

ICWA Law Center



Our mission is to strengthen, preserve, and reunite Indian families, consistent with the mandates and spirit of the Indian Child Welfare Act.

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History



From the 1880s to the 1950s, misguided state and federal policies led to the systematic removal of American Indian children from their homes and the destruction of Indian families. Indian children were placed in non-tribal homes, breaking their connections to family and tribal community, causing irreparable harm to the children and the tribes. These policies destroyed Indian families, and led to high rates of chemical dependency, suicide, and mental illness in those who experienced this destruction¹. Our Indian communities have never fully recovered from this devastation.

After persistent efforts of tribal leaders, Congress enacted the Indian Child Welfare Act (ICWA), attempting to end the removal of American Indian children from their families and tribal communities. Congress recognized that “the wholesale separation of Indian children from their families is perhaps the most tragic and destructive aspect of American Indian life today.” H.R. REP. 95-13896, at 9 (1978). With the passage of the ICWA, Congress acknowledged the fundamental connection between Indian children, their families and their tribes.



The Indian Child Welfare Act provides that:

- Active efforts must be made to preserve Indian families, including the provision of culturally appropriate services for struggling families.
- Placing Indian children within their extended families or tribes when removal from their homes is in their best interest.
- Indian tribes have the inherent right to intervene and participate in child custody proceedings involving their children.

Despite these protections, the number of Indian children in out-of-home placements continues to be alarming—and terribly destructive to the children and their families, tribes, and culture. Indian children in Minnesota are removed from the home by child protection workers at a rate twelve times that of white children and higher than any other ethnic group in Minnesota.² In Hennepin County the rate is even higher; Indian children make up only two percent of the population under 18, but represent eight percent of the children in foster care.³ Holding all other factors constant, they are twice as likely to be removed from the home after a finding of abuse or neglect as children from any other racial or ethnic group⁴.

While the number of Indian children placed in out-of-home care is distressing, the ICWA Law Center has succeeded in preserving Indian families and protecting the rights of Indian children. Indian children removed from their homes are more likely to be placed with a family member than children of any other race or ethnicity.⁵

¹ American Indian Policy Review Comm.; Report on Federal, State, and Tribal Jurisdiction, at 79, 1976. Indian Child Welfare Law Act of 1978, Hearing on S. 1214 before Senate Select Committee on Indian Affairs, 95 Cong. 1st Sess. (1977) at 114 (Statements of Drs. Carl Mindell and Allan Curwitt, American Academy of Psychiatry).

² Minnesota Department of Human Services, Children and Family Services Administration, *Children and Family Services, Minnesota's Child Welfare Disparities Report*, February 2010.

³ Ibid.

⁴ *Investigating Racial Disparity in Minnesota's Child Welfare System*, St. Olaf Mathematics Practicum, January 2003.

⁵ Minnesota Department of Human Services, Children and Family Services Administration, *Children and Family Services, Minnesota's Child Welfare Disparities Report*, February 2010.

Programs and Services

Through legal advocacy, the ICWA Law Center secures its clients' rights and ensures that their stories are told with accuracy and compassion. Indian families involved in the child protection system often face cultural barriers when accessing legal and social services. The legal system can be daunting for families unaware of their rights. The ICWA Law Center makes sure that Indian families understand their legal rights and advocates for them throughout the legal process. Through understanding and advocacy, the legal system can be a support rather than a barrier.

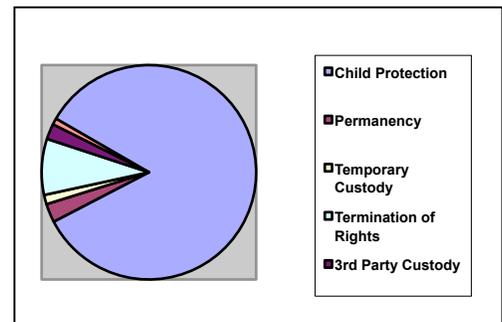
The ICWA Law Center represents Indian families living in extreme poverty and facing many barriers to caring for and protecting their families. During the past year, 66 of our clients were coping with chemical dependency, 18 were homeless, 15 had health problems, and five were escaping abusive households. Clients live with the pervasive repercussions of physical, sexual and emotional abuse. Their struggles are intensified by the generational loss of family and community. The ICWA Law Center ensures that these clients have access to intense support and appropriate services to strengthen, preserve or reunite their families.

