

## Looking for services for Native American children and families?

[www.courts.ca.gov/5807.htm](http://www.courts.ca.gov/5807.htm)

### What steps can judges take to improve child welfare outcomes for Native children and families?

- ◆ Regularly collect and track data on these cases.
- ◆ Ongoing and meaningful collaboration among courts, child welfare agencies, and tribes
- ◆ Ongoing education for all court system participants
- ◆ Organize court operations and personnel to reflect the specialized knowledge needed and lessons learned from data collection

These steps are based on the Pew Commission recommendations and Court Reform and American Indian and Alaskan Native Children, see [www.ncjfcj.org/resource-library/publications/court-reform-and-american-indian-and-alaskan-native-children](http://www.ncjfcj.org/resource-library/publications/court-reform-and-american-indian-and-alaskan-native-children)

### What if I do not see the type of service my court needs?

Contact us because we will tailor our services to meet your court's needs.

## FOR MORE INFORMATION

The Tribal/State Programs Unit of the Judicial Council's Center for Families, Children & the Courts assists the state judicial branch with the development of policies, positions, and programs to promote the highest quality of justice and service for California's Native American communities in all case types. The unit also implements tribal-state programs that improve the administration of justice in all proceedings in which the authority to exercise jurisdiction by the state judicial branch and the tribal justice systems overlaps. To learn more about the Tribal/State Programs Unit or for assistance, call Jennifer Walter at 415-865-7687 or visit [www.courts.ca.gov/programs-tribal.htm](http://www.courts.ca.gov/programs-tribal.htm).

This project is supported with funds from the California Department of Social Services.

[www.courts.ca.gov/3067.htm](http://www.courts.ca.gov/3067.htm)

Copyright © 2015 by Judicial Council of California

# S.T.E.P.S. TO JUSTICE— CHILD WELFARE

State/Tribal Education,  
Partnerships, and Services—  
Information for Tribal Court  
and State Court Judges

March 2015



Judicial Council of California  
Center for Families, Children & the Courts  
455 Golden Gate Avenue  
San Francisco, California 94102-3688  
415-865-4200  
[www.courts.ca.gov](http://www.courts.ca.gov)



JUDICIAL COUNCIL  
OF CALIFORNIA  
OPERATIONS AND PROGRAMS DIVISION  
CENTER FOR FAMILIES, CHILDREN & THE COURTS

## What is ICWA?

ICWA is a federal law that seeks to keep Native American children within their cultures and communities. Congress passed ICWA in 1978 in response to the alarmingly high number of Indian children being removed from their homes by both public and private agencies. The intent of Congress was to “protect the best interests of Indian children and to promote the stability and security of Indian tribes and families” (25 U.S.C. § 1902). ICWA sets minimum federal requirements that apply to state child custody proceedings involving an Indian child who is a member of or eligible for membership in a federally recognized tribe.

## Why is it relevant today?

Nationally, Native American children still disproportionately enter into foster care. In California, Native American children are overrepresented in the foster care system at a rate of 1.3 to 2.0. That means that, in California, the proportion of Native American children in foster care may be nearly twice as high as the proportion in the general population.

For more information about disproportionality, see [www.ncjfcj.org/resource-library/publications/disproportionality-rates-children-color-foster-care-2013-technical](http://www.ncjfcj.org/resource-library/publications/disproportionality-rates-children-color-foster-care-2013-technical)

## What legal services are offered?

Domestic violence is a particularly troubling issue in Native American communities.

- ◆ Job aids  
[www.courts.ca.gov/8103.htm](http://www.courts.ca.gov/8103.htm)
- ◆ Law and regulations  
[www.courts.ca.gov/8709.htm](http://www.courts.ca.gov/8709.htm)
- ◆ Qualified expert witnesses  
[www.courts.ca.gov/8105.htm](http://www.courts.ca.gov/8105.htm)
- ◆ Distance learning opportunities  
[www.courts.ca.gov/8075.htm#tab15022](http://www.courts.ca.gov/8075.htm#tab15022)
- ◆ Curriculum  
[www.courts.ca.gov/8075.htm#tab14468](http://www.courts.ca.gov/8075.htm#tab14468)
- ◆ Tribal customary adoption  
[www.courts.ca.gov/12569.htm](http://www.courts.ca.gov/12569.htm)

## What court services are offered?

- ◆ Education on the following topics:
  - When ICWA applies
  - Exclusive versus concurrent jurisdiction
  - Duty of inquiry
  - Determination of tribal membership or eligibility for membership
  - Notice to tribes
  - Tribal participation and intervention
  - Active efforts, including culturally appropriate services
  - Cultural case planning
  - Placement preferences
  - Qualified expert witnesses
  - Historical trauma
- ◆ Tribal engagement
- ◆ Needs assessment
- ◆ Courtesy file review
- ◆ Tribal/State/County collaboration
- ◆ Connecting to Tribal-specific services



**Disproportionality Rates for Children of Color in Foster Care**  
**2013 Technical Assistance Bulletin**  
June 14, 2013

Since 2011, the NCJFCJ has published *Disproportionality Rates for Children of Color in Foster Care Technical Assistance Bulletins*, which identify the disproportionality rates for all state and select Model Courts across the country. The reports have gained national attention and have been used in a number of ways by a broad spectrum of stakeholders and interested parties. Due to the ongoing need...

[MORE](#)