

CULTURAL ISSUES IN PERMANENCY PLANNING

Tier II Assessor Training



Strong Families. Safe & Strong Kids.

YOUR DISCUSSION QUESTIONS

1. Why is it important for assessors to understand the relationship of culture and child development?
2. What do assessors need to know about culture and the family assessment?
3. Why must assessors be able to identify cultural barriers created by agency policy?



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YOUR DISCUSSION QUESTIONS

4. Why is it important to understand all aspects of transracial/transcultural placements?
5. Why must assessors be culturally competent?



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IMPORTANCE OF CULTURAL COMPETENCE

If culture is important to children and families, workers need to be culturally competent.



CULTURAL COMPETENCE

A culturally competent worker can:

- Make good family assessments
- Make good child assessments
- Make good matches
- Establish positive working relationships that continue through both the pre- and post-finalization process



CULTURAL COMPETENCE

Culturally-competent workers must be able to:

- Determine the difference between normal, abnormal and culturally-based developmental patterns
- Establish a trusting, professional relationship with clients
- Communicate with children and families of other cultures
- Assess a child's understanding of his/her own culture, based on age and developmental level



CULTURAL COMPETENCE

- Help families explore their ability to care for children of another culture or race
- Educate all families regarding cultural issues in placement
- Ensure training about cultural issues is available for all families who adopt or foster
- Adequately prepare the child and family for placement



CULTURAL COMPETENCE

- Provide culturally-appropriate support services to assist the family, if requested.
- Identify community resources that all families can access to assist them in parenting children with cultural needs.
- Provide for the diligent recruitment and preparation of families that is reflective of the children in need of homes.



FOUR STYLES OF COMMUNICATION

- Dialogue
- Discussion
- Debate
- Argument



GROUND RULES

- Participants are free to discuss racial/cultural issues without concern they will be personally attacked or labeled.
- Participants will have an opportunity to hear others and be heard by them.
- Participants will respect the ideas of one another and keep an open mind.



TAKING IT TO YOUR JOB

What is culture?



CULTURE IS...

A system of values, beliefs, attitudes, traditions and standards of behavior that governs the organization of people into social groups and regulates both group and individual behavior.



LOOKING AT OUR OWN CULTURE

Workers may have very different cultural backgrounds. This may:

- Present barriers to communication
- Interfere in a trusting, working relationship
- Hamper the worker's ability to do a fair and appropriate assessment
- Obstruct the worker's effort to provide culturally-appropriate services



TAKING IT TO YOUR JOB

Exploring My Own Culture

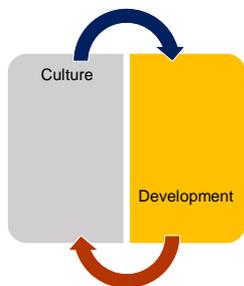


WHO ARE THESE KIDS?

Identifying and Validating the Child's Culture



CULTURE AND CHILD DEVELOPMENT



TAKING IT TO YOUR JOB

Culture and Child Development



DEVELOPMENT OF RACIAL/ ETHNIC IDENTITY



STAGES OF RACIAL/ETHNIC IDENTITY FORMATION

In non-minority persons

- Stage One: No social consciousness
- Stage Two: Acceptance
- Stage Three: Resistance
- Stage Four: Redefinition
- Stage Five: Internalization



STAGES OF RACIAL/ETHNIC IDENTITY FORMATION

In people of color

- Stage One: Pre-encounter
- Stage Two: Encounter
- Stage Three: Awakening/Immersion
- Stage Four: Internalization



STRUGGLE FOR IDENTITY

1. What were the feelings of the young adults growing up in multi-racial families?
2. Do you feel that these young adults have been able to develop a positive racial identity?
3. How did the adoptive parents assist with the racial identity formation?



STRUGGLE FOR IDENTITY

4. Did the parents unwittingly create any barriers for their children?
5. What should the agency's role be in supporting families who parent transracially?
6. What were some of the suggestions the young adults made for families and systems?



CRITICAL INCIDENTS

- Re-evaluating
- Personal Development



TAKING IT TO YOUR JOB

Racial, Ethnic, Identity Formation



CONTEXT OF COMMUNICATION

Refers to the degree to which a culture depends upon the "context"(or medium) in which the message is sent



CONTEXT OF COMMUNICATION

- High context: the culture depends less on verbal communication and more on non-verbal or implicit messages, such as gestures, facial expressions, environmental cues and moods.
- Low context: the culture depends more on verbal interactions and the use of precise, logical, direct, verbal statements.



CULTURE AND COMMUNICATION

- Meaning of eye contact
- Social distance and touching
- Informality and formality
 - Calling someone by his/her first name
 - Context and meaning of words



WHO ARE THESE FAMILIES?

Cultural Issues in Assessment



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ASSESSMENT CATEGORIES

- Motivation/Expectations of Adoption
- Personal and Emotional Maturity
- Stability and Quality of Interpersonal Relationships
- Resilience, Coping Skills and History of Stress Management
- Openness of Family System



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ASSESSMENT CATEGORIES

- Parenting Skills and Abilities
- Empathy and Perspective-taking Ability
- Entitlement
- Ability for Hands-on Parenting
- Lifelong Commitment



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ASSESSMENT– A LOOK IN DEPTH

Discuss your selected category and identify two or three possible cultural differences which may be observed and potentially misunderstood.



WHO ARE THESE EXTERNAL AGENCIES?

Agency Policies and Procedures that Create Permanency Barriers



BARRIERS

- Lack of understanding of cultural norms
- Inaccessibility
- Lack of appreciation and value for diversity
- Communication difficulties



KIDWELL ADOPTION AGENCY- POLICY MANUAL REVIEW

- In your group discussion, review and highlight culturally-insensitive statements or procedures.
- Decide upon a more culturally-competent alternative, and record your answer.
- Select a speaker to share your findings.



