

NDSS/ Navajo Indian
Child Welfare Act
Program (NICWAP)

Legislation 0194-22



December 8, 2022 - Naa'bik'iyati' Committee Meeting

CURRENT STAFF :

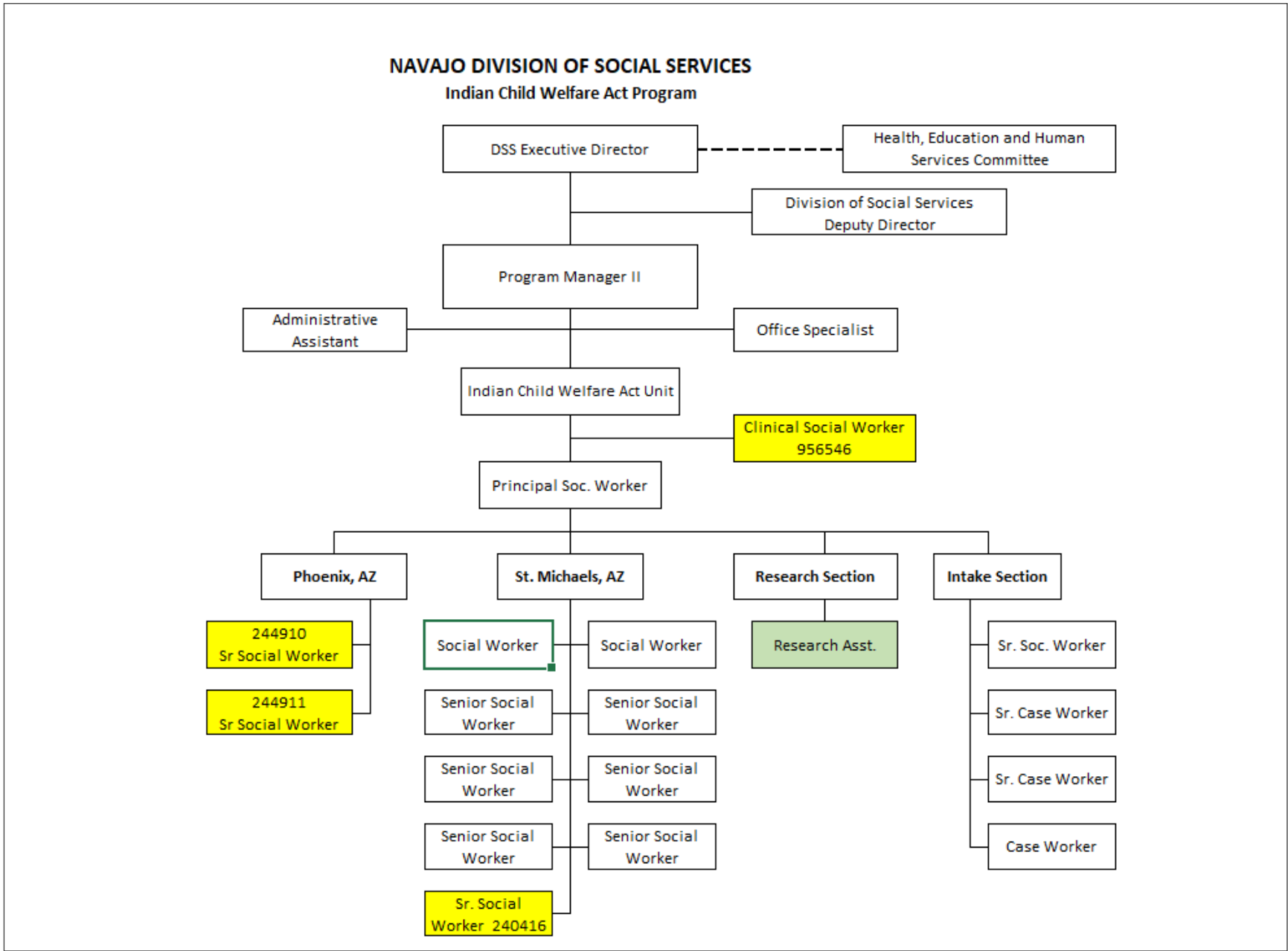
- Program Manager
- 1 Unit Supervisor / PSW
- 9 Senior/ Social Workers
- 3 Senior/ Case Workers
- 1 Admin. Assistant
- 1 Office Specialist

