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Native American Agencies for Native American Children: Fulfilling the Promise of the Indian Child Welfare Act

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The Indian Child Welfare Act seeks to protect Indian children from family and cultural disruption. The Act mandates minimum standards for the removal of Indian children and for their placement in foster care. However, a recent national survey suggests that requirements for Indian foster homes are not being met in public agency substitute care programs. At the same time, Native American child welfare agencies have developed a range of services for Native American children. The authors show that the intent of the Act will be better served if the case management of Native American children in public agency care is transferred to Native American child welfare agencies.

Promises and Problems

The Indian Child Welfare Act of 1978 (P.T. 95-608) was prompted by concern in the mid-1970s that Indian child welfare services had become "a patchwork of programs with contentious overlaps, many gaps, and a history of disrupted families and culturally displaced children" (Plantz, Hubbell, Barrett & Dobrec, 1988, p. 1–5). At that time, 25% to 35% of all Indian children in states with large Indian populations were separated from their families. The Indian Child Welfare Act (ICWA) seeks to protect Indian children from further family and cultural disruption by promoting minimum standards for the removal of Indian children from their families. When children are removed,

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the Act provides for the placement of the children in homes that
will reflect the unique values of Indian culture.

ICWA, unfortunately, has not lived up to these ideals. In
particular, implementation of ICWA has not stemmed the flow
of Native American children into substitute care. Between 1980
and 1986, the numbers of Indian children in care increased 25%.
Once in care, they are more likely to stay there longer than the
general population of children in care. Half the Native Ameri-
can children in care are in public agency care, and only a third of
these public agency children are in Indian foster homes (Plantz
et al., 1988). Fulfillment of the promise of ICWA, therefore, re-
quires a fundamental rethinking of the care of Native American
children in public agencies.

Placement

Native American children are supposed to be placed in fos-
ter homes that will promote the stability and security of Indian
tribes and families. In essence, this means placement in an In-
dian foster home. Plantz et al. (1988) found that the rate at which
Indian placement occurred varied according to the auspices of
the child welfare agency. Tribal agencies place 84.7% of their
children in Indian homes, Bureau of Indian Affairs' agencies
place 83.2%, and off-reservation (urban Indian) agencies place
74.6%. Public child welfare agencies, which are responsible for
52% of the Indian children in care, place only 35% in Indian
homes (Plantz et al., 1988). ICWA requirements for Indian fos-
ter homes are not being met in public agency substitute care
programs.

The non-placement of Native American children in Native
American foster homes has wide-ranging detrimental effects.
Literature on Native American children emphasizes that their
removal from their cultural context is detrimental to them as in-
dividual Indians and to their families, tribes and communities
(Cross, 1986; Hogan & Siu, 1988). Indian children taken from
their families and tribes lose self-esteem and self-identity and
do not regain their self-esteem when they return to their com-
munities (U.S. Senate, 1988, p.13).

Solutions proposed by public child welfare agencies appear
to be inadequate or inappropriate to address the situation. One

conventional solution is for public agencies to attempt to recruit more Native American foster parents. In general, public agency recruitment of minority foster parents has met with little success in the past (Stehno, 1990). For Native American recruitment, this lack of success may be due to non-Indian agencies' failure to involve Indian groups in the recruitment of Indian foster parents (Deitrich, 1982). At the same time, it is the experience of Indian agencies that they can recruit Indian families who are available, appropriate, and willing to foster or adopt Indian children (U.S. Senate, 1988, p. 105).

Another, current solution is the provision of services to preserve the family. At first glance, family preservation policies, seem an ideal solution for preventing Indian children from removal from their families. There is also widespread political and professional support for family preservation services and both the ICWA and the Adoption Assistance and Child Welfare Act of 1980 (P.L. 96–272) emphasize the responsibility of social workers to prevent or eliminate the need for out-of-home placement (Hunner, 1986). However, mainstream family preservation services, despite their positive features, are based on a single model of service delivery (*Family preservation services*, 1991). This model emphasizes intense, short-term, multi-agency, crisis intervention to stabilize the family. Such services may be counterproductive with Native American families: they reproduce the aggressive interference in Indian family life that the ICWA was designed to prevent.

In addition, even current services are underused by Native Americans. For their part, Indian clients fail to use mainstream social service agencies because they are not available at times and places convenient to the clients; because services are irrelevant to Indian problems such as poverty; because Indians have no say in the programs; and because social work practice has middle class and assimilative biases that devalue Indian childrearing and family values (Farris, 1976). At the same time, non-Indian workers resist providing home-based services that Indians prefer (Guilmet & Whited, 1989).

Thus, we contend, public agency foster parent recruitment programs and public agency child welfare family preservation services are not likely to be successful in providing the culturally appropriate foster care services to Native American children

that is required. Since public agencies are unable to provide appropriate services to Indian children, solutions must be sought within Native American communities. For these reasons, this article proposes the transfer of Native American children in public care to Native American child welfare agencies. We would like to make a special point of emphasizing the appropriateness of this transfer in urban settings.