ICWA Law Center programs:

- **The Indian Children's Stability Program** works to ensure that Indian children involved in the child protection system live in safe and stable homes within their family or tribe.
- **The Indian Children's Stability Program – Northern Lights** works to provide the same support as above, focusing on counties and tribes in Northern Minnesota.
- **The Community Outreach and Systems Advocacy Program** focuses on informing the community about, and advocating for, compliance with the letter and spirit of the ICWA

Accomplishments

Last year the ICWA Law Center provided legal services to 212 Indian families in Minnesota, ensuring their voices were heard. Staff works with families in crisis to determine their needs and connect them with appropriate community resources. Emergency assistance, crisis intervention, affordable housing, and other services are found to meet the needs of each family. The ICWA Law Center aided 392 Indian children during the past year, helping families stay together and playing a critical role in preserving Indian culture. The types of cases handled by the ICWA Law Center attorneys are shown in this chart.



During the past year, the ICWA Law Center had the opportunity to work with many amazing families who have persevered despite serious obstacles. Angela La Chapelle (name changed) and her family are one example. Angela has three children. After experiencing the tragic death of her mother and sister when her children were young, Angela spiraled into depression and began using drugs. Her parental rights were ultimately terminated and she lost all contact with her children for several years.

Angela contacted the ICWA Law Center when she learned that her children were again in foster care after experiencing abuse in their adoptive home. When she contacted the center, Angela had three years of documented sobriety, had returned to school, and was an active member of her faith community. She spoke openly about her earlier struggles and her efforts to maintain a peaceful and healthy lifestyle in honor of her children.

With the assistance of legal advocacy through the ICWA Law Center, Angela has reconnected with her children, who are now teenagers and have welcomed her into their lives. She is committed to remaining supportive to them and has advocated for therapeutic and educational interventions on their behalf, so they can begin to heal and move forward as a family.

The ICWA Law Center provides training to ensure that child protection, social service and court personnel understand the ICWA. Staff works with student attorneys to help them understand the practical and historical importance of the ICWA. The center is committed to being a resource for local and national Indian organizations and professionals. Its web site, www.icwlc.org, ensures access to important ICWA resources.

ICWA Law Center staff members serve on committees and work groups at community, county and statewide levels to address specific and overarching policies and practices that affect Indian children in the child welfare and juvenile court systems. The center's involvement ensures that the ICWA is honored and that Indian family perspectives are considered when initiating, modifying or abolishing practices, guidelines, policies or law. The ICWA Law Center is part of Minnesota's Children's Justice Initiative's Alcohol and Other Drugs Project, examining chemical dependency issues in the context of child protection and addressing the needs of each family. Its presence is critical as the only community representative focusing on the needs of Indian families.

The ICWA Law Center focused on the following five goals during fiscal year 2012-2013:

Board of Directors

GOAL	RESULT
Advocate for children in 200 child protection cases.	Staff advocated for children in 233 cases, achieving 112% of goal.
Open 100 and close 100 child protection cases.	Staff opened 101 cases and closed 108 cases, achieving 101% and 108% of goal, respectively.
Provide training or legal education through at least eight seminars.	Staff provided eight training sessions on ICWA, achieving 100% of goal.
Provide legal advice and consultation to 50 legal and social services professionals.	Attorneys provided legal advice and consultation to 39 legal and social service professionals, achieving 78% of goal.
Provide brief legal service to 50 Indian families per year.	Attorneys provided brief legal service to 75 Indian families achieving 150% of goal.

Susan Allen, President
Rosebud Sioux
 Olson, Allen & Rasmussen

Sara K. Van Norman, Vice President
 Jacobson, Buffalo, Magnuson, Anderson & Hogen, PC

Jessica Ryan
Brothertown Indians of Wisconsin
 BlueDog, Paulson & Small, PLLP

Martha Fast Horse
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Nichole Johnson
Seneca Nation
 Mille Lacs Band of Ojibwe

Jennifer Brown
White Earth

Michael Harralson, Secretary
 Office of Solicitor General,
 Mille Lacs Band of Ojibwe

Richard G. McGee, Treasurer
 Law Office of Richard G. McGee, LLC

Financial Statements

A financial review of the ICWA Law Center was conducted by Clifton Larson Allen, LLP. Copies of financial statements from fiscal year 2012-2013 are available upon request.

Staff

Shannon Smith, Executive Director/Attorney

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Sunshine Day, Indian Advocate/
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