

2009 Washington Indian Child Welfare Forum

ICW AWARENESS DAY JANUARY 28, 2009

The following is a summary of the oral testimonies provided by families and advocates on January 28th, 2009, at a forum organized for the Indian Child Welfare Awareness Day. Approximately 45 people attended the forum. Representative Pettigrew of the 37th District and Ms. Marzan, the Legislative Assistant to the 1st District, attended to listen to the constituents' concerns. This document is being circulated to all those who attended the forum, as well as the members who were invited, but unable to attend.

Lorraine Brave, Indian Child Welfare Advocate, greeted everyone to the forum.

Speaker 1

Tom Tremaine
Attorney at Northwest Justice Project
Spokane

“The federal Indian Child Welfare Act (ICWA) became law in 1978, in attempts to correct or end practices that have devastated Indian kids and families. ICWA has greatly improved the child welfare system, but it is obvious that the state system has failed to uniformly apply the law, leading to disproportionality. We need to enact state law to take effective practices and make them binding law in agencies and courts.

The drafted legislation (Washington Indian Child Welfare Act) stemmed from an ICW summit where it was identified as a priority so that kids are protected and the Tribes can play a role. A draft is a draft. Ideas come from the Tribal community members, urban Indian organizations, etc. It is also based on similar statutes from other states. Drafting of the new law started five years ago. Tribes must have an opportunity to oversee their children. The draft is now in circulation. Draft identifies history and new policies to ensure that people cannot conceal the fact that a child may be Indian. No matter what happens with the federal law, the Washington state law should remain binding.”

Speaker 2

Cheri Moomaw
Colville, WA
Colville Reservation

“Child care and welfare have been a huge part of my focus since being elected. Colville fights to make sure that kids are kept at home whenever possible. Because people live off reservation frequently, they often hear horror stories about the state system. State level legislation will give

tribes a stronger voice. I was raised on a reservation, spent 16 years away, and felt like something was missing without knowing what it was. Children are a precious resource. The new legislation will give us more voice and more control. There should be a fight to keep children with family. Every child we lose is taken from our 7th generation. Today children are forced to walk in two different worlds, which create problems for our young people today. When children are taken away from their families, they become deeply scarred inside. Kids who don't know where they're from have a great sense of loss. Removing an Indian child from what they are used to takes them from an important piece of their life. We need to be allowed to be who we are."

Speaker 3

Carolyn Hartness, Indian Child Welfare Advisory Committee
Kitsap County
East Cherokee

Ms. Hartness is concerned by the high number of Indian children with fetal alcohol syndrome. Children are being taken away due to this and because of neglect. Ms. Hartness feels if the Indian Child Welfare Act had more "teeth" it would actually benefit Indian children. Ms. Hartness believes there is often terrible communication between the state, the court and all parties involved on a case. Ms. Hartness believes families often feel powerless and voiceless. She would like more support from legislators.

Speaker 4

Lynette Jordan, Foster Care Licensor
Seattle, WA
Chippewa and Colville

The high number of Indian children with fetal alcohol syndrome concerns Ms. Hartness. Children are being taken away due to this and because of neglect. Ms. Hartness feels if the Indian Child Welfare Act had more "teeth" it would actually benefit Indian children. Ms. Hartness believes there is often terrible communication between the state, the court and all parties involved on a case. Ms. Hartness believes families often feel powerless and voiceless. She would like more support from legislators.

Ms. Hartness provided a case example of a Native child raised by the maternal aunt since birth. The case came to LICWAC and a plan was developed to return the child in 6 months. The Aunt moved, so it took a few weeks for her to locate a new Child Haven to enroll at and child welfare ended up removing the child. A new case plan was set-up and the whole family came for a visit. The social worker informed LICWAC that child was being adopted, and the family found they had no power. It is Ms. Hartness' hopes that state level legislation would prevent this from happening again.

Speaker 5

Tony Johnson, Okay Boys Ranch
Neah Bay

Mr. Johnson commented that many members of his family went through something similar to the previous example. “Kids don’t have to be adopted out, people need to be held accountable.” Mr. Johnson commented that the state does not want to be held accountable and that they have separated themselves from Mr. Johnson’s people. He also stated that the state does not want to hear about ICW. Mr. Johnson believes that children do not have to be put in foster care and adopted out. “We should be closing the distance between us and the state. Change must happen.”

Speaker 6

Rebecca Peck, Social Services for Sammamish Indian Nation
Anacortes, WA
Sammamish Indian Nation

“I have been following the disproportionality study closely after reading the ombudsman’s report, which describes terrible problems at DSHS even when money was plentiful. We need to undo racism. Laws don’t change people’s attitudes. We need to spend money on education to address that issue.” Ms. Peck realizes that based on the current economy, cuts will have to be made. However, dismal efforts were made to address racism and disproportionality when money was being thrown at this problem. The state may write great laws but laws do not necessarily change people’s minds. Change needs to happen in DSHAS. Budget and limited resources need to be given to disproportionality. Any dollars and efforts we can put toward this will save children’s lives. We have to act now.

