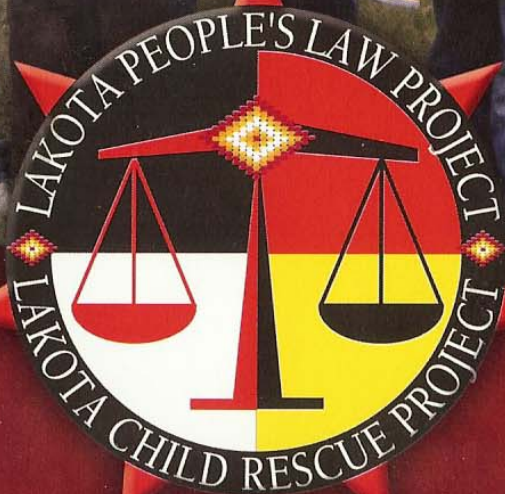


Indian Child Welfare Act

A Guide to Rights, Recommendations and
Court Processes for Parents in Abuse and Neglect Cases



A publication of the



"Wakanyeya ota wokakijapi kiksuyapo!"

This guide will inform parents of their rights, and extended family of how they can assist, in abuse and neglect cases in which Native American children have been removed from their parents or guardians.

Table of Contents

Introductory Resources & Recommendations

Introduction	3
Overview of ICWA	5
Out-of-home placement	9
Officials involved with your case	10
Helpful hints when working with the DSS	11
Your rights at ICWA hearings	12
Documents important to your case	13

Abuse and Neglect Hearings

Removal	14
The 48 Hour Hearing	16
The Intervention	19
The Advisory Hearing	20
The Adjudicatory Hearing	22
Review Hearings	25
The Dispositional Hearings	26

Reference Resources

Frequently Asked Questions	28
SD Tribal Office Contact Information	30



How to use the guide:

This book may seem long, and certain parts technical. As your case progresses, read the section pertaining to your up-coming hearings, marking areas where you have questions so that you can ask your attorney about them before the hearing. Be sure to use the helpful resources at the back of the handbook.

INTRODUCTORY RESOURCES & RECOMMENDATIONS

Introduction

Why should I read this guide?

The legal journey you have embarked upon can be long, complex and can seem overwhelming. Try to stay focused, hopeful and determined to do what it takes for the well-being of your children. By reading this guide, you will have many of the tools you need to help your case. By understanding how the legal system works, being aware of your rights and acting on them, you have a greater chance of having your children returned.

Get into the driver's seat!

The most important thing to keep in mind is to stay active throughout your case. This means that you must learn about your rights, stay in contact with your children, ask questions, communicate with your caseworkers and attorney, and point out problems when they occur. Inaction on your part will be perceived by the state as lack of interest in getting your children back. So, study this guide, know your rights, act on these rights and share them with others!

Know your history!

You may be familiar with South Dakota's long history of removing Native American children from their homes for boarding school, due to economic hardship and out of ignorance of Native American child rearing practices. The Indian Child Welfare Act, a law passed in 1978, is intended to ensure that if Native American children are removed from their home, they will remain in the custody of a relative or Native American family, and that social services agencies will work for the unification of the family.

Your Rights

Know Them.

Voice Them.

Share Them.



Under ICWA, you as a Native American parent have the right to:

- A court hearing within 48 hours of the emergency removal of your children.
- The appointment by the court of an attorney for your case.
- Ask your tribal ICWA office to transfer your case from state to tribal court where you may have a better chance of having your children returned.
- Participate in the development of a case plan aimed at the reunification of your family.



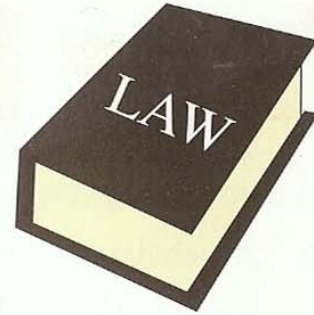
Children in foster care have civil rights too!

- The right to be free from sexual, physical, emotional or medical abuse.
- The right to a placement (1) closest to the family's home and (2) that imposes the fewest restrictions on the children.
- The right to regular and increasing visits, and communication with family towards the goal of reunification.
- The right to quality education and healthcare.

Overview of ICWA

The purpose of ICWA:

1. To prevent the unnecessary removal of Indian children from their homes.
2. To maintain children's connections to their family, culture and tribe by requiring that children be placed with a family member or Native American family if removed from their home.
3. To affirm tribal sovereignty by allowing Tribes to transfer ICWA cases from state court to tribal court.
4. To provide culturally appropriate resources to parents and children throughout their case.



When Does ICWA Apply?

1. The child involved must be an “Indian Child:”

A person under the age of 18 who is *either*

A. A member of an Indian Tribe

OR

B. **ELIGIBLE** for membership in an Indian Tribe (that is, a biological child of a member of an Indian Tribe).

BEWARE

People may tell you that your children must be enrolled member(s) for ICWA to apply. That is not true. Your children must simply be **ELIGIBLE** for enrollment. ICWA should be applied as soon as eligibility or enrollment is known so that you receive the protections the law provides.

