Minnesota Judicial Branch | Minnesota Department of Human Services

CJI Children's Justice Initiative

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

Friday, November 8, 2019

Bunker Hills Activities Center
550 Bunker Lake Boulevard NW
Andover, MN 55304

Faculty

Hon. Jessica Ryan, Tribal Attorney; Chief Judge, Lower Sioux Indian Community
Shannon Smith, Executive Director, Indian Child Welfare Act Law Center
Hon. Korey Wahwassuck, District Court Judge, Itasca County

8:00 – 8:30	Registration and Networking *(coffee, tea, and soda provided)*
8:30 – 8:55	Opening Ceremony
8:55 – 9:00	Introductions and Learning Objectives
9:00 – 10:00	Historical and Cultural Perspectives Leading to the ICWA • 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 – 10:40	Trauma: Historical, Personal, and Intergenerational • Overview of Trauma • Disproportionality Then and Now • What Disproportionality Means for Indian Children
10:40 – 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 – 2:20 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

2:20 – 2:30 *Break*

2:30 – 4:20 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

4:20 - 4:30 Wrap Up and Adjourn

- Action Steps for your CJI Team
- Evaluation

Faculty and Planning Committee
Hon. Jamie Cork, District Court Judge, Dakota County
Hon. Anne McKeig, Associate Justice, Minnesota Supreme Court
Judith Nord and Rebecca Vanden Hanen, CJI Staff Attorneys, State Court Administrator's Office
Hon. Jessica Ryan, Tribal Attorney; Chief Judge, Lower Sioux Indian Community
Shannon Smith, Executive Director, Indian Child Welfare Act Law Center
Maya Tester, Assistant Hennepin County Attorney
Hon. Korey Wahwassuck, District Court Judge, Itasca County
Victoria White, Child Welfare Training System, Minnesota Dept. of Human Services
Austin Needham, ICWA Liaison, State Guardian ad Litem Board

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