DEVELOPING CULTURALLY COMPETENT POLICIES AND PROCEDURES

- Culturally-competent administration and staff
- Culturally-sensitive personnel practices
- Enlightened policy author
- Diverse review committee
- Regular review of all policies and procedures



TRANSRACIAL/TRANSCULTURAL PLACEMENT ISSUES AND CONCERNS



DEFINITIONS

- **Parenting Transculturally** – caring for a child who has experienced a different culture from the parent
- **Parenting Transracially** – caring for a child who is of a different race than the parent



HISTORICAL PERSPECTIVE

- Transracial placements
- Placement of Native American children
- International adoptions



INTERNATIONAL ADOPTION IN THE US*

1990: 7093
 2015: 5462 (61 in Kansas)

Primary sending countries in 2015

- China—2343
- Ethiopia—322
- South Korea—320
- Ukraine—265

*U.S. Bureau of Citizenship and Immigration Services and U.S. Department of State



INDIAN CHILD WELFARE ACT OF 1978

- Applies to all custody proceedings involving Native American (NA) children, under age 18 and unmarried
- Does not apply to adjudicated youth
- Child must be a tribal member or eligible for membership
- Tribe determines eligibility or membership



INDIAN CHILD WELFARE ACT OF 1978

- Tribe has jurisdiction in the removal/placement of Native American (NA) children
- Tribe must be notified in all cases involving (NA) children
- Placement preferences are established by the Indian Child Welfare Act (ICWA)
- Every state must comply with (ICWA)



ICWA TIPS

- Ask the child's family directly.
- Document family members' responses in writing.
- Gather as much information as possible.
- Document all tribal contacts.
- Educate yourself.



MEPA: THE MULTI-ETHNIC PLACEMENT ACT OF 1994

1. An agency or individual cannot delay or deny a child's placement for foster care or adoption or otherwise discriminate in making a placement decision solely on the basis of race, color or national origin.

MEPA eliminated this kind of policy:

A child can only be placed with a family of the same race, color, or national origin.



MEPA: THE MULTI-ETHNIC PLACEMENT ACT OF 1994

2. An agency or individual cannot categorically deny a person to foster or adopt solely on the basis of race, color or national origin.

MEPA eliminated this kind of policy:

Applicants or approved families may only receive placements of children who are of the same racial/ethnic background as the child. There will be no transracial placements made at this agency.



MEPA: THE MULTI-ETHNIC PLACEMENT ACT OF 1994

3. An agency must diligently recruit potential foster/adoptive families that reflect the racial/ethnic diversity of children in care.

Example of MEPA appropriate policy:

The agency shall conduct an annual assessment determining the RCNO of children in foster care/adoption and develop a plan to recruit families whose RCNO mirror that of the children needing temporary or permanent homes.



MEPA, AS AMENDED

The Multi-Ethnic Placement Act of 1994 (MEPA) was amended by the Interethnic Adoption Provisions, Section 1808 of the Small Business Job Protection Act of 1996.

- Clarify the language of the original law.
- Decrease the length of time children wait to be adopted.
- Eliminate discrimination on the basis of Race, Color or National Origin (RCNO) of the children or prospective families.
- Facilitate the recruitment and retention of foster and adoptive parents who can meet the distinctive needs of children awaiting placement.



INTERETHNIC ADOPTION PROVISIONS

- States or entities cannot delay or deny a child's foster care or adoption placement on the basis of the child's or the prospective family's RCNO.
- States or entities cannot deny any person the opportunity to become a foster or adoptive parent on the basis of RCNO of the person, or of the child involved.
- States must diligently recruit potential foster/adoptive families who reflect the racial and ethnic diversity of children in the state who need foster and adoptive homes.



HIGHLIGHTS OF REVISIONS

- The terms *solely* and *categorically* were removed.
- Clarified that **NO DELAYS** or **DENIALS** are permitted, including additional requirements, training, paperwork, etc.
- Law is *unchanged* regarding recruitment of families that reflect the RCNO of the children in foster care or adoption programs.
- Violations of MEPA, as amended, carry **financial sanctions**.



KEY POINTS OF MEPA, AS AMENDED

- A child’s RCNO cannot be routinely considered as a relevant factor in assessing a child’s best interests.
- Social workers cannot assume that needs based on RCNO can be met only by a same RCNO parent.



KEY POINTS OF MEPA, AS AMENDED

- In making placement decisions, broad or general assumptions about children’s needs or parental suitability are supposed to be put aside in order to place a child with individuals who can love and respond to the child’s distinctive characteristics.
- In each child’s placement decision, the consideration shall be the child’s individual needs and the ability of the prospective caregiver to meet those needs.



TO AVOID PRACTICES THAT DELAY:

- No “holding periods”
- No “search periods”
- There must be no EXTRA STEPS for transracial placements.
- There cannot be any delays of any kind.
- Relatives must be aggressively sought.



TO AVOID PRACTICES THAT DENY:

- Utilize comprehensive assessment and permanency planning practices.
- Follow the law and rules.



FOSTER/ADOPTIVE PARENTS' QUESTIONS OR INQUIRIES

Guidelines:

- No steering
- Provide information that is research-based.
- Do not share your opinion!
- Encourage foster/adoptive parents to do their own information gathering.



WHAT IS STEERING?

- Describing additional requirements that applicants who desire to parent a child of another RCNO must complete
- Using scare tactics about potential problems the parents would face if they parent a child of another RCNO
- Stating that the family would receive a quicker placement if they would only parent children of the same race



IMPORTANCE OF INDIVIDUALIZED CHILD ASSESSMENT

- Even when justified, the consideration of RCNO shall not be the sole determining factor in the placement decision and does not equate that only a same-race placement shall be considered. All families who can meet the child's needs shall be considered.
- However, if in extreme circumstances a worker feels that RCNO must be considered, this must be well documented in the Individualized Child Assessment.