2. ICWA applies to child custody proceedings

A “*child custody proceeding*” includes:

Foster care placement, termination of parental rights, pre-adoptive placement, adoptive placement, abuse & neglect proceedings, status offenses/CHINS proceedings & voluntary termination of parental rights.



Once ICWA has been applied you have the right to . . .

1. ACTIVE EFFORTS to reunify your family

You are not alone. Did you know that your caseworker is required to help you meet the requirements of your case plan? Your case worker can assist you in any of the following ways:

- ✗ Providing transportation or funding to attend:
 - Parenting, anger management or any other classes required by the court
 - Visitation with your children
 - Medical or psychological evaluations
- ✗ Locating and introducing you to rehabilitation and other resources available through your Tribe.
- ✗ Locating family support resources within your extended family.
- ✗ Locating and introducing you to housing, employment, financial and other resources available to you in your community.
- ✗ Promptly following through on your questions and requests.



HELPFUL HINT

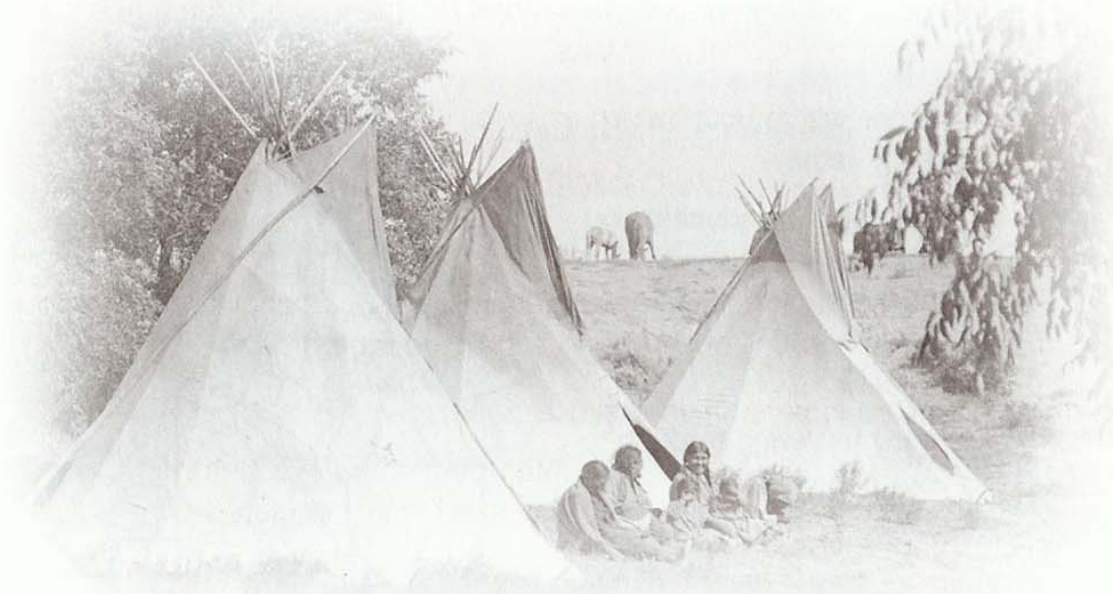
Later in your case, the DSS will be required to prove that they have provided active efforts to reunify your family. So, it is a good idea to keep a list of any assistance you requested from the DSS and what your case worker offers you.



Your child has the right to the least restrictive foster placement

Explain to DSS that you know the placement preferences required by law under ICWA. The DSS should work to place your children...

- 1st** with an extended family member
- 2nd** in a foster home licensed/approved by the Tribe
- 3rd** in an Indian foster home approved by the DSS
- 4th** in an institution for children approved by the Tribe and operated by an Indian organization



STOP

Although the DSS should contact several of your relatives as potential placements, they may not. So take charge!

If you have a relative who is willing and able to become a kinship or foster parent for your child, talk to this person immediately about the need for your children to live with someone they know who has knowledge of their familial and cultural background.

Provide him/her with the instructions on page 29 so that they can get started on the process.

Out-of-Home Placements

EMERGENCY CARE

A licensed family foster home or emergency shelter facility.

KINSHIP CARE

Unlicensed, in-home care provided by a relative or friend with a significant relationship to the child.

BASIC FOSTER CARE

Licensed, in-home care. No more than six children total are allowed in each home.

SPECIALIZED FOSTER CARE

Specialized for adolescents with behavioral problems, and children with developmental or physical disabilities.

FAMILY TREATMENT HOME CARE

Provides a foster home setting with intensive treatment.

GROUP CARE

Provides a center for children with family or interpersonal conflicts who may require ongoing counseling in a structured program.

