Southern California Indian Center

Presents

A Practical Guide to Indian Child Welfare Act (ICWA)

Honorable William A Thorne, Jr. (Ret) Utah Court of Appeals

*Pomo/Coast Miwok Indian from northern California enrolled at the Confederated Tribes of the Graton Rancheria*

MCLE Credits (Approval Pending): 2.5 Continuing Legal Education Credits

1.5 Elimination of Bias Credits

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|  |  |  | **Monterey Hill Restaurant, 3700 W Ramona Blvd, Monterey Park, CA 91754** |
| **Saturday**  **April 26, 2014**  **A Practical Guide to ICWA** | **8:00 AM** |  | **Registration** |
| **8:15 AM - 8:30 AM** |  | **Opening Remarks:** |
|  |  | Honorable Amy M. Pellman,  Los Angeles County Children’s Court |
|  |  | **Instructor:** |
|  |  | Honorable William A. Thorne, Jr (Ret)  Utah Court of Appeals |
| **8:30 AM - 10:30 PM** |  | **Background and Historical Context, Early Indian Child Welfare Efforts:**  130 years ago - to - Present Day  **ICWA –Application/Compliance & Spirit of the Law . . . *“Best Interest of the Child”***  Who has Rights Under this Law |
| **10:30 AM - 10:40 AM** |  | **Break** |
| **10:40 AM - 12:30 PM** |  | **ICWA – (cont’d)**  **Application/Compliance & Spirit of the Law *“Best Interest of the Child”***  Role of the Tribal Courts,  Recognition of Tribal Law,  Transfer Jurisdiction and  Emergency Removal  Impact on the Indian Child/Family |
|  | **12:30 PM - 1:00 PM** |  | **Question & Answer\***Questions and Answers will be integrated into the program. Questions are welcome in advance of and during the seminar by e-mail to [psmith@indiancenter.org](mailto:psmith@indiancenter.org) (Subject line: Faculty question). |

**A Practical Guide to Indian Child Welfare Act**

***Syllabus***

**I. Course Description.**

This course provides an introduction to Indian Child Welfare with an emphasis on understanding legal, historical, and cultural issues applying to work with American Indian and Alaskan Native youth. This course emphasizes Indian Child Welfare issues in Southern California. Additionally, Elimination of Bias (EOB) is an important goal; by drawing attention to these issues and by providing guidelines for their elimination, participants will learn which interpersonal skills are key in recognizing and dealing with an area of potential bias, or which strategies can be used to overcome perceived biases. Judges and or attorneys may (unwittingly) retain biases and the harmful effect of bias can impact the judicial system, the law firm, an attorney’s business, and even the public’s perception of the law. More importantly, the harmful effect of bias can and has changed children’s lives forever.

**II. Learning Objectives**

At the completion of this course, participants will be able to:

1. Understand the principal elements of the Indian Child Welfare Act of 1978 (ICWA) and the implications of this law and related policies for child welfare practice: compliance, application and the spirit of the LAW, including roles of judges and lawyers within the judicial system.
2. Outline the history of Indian Child Welfare efforts 130 years ago to present day.
3. Demonstrate an understanding of sovereignty as it applies to American Indian Nations.
4. Examine values and ethics in relation to Indian Child Welfare practice and the ICWA act.
5. Discuss culturally competent elements of Indian child welfare practice.

**III. Additional Resources /Course Collaborators**

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| **Federal Authority**  Bureau of Indian Affairs Guidelines  Code of Federal Regulations - Indian Child Welfare Act  Indian Child Welfare Act | | |
| **State Statues**  California Family Code Provisions Implementing the Indian Child Welfare Act  California Probate Code Sections implementing the Indian Child Welfare Act  California Welfare and Institutions Code Provisions implementing the Indian Child Welfare Act | | |
| California Courts - the Judicial Branch of California |  | <http://www.courts.ca.gov/3067.htm> |
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| California Courts - Statewide Service Directory |  | <http://www.courts.ca.gov/5807.htm> |
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| *ICWA Facts & Fiction:*  National Council of Juvenile and Family Courts |  | [www.ncjfcj.org](http://www.ncjfcj.org) |
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| *To Dry the Eyes of Indian Adoptees* |  | ^Mary Annete Pember  <http://www.dailyyonder.com/indian-adoptions/2010/03/12/2637> |
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| *Our Children Are Sacred*  *Why the Indian Child Welfare Act Matters* |  | ^ Judge Tim Connors, The Judges' Journal, Volume 50, Number 2, Spring 2011. © 2011 by the American Bar Association |
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| *Improving Compliance with the Indian Child*  *Welfare Act – A guide for Juvenile and Family Courts*:  National Council of Juvenile and Family Courts |  | [www.ncjfcj.org](http://www.ncjfcj.org) |
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| *Indian Child Welfare Act Checklists*  *for Juvenile and Family Court Judges:*  National Council of Juvenile and Family Courts |  | [www.ncjfcj.org](http://www.ncjfcj.org) |
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| *California Judges Benchguide- Indian Child Welfare Act*  California Indian Legal Services, 2012 |  | [www.calindian.org](http://www.calindian.org) |
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| *American Bar Association, Indian Child Welfare Act*  *Resolution* |  | American Bar Association. Retrieved August 12, 2013 |
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| *The Indian Child Welfare Act: The need for a separate law* |  | ^B.J. Jones, *General Practice, Solo & Small Firm Division*. American Bar Association. Retrieved April 13, 2010 |