INTERSTATE PLACEMENTS

- The Adoption and Safe Families Act of 1997 (ASFA) prohibits the denial or delay of placement based on the adoptive parents' geographic location.
- Neighborhood-based foster care is not prohibited by MEPA, as amended, or ASFA.



BONUS TRIVIA QUESTION

Why are Native American children excluded from MEPA, as amended?



PREVENTING PROBLEMS AND CONFLICTS

- Know the law.
- Follow established DCF policies.
- Early identification and speedy notification of kin
- Stay child-focused.
- Conduct a thorough assessment of the child's needs.
- Actively recruit diverse foster and adoptive families.



THREE QUESTIONS

- What are the child's special or distinctive needs, based on race, color or national origin?
- Why is it in the child's best interests to take these needs into account?
- What are the child's other important needs?



CULTURAL ISSUES IN PERMANENCY PLANNING

Written by IHS for the Ohio Child Welfare Training Program. Adapted, with permission, for the Kansas Department for Children and Families.
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Cultural Issues

Agenda

DAY I

- I. Introduction 45 min.
- II. Defining Culture 45 min.
- III. “Who Am I?” Understanding Our Own Culture: The First Step to Cultural Competence 40 min.
- IV. Who Are These Kids? Identifying and Validating the Child’s Culture
 - A. Cultural Issues in Normal Child Development 60 min.
 - B. Cultural Identity Formation 60 min.
- V. Who Are These Families? Cultural Issues in Assessment 60 min.
 - A. Communication/Interviewing Issues in Cross-Cultural Assessments

DAY II

- V. Who Are These Families? Cultural Issues in Assessment (cont.) 90 min.
 - B. Cultural Overlay of Assessment Categories
- VI. What Are The Agencies? Agency Policies and Procedures that Create Permanency Barriers 30 min.
- VII. Transracial/Transcultural Placement
 - A. Issues and Concerns in Transcultural Placement 25 min.
 - B. Legal Issues in Transracial/Transcultural Placement
 - 1. ICWA (30 min) 105 min
 - 2. MEPA 1994-1996 ((10 min)
 - 3. IEP, passed 1996 (10 min)
 - 4. Application of MEPA, as amended (20 min)
 - 6. MEPA Jeopardy (25 min)
 - 8. Preventing Conflicts and Problems (10 min)
- VIII. Evaluation and Conclusions 10 min

Competencies

201-10-001

Knows the provisions and requirements of the Multi-Ethnic Placement Act (MEPA) and the Indian Child Welfare Act (ICWA) and how they affect foster care and adoption practice

201-10-002

Understands how differences in values, communication styles, social interactions and perspectives between a worker and an applicant family may complicate the family assessment/home study

201-10-003

Understands how values, beliefs, codes of conduct and other cultural influences may affect separation, attachment and a child's adjustment in placement

201-10-004

Understands the unique issues in transcultural foster and adoptive placements

201-10-005

Understands the importance of helping children in resource families develop or retain a positive cultural or racial identity

201-10-006

Understands how agency policies and practices may present obstacles to recruiting and retaining families from minority groups

201-10-007

Knows how to conduct a resource family assessment in a culturally-sensitive and informed manner

201-10-010

Knows how to make placement decisions that are beneficial to the child, and also in compliance with MEPA and ICWA

201-10-011

Can assist resource families in ensuring cultural continuity and positive identity formation for children in their care

Taking It to Your Job: A Transfer-of-Learning Tool

What Is Culture?

What I learned/how I will use it on my job:

Exploring My Own Culture

What I learned/how I will use it on my job:

Culture and Child Development

What I learned/how I will use it on my job:

Racial/Ethnic Identity Formation

What I learned/how I will use it on my job:

Cross-Cultural Communication

What I learned/how I will use it on my job:

Culture and the Family Assessment Process

What I learned/how I will use it on my job:

Cultural Barriers in Agency Policy and Procedures

What I learned/how I will use it on my job:

Transracial/Transcultural Placements

What I learned/how I will use it on my job:

Styles of Verbal Communication

Dialogue

In a dialogue, people engage in a conversation or communication that explores ideas, opinions and assumptions for the purpose of reaching a higher level of understanding. There is no expectation that any consensus or conclusion will be reached, nor that anyone's opinion is more valid than anyone else's. Participants should not attempt to persuade others, and everyone "wins". The goal is to surface, explore and clarify relevant information. **There is no attempt to draw a conclusion, make a decision or take a stand on an issue.**

Discussion

Discussion is an exchange of information that not only identifies and clarifies issues, but guides communication in an attempt to weigh information, draw conclusions, reach a decision or consensus about the topic or lead participants to select a position. Through the exchange of information, the most relevant or valid conclusions can be identified.

Debate

Debate is designed to persuade. It is an exchange of information designed to convince someone else of the "rightness" of one's own information, opinion or belief. Because of its persuasive intent, there may be a strong emotional expression on the part of the debaters, and a strong psychological investment in winning. The person whose opinion or information is most complete, most comprehensive, most logically sound and communicated with the greatest degree of conviction generally "wins" the debate. However, winning depends on the strength and inherent validity of the ideas, and the ability of the debater to persuade others of this validity.

Debate is logical and rational.

Argument

Argument is communication in which participants have a strong vested interest in winning at all costs. The need to win may not be associated with the validity of ideas. People argue to vent hostility or anger, to preserve self-esteem, to display or reassert power or strength, to defend against some perceived threat or loss, to inflict hurt on others or to discredit an opponent. As arguments are primarily emotional events, they are often irrational or illogical. The point of an argument is not to communicate rationally and logically or to enlighten.

Culture Defined

The first consideration in any discussion of culture is to define and differentiate it from other related terms, such as race, nationality or ethnicity. While these terms are often used interchangeably, they have very different meanings.