RESIDENTIAL TREATMENT

Provides a residential ("live-in") center for children with behavioral or emotional problems requiring therapy in a highly structured environment.

PSYCHIATRIC RESIDENTIAL CARE

Provides a residential center for children needing psychiatric treatment.

YOUR CHILD'S MEDICAL CARE

You have a right to be informed of all doctor appointments. You should attend each one so that you will be informed of the medications prescribed for your child. If you disagree about the need for your child to be placed on a particular medication, explain this to your case worker, attorney and judge as soon as possible.

Officials involved with your case

INTAKE OFFICER

A circuit judge or circuit court staff member who holds an Intake Hearing to determine whether or not an out-of-home placement is necessary until the 48 Hour Hearing.

FAMILY SERVICES SPECIALIST (FSS)

A DSS caseworker who is responsible for determining whether you are able to have your children returned to your home and custody. Your FSS is required to introduce you to ALL services that are available to you as you work towards reunification with your children. The FSS will notify you and your Tribe of the 48 Hour Hearing and potential tribal eligibility of your children. If the FSS report of your Tribal enrollment is incorrect, explain this to your attorney or the judge. The FSS provides information about your case to the court at the 48 Hour Hearing.

COURT APPOINTED SPECIAL ADVOCATE (CASA)

CASA's are trained community volunteers appointed by a judge to represent the best interests of children. As advocates for your children, CASA's have full access to your child's record. The typical volunteer investigates the case through record review and interviews people with information about your children. The CASA volunteer helps children understand the court process and presents your child's views and needs to the judge.

VOLUNTEERS OF AMERICA

Court ordered supervision and support to families when the DSS determines that the children can be returned home after having been in foster care.



Helpful hints when working with DSS

Strive to Complete Your Case Plan!

Tell your attorney, caseworker and the judge that you want to participate in the writing of your case plan. However, if you do not receive a case plan within a month of the removal, actively speak with your caseworker and attorney about which programs you will likely need to complete (such as anger management, parenting classes, drug, alcohol or psychological evaluations, etc.) and begin work with these programs as soon as possible. It is crucial that you complete each component of your case plan efficiently. If you do not establish clear progress on your case plan within seven or eight months, it will be easier for the state to terminate your parental rights. Make it your first priority to attend all rehabilitation classes, visitations and meetings. Use a calendar and certificates of completion to document your attendance.

Document Everything!

Use the phone log at the end of this handbook to begin documenting all conversations with caseworkers, tribal office, and your attorney. Keep track of names and dates. Buy a notebook when the log is full.



Establish Great Communication with the DSS!

Always leave messages on your caseworker's answering machine when you call. After leaving two messages, it may be most effective to go to the DSS office, perhaps more than once. Contact your caseworker's supervisor if there is no response to your calls, providing the dates and times that you called.



Ask Your Attorney First!

If your caseworker asks you questions about the circumstances of the removal, calmly explain that you would rather wait until your attorney is present. You should only provide basic biographical information about yourself and helpful information about your child's routines and needs.

GETTING AN EVALUATION

If your case involves drugs and/or alcohol get a chemical dependency evaluation. Do not sign a release of information to anyone except your attorney.

KNOW YOUR RIGHTS

For ALL hearings you have a right



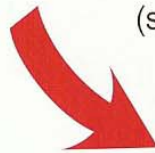
To Tribal Intervention

- ✓ To have the court notify your Tribe in advance of all hearings
- ✓ For you or your attorney to petition your Tribe to file a Motion To Transfer your case to Tribal court. Once transferred, there may be a better chance that your children will be returned to you. Transferring the case does not require you or your children to live on the reservation. Your Tribe may decline the transfer.



To Strengthen Your Case in Court

- ✓ To request an additional 20 days or more (from receipt of notice of a hearing) to prepare for proceedings.
- ✓ To court-appointed counsel.
- ✓ To examine all court reports and documents for inaccuracies.
- ✓ To submit your own a.) reports with your version of the facts; b.) letters which verify your character and parenting abilities from employers, service providers, friends, and others who know you; c.) evidence of compliance with your case plan, such as certificates of completion of classes. Consult your attorney before submitting documents to the courts.
- ✓ To be notified if ICWA applies to your case.
- ✓ To have a Safety Plan prepared to make reunification possible. (see pg. 13)



To Assistance Throughout Your Case

- ✓ To request increased visitation by you or relatives at your home, supervised by the DSS.
- ✓ To request assistance in order to complete your Case Plan. (see pg. 7)

Documents Important to Your Case

The number of documents important to your case may seem overwhelming. However, it is important that you review each one with your attorney, ask questions if you are confused, and correct inaccuracies immediately.



1. ICWA Affidavit

A statement submitted by the state's prosecutor that the continued custody of the children by the parent is likely to result in serious emotional or physical damage.

2. Internal Family Assessment

The initial DSS report which provides an overview of substantiated and unsubstantiated case details identifying maltreatment, and an evaluation of the safety of the child.

