

The Importance of Non-Attorney Tribal Advocates to the Indian Child Welfare Act

LED: Liz Elgin DeRouen, executive director, Indian Child and Family Preservation Program; ICWA Advocate

JUDGE M: Mendocino County Superior Court Judge Ann Moorman

AS: Angela Sunberg, Trinidad Rancheria Social Services Director; ICWA Advocate

MN: Melissa Norwood, Trinidad Rancheria social worker; ICWA Advocate

JUDGE H: Humboldt County Superior Court Judge Joyce Hinrichs

SCRIPT:

I'm Lee Romney, the host of this Judicial Council of California Podcast.

Today we'll be talking about the Indian Child Welfare Act, or ICWA, the federal law that dates back to 1978 and seeks to keep Indian children with Indian families. It turns out, some common state court practices wind up *undermining* ICWA compliance – by shutting tribal advocates out of the process. Or not taking full advantage of their contributions. These advocates are the voice of sovereign tribes, like ambassadors from a foreign nation. They're entitled under the law to be heard and they can actually assist state courts.

LED: Doing Indian Child Welfare work for so many years, and going in and out of so many courtrooms, you can tell who is not very knowledgeable about the rights of tribes. And so, without being over-assertive, I have had to often times say, well, respectfully, I'm allowed to be in this proceeding or, respectfully, I need to have a place to sit so that I can represent the tribe's interest here.

Liz Elgin DeRouen is executive director of the Santa Rosa-based Indian Child and Family Preservation Program. It represents about a half a dozen federally

recognized tribes. Liz appears on their behalf in ICWA cases across California, and in other states too. She's *not* an attorney. Instead, she's what's known as an ICWA advocate or ICWA representative. She's been at it for nearly three decades – and in many courtrooms, she still does plenty of educating.

LED: You do what you can to be gracious or diplomatic. But sometimes you have to just say, I'm sorry, Mr. Bailiff, but I have a right to speak.

Better resourced tribes may have lawyers they can send to court on ICWA matters. And [a new program is getting going](#) to provide attorneys for federally recognized California tribes in all ICWA dependency cases. For now, though, it's mostly non-lawyer tribal advocates who carry the burden and privilege of speaking for their tribal governments. They tend to be people with deep ties to the tribe and its specific culture and customs.

Mendocino County Superior Court Judge Ann Moorman has come to rely deeply on ICWA advocates, including those whose tribes don't have the resources to offer direct services or employ their own social workers. Still,

JUDGE M: They are rich in family resources. And that, I have found, is a key to keeping a child safe most of the time. There's grandparents and great grandparents and aunts and great aunts and great uncles and cousins. And, you will find there's a great resource to be used to possibly place the child with family – and that's usually where it comes up – but even to have visitation, to get the child through a rough time of life. They're rich in family, always.

State courts that overlook or minimize the input of tribal advocates hurt the very children they're trying to help. On the flip side: Tribal advocates are key partners for state courts when it comes to complying with ICWA and living up to its core purpose. They're in the best position to help families heal in culturally appropriate ways. And, if separation is necessary, to find Indian homes where kids can stay connected or *get* connected to family, tribe, and culture.

Judge Moorman recalls one case where a tribe pulled together wraparound services for a mom who was under conservatorship – to help her successfully reunify with her children.

JUDGE M: We couldn't have done it without them. That's not just one example. That's practically every ICWA case I have. If we have success, largely I cannot do it without the tribe's assistance.

You'll be hearing more today from Judge Moorman and Liz DeRouen. Also from two other ICWA advocates who represent Humboldt County's Trinidad Rancheria. And from a Humboldt County Superior Court Judge who, like Judge Moorman, has strong respectful relationships with ICWA advocates. For tribes, Liz DeRouen says, the stakes of getting this right are incredibly high.

LED: Our tribes will cease to exist without their children. And we know this, as customs and tradition and ceremonial people, that many of our children have gifts. They have not come into their gifts yet. We don't know that because they're not being honed, they're not being mentored, they're not being guided, they're not being taught what to do with these gifts. Me personally, this is my next generation who are gonna to be raised in these communities. We want it to continue on in a really well-balanced way.

