

Children's Justice Initiative

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

Friday, June 10, 2022

[Hennepin County Juvenile Justice Center](#)

590 Park Avenue
Minneapolis, MN 55415

Faculty

Hon. Jamie Cork, District Court Judge, Dakota County

Jessica Ryan, Attorney, Hennepin County Adult Representation Services

Hon. Anne McKeig, Associate Justice, Minnesota Supreme Court

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

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

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