3. Safety Plan

A list of steps you can take immediately that will allow your children to return home. This should be written immediately after removal.

4. Case Plan

Your Case Plan will list the court mandated classes, treatment, evaluations and/or other requirements that you need to fulfill in order to have your children returned to your custody.

5. Abuse and Neglect Petition

A statement of the State's allegations against you and the facts which support these allegations.

6. Notice to Appear at Hearings

Keep these notices. The ICWA sets out the number of days that parents and Tribes need to receive notification prior to hearings.

ABUSE AND NEGLECT HEARINGS

Removal of Children Begins When:

Welfare Check

A call is made to DSS and an employee visits your home. If there is no reason to suspect abuse or neglect, your children will remain in your home.

Emergency Removal

A call is made to the police or DSS and your children are removed immediately.

If a pregnant mother is using drugs or alcohol, removal can occur from the hospital upon birth.

If there is reason to believe that your children have been abused or neglected, the police will be called and your children will be removed.

Where is Your Child Going?

1. Law Enforcement and DSS will contact an Intake Officer to obtain approval for an out-of-home placement until the 48 Hour Hearing or until the child is released.
2. An Intake Hearing will be held to decide whether the child should be held in temporary custody until further court hearings. No notice or record of this hearing is required.
3. Your child will be placed in emergency temporary care with a licensed foster home or shelter.

KNOW YOUR RIGHTS



When DSS or the Police come to your door:

- ✓ You are encouraged to speak with DSS about your employment and housing needs, and resources within your family. It will also be helpful to provide information about your children including allergies, diet, behaviors, education and cultural interests and needs. Remember though that anything you say will likely be used in court against you, such as information surrounding the circumstances of the removal. Calmly explain to the DSS and police that you would like to wait until your attorney is present to answer questions pertaining to the removal.
- ✓ You are required to allow your children to speak with the DSS, though your children are not required to respond.
- ✓ Notify DSS of your Tribal affiliation and ask them to contact your Tribe immediately. If possible, do this yourself right away.
- ✓ If you are arrested, tell DSS that you want to attend the 48 Hour Hearing.



After the Removal IMMEDIATELY:

(Check off tasks as you go)

- Obtain legal counsel. You have the right to a lawyer even if you cannot afford one.
- Provide DSS with the names and phone numbers of at least three relatives that can temporarily care for your children.
- Request visitation with your children and call the DSS regularly about their well-being.
- If you or your children are not enrolled in your Tribe, begin this process immediately. (See page 32 for phone numbers.)
- Provide DSS with your children's favorite toys, clothing, medications, educational and other needs.
- Collect documentation of your care for your children including: educational, extra-curricular and cultural activities, parents' employment or educational history and letters of support.

48 HOUR HEARING



What is the purpose?

This is not a criminal proceeding. The purpose of this hearing is to determine if your children need to remain in emergency, temporary foster care or if they can be safely returned home.

What can I expect?

Get ready to take some notes! Record what the DSS reports and what the judge decides. Below is a basic outline of the proceedings.

1. DSS will report on their findings at the point of removal.
2. The state's prosecutor may submit an **Abuse and Neglect Petition** alleging that your children are abused and neglected. You should obtain and review a copy.
3. The judge should ask DSS about the following:
 - If efforts were made to prevent the removal.
 - What would be necessary to allow the children to return home. For example, if a perpetrator has been removed from your home, the children should be allowed to return under supervision.
 - The need for any evaluations.
 - The need for a restraining order.
 - Visitation arrangements for parents and children.
4. **An ICWA Affidavit** should be submitted if it appears that ICWA will apply. You should obtain a copy for your attorney.

Possible Outcomes

Children are NOT returned

Your children will remain in the state's physical and legal custody.

If you are not present at this hearing, you will be advised of your rights and upon request, you will be appointed an attorney.

The judge will schedule an Advisory Hearing 60 days from today.

Children are returned

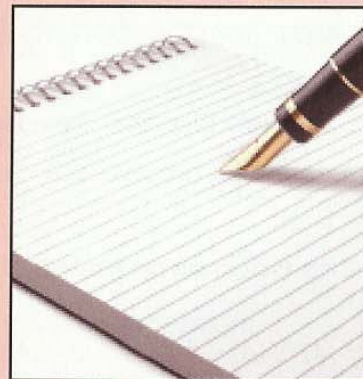
1. Your children may return to your physical custody but legal custody will remain with the state.

OR

2. Your children are returned to you, and you retain full legal and physical custody.

WHEN GOING TO COURT

- ✓ Bring a notebook to record everything that DSS and the judge tell you.
- ✓ If you are ever confused, always ask the judge to clarify. After a hearing, debrief with your attorney to make sure that you completely understand.
- ✓ Take a relative or friend to support you.
- ✓ Dress nicely, speak loudly, clearly and stand confident!
- ✓ Bring your tribal enrollment papers.