Culture is more complex than either ethnicity or race. Culture refers to the total system of values, beliefs, attitudes, traditions and standards of behavior that regulate life within a particular group of people. Culture includes components that organize people into social groups and regulate both individual and group behavior.

Culture includes cognitive systems, such as beliefs, attitudes and values. It includes norms, which are rules regarding appropriate ways of behaving, and it provides definition of roles, which are the appropriate and expected behaviors of certain people based upon gender, social position or area of responsibility in the society. It includes spiritual or religious systems and institutions. It includes language, which is the principle tool for communication among group members. Culture also includes the products of life, including the art and artifacts produced by the group.

While race is determined by one's biology, and ethnicity is determined by one's national or regional origin, culture is "made by humans". Cultural components are created by individuals and incorporated into group life to regulate social organization and assure the survival and well-being of group members.

In contrast to race, gender or ethnicity, culture is *transmitted through learning*. It is important to emphasize this point since so much of cultural behavior, once learned, appears to be so "natural" that it can easily be perceived as "instinctive" or biologically determined. In fact, many people remain unaware that their beliefs and actions are, in fact, largely components of their culture—that is, learned over a lifetime.

“Who Am I?”

A Look Inside Your Own Culture

Directions:

Select one question from 1-6. After reading the question, should respond by relating how the issue(s) was handled within your family. Then discuss questions 7 and 8 in your group.

Discuss *one* of these questions (#1 through #6):

1. As a child, what holidays did your family celebrate? How were they celebrated? How have family traditions been handed down in your family? Do you celebrate holidays now as your family did when you were a child? Why or why not?
2. What rules or values did your family have for children regarding chores, dress, dating, school, relationships with adults, peer relationships, manners and etiquette? How were these rules or values communicated?
3. What foods did your family eat regularly that were different from foods your friends ate? Do you still eat these things? Why or why not?
4. What role did religion play in your family of origin? Did you worship regularly? Pray at home? Was religion a frequent topic of conversation in your home?
5. Did your family openly discuss sex in front of or with you?
6. Did your family openly discuss money matters in front of or with you?

Every group discusses:

7. Do you define your family of origin as traditional or nontraditional? Why? Do you consider your current family to be traditional or nontraditional? Why?
8. When and how did you learn about your race and your ethnicity? Who taught you? Was it taught implicitly or explicitly? How has your race/ethnicity been integrated into your daily life? How did your family handle the issues of racism and discrimination?

Cultural Issues in Child Development

Cultural Implications for a Child's Growth, Development and Identity Formation

Ages Birth to Two Years

- Infants and toddlers become accustomed to sights, smells and sounds of their environment.
- Infants develop attachment to the primary caregiver as a result of the caregiver's ability to meet the child's expressed needs. The child becomes accustomed to the caregiver's voice, scent, touch and method of meeting needs. Cultural norms around caregiving may include when and how long a baby should cry, the use of a bottle or breast-feeding, schedules and routines, stimulation, exercise and play.
- Infants and toddlers experience rapid physical growth and development, including the acquisition of gross motor skills. Cultures may vary relative to how much or how little they encourage or stimulate this growth. For example, in a culture where the mother carries the child on her back until age two, the child may not learn to walk until later in toddlerhood.
- Toddlers begin to develop language based on the language used to interact with the child in the home.
- Toddlers begin to imitate social roles demonstrated by adults in the home environment. The child internalizes key cultural rules and expectations.
- Norms for gender roles are taught implicitly and explicitly to toddlers via toys, activities and clothing.
- Toddlers become as autonomous as caregivers may permit. Some cultures encourage the child's curiosity, while others may limit free exploration.
- Toddlers form a rudimentary self-concept based on praise or scolding from their primary caregiver.

Ages Three To Five

- The development of motor abilities may differ between boys and girls due to cultural differences. Some cultures may reinforce rough-and-tumble play for boys, stimulating muscle development and improving gross motor coordination. The child’s culture may reinforce quiet play for girls, including drawing, coloring, playing musical instruments and doll play, which promote fine motor coordination.
- Play is important “work” for children. How and what children play at is influenced by culture. Some cultures emphasize fantasy play, while others promote athletic or competitive play. Also, children’s play provides many opportunities to imitate social roles, practice rules of etiquette and develop communication skills—all of which are influenced by culture.
- The toys children play with may also be determined by culture. For example, some cultures purchase toys in stores, while other cultures may prefer that children play with homemade toys.
- Preschoolers begin to notice physical differences in individuals, including skin color, hair texture, etc. They may use known words to describe skin-color differences, such as chocolate, vanilla, caramel, or say that the individual has a tan.
- The acquisition of culturally-acceptable gender roles is critical during this stage. Children begin to mimic parental role models, and internalize expectations of what males and females can and should do.
- Preschool children develop a worldview based solely on family interactions in the home. At this age, children believe every family functions similarly.
- Preschool children become familiar with the visual cues of emotions and feelings observed in the home, and become aware of culturally-appropriate ways to express feelings.
- Initiative and autonomy are important tasks of this age group. How much, and in what ways, a child can explore and discover the world are guided by cultural norms and rules for children’s behavior. Some cultures encourage the child to freely conquer his/her environment, while other cultures prefer that children operate within prescribed boundaries.
- Older preschoolers are able to identify their racial, ethnic or religious group. The child is exposed to positive and negative messages about his/her group as portrayed by the media, toys, books, etc.
- Language for the preschool child is expanding and becoming refined. The nature of language, the specific meaning of words and rules for when and how people talk with one another are culturally determined. Some cultures may have the rule, “children should be seen and not heard,” while other cultures may encourage conversation between children and adults. For example, a child who asks for a drink of water by saying, “I want fa-foo,” may be using a family or culturally-recognized word. If a child welfare professional does not recognize the effect of culture on language development, an inaccurate assessment of speech and language delays could be made where none exist.