If their input isn't embraced by state courts,

LED: it's not going to be balanced.

From the video, [The Heart of ICWA - Becky](#): The scoop was the term that we used, um, because the Children's Administration and other agencies were allowed to come into our tribal communities and literally scoop as many children as they could, take them quickly, far from our reservations and place them for adoption. .. My mother, Karen, was taken during that era from my grandmother, Myrtle.... (fade)

Congress passed the Indian Child Welfare Act in 1978 in an attempt to right horrible wrongs. Across the country, social workers were tearing Indian kids from

their families and tribes at astronomical rates – placing them in boarding schools, foster care and white adoptive homes.

From the video, [*Bringing Our Children Home; An Introduction to the Indian Child Welfare Act: I was born in 1959. I was adopted in 1961 by a white couple. My mom just wanted a baby. And my dad wanted to save a poor Indian child....*](#)

Here in California, Indian children were over eight times more likely than non-Indian children to be removed from their families. Almost *all* wound up in non-Indian homes and institutions. Child removal turned out to be an extension of the brutal government policy of forced assimilation. It damaged the long-term welfare of the Indian children who were cut off from their communities, families, and culture.

More from [*Bringing Our Children Home: It uh almost killed me, and uh, but being brought back to the circle with our people is what uh um saved me... MUSIC fade....*](#)

The practice was destructive to tribes and tribal communities, too. ICWA is considered a remedial statute because it was crafted to reverse that damage. In part by giving the child's tribe the right to be informed of and participate in state court proceedings – and to provide input whenever an Indian child faces potential removal from parental custody or termination of parental rights. It applies in child welfare cases, but also in some juvenile delinquency cases, family law cases, and probate guardianship cases.

We'll include links at the bottom of our script to some ICWA training resources and to the powerful videos we just excerpted. So you can understand the ethos of the law. Our goal today is a bit narrower: to help those of you who don't adjudicate these cases on a regular basis appreciate the role of non-attorney ICWA advocates. So you can work *with* them to improve the lives of Indian children, families and tribes.

ICWA's been on the books for more than four decades. But fulfilling its promise remains a challenge across the country. Here in California, a task force delivered a

report to the state Attorney General back in 2017 that found all kinds of failures with compliance. Among them: Judges “frequently misunderstood” the right of tribes to participate in ICWA cases. The state court system’s case management infrastructure froze them out, too: Tribes weren’t getting properly noticed, and in some cases weren’t getting access to child welfare reports.

We’ll be talking about some of those hurdles today. But you’ll also hear a lot about what *is* working.

Judge Moorman got her first exposure to ICWA back in 2017, when she raised her hand to take over the Mendocino County dependency and juvenile justice courts. At first, she says, it was daunting.

JUDGE M: It’s a little dense and developed a reputation somehow of being really complicated and really difficult.

But with daily practice, the principles behind ICWA sunk in

JUDGE M: ...sort of like water. Once you start using it, it’s intuitive. A child’s been initially removed from the home. You’re gonna detain the child, where are you going to place the child? Well, you should turn to the tribe, what is the tribe’s preference for where the child is placed? Maybe there’s not a member of the Indian family that can accept a child into their home. But it might be a mixed family. And that grandmother is available to take the child in. Or that parent. The tribal preferences regarding placement, you know, embrace that, because the tribe will look to meet their standards of keeping the child with family, even if it’s a mixed family.

She hadn’t planned on doing things differently than her predecessor, but intuition led her there.

JUDGE M: I was walking down the hall one day and one of the ICWA advocates for one of our tribes, he said to me, ‘Judge Moorman, I just have one request.’ I said, ‘What’s that?’ He said, ‘I think the ICWA advocate should be allowed to sit in the courtroom while other cases are being called.’

A lot of judges *do* keep ICWA advocates who aren't attorneys out of the courtroom until their specific case is called, the same as they would for a parent or grandparent. Judge Moorman gets that. But because her calendar was chock full of ICWA matters, it made sense to her to welcome them in.