KNOW YOUR RIGHTS



For the 48 Hour Hearing you have the right:

- ✓ To inform the judge that you are aware of your rights under the Indian Child Welfare Act.
- ✓ To be notified of this hearing, which must occur within 48 hours of removal (excluding weekends and holidays).
- ✓ To be appointed an attorney if you cannot afford your own.
- ✓ To have a witness testify on your behalf.
- ✓ To ask DSS to immediately create a SAFETY PLAN that will enable your children to be returned as soon as possible.
- ✓ To ask the court to order DSS to set-up regular visitation.
- ✓ To provide the court with all of the information you gathered.
- ✓ Not to answer questions about events leading to the removal.
- ✓ To ask that your Tribe be notified immediately.
- ✓ To know from the court whether ICWA will apply.
- ✓ To a Family Services Specialist who is required to introduce you to ALL services that are available to you.

From the 48 Hour Hearing to the Advisory Hearing

HELPFUL HINT



Remaining in your child's life will keep you motivated to complete the requirements of your case plan!

- ✓ Let DSS know that you have the right to REGULAR and increasing visitation and communication with your children.
- ✓ Remind DSS that you want to be present at any doctor visits and counseling sessions with your children.
- ✓ Ask to participate in the creation of your case plan.
- ✓ Be early and attend ALL visitations with your children.

Tribal Intervention and Relative Placement

(Check off each task as you go.)

- Contact your Tribe's ICWA Office (pg. 31) and ask them to file a Motion to Transfer Jurisdiction as soon as possible. Check on the progress of this until it is done. My Tribe's ICWA office's number is _____ . As the case proceeds, it may become harder for your Tribe to transfer the case!
- Inform your relatives if you have given their names to the DSS and ask them to immediately respond to calls, letters and paperwork.
- Check in with your Tribe's enrollment office frequently to ensure that the enrollment process is moving forward.

ADVISORY HEARING



What is the purpose?

At this hearing you must either admit or deny the allegations in the Abuse and Neglect Petitions.

DO NOT ADMIT

unless you have gone over your rights and your case with your attorney and you understand the consequences of this decision.

If you deny the allegations, your case will go to an Adjudicatory Hearing (trial).

Your next hearing, called the Adjudicatory Hearing, is your trial. The judge will determine the nature of the abuse or neglect, if your children should be returned to you at some point or if your rights will be terminated.



For the Advisory Hearing you have the right:

- ✓ To be notified of the Advisory Hearing 10 days in advance and to request a continuance if no notice was given.
- ✓ To a copy of the Abuse and Neglect Petition and the Report to the Court. Review these with your attorney in detail for any inaccuracies.

Between the Advisory Hearing and the Adjudicatory Hearing, continue:

- ✓ Visitation with your children, contacting relatives for possible placement and pressing the DSS to create a Safety Plan that will reunite you and your children as soon as possible.
- ✓ Review the proposed case plan with your attorney and start tasks listed as soon as possible. Ask the DSS for culturally sensitive providers.
- ✓ Going with your caseworker to doctor and other appointments on behalf of your children.
- ✓ Working with your Tribe to get the case transferred to tribal court.

Pretrial Conference

This meeting brings together parents, attorneys, caseworkers, CASA volunteers to try to negotiate issues pertaining to the adjudication of your case.

- ✓ This meeting should establish the goal of returning your children to you.
- ✓ Parties will discuss the requirements that will be placed on you in order to have your children returned.
- ✓ Parties should promote cooperation between parents and service providers.



ADJUDICATORY HEARING



What is the purpose?

