

# Documenting ICWA absence and presence in State Child and Family Services (CFS) materials and other reports

## OUTLINE

1. CFS documents that do not address/include ICWA
2. ICWA in trainings
3. Reports from oversight committees and task forces (not CFS)

## KEY

\*Indicates that material is from my notes, but was not photographed.

**Blue highlight** = Reference to ICWA or tribes.

## 1. CFS documents that did not address/include ICWA

Title of document	Notes
1985 (?) [Undated] flow chart of Child Protective Services process <i>Citation: State of Maine Department of Human Services. (Undated a). State of Maine Department of Human Services. (Undated b).</i>	Flow chart does not include ICWA or tribes.
1984 State child welfare services plan FY '84/'85 <i>Citation: State of Maine Department of Human Services, Bureau of Social Services. (1984).</i>	Under the heading "A Brief History of Significant Events Affecting Child Welfare in Maine" in which various federal and state laws are listed, <b>there is no mention of ICWA</b> . ICWA was still missing from this same compiled history found in a 1995 CFS report.
1987 memo from a meeting between the Joint Standing Committee on Audit and Program Review's subcommittee for Child Welfare Services and the Commissioner of Human Services <i>Citation: Ring, C. (1987, December 2).</i>	Memo describes the "constellation of services" involved in child welfare and provides a diagram of these services. Neither the diagram or associated text references tribes.
1990 report: Report of the child welfare services ombudsman <i>Citation: Child Welfare Services Ombudsman. (1990).</i>	Flow charts in report for how a child would move through the child welfare system. There is no reference to ICWA.
1992 BCFS policy manual* <i>Citation: State of Maine Department of Human Services, Bureau of Child and Family Services. (1992).</i>	Nothing found in this manual related to ICWA or working with tribes.
1994 Multi-Ethnic Placement Act implementation* <i>Citation: From my notes for Maine State Archives, Child and Family Services Records, 1681-1601, Box 1. No specific document titles noted.</i>	This federal law, passed in 1994, seemed to generate a lot more response from CFS in terms of implementation and was mentioned much more frequently than ICWA.

## 2. ICWA in trainings

Minutes from 1984 indicate that Indian Child Welfare was added to new worker orientation training in 1984.

Title of document	Notes
1980 Title XX training October 1980 - September 1981 <i>Citation: State of Maine Department of Human Services. (1978).</i>	No reference to ICWA, Native children/families or working with tribes in listing of trainings.
<b>1984 minutes from CFS Division meeting</b> <i>Citation: State of Maine Department of Human Services, Child and Family Services Division. (1984).</i>	<b>References addition of Indian Child Welfare to new worker orientation training.</b>

But these documents suggest more ICWA and/or cultural diversity training is needed:

Title of document	Notes
<p>1989 report from CFS to legislative committee: Report to the Joint Standing Committee on Human Resources and the Joint Standing Committee on State and Local Government of the 114<sup>th</sup> Legislature  <i>Citation: State of Maine Department of Human Services. (1989).</i></p>	<p>This report was required by LD 335 to address training needs and issues for caseworkers and includes a plan to improve training and a proposed child welfare training curriculum. <b>The only mention of ICWA or tribes in the proposed training curriculum is under “ethnic, cultural and racial considerations.” This says “Specifically emphasize Native American standards and discuss the applications of Indian Child Welfare Act.”</b></p>
<p>1991* (earliest estimated) Survey results from Maine Child Welfare Training Institute BCFS survey of Assistant Attorneys General and caseworkers  <i>* Undated, however CWTI started in 1991 so this could not have been earlier than that.</i>  <i>Citation: Maine Child Welfare Training Institute. (Undated).</i></p>	<p>CWTI survey Assistant Attorneys General and BCFS staff. AAG survey found that caseworkers need training on TPR with Indian children and with getting expert advice pursuant to ICWA. BCFS caseworkers survey found that caseworkers wanted more ICWA training.</p>
<p>1993 Child Welfare Training Institute report: Second quarterly Report, Year 3, January 1 -- March 31, 1993  <i>Citation: Maine Child Welfare Training Institute. (1993a).</i></p>	<p>Caseworker training needs assessment recommended that cultural/diversity competency should be part of required knowledge and skills for caseworkers.</p>
<p>1993 Child Welfare Training Institute Report: Third quarterly report, Year 3, April 1 - June 30, 1993  <i>Citation: Maine Child Welfare Training Institute. (1993b).</i></p>	<p>Reported that more cultural/diversity related training is recommended for pre-service caseworker training.</p>
<p>1994 Child Welfare Training Institute report: Second quarterly report, Year 4, January 1 - March 31, 1994  <i>Citation: Maine Child Welfare Training Institute. (1994a).</i></p>	<p>In participant evaluation of training, one participant commented on cultural sensitivity training: “Indian child welfare.” Did not elaborate.</p>
<p>1994 conference summary from regional conference titled “Expanding Culturally Relevant Permanency Options for Children”  <i>Citation: New England Association of Child Welfare Commissioners and Directors. (1994).</i></p>	<p>Mentions the need for more ICWA training. Regional (not Maine-specific).</p>
<p>1999 BCFS quarterly review of adoptive and foster family introductory training curriculum  <i>Citation: State of Maine Department of Human Services, Bureau of Child and Family Services. (1999a).</i></p>	<p>Mentions ICWA under need to address diversity issues more fully and laws that apply.</p>
<p>2001 report from the Joint Standing Committee on Child Welfare Services  <i>Citation: Maine State Legislature Office of Policy and Legal Analysis &amp; Orbeton, J. (2001).</i></p>	<p>Recommended strengthened training in ICWA and cultural diversity for DHS staff and contract agencies, as well as for adoptive and foster parents.</p>