JUDGE M: And I remember furrowing my brow and asking internally, well, why isn't that happening now? The day I took over, I said, ICWA representatives and advocates for the respective tribes, I consider to be officers of the court.

Being there is educational for advocates, and sometimes, issues come up in one case that might have relevance to another tribe. The other change Judge Moorman made right out of the gate was even more foundational. It was about respect, about acknowledging past trauma.

JUDGE M: The history of oppression of Indian people in the United States of America. In Mendocino County, we have some history here that's really pretty brutal with regard to the treatment of Indian people.

And when Judge Moorman walked into her new courtroom, the walls were covered with large portraits

JUDGE M: of all the old judges from the 1800s and stuff

Those old white judges hanging on the wall, some of them had flat out supported brutality against the county's Indigenous people. It infused the room with fear and distrust. So, she took 'em down.

JUDGE M: The first day I could.

And in their place, Judge Moorman and her family found some soothing photographs that speak to peace and shared experience.

JUDGE M: My husband came and hung them on the weekend. They're, they're big photographs. They're big. They're like, there's three of them, and they're each about, oh gosh, 12 feet long and five feet high. And they're green oak trees on the rolling hills of our landscape that is pretty customary here. And it just creates a far more peaceful environment. Even if I selected pictures of the ocean, it would have been better than having 25 pictures of judges sitting on the bench since 1810. That, you know, sort of part of the problem.

Those changes, she says, have improved tribal relationships with the court.

JUDGE M: And I don't mean just me but the institution of the Superior Court for the County of Mendocino in the state of California.

They send the message that Judge Moorman acknowledges the sovereignty of Indian nations, along with the brutal history of colonization and the trauma that still haunts tribal communities and families. Judge Moorman also honors all tribal court orders. Her approach, she says,

JUDGE M: creates in my opinion a mutual sense of respect. I believe it has elevated the nature of the relationship that tribes have with even the Department of Social Services. And frankly, it also raises the sophistication of the services that we deliver. All of us.

A bit about demographics. If you aren't too familiar with ICWA, you might assume that a Mendocino County judge would mostly hear cases involving Mendocino County tribes. But it all depends on the tribal affiliation of the child in question. State court judges across California might hear cases involving children from any of the state's 109 federally recognized tribes. They even have discretion to allow tribes that *aren't* federally recognized to participate in dependency cases involving their families. Beyond that, California kids who land on their dockets might be members of – or eligible for membership in – any of the 465 federally-recognized *out-of-state* tribes. Our courts are required to accommodate their tribal ICWA advocates, just as out of state courts must recognize ours.

JUDGE M: I have lots of tribes that appear from Oklahoma and Washington and Oregon, and many other states, Arizona, New Mexico.

Judge Moorman does what she can to make appearances easy on them. Thanks to the COVID pandemic, any ICWA advocate can

JUDGE M: participate, now by Zoom, in our conference calendars.

They have that option whether they're in state or out of state. To ease the burden on tribal advocates, Judge Moorman also suggests that judges who only handle a modest number of ICWA cases create an ICWA calendar.

JUDGE M: Where all your ICWA cases, you're trying to run 'em roughly on the same track, or at least call them on the same day of the week, every Monday or every Thursday. So the tribes can plan around attending and participating.

Liz Elgin DeRouen, the longtime ICWA advocate, says she's grateful when judges make these kinds of accommodations

LED: because they just know that tribes are not able to attend three or four court hearings in three or four counties every day. And we do that now ... which was unheard of before.

She has nothing but praise for Judge Moorman and others who respect tribal advocates and understand their role. But plenty of work still needs to be done. Some of her worst experiences, she says, have happened out of state.

LED: West Virginia. Horrible matter heard. Had an ongoing case for multiple years.

It involved children from a tribe in her organization's consortium who had already been removed from the home once. The tribe was never notified, which is a violation of ICWA. When the kids were detained a second time

LED: I became involved and learned it was a second detention. And of course, I had questions and concerns already. But when I called into the court proceedings, the judge didn't want me to participate, because I was a non-lawyer.