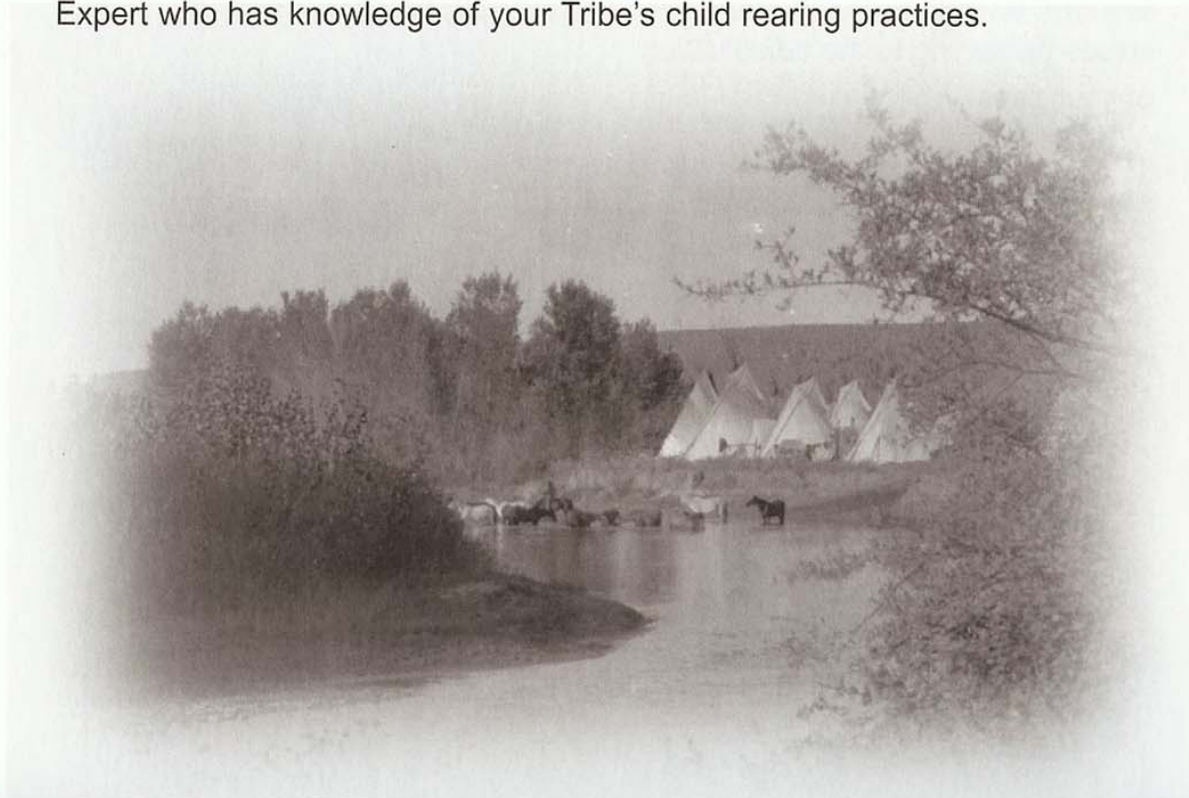
- A. To determine if the allegations of the Abuse & Neglect Petition are supported by strong evidence.
- B. To determine the exact nature of the abuse or neglect.
- C. If the state intends to pursue termination of parental rights.

What can I expect?

The state must present evidence which proves beyond a reasonable doubt:

- 1. That reunification is not in the best interest of the child.
- 2. That active efforts to reunify the family have been made.
- 3. That the child's continued custody with parents is likely to result in serious emotional or physical damage to the child.

This conclusion must be supported by the testimony of a qualified ICWA Expert who has knowledge of your Tribe's child rearing practices.



Possible Outcomes

You should speak with your attorney about which options are available in your specific case.

1. No Fault Admission

Parent admits that the neglect occurred, but argues that it was due to extreme economic or other circumstances.

The state may retain custody. A date for the Dispositional Hearing will be set.

2. Admission

Parent admits to all or part of the Abuse and Neglect Petition. The date of the Dispositional Hearing will be set.

3. State proves allegations

The judge rules that all allegations in the Petition are proven beyond a reasonable doubt. The date of the Dispositional Hearing will be set.

4. Deferred Adjudication

This option is available if the abuse or neglect is a first time, minor offense and if the parent is already in compliance with his/her case plan. If the parent agrees and complies with the requirements of the court's orders for a set period of time, then the state will refrain from charging the parent.

5. State fails to prove allegations

The judge rules that allegations in the Petition cannot be supported, and the children return home.

KNOW YOUR RIGHTS

At the Adjudicatory Hearing you have the right:



To notification

- ✓ To be notified at least 10 days in advance of the hearing.
- ✓ To request a “continuance” of up to 20 additional days to prepare for the hearing.
- ✓ To be notified at least 10 days in advance of the court’s “Findings of Fact” if the court finds your children to be abused or neglected.



To contest allegations in the petition:

- ✓ To request an “Evidentiary Hearing” if you object to the allegations made in the Petition.
- ✓ Your attorney has the power to object to evidence that is irrelevant to the Petition, such as character slander.



To hear testimony from:

- ✓ Expert witnesses of your choice, however, the judge makes the final decision about who will be called to testify.
- ✓ Yourself, your children and other witnesses who can testify on your behalf.



To have your attorney object to the court’s decision within 5 days.

Review Hearings



What is the purpose?

These hearings must take place at least every six months and are the court's opportunity to evaluate your progress and the need for continued out-of-home placement of your children.

What can I expect?

The judge will want to determine the following:

1. Your progress on the requirements of your case plan.
2. If your case plan needs to be modified.
3. If it is necessary for your children to remain in foster care or if their current placement should be changed.
4. Whether the terms of visitation should be modified.
5. If there is a suitable relative (kinship) placement for your children.
6. The expected date when the children can return home, be placed for adoption or in long-term foster care.



At The Review Hearings You Have The Right:

- ✓ To receive reports to the court five days in advance of the hearing, which you should review with your attorney.
- ✓ To request that the DSS comply with ICWA by locating a relative or Native foster home for your child if they have not.
- ✓ To request increased visitation with your children.
- ✓ To request that your Tribe transfer your case to Tribal Court. If your Tribe waits until the next hearing, it is likely that the state court will refuse to transfer the case at all.
- ✓ To have your attorney present evidence of progress on your case plan.