Ages Six To Nine

- During this stage, motor skills in children are being refined and perfected. The development of motor skills may also be influenced by cultural factors. Cultures that value physical strength and skill tend to reinforce activities that involve gross motor abilities. In some cultures, girls are discouraged from engaging in active, rough-and-tumble physical play. Cultures that place greater value on cognitive and social, rather than physical, skills may tend to discourage active, physical play and direct children to pursue activities that stimulate intellectual growth.
- During this stage of development, the child is beginning to understand another person's perspective. The child comes to understand that people are different from him/her, and that others think differently, feel differently, behave differently, etc.
- Children at this age are beginning to develop coping skills. Strategies to solve problems are tied to one's culture, and the child will likely incorporate coping skills modeled by his/her parents.
- School-aged children are governed by gender roles and rules, which are greatly influenced by culture. For example, a culture may have strong values that the father should work outside the home and the mother should work inside the home, while another culture may expect that both mother and father work outside the home and share household responsibilities.
- Six- to-nine-year-old children become aware of their parents' attitudes towards sex, sexuality, nudity, etc. Children will begin to integrate these attitudes into their own values and beliefs.

Ages 10 To 12

- Children of this age are beginning to understand gender role differentiation more fully. The child realizes that boys and girls are different and are expected to behave differently. For example, a comment such as, “Don’t be silly; boys don’t play with dolls,” would exemplify rigid gender role expectations of the child. Children will emulate those qualities valued for their gender in their culture. Culture may determine the acceptable behaviors for boys and girls, but the expectation that males and females are different in significant ways is fairly universal.
- School-aged children are becoming social beings. Rules of social behavior and etiquette are determined by the child’s culture, but are also increasingly influenced by the child’s peers.
- Self-esteem grows from the child’s sense of accomplishment. External feedback, verbal and nonverbal, about the child’s performance will stimulate a positive self-concept or contribute to poor self-esteem. A child’s self-concept is greatly influenced by outside forces, such as racism, sexism and other forms of prejudice.
- The child begins to explore what membership in his/her group means and begins to assimilate cultural norms, values, attitudes and behaviors into a daily routine. At this stage, the child is highly motivated to participate in cultural activities. However, the influence of the “outside world”—especially that encountered in the all-important world of school—is also beginning to influence and shape the child’s sense of self. At this age, the child may begin to question or experience conflicts with the previously incorporated worldview primarily influenced by the home, and the cultural values learned there.
- For the older school-aged child, the onset of puberty and the development of identity stimulate interest in his/her family history and cultural heritage.

Ages 13 To 18

- One of the major tasks of adolescence is the development of a personal identity. Analyzing and integrating culturally-driven factors, such as values, beliefs, social roles, responsibilities and rules of behavior into one's identity is challenging to the adolescent.
- Managing one's emerging sexuality is a significant challenge for the 13- to 18-year-old. Acceptable sexual behaviors and attitudes are determined by the child's culture. For example, while one culture may encourage open discussion of sexual behaviors, birth control, dating, etc., another culture may feel the subject of sex is taboo, and should not be discussed with children.
- Puberty is in full swing for the youth during this stage. The onset of puberty and menstruation may have various meanings, based on the child's culture.
- The search for independence is a significant source of stress for the adolescent. Culture determines when and how a child emancipates from his/her family of origin. Many cultures incorporate rites of passage to adulthood during this stage of development.
- Peer relationships are an important factor for all adolescents, but how and when these interactions take place is determined by the child's culture. Some cultures may limit peer interactions to structured events, while others may permit the youth to engage in friendships freely.
- At this stage of development, the youth struggles with the meaning of his/her race, culture, ethnicity, religion and gender, and begins to determine how these characteristics will be integrated into his/her concept of self.

Cultural Issues in Child Development: A Snapshot

Ages	Cultural Issues			
0-2	Accustomed to sights, sounds, smells, tastes	When and how long a baby should cry; use of bottle vs. breast; play; schedules; stimulation	Begin to develop language	Rudimentary self-concept based on praise or scolding of caregiver
3-5	Begin to note physical differences in individuals; older preschoolers able to identify own cultural group	How and what children play (athletic and competitive play vs. quiet or fantasy play); choice of toys	Language expands and becomes more refined; learn how and when people and children talk	Opportunities for exploration, initiative and autonomy impact self-confidence, self-concept
6-9	Begin to understand perspective of others, that there are differences in beliefs and practices	How and what children play (motor, social or cognitive skills emphasized)	Heavily influenced by roles and rules, which both have a strong cultural context	Begin to develop coping skills that are heavily influenced by culture

Ages	Cultural Issues			
10-12	Begin to understand gender role differentiation (culturally determined)	Rules of social behavior and etiquette are governed by cultural context	Highly motivated to participate in cultural activities and assimilate cultural norms, values, attitudes, behaviors; interested in family history, cultural heritage; may question culture through association with school peers	Self-esteem grows from child's sense of accomplishment; greatly influenced by outside forces such as racism, sexism and other forms of prejudice
13-18	Search for independence; culture determines when and how child emancipates	Peer relationships are extremely important; when and how interaction takes place is culturally determined	Manage emerging sexuality; acceptable behaviors defined by culture; onset of puberty and menstruation have cultural implications	Development of personal identity; youth struggles with meaning of race, culture, ethnicity, religion and gender

Development of Racial/Ethnic Identity

Identity Development in Non-Minority Individuals

No Social Consciousness	Spontaneous, natural behavior triggered by the pressures to conform to particular social norms and behaviors. Individual is unaware of his/her expected social role.
Acceptance	Individual identifies with role models and imitates the modeling of behavior. Individual conforms to social expectations of appropriate behavior as a member of his/her group. Behaviors, attitudes and values that do not fit into group's code of conduct are rejected and devalued.
Resistance	Individual begins to question previously-held beliefs. Feelings of discomfort and anger emerge. Individual begins to reject the group's pressure to conform. A new perspective about his/her group is formed.
Redefinition	Individual becomes introspective about group's values and codes of conduct. Renewed interest in racial/ethnic heritage. Sense of pride in one's racial/ethnic group membership.
Internalization	Individual is able to integrate insights. Individual is more flexible, open-minded and somewhat autonomous. Individual recognizes extent of his/her journey and empathizes with those at earlier stages.