ICWA was crafted as a cure to a shameful practice. And ideally, Liz says, the parties should work together to prevent family separations before a matter even lands in the adversarial setting of a Western court room. She believes that ICWA advocates received their power under the law in that collaborative spirit.

LED: When the law was created, it allowed tribes to designate whoever – a lawyer, a layperson, an administrator of the tribe – to appear for them. And I think they did that with the intention that, we can handle this without really going to battle in a court proceeding.

Courts like Judge Moorman's are gracious about helping non-attorney advocates navigate the rigid protocols and rituals of the courtroom. But some court personnel with less ICWA experience don't even understand that advocates have a right to be there. So, Liz always has code sections at the ready. In that West Virginia situation, she read the judge the section of the law that lays out the role of non-attorney advocates.

LED: We, you know, focused on the citation and I said, this is who I am, and I'm here for this reason.

He still said no.

LED: So I had to cite for him some cases, which was way out of ordinary. Luckily, I was able to pull those up really quickly.

More challenges followed.

LED: The state prosecutor asked, is this really a tribe? We also had questions like, 'Are you related to anyone there?'

It was a particularly bad experience but having her legitimacy doubted is not that unusual. That question about relationships speaks to another common misconception that gets under Liz's skin: Some state court personnel tend to assume that tribal advocates are on the side of tribal parents.

LED: That is like probably one of the biggest mistakes that happens.... 'Oh, tribe's coming in and we need to be super secretive about this and not include them in that and we don't want them to have input on this area.' That's really just setting us back to prior to 1978. My role as a tribal representative/advocate is an extension of the tribal government in its relationship to the child. So if we can make this really super simple to understand: in Indian child welfare cases, Indian children have three parents – mom, dad, and tribe – and very often, mom and dad are offending, but the tribe is never an offending party. So we shouldn't be treated as an offending party to the action.... We're there for the children.

These challenges, so many decades down the road, can feel disheartening. But, Liz says, ICWA compliance isn't optional.

LED: We're not going anywhere. We're a tribal government, we're a sovereign, we're a party.... Not being allowed in pre-court conferencing or settlement proceedings, or all these things that involve advocates' role, you leave them out, they're going to appeal. If you don't include them, there's an appeal.

That's also true if the tribe doesn't get properly noticed – something that happens too often. Many of the case management systems used by California courts don't include a field for non-attorney advocates or even a place to list the tribe as a party. So tribes often don't get orders and notices of appeal – even if they *are* represented by an attorney. And it's not uncommon for ICWA advocates to get left off the list to receive the county's child welfare reports. Both could be grounds for appeal. Tribes also can and do appeal if “active efforts” aren't made to minimize family separation. Or if state parties neglect the ICWA requirement that Indian parents and children be connected to their culture.

LED: How best do we communicate what culture is, well, that's defined by the child's tribe or the lineage that's passed down to these children. And we have to advocate for that, because we don't all heal the same way. We have different things that we use as rites of passage, or how we come to know who we are. It shouldn't be questioned that we had a miraculous recovery because of what we went through in a traditional ceremony, as opposed to going to AA or NA

Appeals mean delays, time lost for a fractured family. The bottom line: leaving ICWA advocates out of the loop isn't just against the law; it hurts Indian children, families, and tribes.

MUSIC CUE/BRIDGE

AS: My name is Angela Sunberg, and I am the Trinidad Rancheria Social Services Director. I have been doing ICWA advocacy for more than 20 years now, working for both the Yurok Tribe and Trinidad Rancheria and also with uh Two Feathers, which is Big Lagoon Rancheria.

MN: My name is Melissa Norwood and I'm the tribal social worker with Trinidad Rancheria.

That's located on Yurok ancestral land on California's Humboldt County coast. When we spoke, Melissa had been in her role for about a year and a half. Before that, she spent more than a dozen years as a Humboldt County child welfare worker, doing ICWA investigations. These days, Melissa and Angela often appear in court together for the Trinidad Rancheria, so I decided to interview them together.