Transfer of Management

Transfer of case management to Native American agencies would ensure that Native American children have a greatly improved chance of living with Native American families: Indian agencies have more than twice the rate of children in Indian foster homes than public child welfare agencies have (Plantz et al., 1988). In addition, Native American agencies can provide staff and supports that reinforce Native American values and customs.

This proposal is consistent with the intent of the Indian Child Welfare Act, and is in keeping with the Federal Government policy goal of Indian self-determination (Fischler, 1985). Also, transfer of the children to Native American agencies would challenge the present pattern of foster care discrimination against Indian children, and support Congress' action in passing the Act to protect Indian families (Abourezk, 1977). Transfer to Indian child welfare agencies supports the preference of urban Indian families for receiving services from Native American workers (Red Horse, Lewis, Feit & Decker, 1978).

Off-reservation agencies already exist in many major cities (Plantz et al., 1988; Stehno, 1990). They provide culturally relevant services to Indian children and families (Guilmet & Whited, 1989; Ribbich, 1988; Youngbear, 1988) and allow Native American helping networks to function (McShane, 1987). This not only allows Indian workers to provide culturally appropriate therapies (Ashby, Gilchrist & Miramontez, 1987; Jemison, Atkinson & Nephew, 1988) but it mitigates the distrust Native Americans have for state agencies and courts (Guilmet & Whited, 1989).

Of course, the transfer of Native American children to Native American agencies must provide an alternate service. If

Indian agencies merely duplicate public agencies' attitudes and services, there will be no benefit to Indian children (Deitrich, 1982). The provision of culturally appropriate services to Native American foster children requires a change in professional practice from service delivery systems that originate in non-Indian traditions.

Alternate Practice

One outcome of Native American management of the foster care of Indian children would be a reversal of the assimilatory practices of mainstream foster care. Yet, as Schorr notes, for a change in outcome there must be a change in staff ethos and service delivery. An essential part of that process is to identify already successful programs (Schorr, 1990).

In many cities, urban Native American child welfare programs that protect the Indian child, safeguard her/his cultural identity, and provide coordinated services to Indian families have already been established with some success (Davis, Evans, & Bridges, 1991; Jemison, Atkinson & Nephew, 1988; Ribbich, 1988; Youngbear, 1988). Urban Native American agencies tend to provide a network of services to Indian families (Ribbich, 1988; Youngbear, 1988) who, because of their many problems associated with poverty, education and health, require ongoing welfare and advocacy services (Farris, 1976). These agencies provide multi-purpose programs that meet the varied needs of Indian families. This allows them to provide preventive and back-up services that reduce the foster care placement of Indian children and the adoption of Indian children by non-Indian families (Plantz et al., 1988). The establishment of new Indian child welfare services and the endorsement of existing ones support Native American preference for relying on other Indians for help (Fiske, 1979).

Already successful programs provide a model of culturally appropriate foster care delivery for Native American children. They are based on Native American strengths such as the interdependence of the extended family (Cross, 1986), mutual respect among and help from family members (Light & Martin, 1986), and the esteemed role of tribal elders in leadership, discipline,

and spiritual guidance (Cross, 1986, Red Horse, 1980). Native American child welfare agencies make use of these strengths by providing a range of culturally relevant, coordinated services for Indian clients (Ribbich, 1988), including home-based services (Guilmet & Whited, 1989) and outreach (Youngbear, 1988), the recruitment of Indian foster parents (Jemison, Atkinson & Nephew, 1988; Plantz et al., 1988), services provided by Native American child welfare workers (Jemison, Atkinson & Nephew, 1988), and small caseloads (Goodluck & Short, 1980).

Indian managed programs also allow the provision of culturally relevant professional services such as the integration of traditional Indian therapies with western treatments (Ashby, Gilchrist, & Miramontez, 1987; Red Horse, 1982; Youngbear, 1988). Red Horse (1982), for example, proposes a model agency where service is provided "through more natural informal relationships . . . than through sterile clinical procedures" (pp. 17–18). In addition to professional services, family members can be involved in case-planning and in foster care (Cross, 1986). Even parents can be actively engaged in the placement of their children (Goodluck and Short, 1980). In essence, Native American children in Native American child welfare agencies are placed within Native American homes with the support and cooperation of their families, with access to their family and relatives, and able to receive an appropriate integration of traditional and western therapies.

Implications for Mainstream Practice

This article proposes the transfer of Native American children to Native American child welfare agencies to ensure compliance with the requirements of ICWA. Underlying both ICWA and this proposal is the belief that members of Native American families, agencies, communities, and tribes are the best resource for the placement of Native American children. Furthermore, political and legal mandates already exist for the transfer of control in the recognition of Indian tribes as self-governing, sovereign peoples-recognition based on ratified treaties and consistently upheld by the U.S. Supreme Court. ICWA and the Indian Self-Determination Act of 1973 are part of the Federal Government's commitments to transfer the administration of

local government services to Indian tribes (National Indian Policy Center, 1992).

These being so, there are significant implications for public agency child welfare practice. First, public agencies need to see that their support of Native American agencies is the opportunity to create a partnership that will more aptly address the needs of Native American children. High quality services can only come from collaborative efforts to address previously intractable problems (Stehno, 1990). Inevitably, as part of this collaboration, Native American agencies must be supported financially. The thrust of this paper has been to show that this support is both effective and worthwhile.