And these training materials and lists of trainings don’t mention ICWA:

Title of document	Notes
<p>1986 memo: Mandatory child welfare training curriculum  <i>Citation: Churchill, B. (1986, April 17).</i></p>	<p><b>No mention of tribes, ICWA, or cultural diversity in trainings listed.</b></p>
<p>1986 State child welfare services plan FY ‘86/’87  <i>Citation: State of Maine Department of Human Services, Bureau of Social Services. (1986).</i></p>	<p><b>ICWA not listed in section on mandatory child welfare training curriculum.</b></p>
<p>1988 Staff Education and Training Unit report: August 1988 to June 1989 programs for Child and Family Services  <i>Citation: State of Maine Department of Human Services, Staff Education and Training Unit. (1988).</i></p>	<p><b>No mention of tribes, ICWA, or cultural diversity in trainings listed.</b></p>
<p>1988 State child welfare services plan FY ‘88/’90  <i>Citation: State of Maine Department of Human Services, Bureau of Social Services. (1988a).</i></p>	<p><b>Nothing about ICWA in mandatory child welfare training curriculum.</b></p>
<p>1992 Maine Child Welfare Training Institute training summary for October 1, 1991 -- September 30, 1992  <i>Citation: Maine Child Welfare Training Institute. (1992).</i></p>	<p>Did not list anything related to ICWA, tribes, or cultural diversity.</p>

1991 State child welfare services plan FY '91/'93 <i>Citation: State of Maine Department of Human Services, Bureau of Child and Family Services. (1991).</i>	<b>ICWA not listed in description of in-service training topics.</b>
1992 draft child welfare practices manual <i>Citation: State of Maine Department of Human Services, Bureau of Child and Family Services. (1992).</i>	No mention found of ICWA or working with tribes, except Chapter 13 "Minority considerations" which very broadly discusses generic Native American characteristics without reference to presence of tribes in Maine. No mention of ICWA in Chapter 6 "Legal Rights of Parents and Children."
1992 or 1993 (?) Maine Child Welfare Caseworker Competency Model <i>Citation: State of Maine Department of Human Services, Bureau of Child and Family Services. (Undated).</i>	Undated report found in file marked "Training '92-'93." The presence of Native people in Maine is briefly mentioned in the "cultural sensitivity" competency. ICWA is not mentioned in "state law/agency policy" competency.
1992 Staff Education and Training Unit report: listing of in-service programs for child welfare <i>Citation: State of Maine Department of Human Services, Staff Education and Training Unit. (1992).</i>	<b>No reference to tribes, ICWA or Wabanaki communities found in whole listing.</b>
1993 report: Maine Child Welfare Training Institute Annual Training Summary <i>Citation: Maine Child Welfare Training Institute. (1993c).</i>	Annual training summary for the Maine Child Welfare Training Institute. The only reference to cultural issues, tribes or ICWA was noticed in the regional trainings for adoptive and foster parents: "Caring for Native American children in foster care" in Region 5 (Houlton).
1993 Staff Education and Training Unit report: listing of in-service programs for child welfare October 1993-June 1994 <i>Citation: State of Maine Department of Human Services, Staff Education and Training Unit. (1993).</i>	<b>No reference to tribes, ICWA or Wabanaki communities found in whole listing. Specifically, ICWA was not mentioned in the legal issues and process training.</b>
1994 Maine Child Welfare Training Institute listing of activities for FY '94/'95 <i>Citation: Maine Child Welfare Training Institute. (1994b).</i>	Did not list anything related to ICWA, working with tribes or cultural diversity.
1995 State Education and Training Unit (SETU) In-Service Programs for Maine Adoptive and Foster Parents Guide Fall 1995 <i>Citation: State of Maine Department of Human Services, Staff Education and Training Unit. (1995).</i>	No mention of ICWA, tribes, or cultural needs of Native children in foster care.
1995 Adoptive and Foster Family Training Manual <i>Citation: Maine Child Welfare Training Institute. (1995).</i>	No reference to tribes, Native children. Under cultural sensitivity section of competencies, manual says "minority groups in Maine" but does not specify any groups.
1997 Maine Child Welfare Training institute schedule of training for 1997-1998 <i>Citation: Maine Child Welfare Training Institute. (1997).</i>	Did not list anything related to ICWA, working with tribes, or cultural diversity.