LEE: Angie, you've been doing this longer, if you can recall going into courtrooms where you felt like you weren't quite welcome, or that it was a struggle to feel like there was trust and understanding in the fact that you're representing the tribe's interests....,

AS: There's just a lot of ignorance around how to address an ICWA advocate and allow them the opportunity to speak or even sit at the table in front of the court. I remember a particular time in Humboldt County where we had a visiting judge, and they didn't know about ICWA. And I had gone into court and sat in my spot where I always sit, and I had my phone out taking notes, and I put in the court dates and stuff on my phone.

Her usual spot being at the counsel table, where attorneys use their phones without reprimand.

AS: He was very hostile towards me. He made me get up out of my chair and sit in the seats way back in the courtroom, and refused to acknowledge me as a representative, a party to the case... He just kind of went to each attorney and completely ignored the fact that I was even there.

Another time, before COVID made Zoom appearances customary, an Orange County judge had refused to allow her to appear telephonically. She got a subpoena on a Friday night – to appear at 8 a.m. Monday.

AS: We needed more time to make arrangements if I was actually gonna go down there – and too most tribes can't even afford that anyways. I would have had to fly and have hotel arrangements and all the things, and so I didn't show up to court and then they filed a warrant for my arrest.

Yurok tribal attorneys had to get involved, to file motions to quash that warrant.

Melissa's negative experiences have been more subtle. Like Angela's, they've mostly occurred with visiting judges or outside of Humboldt County. In one remote case, for example, Melissa says the judge did ask for her comments. But he did it so briefly

MN: it was more going through the motion, rather than truly seeking the tribe's input of what was going on within the case.

As someone who's worked as a county *and* tribal social worker, Melissa knows that tribal social workers are likely to have the most current information, developments not included in reports filed with the court.

MN: Maybe there's been substantial progress, you know, it could be like a parent not wanting to go to treatment, and then all of a sudden decides to go to treatment.

In those instances, many judges automatically turn to county counsel

MN: who has no idea what's going on. And they're not really bringing in the input and the knowledge from the ICWA advocates or tribal social workers.

That knowledge is particularly important when it comes to culture. As Liz DeRouen mentioned earlier, ICWA requires active efforts to keep families united, including offering culturally appropriate services to heal parents and keep children connected to their roots. In Humboldt County, home to eight federally recognized tribes, that's easy to do. Angela says the county gets it, too, and works with tribes to spell out in each case plan

AS: that there be access to and support for tribal ceremony and alternative ways of healing from trauma or recovering from substance use or or anything that's going to help the family do it in a more traditional way, aligning with culture.

Cases out of county or out of state that involve Trinidad Rancheria tribal members are a bit trickier. The plan for cultural engagement needs to be aligned with their specific cultural beliefs and practices.

AS: When our tribal members are living away, I think a big misconception is, is oh, say there's a powwow going on, that you know, 'Oh, just send the kid to the powwow and that'll check our box for cultural involvement.'

But the tribes of far northern California,

AS: we don't have powwows. That's not the way we practice our traditions. And so it doesn't really make sense.

To help their members living away, the Trinidad Rancheria has been pushing hard to increase online access to culturally connected recovery events and parenting classes, too. Tribal social workers also send books in the traditional Yurok language to kids who are in foster care with non-Native families. And, whenever possible,

AS: We try to put in our court orders to bring them to Humboldt County for a ceremony or something to get them connected – and for the county to be able to help pay for the transportation and the trip and the hotel or whatever.

Unfortunately, Angela says,

AS: A lot of times we don't get through, and we don't get what we need for those families, and then they end up not reunifying – and staying with a non-Native family. That happens almost every single time that it's outside of Humboldt County.

That's the cost of getting it wrong. And a reminder that tribes are best positioned to help heal generational trauma that stems from colonization. Without their involvement, the child welfare and court systems often echo and perpetuate that trauma.

Fortunately for Angela and Melissa, Humboldt County Superior Court Judge Joyce Hinrichs understands that in a deep way.

LEE: What does she do that you think other judges should do?