Identity Development in Persons of Difference

Pre-Encounter	Individual lacks interest in race concept and fails to see it as relevant. May prefer dominant cultural values or codes of conduct, yet he/she may feel inferior or anxious.
Encounter	Individual examines and questions previously held dominant cultural attitudes and beliefs. Stage can be triggered by a single overt encounter, or an accumulation of subtle experiences. Individual may experience confusion about his/her own group as well as other groups.
Awakening/ Immersion	Individual has searched for his/her own identity and is committing to his/her roots. Likely to endorse values and codes of conduct of his/her own group and reject those of other groups.
Internalization	Reassessment of racial/ethnic identity from which a more balanced, integrated identity emerges. Individual internalizes a positive, secure identity, permitting him/her to appreciate other racial/ethnic groups.

Assessment Activity

Instructions

An inaccurate assessment of a family is likely to occur if the worker is not aware of potential cultural differences.

For example, in the category of Resilience, Coping Skills and Stress Management, some examples of cultural differences may be:

- Some cultures may stress stoicism; therefore, these individuals may cope with stress internally.
- Spirituality may be held in high esteem in some cultures; prayer and meditation would be common coping strategies.
- Because some cultures do not believe in disclosing personal problems outside the immediate family, the use of professional helpers such as counselors or therapists, would not be a common stress management technique.

Identify three or four cultural differences that may exist for your assigned category. Record your answers on the flipchart paper and select a spokesperson.

Cultural Implications within Assessment Categories

Motivation and Expectations for Foster Care or Adoption

Some families may not be able to articulate accurately their motivations to foster and/or adopt, as this is a complicated and complex issue. Language barriers and educational differences may contribute to this struggle.

Religious motivations to foster and adopt must be carefully assessed. For some families, the need to foster or adopt is a duty or a calling, and the family is being pressured directly or indirectly by their church community to pursue placement. They desire to foster or adopt to fit into their church family. Placement with such a family is likely to result in crisis or disruption when the child's inappropriate behavior is viewed as ungrateful. Some families may express having seen a vision or state that God will answer prayers and respond to needs.

For other families, however, providing a temporary or permanent home to a child or adult in need is a natural outgrowth of their spiritual life. Placement is viewed as a selfless act, and the child is seen as needing care, nurturance and healing.

Personal and Emotional Maturity

Families whose culture stresses modesty and humbleness may not be able to express strengths, skills and abilities of themselves or their family.

Cultures that stress privacy and limit who can be privy to personal information inhibit an individual's ability to talk about personal problems, responsibilities, vulnerabilities and needs.

What constitutes being responsible may be determined by one's culture. For example, while one culture may view job stability as responsible, another culture may value attention to parenting and home management as the ultimate responsibility.

Stability and Quality of Interpersonal Relationships

How and with whom individuals have interpersonal relationships are greatly influenced by one's culture. While some cultures are open and accepting of a variety of relationships, others may be more closed and value engaging in relationships on a limited basis.

Longevity in a relationship cannot be a sole determinant of a healthy relationship. For example, some cultures may feel negatively about divorce, which would prohibit the termination of an unsatisfactory or even abusive relationship.

Some cultures may not encourage openness in the discussion of sex, sexuality and sexual relationships. This could be misconstrued as "hiding something" if the assessor is not aware of cultural rules. How and when physical affection is displayed is also culturally determined.

It is important to note that persons from oppressed populations may be hesitant to share a great deal of personal information with individuals from governmental agencies, as they are concerned about how the information will be used or shared with others.

Roles and responsibilities within the relationship may be culturally determined. Some cultures assign roles and responsibilities according to gender, while others do not.

Resilience, Coping Skills and History of Stress Management

How individuals handle stress may be culturally determined. Some individuals pride themselves on being self-supporting and prefer to "pull themselves up by their bootstraps". They may not readily share their problems with others, but rely on internal resources.

Spiritual or religious support is for some cultures a common way of coping with stress and personal problems. In such cultures, clergy members are held in high esteem and are consulted on personal and family issues.

Who comprises a person's support system may also be influenced by culture. For some individuals, family, close friends and the church constitute an adequate support system. Personal problems may not be shared outside this close-knit group. For other individuals, utilizing professional helpers, such as therapists and counselors, is an acceptable coping strategy.

Openness of Family System

Some families will not seek help from formal community agencies; rather, they maintain strong, informal networks of kin and friends. They may prefer to turn to clergy or church group for help.

Other families may use professional helpers from agencies or organizations, as they prefer not to share personal issues with those close to them to avoid embarrassment or to avoid burdening their loved ones with personal problems.

Families may use a combination of formal and informal helpers, depending upon the situation. Medical issues may be directly referred to a doctor who is held in great esteem, while emotional issues may be handled in the context of an informal support system.

Parenting Skills and Abilities

Many facets to parenting are influenced by culture. For example, expectations for children may vary from one culture to another. One family may expect older children to care for younger children, while another may view caregiving as strictly an adult responsibility.

Some families discipline children using non-corporal punishment, as they value nonviolent means of punishment. Other families may believe that physical punishment is an important component of discipline and that if parents do not spank their children, they are not being responsible parents.