ICWA training happens...

<b>Title of document</b>	<b>Notes</b>
1989 meeting summary: Child Welfare Advisory Committee 6/13/89 <i>Citation: Child Welfare Advisory Committee. (1989).</i>	Purpose of meeting was ICWA, CWAC heard presentation from CWAC members Lisa Gosnell (Penobscot Nation) and Judy Litz (Houlton Band of Maliseets).
<b>1994 minutes: Child protective services supervisors meeting minutes</b> <i>Citation: Hodge, S. (1994, November 3).</i>	Minutes indicated that Nancy Goddard gave a presentation on ICWA, including ICWA's Evidentiary Standards and procedures staff must use when filing a petition, and that "[t]he information was extremely helpful as there had been some confusion about the entire matter." Goddard also gave out "updated, corrected information" implying that caseworkers previously had had incorrect information.
1999 BCFS management meeting minutes (draft) from 3/26/99 <i>Citation: State of Maine Department of Human Services,</i>	Minutes indicated that "ICWA requirement discussed."

<i>Bureau of Child and Family Services. (1999b, March 26).</i>	
1999 BCFS management meeting minutes from 10/29/99 <i>Citation: State of Maine Department of Human Services, Bureau of Child and Family Services. (1999c, October 29).</i>	ICWA training for foster parents mentioned in minutes.
1999 BCFS management meeting minutes from 12/13/99 <i>Citation: State of Maine Department of Human Services, Bureau of Child and Family Services. (1999d, December 13).</i>	Minutes mention discussion of ICWA training scheduled for late spring.
<b>1999 ICWA training workgroup minutes 12/8/99</b> <i>Citation: ICWA Training Workgroup. (1999).</i>	<b>Minutes from workgroup developing ICWA training.</b>
1999 program guide: State Education and Training Unit's In-service programs for Maine's adoptive and foster parents 1999-2000 <i>Citation: State of Maine Department of Human Services, Staff Education and Training Unit &amp; University of Southern Maine, Maine Child Welfare Training Institute. (1999).</i>	Lists ICWA training for BCFS staff and foster/adoptive parents on culture and history of Maine tribes.
2000 interagency agreement: Maine Child Welfare Training Institute agreement with Bureau of Family Services for training <i>Citation: Maine Child Welfare Training Institute. (1999).</i>	Agreement references that training for foster parents will include training for Native American foster and adoptive parents. Then later, references special training at five sites to staff and parents on ICWA and the cultural needs of Native American children. This is one of the first references I've seen to ICWA or Native children in training materials.
<b>2000 minutes: ICWA training workgroup minutes from 3/7/2000</b> <i>Citation: ICWA Training Workgroup. (2000).</i>	<b>Minutes from workgroup developing ICWA training.</b>
2002 DHS Annual Progress Review <i>Citation: State of Maine Department of Human Services, Bureau of Child and Family Services. (2002).</i>	Addendum C of the report was about ICWA. Reviewed goals and outcomes, including doing a tribal-state training, creating written agreements between tribes and the state, MITSC would be making ICWA a priority. Formation of Abneki Child Welfare Coalition to work with state. Said there should be ongoing training. Addendum E was about training. ICWA was one of 9 in-service training topics.
2003 DHS Annual Progress Review <i>Citation: State of Maine Department of Human Services, Bureau of Child and Family Services. (2003).</i>	Addendum C about ICWA again. (See 2002 report.) Said that historic agreement had been signed by the state and HBMI. Addendum E about training again. ICWA listed as one of three in-service training topics.

