

**Children's Justice Initiative**

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

Friday, October 21, 2022

[Ramsey County Courthouse \(Main\)](#) – Room 40  
15 West Kellogg Boulevard  
St. Paul, MN 55102

### Faculty

**Hon. Jamie Cork**, District Court Judge, Dakota County  
**Shannon Smith**, Executive Director, Indian Child Welfare Act (ICWA) Law Center  
**Hon. Korey Wahwassuck**, District Court Judge, Itasca County

<b>8:00 – 8:30</b>	Registration and Networking ( <i>refreshments provided</i> )
<b>8:30 – 8:55</b>	Opening Ceremony
<b>8:55 – 9:00</b>	Introductions and Learning Objectives
<b>9:00 – 10:00</b>	Historical and Cultural Perspectives Leading to the ICWA <ul style="list-style-type: none"><li>• Myths and Realities</li><li>• History of Federal Indian Policy: Dealing With the “Indian Problem”</li><li>• Boarding Schools &amp; Adoption Project: Policies and Practices Necessitating the ICWA</li></ul>
<b>10:00 – 10:40</b>	Trauma: Historical, Personal, and Intergenerational <ul style="list-style-type: none"><li>• Overview of Trauma</li><li>• Disproportionality Then and Now</li><li>• What Disproportionality Means for Indian Children</li></ul>
<b>10:40 – 10:50</b>	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 (provided by CJI)*
- 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 Committee**

**Hon. Jamie Cork**, District Court Judge, Dakota County

**Hon. Anne McKeig**, Associate Justice, Minnesota Supreme Court

**Jessica Ryan**, Attorney, Hennepin County Adult Representation Services

**Shannon Smith**, Executive Director, Indian Child Welfare Act (ICWA) Law Center

**Maya Tester**, Assistant Hennepin County Attorney

**Rebecca Vanden Hanen**, CJI Staff Attorney, State Court Administrator's Office

**Hon. Corey Wahwassuck**, District Court Judge, Itasca County

*Funding for this training is provided under the 2022 State Court Improvement Program Training Grant, U.S. Department of Health and Human Services, Administration for Children and Families, Appropriation No. 75-4-1512, in accordance with Section 438 of the Social Security Act*