



JUDICIAL COUNCIL OF CALIFORNIA

OPERATIONS AND PROGRAMS DIVISION
CENTER FOR FAMILIES, CHILDREN & THE COURTS

Social Work Practice Tips for Inquiry and Noticing *Reasons Why People Do Not Claim to Be American Indian*¹

There are many reasons why individuals do not claim their American Indian heritage. This has implications for ICWA compliance especially in the area of inquiry and noticing. If an Indian child is not known to be American Indian/Alaskan Native (AI/AN) how can social workers and service providers ensure culturally effective services and case plans?

Below is a brief list of responses that can be given by individuals that do not claim their American Indian heritage.

- *“I know we’re part Indian but not enough.”*
- *“I, my mom, or my dad was adopted.”*
- *“No one knows the real history anymore, that person passed a long time ago.”*
- *“No one talks about it.” And/or “We don’t talk about it with anyone.”*
- *“I heard our family was disenrolled.”*
- *“It was painful so we don’t talk about it.”*
- *“We heard different stories and are not sure if it’s true or not.”*
- *“Grandpa only talked about it late at night.”*
- *“It’s in the past now, you can’t go back.”*
- *“Someone lost the papers.”*
- *“I can’t prove it.”*
- *“I didn’t know until recently, so I don’t think we qualify.”*
- *“When dad came here to work we lost our history.”*
- *“I don’t know our history, but I heard something. We were told we didn’t need to know.”*
- *“No one speaks the language anymore, so we don’t talk about it.”*

Practice Tips to ensure effective inquiry:

1. It is important to ask every family and every child if they have American Indian/Alaska Native ancestry even though they may not “look” as though they have American Indian/Alaska Native ancestry. Remember that many American Indian families will have Spanish last-names as a result of the influence of Spanish Missions from 1769 – 1823.

¹ This document was developed as part of the American Indian Enhancement of the Annie E. Casey, Casey Family Programs, & Child and Family Policy Institute of the California Breakthrough Series (BSC) on addressing disproportionality 2009-2010 with support from the Bay Area Collaborative of American Indian Resources (BACAIR), Human Services Agency of San Francisco Family and Children Services, Alameda County Social Services, and in collaboration with the American Indian Caucus of the California ICWA Workgroup, Child and Family Policy Institute of California, Stuart Foundation, and Tribal STAR.

2. Encourage social workers/intake workers to *state (rather than ask)*, “if you are AI/AN or believe you may be affiliated with a tribe, there are additional services (ICWA) that are available to you.”
3. Talking to that family historian may yield a lot of information. Ask them “who are the keepers of the family history?” Usually there is one family member, or a few, who are gifted in this area.
4. Consider asking families about specific areas relatives may have lived or originated from. “Has anyone in your family ever lived on a reservation?”
5. Consider asking if they also have ever utilized Native American services, or if anyone has in the family?
6. Remember to continue to cultivate and build trust-based communication with children and families and continue to ask if they have AI/AN ancestry throughout the life of the case.
7. Document all your efforts of inquiry and document all you do to achieve proper inquiry and notice.

Background

It is a significant challenge for American Indians who have been removed from their tribe to claim tribal ties to a Native American community. This can be due to the complex process of identifying ancestors and being able to establish family blood lines. How an individual comes to know their heritage, and how much they know varies from region, to tribe, to family. With over 500 recognized tribes, over 100 terminated tribes, and countless unrecognized tribes across the United States each family has a unique history with their tribe. As a result of federal and state policies that promoted assimilation and relocation (1830s Removal Era through 1950s Termination Era), many individuals and their families lost connection to their relations, customs, and traditions. The effects of boarding schools, and religious proselytizing, left many with the perception that it was better to pass as non-Indian than to claim their tribal status. In 1952 the federal government initiated the Urban Indian Relocation Act designed to increase the American Indian workforce in eight cities (Los Angeles, San Francisco, San Jose, St. Louis, Cincinnati, Dallas, Chicago, and Denver,).

Historical and federal efforts to quantify and track the American Indian/Alaska Native populations through the census, and the establishment of “Indian Rolls” resulted in documentation of enrollment in a tribe, often verified by blood quantum (amount/percentage of documented American Indian/Alaska Native blood). Tribal nations are not uniform in determining who is a tribal member through this manner. Some tribes acknowledge descent and ancestry verified by proof of family lineage rather than ‘how much Indian blood’. Conversely, in some cases, tribal enrollment policies exclude many individuals from enrollment for political, historical, and reasons known only to their tribal membership. Enrollment in a tribe may only be open at certain times, which can also affect an individual’s eligibility for enrollment.

Many descendants have only bits and pieces of information, sometimes passed along with quiet dignity, often with a longing to know more. What information was passed along may have been

shrouded in shame or secrecy for unknown reasons resulting in reluctance to share the information. The number of families that are disconnected from their ancestral homeland grows exponentially each generation and many individuals find connection to Native American communities through intertribal, regional, and local cultural events. These community events enable a sense of belonging and kinship, and provide support for resilience through access to programs such as Title VII Indian Education, and Tribal TANF, that do not require proof of enrollment.