### 3. Reports from oversight committees and task forces (not CFS)

<b>Report/Committee title</b>	<b>Notes</b>
1980 "Your Neighbor's Kid" report from the Governor's Task Force On Foster Children (see above) <i>Citation: State of Maine, Governor's Task for on Foster Care for Children. (1980).</i>	Specific finding that "DHS has not done enough to help Native American children in foster care retain their cultural ties" (p. 75).
1984 Children in the Courts Committee* <i>Citation: State of Maine Children in the Courts Committee (1984).</i>	This report does not mention any consultation with tribal representatives or tribal courts in the "exploration of issues" section. The report does include ICWA in its list of relevant statutory citations.
1985 "Protecting Our Children, Not Without Changes to the Legal System" report from the Governor's Working Group on Child Abuse and Neglect Proceedings <i>Citation: State of Maine, Governor's Working Group on Child Abuse and Neglect Legal Proceedings. (1985).</i>	Nothing related to ICWA or tribes.
1986 (?) Joint Standing Committee Review of Child Welfare Services Report to the Maine State Legislature* <i>Citation: Maine State Legislature Joint Standing Committee on Audit and Program Review. (Undated).</i>	I did not capture the date of this report, but I believe it would have been in 1986 or 1987. The recommendations did not include anything about ICWA or Wabanaki children in the child welfare system.

<p>1989 CHINS (Children in Need of Treatment and Supervision) report to state legislature and reviewed minutes*  <i>Citation: Children in Need of Supervision and Treatment (CHINS) Commission. (1989).</i></p>	<p>CHINS was a committee established due to children who were “falling through the cracks” of the child welfare and/or mental health system and either ending up in corrections or being sent to out-of-state institutions. CHINS’ 1989 report to the legislature did not include anything related to Wabanaki youth, ICWA or tribes. Minutes of meetings that were reviewed also did not mention Wabanaki youth, ICWA or tribes.</p>
<p>1989 “Adoption, a Lifelong Process” report from the Adoption Task Force, the first review of Maine’s adoption system since 1963  <i>Citation: State of Maine Department of Human Services, Adoption Task Force. (1989).</i></p>	<p>Does include a recommendation to maintain children’s cultural ties, with no specific reference to Wabanaki tribes or ICWA compliance.</p>
<p>1990 Inter-Departmental Council (IDC) Residential, Group and Community Care Subcommittee reports*  <i>Citation: Inter-Departmental Council, Residential, Group and Community Care Subcommittee. (1990).</i></p>	<p>The IDC was created in the late 1970s to bring together the major state departments dealing with children (Corrections, Child and Family Services, Mental Health, Education and Cultural Services). The reports found from the Residential, Group and Community Care Subcommittee did not include reference to ICWA, Wabanaki children, or collaboration with tribes.</p>
<p>1993 Child Welfare Oversight Committee Report*  <i>Citation: Child Welfare Oversight Committee. (1993).</i></p>	<p>This committee was established by DHS Commissioner Rollin Ives after the deaths of two children known to DHS. The January 1993 report did not address anything related to ICWA, Wabanaki children specifically or working with tribes.</p>
<p>1997 Report of the Committee to Study the Role of the Courts in Protecting Children  <i>Citation: Maine Court Improvement Project. (1997).</i></p>	<p>Only reference to tribes or ICWA was found in the survey responses of probate court judges, in which respondents commented that <b>there were "a few circumstances" of the court's failure to notify the appropriate tribes when a Native child's family was in court (p. 89).</b></p>
<p>2001 report of the Committee to Review the Child Welfare System  <i>Citation: Maine State Legislature Office of Policy and Legal Analysis &amp; Reinsch, M. (2001.)</i></p>	<p>Although this legislative committee was not specifically reviewing ICWA, the committee did hear compelling testimony that led it to make recommendations to allow HBMI child welfare cases to be heard in the Penobscot Nation court system.</p>
<p>2001 report of the Joint Standing Committee on Child Welfare Services  <i>Citation: Maine State Legislature Office of Policy and Legal Analysis &amp; Orbeton, J. (2001).</i></p>	<p>The committee <b>recommended that the state legislature mandate DHS to conduct ICWA compliance monitoring, as well as recommending ICWA training and cultural competency training for DHS workers.</b></p>
<p>Child Abuse and Neglect Councils (general correspondence) and Aroostook County Council newsletters*  <i>Citation: Aroostook County Child Abuse and Neglect Council. (1994).</i>  <i>Child Abuse and Neglect Councils of Maine. (1994).</i></p>	<p>In reviewing correspondence between DHS and the Child Abuse and Neglect Councils, I found no mention of ICWA or Wabanaki children. I also found no mention of ICWA or Wabanaki children in the Aroostook County Child Abuse and Neglect Council newsletters.</p>