

Children's Justice Initiative

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

Friday, July 26, 2024

Dakota County Judicial Center – Jury Assembly Room

1560 Hwy 55
Hastings, MN 55033

Faculty

Jessica Ryan, Attorney, Adult Representation Services & Tribal Attorney in Private Practice
Hon. Korey Wahwassuck, District Court Judge, Itasca County

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 (State Tribal Partnership)*

- 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
Hon. Corey 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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