

NCWWI Student and Alumni Learning Exchanges: Spring 2023 Current Issues Series

What is ICWA and How Can We Protect It? Possible Implications of the Supreme Court's ICWA Decision

Context

On January 23, 2023, NCWWI hosted a learning exchange for students and alumni. There was a brief panel discussion about the history and importance of ICWA and an exploration of the possible implications of the Brackeen v. Haaland case for children and families as well as social workers in child welfare.

Discussion Prompts

During the learning exchange, small groups of students and alumni discussed the following questions:

- How can we use what we understand about racism and oppression to advance work on the individual, family, group, and community level in support of the preservation of Indigenous families?
- Within our ethical responsibility to advance diversity, equity, and inclusion what can social workers do to advance tribal sovereignty in our work?
- Particularly as related to Indian Child Welfare, how can social workers promote advocacy through knowledge and skills to empower American Indian and Alaska Native populations?

Resources

The following resources are offered to support participation, continued learning, and action by participants, allies, and advocates. Click on the title to access each resource.



Active Efforts: Public Child Welfare ICWA Best Practices

This a one-page summary defines and explains active efforts according to the 2016 Bureau of Indian Affairs (BIA) final rule. Information includes how active efforts are different from reasonable/passive efforts and how public child welfare programs can ensure active efforts.

American Indian/Alaska Native: Curriculum Content Evaluation Guide

In keeping with the Council on Social Work Education's competency-based education standards and social work competencies, this curriculum content guide provides general information that social work educators should know when working with American Indian/Alaska Native populations.

Brackeen v. Haaland

The SCOTUSblog web page provides an overview, timeline, and links to blog posts about the Brackeen v. Haaland Supreme Court Case.

Brackeen v. Haaland: The Case Child Welfare Advocates Should Worry About

This Voices for Utah Children web page suggests that advocates should consider how to: spread awareness about Brackeen v. Haaland and the potential devastating impact of the Supreme Court's decision; develop Tribal/State agreements for ICWA policies; and learn more about ICWA, its purpose, and origin.

ICWA Briefing Focuses on Native American Children

This webpage on the Congressional Research Institute for Social Work and Policy (CRISP) website includes an overview of the September 2022 congressional briefing where social workers, advocates, and Hill staffers discussed how Congress might respond if the United States Supreme Court rules the Indian Child Welfare Act (ICWA) is unconstitutional. The site includes a link to a [video](#) of the briefing and a downloadable [policy brief](#).

ICWA Talking Points Guide for Advocates & Allies

The ICWA Talking Points Guide was developed as a reference for Indian child welfare



advocates and allies to speak in a unified voice about Indian child welfare and the Indian Child Welfare Act (ICWA) in the current political, legal, and media climate. It includes three topline messages and talking points for each.

The Indian Child Welfare Act (ICWA): Where we've been, where we're headed, and where we need to go

This article by Meschelle Linjean and Hilary N. Weaver (2022) aims to help child welfare professionals understand connections between the Indian Child Welfare Act (ICWA), Tribal sovereignty, and Native American well-being, and prepare to uphold ICWA in the face of the impending U.S. Supreme Court case. ICWA provisions, intentions, implementation, and impact are described, followed by summaries of prior legal challenges, judicial erosion, and the *Haaland v. Brackeen* case. The article explores implications if ICWA is overturned, including ramifications of non-preferred foster care and adoption placements and self-determination, health, and socioeconomic repercussions. Advocacy strategies for upholding ICWA are presented to help protect Native children, families, and Tribal Nations.

Indian Child Welfare Timeline

This infographic provides a timeline for Indian Child Welfare from 1820 to present.

Teaching guide: repairing harms done to Indigenous and Tribal Peoples

Intended as a key resource for social work educators, the Council on Social Work Education (CSWE) [Accountability Statement](#) documents how the social work profession has played a direct role in supporting colonizing practices. The authors of this teaching guide believe that engaging across education, practice, and policy is essential in repairing past harms, eliminating current ones, and preventing future ones. This companion teaching guide was developed to maximize the usefulness of the [Statement of Accountability and Reconciliation for Harms Done to Indigenous and Tribal Peoples](#).

Tribal Child Welfare Resources

This resource list, provided by the National Child Welfare Workforce Institute, aim to strengthen public and tribal child and family systems and services in order to support



tribal sovereignty and nurture the safety, permanency, and well-being of American Indian and Alaska Native children, youth, and families.

This Land

The first season of this podcast series provides an understanding of an important U.S. Supreme Court case and decision (Sharp v. Murphy, 2020) with implications for a number of native issues including land rights, tribal sovereignty, and ICWA. Season 2 of the podcast provides background information and chronicles how a string of custody battles over Native children became a federal lawsuit that threatens tribal sovereignty and civil rights.

Tribal Sovereignty in Practice: The Indian Self-Determination and Education Assistance Act

This infographic describes how the Indian Self-Determination and Education Assistance Act (ISDEAA) applies to child welfare social work practice with American Indian/Alaska Natives.