AS: I think she's very inviting. I feel very comfortable and feel like I'm part of the court. She does an amazing job at checking in with the tribe. And she wants to hear it. She's truly invested in the, in the kids and in the families and how they're doing and the progress that they're making.

MN: I agree. She has been very accepting. Very, very patient. I can remember the first court date that I went to without Angie, and (laughter) I was a little bit... oh no I wasn't, I was a lot nervous. She had a lot of grace. I feel like I have a voice in her courtroom.

AS: I think the difference too, is not only do you feel heard, but you feel believed.

JUDGE H: My name is Joyce Hinrichs. I'm a judge in the Humboldt County Superior Court. Before I was a judge, I was a commissioner. And I did do juvenile dependencies at that time, became a judge in 2009. And for the most part, I've been doing juvenile court, which does include hearing ICWA cases.

And before she became a commissioner in 1997, she worked as a DA representing kids in dependency court,

JUDGE H: and so was introduced to ICWA there.

Back in the late 1980s, before the Yurok Tribe was even federally recognized, she was called into the DA's office

JUDGE H: with a family who was really just torn apart, because they had lost, essentially lost their child. They wanted me to comply with the act.

It was complicated. Another tribe was involved and was speaking for the child.

JUDGE H: But I did get to see the pain on the family, for losing a child and talking about their culture. And it was about eight people in a room all very angry and sad. And um that emotion has never escaped me.

She went on to represent youth in dependency proceedings, including

JUDGE H: Native American children. And you could see how their disconnection from their tribe impacted their lives in a number of ways. Their parents had been torn away from the tribe. And so they were really having to

fight for their identity. And when I could connect them, or probation or social services could connect them with tribal mentors, they seemed to do better because of that need to know who you are. ... Then all of that kind of came back to gel on what I do as a judicial officer.

When she became a judge, in 2009, she made building trust with tribes part of her mission.

JUDGE H: You know, it's a good practice for anyone that comes into your courtroom that they feel like they've been listened to and heard. But I think it's very important for Indigenous people to recognize that, while you can't ever really be in their shoes, you can respect and honor who they are when they're in your courtroom.

In a perfect world, all judges would be familiar with ICWA. Tribes shouldn't have to be the ones to educate them. But we don't live in a perfect world. So Judge Hinrichs has some pragmatic suggestions for ICWA advocates who are appearing before judges who may not have a lot of ICWA experience.

JUDGE H: They may want to create a ICWA appearance document that were to state their authority to speak for the tribe, so that if they're not asked to speak, they could, as the advocate, say 'Excuse me, judge, I hope you got a chance to read our introduction. But we have intervened. And we do have a right even though we're not attorneys, to state our position to you.'

If the judge has already read the filing, great. If the judge hasn't,

JUDGE H: they don't have to do all the explaining right up front, they can just respectfully refer the judge to that document.

And, while they're at it,

JUDGE H: If they have a position that they know may be contrary to the department, that they also put that in writing. A tribe can intervene orally or in writing. But I think if you're in a strange court or a place where you don't

know the judge at all, I think written intervention is probably a better practice. And with that, you may want to also just file kind of what that means. Just pull it out and put it there, and everybody gets a copy of it, so that they're on notice of those things.

Because, she says, judges can get testy when they're moving through the calendar and something unexpected comes up.

JUDGE H: And that's wrong, judges just shouldn't do that. But it's human nature to think, I got this all planned, and now I'm all off course. So to the extent that ICWA advocates can help keep them on course, I think that while it may not be fair, or what they should have to do, I think in those courts that don't do ICWA all the time, it may help them then get their information before the court because that's the main thing. The court needs to consider what they have to say.

For those judges who aren't familiar with the underpinnings of ICWA, or who bristle at the notion that tribes are somehow getting special treatment, Judge Hinrichs has this message:

JUDGE H: It is a sovereign-to-sovereign relationship. They're not being special, they have special legal status, just like if you had some child from France in your court. They were harmed while they were here in California, they're from France, some French people want to tell me that the child should go home, and this is how the child should get home. I'm gonna listen to France.