VACANT:

- Research Assistant

PROPOSED STAFF:

- Clinical Social Worker
- Senior Social Worker
- Senior Social Worker *in PHX*
- Senior Social Worker *in PHX*



Background

ICWA of 1978
indicates that ICWA
applies to all
Guardianship,
Adoption and State
Child Dependency
Cases that involves an
'Indian' child.

- November 2021, PM wanted to ensure that NICWAP was responding appropriately to the Notices we receive because we get Notices pertaining to [Private Guardianship](#) and [Adoption Petitions](#) where there is reason to believe that ICWA applies.
- It was found that NICWAP had been sending a letter which indicates the Navajo Nation does not have a position to these types of cases.
- PM requested clarification to the current practice and questioned if NICWAP has been acting out of the scope of ICWA Law.



Private Guardianship and Adoption Petitions

NICWAP met with DOJ who indicated Private Guardianship and Adoption Petitions did fall in line with the duties of Navajo ICWA's Plan of Operation.

- Research revealed NICWAP stopped accepting Private Guardianship and Adoption Petitions in 2008.
- Research further revealed the following statistics - which shows that each year the number of private petitions are increasing. NICWAP is unable to determine if provisions under ICWA are applied and followed; rather we respond with the letter indicating the NN does not have a position.

YEAR	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Private Guardianship	0	7	13	11	6	15	9	13	31	19	32	21	24	67
Private Adoptions	5	1	12	15	10	12	13	8	16	11	22	12	9	26
TOTAL	5	8	25	26	16	27	22	21	47	30	54	33	33	93

Proposed Plan: Clinical Social Worker

Currently, non-Native Clinicians are assessing our Navajo children and families without taking into consideration the knowledge of and consideration for our traditional Navajo customs, teachings and way of life. The assessments include bonding/attachment assessments and mental health assessments that often result in placing our children in non-relative, non-Native American homes, further disconnecting our Navajo children from their Navajo culture and traditions.

- Assess for an appropriate transition plan (For example: Non-relative foster placement to a relative placement)
- Review and reassess a bonding/attachment assessment between child / parent or child / foster parent
- Review and reassess a mental health assessment conducted on minor with a diagnosis of PTSD, Depression, etc.
- Review and reassess a mental health assessment conducted on a parent w/ diagnosis of PTSD, Depression, etc.
- Review and reassess clinical documentation to determine if treatment recommendation is appropriate care of treatment for minors and parents involved in state agency.
- Review clinical documents regarding psychotropic medication prescribed to minors in state custody.
- Attend clinical team meetings involving our Navajo children in a higher level of care (For example: treatment foster homes, residential treatment facilities, psychiatric facility, etc.)
- Provide In service training to NICWAP social workers and case workers regarding mental health/behavioral health



Proposed Plan: Two Senior Social Workers in Phoenix metro area

Why Phoenix?

There was **an** initial interest to place one Social Worker in Phoenix and one Social Worker in Albuquerque however

- Phoenix has higher caseload 117 involving 211 children; Albuquerque 19 cases involving 32 children
- Therefore, both Social Workers will be placed in the Phoenix area

Benefits:

- Fast track plan for 3 years old and under
- Increase in person home visits
- Increase collaboration efforts with Arizona DCS
- More Navajo ICWA presence in non-Native placements for educational, transparency and accountability purposes

In Process:

- MOU with DCS to utilize office space in their facility (Gilbert or Glendale)
 - **UPDATE: An RFS and draft MOU was submitted to DOJ in August.** DOJ who is working with DCS attorney
- PCQs completed for (4) proposed positions
UPDATE:
 - PCQ for St. Michael's SSW is approved & ready to advertise
 - 3 are currently pending at DPM **since Aug & September .**

Program Benefits of the Proposed Changes

- ✓ NICWAP will receive and thoroughly assess ICWA's involvement of behalf of the Nation
- ✓ Program will ensure the Navajo parent has been informed and thoroughly understands the decision they are making and that ICWA is not able to assist in any future custody matters
- ✓ Program will increase needed Social Work staff
- ✓ Program Social Workers will receive specialized training on Private Petitions
- ✓ Navajo Nation ICWA Program will provide qualified expert witness testimony
- ✓ Program will have a Licensed Clinician to provide an assessment/reassessment of recommendations made by non-Native clinicians while also ensuring the inclusion of cultural appropriateness

NAVAJO INDIAN CHILD WELFARE ACT PROGRAM REFERRALS														
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Scope of Work Current & Proposed

NDSS/ Navajo ICWA Program

Scope of Work - 2022

The goal of the Navajo Nation Indian Child Welfare Act (ICWA) Program is to protect the best interest of Navajo children and to promote the stability of Navajo children.

1. Receives written/oral referrals on Navajo children whose cases are pending in state court due to neglect, abuse, termination of parental rights and/or adoption.
2. Maintains a master file on all ICWA referrals and cases.
3. Coordinate and collaborate with Navajo Nation Office of Vital Records of each child(ren) referred.
4. Provide case management services to eligible Navajo children and families.
5. Coordinate and collaborate with the Navajo Nation Department of Justice for legal services in state and tribal courts, as necessary.
6. The Foster Care Program will coordinate and collaborate with the Navajo ICWA program to identify and recruit potential adoptive and Kinship homes for Navajo children in state custody.
7. Provides financial assistance to clients, pursuant to 25 CFR, Part 23.
8. Monitors and facilitates existing Intergovernmental Agreements (IGA) with applicable states.
9. Provides education and training on ICWA provisions.
10. Monitors the efforts made by the State to comply with the ICWA, such as, placement preference and whether active efforts are being provided.

NDSS/ Navajo ICWA Program

Scope of Work - 2023

The goal of the Navajo Nation Indian Child Welfare Act (ICWA) Program is to protect the best interest of Navajo children and to promote the stability of Navajo children.

1. Receives **written** referrals on Navajo children who are **subject of a child-custody proceeding, including involuntary proceedings, voluntary proceedings that could prohibit the parent or Indian custodian from regaining custody of minor; and proceeding involving status offenses if any part of the proceeding results in the need for out-of-home placement of the child, including foster-care, guardianship placement, pre-adoptive, or adoptive placement, or termination of parental rights.**
2. Maintains a master file on all ICWA referrals and cases.
3. Coordinate and collaborate with Navajo Nation Office of Vital Records for verification of eligibility and enrollment of referred children.
4. Provide case management services to eligible Navajo children and families.
5. Coordinate and collaborate with the Navajo Nation Department of Justice for legal services in state and tribal courts, as necessary.
6. **Coordinate and collaborate with the Foster Care Program to identify, recruit, and share responsibility in certifying approved homes** of potential adoptive and Kinship homes for Navajo children.
7. Provides financial assistance to clients, pursuant to 25 CFR, Part 23.
8. Monitors and facilitates existing Intergovernmental Agreements (IGA) with applicable states.
9. Provides education and training on ICWA provisions.
10. **Monitors and provide guidance related to foster care placement, termination of parental rights, pre-adoptive placement, and adoptive placement in compliance with the Indian Child Welfare Act of 1978, state and Navajo Nation laws and policies related to Indian Child Welfare Act and/or mirror the purpose and intent of the Indian Child Welfare Act of 1978 and concerning dependency and placement of children.**



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