

Children's Justice Initiative

Understanding and Applying ICWA: Purpose, Strategies, Practice, and Resources

Friday, October 27, 2023

Holiday Inn & Suites - Duluth Downtown

200 West First Street
Duluth, MN 55802

Faculty

Jessica Ryan, Attorney, Adult Representation Services & Tribal Attorney in Private Practice

Maya Tester, Assistant Hennepin County Attorney

Hon. Korey Wahwassuck, District Court Judge, Itasca County

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| 8:00 – 8:30 | Registration and Networking (<i>refreshments provided</i>) |
| 8:30 – 8:45 | Opening Ceremony |
| 8:45 – 9:00 | Introductions and Learning Objectives |
| 9:00 – 10:00 | Historical and Cultural Perspectives Leading to the ICWA <ul style="list-style-type: none">• Myths and Realities• History of Federal Indian Policy: Dealing With the “Indian Problem”• Boarding Schools & Adoption Project: Policies and Practices Necessitating the ICWA |
| 10:00 – 10:45 | Trauma: Historical, Personal, and Intergenerational <ul style="list-style-type: none">• Overview of Trauma• Disproportionality Then and Now• What Disproportionality Means for Indian Children |
| 10:45 – 10:50 | Break |

- 10:50 – 12:05** Understanding and Applying the Requirements of ICWA, Regs, and MIFPA
- Congressional and State Legislative Findings and Goals
 - Minnesota Tribal State Agreement (TSA)
 - Definitions
 - When ICWA Applies
 - Exclusive and Concurrent Tribal Court and State Court Jurisdiction
 - Transfer to Tribal Court
 - Tribal Lineage Inquiry by Social Services Agency and Court

12:05 – 12:50 *Lunch (provided by CJI)*

- 12:50 – 2:35** Understanding and Applying the ICWA Requirements (*continued*)
- Notice of State Court Proceeding by Social Services Agency
 - Notice of Hearings by Court Administration
 - How to Contact a Tribe
 - Intervention in State Court Proceedings
 - Full Faith and Credit for Tribal Court Orders
 - Standards of Proof and Required Evidence
 - Emergency Removal Proceedings
 - Improper Removal of Child
 - Foster Care Proceedings

2:35 – 2:45 *Break*

- 2:45 – 4:15** Understanding and Applying the ICWA Requirements (*continued*)
- Active Efforts
 - Qualified Expert Witnesses
 - Placement Preferences
 - Appointment of Counsel
 - Voluntary Consent to Foster Care and TPR
 - Petition to Invalidate Proceedings
 - Maintaining and Accessing Records

- 4:15 – 4:30** Wrap Up and Adjourn
- Action Steps for your CJI Team
 - Questions / Evaluation

Faculty and Planning Team

Hon. Jamie Cork, District Court Judge, Dakota County
Hon. Anne McKeig, Associate Justice, Minnesota Supreme Court
Jessica Ryan, Attorney, Adult Representation Services & Tribal Attorney in Private Practice
Shannon Smith, Executive Director, Indian Child Welfare Act (ICWA) Law Center
Maya Tester, Assistant Hennepin County Attorney
Hon. Korey Wahwassuck, District Court Judge, Itasca County

Tricia Allen, Training & Development Specialist, State Court Administrator's Office
Rebecca Vanden Hanen, CJI Staff Attorney, State Court Administrator's Office

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