Second, professional practice requires versatile responses to the complex situations of today's families (Schorr, 1990). Many Native American agencies are providing that response. However, the burden of versatility should not fall on the individual, mainstream child welfare worker when it is apparent that monolithic public agencies do not well serve Native American children. Versatility needs to be part of the child welfare system so that the unique placement needs of Indian children are met by a range of services appropriate to Native American culture. The transfer of Native American children to Native American agencies would begin to demonstrate that versatility.

Third, first steps in that transfer should be the identification of Native American children within the public child welfare systems and their consolidation around specialized workers and/or teams. Having one worker, or a team of workers, responsible for all Native American cases will ensure that appropriate workers will develop extensive knowledge and experience of Indian cultures and the ICWA (Deitrich, 1982). The purpose of this consolidation will better ensure that the provisions of ICWA in regard to placement and Indian foster care have been met. Consolidation will not only highlight Native American children as a class or group that is legally due certain rights but will also make visible a group of children around whom public and Native American agencies can negotiate for transfer.

Implications for Social Work Training

Any proposal to transfer Native American children to Native American agencies will have major implications for the education of Indian and non-Indian social workers and their teachers. The central task will be a rethinking of the content and principles of social work practice which are based on theories and models from the dominant, non-Indian society (Morrissette, McKenzie & Morrissette, 1993). These have already been categorized as antithetical to Indian peoples (Blanchard & Barsh, 1980) and naive, superficial, and racist in regard to practice with minorities in general (McMahon & Allen-Meares, 1992).

Any suggestions for social work education must flow from the already proven practice of Native American agencies. Their experience has been that they can provide a culturally sensitive and appropriate service to Native American children. Social work education must take into account the following themes if it is going to respond to Indian demands for their children and the challenges posed by the development of Indian agencies.

The first implication for social work education is the realization of the distinctiveness of Indian worldviews and traditions (Morrissette, McKenzie & Morrissette, 1993). Blanchard and Barsh (1980), for example, urge social workers to explore the strengths of Native American families, not their weaknesses. Some points to emphasize could include the importance of elders (Red Horse, 1980), the different meaning of leadership among Native Americans (Lewis & Gingerich, 1980), the importance of group activities (Edwards & Edwards, 1980), Indian ways of knowing that privilege feelings, history, prayer and personal relations (Colorado & Collins, 1987), and Indians' less individualistic, present-centered, and harmony-with-nature orientations (DuBray, 1985). A realization of the distinctiveness of Indian worldviews and traditions fits very neatly with a strengths perspective in social work (Saleeby, 1992) and with empowerment theory (Solomon, 1976).

Second, social work education must allow students to come to an understanding of Native Americans' history of colonization and that history's current effects (Hudson & McKenzie, 1981; Morrissette, McKenzie & Morrissette, 1993). This realiza-

tion must encompass the deliberate creation, by social policies (Cross, 1986), of Native Americans' dependence on the state and Native Americans' resistance to that dependence. In this vein, Hughes (1987) recommends a change in social work training from a reliance on psychological frameworks to larger social, cultural, and economic contexts.

Third, Indian and non-Indian students need to experience Native American programs similar to those mentioned in this paper. This will not only provide an experience of cultural awareness but also demonstrate culturally appropriate services that incorporate community-based, traditional teachers, healers, and therapeutic practices (Morrissette, McKenzie & Morrissette, 1993). Experience of, and education in, culturally appropriate practices will support understanding and cooperation between Indian and non-Indian agencies and practitioners.

Fourth, for some time now, commentators have pointed out that non-Indian social workers are often ignorant of Indian cultures and the ICWA (Kessel & Robbins, 1984). Social work education needs to help dispel that ignorance. This can be done by incorporating culturally-relevant material throughout the curriculum including the traditional Indian community model of relationships (Edwards, 1991). Above all, "cultural understanding comes about with interaction" (Davis, Evans, & Bridges, 1991, p. 98).

Finally, social work educators often want to promote and increase the number of Native Americans in social work. One reason for their absence may be that they are being asked to study in places where, as Blanchard and Barsh (1980) said of the American Indian family's experience of social work, "they are denied expression and visibility" (p. 353). Social work education that acknowledges and values Native American experience, skills, therapies and professional practice will create a powerful environment for nurturing Native American social workers.

Conclusion

The authors argue, in this paper, that fulfillment of the promise of ICWA requires a fundamental rethinking of the care of Native American children in public agencies. We note that

Native American child welfare agencies have developed a range of services for Native American children. We believe that the intent of the ICWA will be better served if the case management of Native American children in public agency care is transferred to Native American child welfare agencies.

Above all, it has been an unspoken thread underlying this proposal, that there is still an urgent need to address the high rate at which Native American children enter care. The factors that bring children into care are poverty, discrimination, and racism, as well as individual malice by caregivers. Once again, social workers are asked to consider working on more systemic remedies for abuse and neglect, in addition to their provision of individual care (Stehno, 1990).

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