I asked each of the people I interviewed to offer a final thought for our California state court judges and other court personnel. Here's Judge Joyce Hinrichs:

JUDGE H: Just recognizing that you will never know the trauma that their whole generations went through. And that they're still here. And they are doing the very best they can to be productive and helpful members of our society.... To the extent that we as courts can help them heal their members so that they aren't in our dependency systems or any of our justice systems, the

better off we all are. It's better to work together. Because in a lot of ways, I think their ideas of family, their ideas of healing, of forgiveness, are much better than the systems of justice that we got from England.

Mendocino County Superior Court Judge Ann Moorman:

JUDGE M: Make sure everybody has a chance to be heard. Cuz sometimes, you know, lawyers for the department or lawyers for the parents will be the loudest voice in the room, but not they're not necessarily the most important voice in the room.

Liz Elgin DeRouen:

LED: There has to be an acknowledgement that there were people here before, you know, the occupation took place, that it's a living, breathing, ongoing thing. And very often those tribal people who are in that courtroom today were born and raised in that county, and have multi generations of issues that happened to them. So anytime they come in contact with the system, that's a re-triggering of trauma that happened not only to them, but their ancestors, and it's embedded in their DNA. So of course, you know, they're gonna feel anxious, of course they're gonna have, you know, these things pop up for them, and there's going to be fear.

Melissa Norwood:

MN: The ICWA advocates, they're the voice of the children and the voice of the tribe and wanting to keep them connected. And so having that grace, having that patience, and allowing for that room to speak and give that input I think is so important and vital to having these families be successful and preventing the disruption and having the children removed.

And Angela Sundberg:

AS: I'd just like to add that tribal social workers, their connection to these families runs generations deep. County social workers are just in their lives

for a snippet of time, where tribal social workers are in it for life. We're there before the case goes to child welfare. And we're there after, helping support the family and making sure that they don't re-enter the system... Those are the kids that are gonna to be growing up and becoming the leaders of our tribe and taking care of me. So we have a very deep vested interest in the wellness of our families in recovering from trauma and breaking cycles and teaching them a different way. We truly believe that these kids and these families can recover from their trauma, and be amazing people to come back and be strong leaders. Behind it all that's the reason why we need you to hold us up in court and show us that you believe us. So we can protect future generations.

A big thanks to everyone who participated in this podcast, which was produced for The Judicial Council of California. We'd also like to thank the National Indian Child Welfare Association, for allowing us to use some audio from their video: [The Heart of ICWA: Becky](#). And to the Mississippi Administrative Office of the Courts, which allowed us to excerpt audio from their video, [Bringing Our Children Home: An Introduction to the Indian Child Welfare Act](#). You'll find links to those, and to other ICWA resources, at the bottom of our script. Our engineer is Gabe Grabin. And I'm Lee Romney.

ICWA RESOURCES:

- [Indian Child Welfare Act \(ICWA\): Best Practices Guide for California Courts and Judicial Officers](#) – A Toolkit of Policies, Practices, Procedures, and Tips to Improve Compliance by State Courts with the Indian Child Welfare Act and Outcomes for Indian Children, Families, and Tribes, October 2022.
- Judicial Council of California, [comprehensive ICWA resources](#)
- [Judicial Council of California, ICWA Education](#) (includes ICWA Curriculum, In-Person and Distance Learning Opportunities)

- [California ICWA Compliance Task Force: Report to the California Attorney General's Bureau of Children's Justice, 2017](#)
- National Indian Child Welfare Association video, [*The Heart of ICWA: Becky*](#)
- Links to [other NICWA videos](#) in *The Heart of ICWA* series
- Mississippi Administrative Office of the Courts video, [*Bringing Our Children Home: An Introduction to the Indian Child Welfare Act*](#)
- [Indian Child and Family Preservation Program](#)
- [California Tribal Families Coalition LC4T](#) (Legal Counsel for Tribes) program
- Supreme Court of the United States, [oral arguments and transcript](#), *Haaland v. Brackeen*, date argued 11/09/2022