DISPOSITIONAL HEARING



What is the purpose?

For the court to make a final decision about the placement of your children.

IMPORTANT!

TIMING:

For most abuse and neglect cases, the Dispositional Hearing must be held within 12 months of the removal. **However, ICWA does not specify a deadline for this hearing. Unfortunately, not all attorneys, caseworkers or judges acknowledge this.** There is great pressure on the state to ensure that, for the sake of your children's well-being, your children can move from foster care to a more permanent placement.

If your case has been active for 12 months and you have not made progress on your case plan, it is probable that the state will move to terminate your rights to your children.

If you have made progress on your case plan, termination should not be a priority. If you are waiting to obtain housing or to complete classes, request more time to work on these requirements while remaining an active part of your children's lives.



Possible Outcomes

Your attorney proves:

That the conditions which led to the removal of the children no longer exist and the child can return home safely.

Legal/Physical custody of children returned to parent.



The state proves:

BEYOND A REASONABLE DOUBT that:

- A. "Active efforts" have been made to rehabilitate the parents and reunify the family, and
- B. The conditions that led to the removal still exist and are not likely to change. Returning the child to the parent could result in serious emotional or physical damage.

This conclusion must be supported by the testimony of an expert witness from your Tribe.

Parental Rights Terminated

Permanency Hearings will continue until suitable adoptive placement is found for your children.

APPEAL

An appeal must be made within 30 days after entry of the final order. Contact your attorney immediately regarding grounds for appeal. However, you do not have a right to counsel for this appeal.

FREQUENTLY ASKED QUESTIONS

What do I do if I think my or my children's rights are being violated?

If you suspect abuse in any of your child's foster placements, speak up immediately. Report the suspected abuse to your child's CASA worker, your attorney and your caseworker.

If you have concerns about other possible violations, speak with your case worker first. If you do not feel that your concern has been properly addressed, speak with your attorney. Try to address the issue within a meeting between your attorney and your case worker.

"If my rights have been terminated, what is next for my child and me?"

Permanency Review Hearings: Your child will go through several permanency review hearings until an adoptive or permanent foster home is identified.

"Aging out": When your child turns 18, he/she has several options. Your child may remain with their foster family until he/she completes high school. There are three transition programs in South Dakota that can prepare your child for successful employment, financial and physical independence: Independent Living Preparation Program (Sioux Falls), Stepping Stones (Rapid City), and McCrossan Boy's Ranch School (Sioux Falls). Your child is eligible for these programs until he/she is 21 years old. If your child intends to go to college, he/she may be eligible for a wide array of federal funding for scholarships and tuition. Overall, there is a multitude of services, medical care and funding available to your child.

Recommendations for parents: First, notify the DSS whenever your phone number or address change. This way your child will have accurate information if he or she decides to locate you once he or she turns 18. Second, seek emotional and or spiritual support to help you through the grieving process. Finding other parents who have had similar experiences may be helpful.

What is the Adoption and Safe Families Act (ASFA)?

ASFA was enacted in 1987 to address concerns that abused and neglected children were being negatively affected by lingering too long in the foster care system. So, ASFA requires Social Services to find a permanent placement for children within 12 months from the time of their removal. In contrast, ICWA states that the best interest of the child is reunification, to maintain their family, tribal and cultural ties and does not specify a timeframe for permanency. ICWA overrides ASFA in custody proceedings regarding Native children.

What is kinship care?

Kinship care is unlicensed care provided by a relative or person with a significant relationship to your children. If you are interested in providing kinship care, call your local DSS or Tribal Child and Family Service office immediately. No training classes are required. Applicants must undergo a background and Central Registry check. Applicants must have separate bedrooms for male and female children, however, there is no restriction on the total number of children allowed in the home. Providers can apply for TANF, food stamps, and medical assistance for the children. Although employment is not required, financial stability is. Any type of felony or criminal charges for violent crimes can be grounds for denial of placement.

How can I become a foster parent?

First, call your local DSS office and ask for an application packet. Applicants must undergo a background and Central Registry check. Applicants must complete 10 free PRIDE training classes (30 hours), plus a home study. Foster parents receive monthly payments per child to assist in the purchase of essentials. Foster parents cannot have more than a total of six children (including their own) and must have separate bedrooms for male and female children. Children will be eligible for Title 19 health benefits. Any type of felony or criminal charges for crimes of violence can be grounds for denial of placement.