Child care and nurturing may also be culturally-based. How parents feed, clothe, bathe, show affection to and stimulate a child may vary from parent to parent. Some families may believe that children should be allowed to cry before being picked up, while others may respond to a child at the first sound.

Empathy and Perspective-Taking Ability

Because of limited exposure to diverse situations, some families may have difficulty understanding a perspective other than their own. The family may have never personally experienced or been aware of the conditions that lead to child abuse and neglect. Their first exposure to these concepts may have been in pre-service training.

Some individuals may not be able to empathize openly with others who are different from them because they feel that in doing so they may be at risk of ridicule from family members or others from their culture.

Entitlement

In some cultures, it may be commonplace for individuals to care for or raise someone else's child. The parent may have grown up with non-blood siblings and view this relationship as typical. For these individuals, entitlement and claiming are easily achieved.

Some families may have more rigid guidelines about what constitutes family. These relationships may be drawn strictly along bloodlines, and the introduction of a non-blood family member may seem out of the ordinary and require additional support.

Claiming children into the family may be driven by cultural norms and rules. For example, some families may use formal means, such as a welcome party, announcements or introduction at church. Other families may choose more informal means, such as placing the child's name on the chore list, referring to the child as "my son/daughter," or sharing family stories.

Ability for Hands-On Parenting

Parenting styles and methods are influenced by a person's culture. Some families may parent by giving verbal directions and expect the child to respond by complying on the first request. Other families may give a child two or three commands before intervening.

Some families prefer to be totally involved in their child's life and view their role as one of model or mentor. They see their child as a "do-it-yourself" project and are actively involved in their child's day-to-day routine. Other families may view parenting as a more indirect role, whereby the adults set standards and monitor the child's behavior, but do not personally participate in their child's daily activities.

Lifelong Commitment

How and when individuals make a permanent commitment to others can be influenced by cultural factors. Some families may have many long-term relationships because their culture encourages the establishment and maintenance of lengthy relationships.

Some families may not have had the opportunity to establish long-term relationships due to frequent moves necessitated by circumstances such as being in the military or pursuing job opportunities.

Some individuals may have decided to sever long-term ties because of their dysfunctional nature. Such families might be in the process of developing new relationships in order to ensure a healthy existence, and might need support for doing so.

Policy Implications

Kidwell Agency Policy Manual Review

You have been hired by the Kidwell Agency to review its policy and procedure manual to ensure it is culturally sensitive.

Your group has been assigned part of the manual. Read the policy and underline the sections you feel may be culturally insensitive. Discuss your findings with your team. On the left side of a flipchart paper, record the issues your group uncovered. For each problematic issue, develop a culturally-sensitive alternative. Record these on the right side of the flipchart.

Choose a spokesperson to report your findings.

Kidwell Agency Policy on Recruitment of Foster and Adoptive Families

Adopted February 30, 2006

1. The agency desires to recruit good families to provide foster care and adoption for our children. We believe that the best families have the following characteristics:
 - Two parents, mother is an at-home parent
 - Minimum income of \$30,000
 - Family attends church at least once per week
 - Home has fenced-in yard for child to play in
 - Family has blood relatives living within 25-mile radius
 - No history of criminal activity or mental health services
 - Parents meet height/weight standards within the normal range
2. The agency will place advertisements the first Sunday of each month in the City Times Daily newspaper in the Family Section. The advertisement will describe the types of children who need families and give a phone number for interested people to call.
3. The agency will also run a 25-second Public Service Announcement (PSA) on television during Channel 9 noon news on the first and third Saturdays of each month. The PSA consists of the executive director telling viewers that the agency needs foster and adoptive parents. The agency's phone number will flash on the screen.
4. The agency will conduct an annual recruitment campaign the second week of August during the County Fair. An information booth will be set up in the Swine Building. Staff will volunteer to work the booth in four-hour increments. Balloons will be given to all children.
5. An administrative assistant will receive calls from interested people 9 a.m. to 4 p.m., Monday through Friday. After hours, callers may leave a message on the agency answering machine with their name and address.
6. Interested persons will be sent an informational packet, including an application, fingerprint form, police check form, financial form, medical form, a copy of the State rules for foster care and adoption, and a 30-page booklet on foster care and adoption.
7. When an individual returns a completed application packet, he/she will be invited to attend the next scheduled training session.

Kidwell Agency Policy on Pre-service Training for Foster and Adoptive Families

Adopted February 30, 2006

1. Training will be 36 hours in length, and will cover the following topics: attachment, separation, abuse and neglect, sexual abuse, teamwork, birth parent issues, child development, impact of fostering on the family, adoption issues, discipline and agency policies.
2. Training will be held 7 p.m. to 10 p.m., on 12 consecutive Wednesday evenings, or on three consecutive weekends, 8 a.m. to 3 p.m., Saturdays and Sundays.
3. Training rounds will be held three times per year. Applicants must take the sessions in order and must begin with Session 1. If an applicant calls the agency during the middle of a training session, he/she must wait until the next session begins.
4. Trainings will be held in the Community Room on the third floor of the Old First National Bank Building on Main Street. Since training is held after banking hours, trainers and applicants must enter the bank using the back door and use the steps to reach the training room. Food and drink are not permitted in the training room.
5. Written homework assignments based on readings will be given each week. Trainees will not receive a training certificate until all homework is completed and submitted.
6. The maximum number of participants is 25. Additional applicants will be placed on a waiting list for the next training.
7. The training will be conducted using lectures, videos, reading assignments and homework. Questions will only be answered at the end of class, time permitting.
8. For security purposes, applicants and trainers must exit the building by 10 p.m.
9. Personal issues of the applicants are not to be discussed at class with trainers. Applicants are to call the agency to talk with staff.