Speaker 7

Marlene Davis
Tacoma, WA

Ms. Davis feels if the state of Washington is going to be a child’s other parent then they need to do a better job of protecting children. It is not only the state’s fault it is also the tribes fault. We are all guilty of children being removed from their homes.

Ms. Davis shared that her daughter’s boyfriend harmed her granddaughter at age 4. The girl was removed, she was taken away. The family’s lawyer argued that ICWA applied, but the prosecutor said it did not. Her granddaughter is enrolled and active with Puyallup, but the father is non-Native and not engaged in the Native community. The child is suffering a mental breakdown. Her son is having a hard time getting visits also.

“The problem is not just with the State, but with the Tribe as well.”

Speaker 8

Janeen Comenote, United Indians of All Tribes

Seattle, WA
Quinault Tribe

“Today, more than ever emphasizes why ICW is needed. We are looking at Indian child *welfare*. What are the mandates that will be in WAICWA? and for working with kids who live off the reservation? We need to think about why Native kids are so over-represented in the child welfare system. I would like to address how we prevent them from getting involved in the system in the first place. The entire family may need to be involved; kids shouldn’t just be removed from their homes. And kids should not take the brunt of budget juggling, especially Native kids. Why are children going into out-of-home care and not having a voice about it?”

Ms. Comenote would like to see more planning around keeping families together. Families do not have enough resources to keep them together as it is. Many children are not going home and are often in transition between their reservation and various homes. Healthy families cost us less. Prevention is needed.

Speaker 9

Charles Goodwin, Foster Care Child
Seattle, WA
Blackfeet

“Our own community is a part of the problem.” Mr. Goodwin was disappointed in the turnout for Lobby Day. “Why can our community come together for a pow-wow but not for a day like today?” Mr. Goodwin did not know if native people in Seattle can be considered a community if they can’t come together. “Kids today are still in boarding schools only now they are known as “group homes.”

“What is the point of talking if nothing is getting done and people aren’t coming together? If we are serious about being a community, the kids should be able to bring us together to protect them.”

Speaker 10

Mary Widen
Federal Way, WA
Duwamish, Snoqualmie, South Canadian

Children who are placed out of their homes will wonder about their missing culture and heritage. Removed children often have to go and find this themselves. Children, who do not have any connection to family, are at risk for completely losing their identity, culture and heritage. Mary is of the Suquamish, Duwamish, and Skokomish. She was adopted at birth, grew up in Bremerton and moved to Portland. “I always knew I was Native...I dealt with a great deal of prejudice. I wanted to know my culture, language, and my family. I had a cultural connection through my Uncle, but still felt something was missing.” After visiting her Grandpa looking for her mother and sister, she found them. And ten years later she found additional siblings. All of them had

been adopted out and did not discover their culture until adulthood. “There needs to be a place where people can come together and support each other.”

Speaker 11

Marilee Bittner Favell, South Inter Tribal Planning Committee
Treasure Island, WA
Former Foster Child

Marilee was also removed from her parents at birth. She works for the inter-tribal consortium and is a foster grandmother to Chehalis children. “The ICWA needs to be enforced”. Ms. Bittner-Favell lost all of her culture and does not want other children to go through that. Often lost children cannot find their way back. The law needs to be reinforced.

Speaker 12

Leslie Revey
Lummi Nation

“The State and Lummi are in crisis mode. We need to secure new funding for changes to support foster homes, prevention, and a proactive model. We need to honor and uphold government-to-government relationships. There is an issue of ignorance to ICW in the state courts. Perspectives regarding ICW need to be taken from tribes and tribal members. We need to ensure new funding changes provide preventative services; we need to work toward minimizing out of home placements and establishing accountability. We need more money to support foster parents. We need to support tribes so they can identify healing communities. We need to uphold the relationships between state and tribes and support the self-governance of tribe. The needs to be tribal focus groups. We should look at securing what funding we do have and our investments and check on those investments. The state should be recognizing all children and tribes and there should be native licensers.”

Speaker 13

Roscoe Kickingstone, District 22
Olympia, WA

There needs to be raised awareness regarding the ICW Act and there should be culturally competent services in foster care. Placement of children in non-native homes has been historically systemic. Mr. Kickingstone has worked with a homeless agency for two and a half years and has seen kids running away from foster care or out of the street after turning eighteen. Please support the ICW act, be an advocate and recognize our culture.

This document was created by Marcy Reynolds, Intern to Rep. Pettigrew, based on the minutes taken by Kellie Good from the University of Washington, and Jennifer Yogi from Northwest Justice Project.