TRIBAL ICWA OFFICES & DIRECTORS

Cheyenne River Sioux Tribe

Diane Garreaux,
ICWA Director
P.O. Box 747
Eagle Butte, SD 57625
(605) 964-6460 phone
(605) 964-6463 fax

Crow Creek Sioux Tribe

Dave Valandra,
ICWA Director
P.O. Box 50
Fort Thompson, SD 57339
(605) 245-2322 phone
(605) 245-2844 fax

Flandreau Santee Sioux Tribe

Guy Zephier,
ICWA Director
P.O. Box 283
Flandreau, SD 57028
(605) 997-5055 phone
(605) 997-5145 fax

Lower Brule Sioux Tribe

Greg Miller,
ICWA Director
P.O. Box 244,
Lower Brule, SD 57548
(605) 473-5584 phone
(605) 473-9268 fax

Oglala Sioux Tribe

Juanita Scherick,
ONTRAC Director
P.O. Box 148,
Pine Ridge, SD 57770
(605) 867-5805 phone
(605) 867-1893 fax

Rosebud Sioux Tribe

Shirley Big Eagle,
ICWA Director
P.O. Box 609
Mission, SD 57555
(605) 856-5270 phone
(605) 856-5168 fax

Sisseton-Wahpeton

Sioux Tribe
Evelyn Pilcher,
ICWA Director
P.O. Box 509
Agency Village, SD 57262
(605) 698-3992 phone
(605) 698-3999 fax

Standing Rock Sioux Tribe

Beverly Iron Shield,
ICWA Director
P.O. Box 640,
Fort Yates, ND 58538
(701) 854-3431 phone
(701) 854-2119 fax

Yankton Sioux Tribe

Raymond Cournoyer,
ICWA Director
P.O. Box 248
Marty, SD 57361
(605) 384-3641 phone
(605) 384-5014 fax

TRIBAL ENROLLMENT OFFICES

Tribal Enrollment Office
Charlene Anderson
P.O. Box 325
Eagle Butte, SD 57625
(605) 964-6612 ext 6613
(605) 964-6614 fax

Crow Creek Sioux Tribe
Tribal Enrollment Office
Bureau of Indian Affairs
Lori Bishop
Box 139
Fort Thompson, SD 57339
(605) 245-2311

Flandreau Santee Sioux Tribe
Tribal Enrollment Office
Fannie Armstrong
P.O. Box 283
Flandreau, SD 57028
(605) 997-3512 Ext. 1219

Lower Brule Sioux Tribe
Tribal Enrollment Office
Emma Laroache
187 Oyate Circle
Lower Brule, SD 57548
(605) 473-5561

Oglala Sioux Tribe
Tribal Enrollment Office
Joan Decker
P.O. Box H
Pine Ridge, SD 57770
(605) 867-1321

Rosebud Sioux Tribe
Tribal Enrollment Office
Caroline Horse Looking
P.O. Box 335
Rosebud, SD 57570
(605) 747-2381 ext. 214

Sisseton-Wahpeton Sioux Tribe
Tribal Enrollment Office
Zelma Flute
P.O. Box 509
Agency Village, SD 57262
(605) 698-3911 ext. 204

Standing Rock Sioux Tribe
Tribal Enrollment Office
Bureau of Indian Affairs
Mildred Strong Heart
P.O. Box E
Fort Yates, ND 58538
(701) 854-7522

Yankton Sioux Tribe
Tribal Enrollment Office
Bernadette Raymond
P.O. Box 248
Marty, SD 57361
(605) 384-3641 ext. 268

PILAMAYA!

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PHONE LOG

Begin documenting all of your calls to DSS, the courts, your attorney, doctors, etc. here. If your call goes unanswered after leaving a message, record it anyway.

1. DATE PERSON AND NUMBER CALLED

CALL DETAILS:

2. DATE PERSON AND NUMBER CALLED

CALL DETAILS:

3. DATE PERSON AND NUMBER CALLED

CALL DETAILS:

PHONE LOG

4. DATE PERSON AND NUMBER CALLED

CALL DETAILS:

5. DATE PERSON AND NUMBER CALLED

CALL DETAILS:

6. DATE PERSON AND NUMBER CALLED

CALL DETAILS:

Original Text of the Indian Child Welfare Act

"...Congress finds that there is no resource that is more vital to the continued existence and integrity of Indian Tribes than their children..."

" The Congress hereby declares that it is the policy of this Nation ... to promote the stability and security of Indian Tribes and families by ...the placement of such children in foster or adoptive homes which will reflect the unique values of Indian culture, and by providing for assistance to Indian Tribes in the operation of child and family service programs."

ICWA 25 U.S.C. § 1902 (2006)

For the full text of the law, visit: <http://www.nicwa.org/policy/law/icwa/ICWA.pdf>



Your Rights

Know Them. Voice Them. Share Them.

The Lakota People's Law Project is a non-profit law office dedicated to addressing the human rights abuses held in common by the Oceti Sakowin (Seven Council Fires). The Lakota Child Rescue Project provides legal advocacy to protect the civil rights and natural bonds of Lakota, Dakota, and Nakota families by bringing the children home.



LAKOTA PEOPLE'S LAW PROJECT

LakotaPeoplesLawProject.org