can make for our children" (1877).

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## Tribal-State Relations Resources

### Child Welfare Information Gateway

Child Welfare Information Gateway's web section on working with Indian children and families includes information on ICWA, a list of federally recognized Tribes, a Native American affairs glossary, and more.

[http://www.childwelfare.gov/systemwide/cultural/adoption/american\\_indian\\_families.cfm](http://www.childwelfare.gov/systemwide/cultural/adoption/american_indian_families.cfm)

### National Resource Center for Tribes

The National Resource Center for Tribes is a member of the Children's Bureau's Training and Technical Assistance Network that assists States and Tribes in improving child welfare systems.

<http://www.nrc4tribes.org>

### Laws and Resources

- [The Indian Child Welfare Act](#) of 1978, 25 U.S.C. § 1901, et seq. (ICWA or Act) provides procedural safeguards in actions involving Indian children
- **Fostering Connections to Success and Increasing Adoptions Act of 2008**  
United States Congress. (110th, 2nd Session: 2008)

This act reauthorizes the Adoption Incentives Program for 5 years and increases incentives for special needs and older child adoptions; gives States the option to use Federal funding to provide maintenance payments to relatives who serve as “kinship guardians”; establishes family connection grants to connect foster children with family members and assist them in meeting the needs of the foster children; and allows Federal funding for title IV-E programs established by Tribal entities.

[http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=110\\_cong\\_bills&docid=f:h6893enr.txt.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=110_cong_bills&docid=f:h6893enr.txt.pdf)

- Bureau of Indian Affairs Guidelines for State Courts, Indian Child Custody Proceedings, 44 Fed. Reg. 67584-67595 (November 26, 1979)
- Code of Federal Regulations, 25 C.F.R. Part 23 (January 13, 1994) (Bureau of Indian Affairs–Indian Child Welfare Act Rules and Regulations).  
<http://www.gpo.gov/fdsys/pkg/CFR-2011-title25-vol1/pdf/CFR-2011-title25-vol1-part23.pdf> (PDF – 239 KB)
- Indian Child Welfare Act; Receipt of Designated Tribal Agents for Service of Notice, 64 Fed. Reg. 11490 (March 9, 1999)  
<http://www.gpo.gov/fdsys/pkg/FR-1999-03-09/pdf/99-5640.pdf> (PDF - 206.9 KB)
- U.S. Department of the Interior–Indian Affairs website (<http://www.bia.gov>).

## **Tribal Law and ICWA**

- Tribal Court Clearinghouse: <http://www.tribal-institute.org>
- Native American Rights Fund (has a great ICWA tool online): <http://www.narf.org>
- National Indian Child Welfare Association: <http://www.nicwa.org>
- National Conference of State Legislatures:  
<http://www.ncsl.org/programs/statetribe/statetribe.htm>

## **Organizations That Provide Support or Training (in addition to the groups above):**

- Indian Country Child Trauma Center (University of Oklahoma): <http://www.icctc.org>
- White Bison: <http://www.whitebison.org>
- Native Wellness Institute: <http://www.nativewellness.com>
- Native American Children’s Alliance (NACA): <http://nativechildalliance.org>
- National Congress of American Indians: <http://www.ncai.org>
- National Indian Child Welfare Association: <http://www.nicwa.org>

## References

- American Indian Policy Center. (n.d.). Retrieved from <http://www.airpi.org/pubs/indinsov.html>
- Brave Heart, M. Y. H. (1998). The return to the sacred path: Healing the historical trauma response among the Lakota. *Smith College Studies in Social Work*, 68(3), 287-305.
- Gardner, J., & Melton, A. (n.d.). Public Law 280: Issues and concerns for victims of crime in Indian Country. Retrieved from <http://www.tribal-institute.org/articles/gardner1.htm>
- Gonzales, A., & Stansbury, M. (2006). Timeline of U.S. American Indian policy and its impacts. Ithaca, NY: Cornell University. Retrieved from [http://aip.cornell.edu/cals/aip/outreach/tiwp/upload/indian\\_history.pdf](http://aip.cornell.edu/cals/aip/outreach/tiwp/upload/indian_history.pdf)
- National Congress of American Indians. (n.d.) *An Introduction to Indian Nations in the United States*. Retrieved from [http://www.ncai.org/about-tribes/Indians\\_101.pdf](http://www.ncai.org/about-tribes/Indians_101.pdf)
- Richland, J., & Deer, S. (2010). *Introduction to Tribal legal studies*. (2nd ed.). Lanham, MD: AltaMira Press.
- Rubin, T. (1992). Tribal courts and State courts: From conflicts to common ground. *State Court Journal*, 16(1), 17–20,34.
- The Uintah Basin TAH (UB-TAH) Project. (2006). History timeline: Selected dates in Indian history and Indian education. Retrieved from <http://www.uintahbasintah.org/papers/aieducation.pdf>
- U.S. Department of Health and Human Services. (2011). *The AFCARS Report: Preliminary FY 2010 estimates as of June 2011 (18)*. Retrieved from [http://www.acf.hhs.gov/programs/cb/stats\\_research/afcars/tar/report18.htm](http://www.acf.hhs.gov/programs/cb/stats_research/afcars/tar/report18.htm)
- Wilkins, A. (2008). *State-Tribal Cooperation and the Indian Child Welfare Act*. Retrieved from <http://www.ncsl.org/print/statetribe/ICWABrief08.pdf>



## Tribal-State Relations Timeline