Kidwell Agency Policy on Home Study Assessment for Foster and Adoptive Families

Adopted February 30, 2006

1. The home study assessment may begin after completed applications packets have been received and all training requirements have been met.
2. In addition to meeting State requirements, applicants must also:
 - Possess a driver's license and own a car
 - Have at least a high school diploma
 - Have English as their primary language
 - Have stable finances, including savings to cover three months' expenses
3. All interview appointments will take place in the agency during working hours (9 a.m. to 4 p.m., Monday through Friday).
4. A health and safety inspection of the home will take place once all other requirements have been met. The home study worker will coordinate a group inspection along with the Health Department and Fire Inspector.
5. The applicants, all other adults living in the home, and the designated backup child care provider must be fingerprinted. The applicants must pay the cost of \$25 for each set of fingerprints.
6. During the home study process, each applicant must write a 500-word autobiography describing his/her childhood and motivation to foster/adopt.
7. The applicant must also complete and pass a five-page written exam covering information taught during the pre-service training classes. Applicants who fail to pass will be required to repeat the training.
8. Assessments will be assigned to social workers on a rotating basis. Applicants are to communicate only with that worker.
9. Acceptance or denial of the applicant will be done in writing and delivered via U.S. mail.
10. Refusal to answer any question will result in immediate withdrawal.

Opinions about Transracial/Transcultural Placement

	Positions For	Positions Against	Outcomes
Transracial Placements			
International Placements			



Indian Child Welfare Glossary and Flowchart



NICWA

National Indian Child Welfare Association

Protecting our children • Preserving our culture

The Indian Child Welfare glossary is compiled to accompany the ICWA/Child Protective Services (CPS) Flow Chart. The glossary represents words that are commonly used in Indian child welfare and in situations where the Indian Child Welfare Act is applied.

This material was developed by the National Indian Child Welfare Association.

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Acknowledgements

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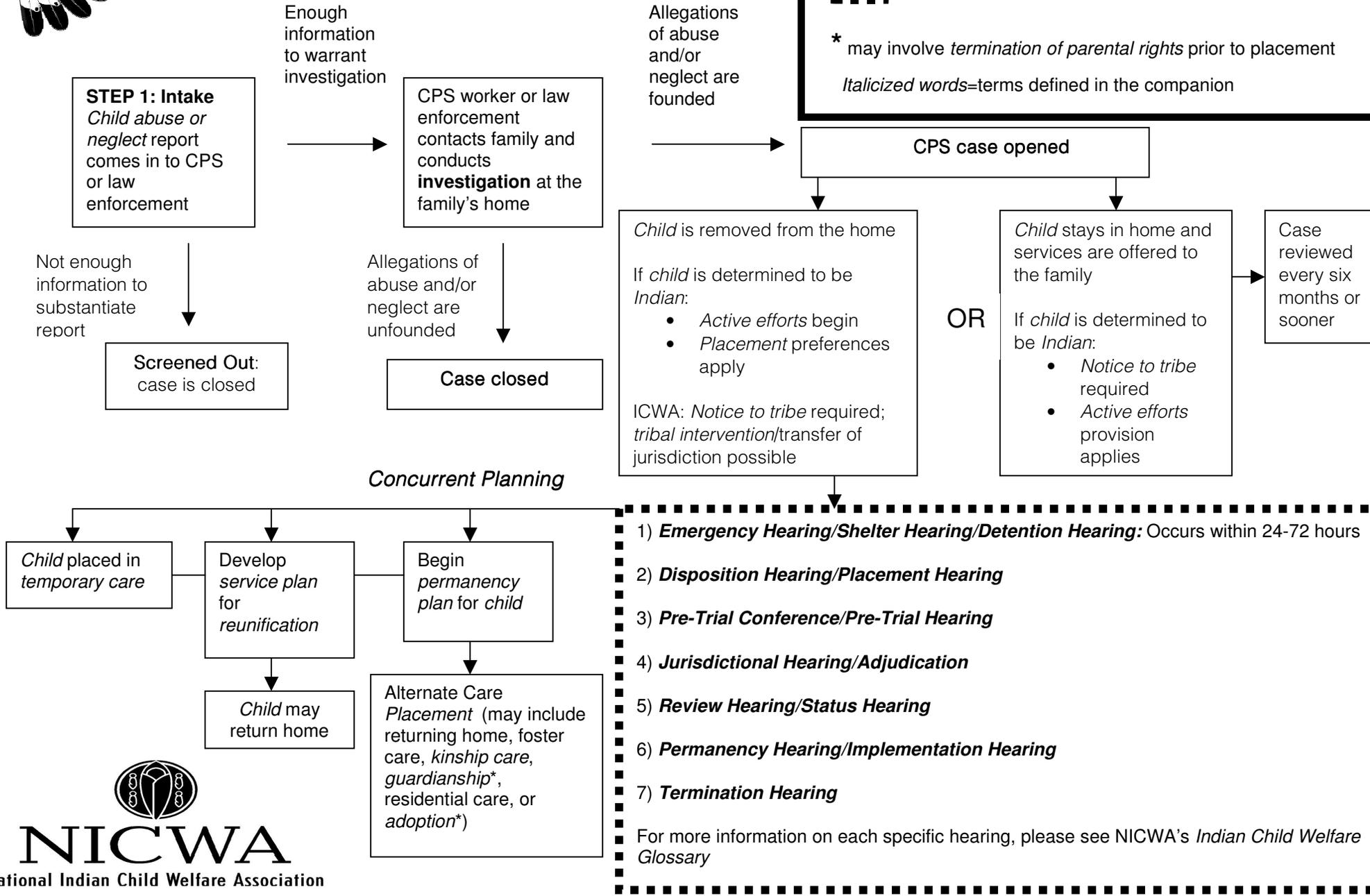
ICWA/Child Protective Services (CPS) Flow Chart

Flow Chart Key

■ ■ ■ ■ ■ Hearings

* may involve *termination of parental rights* prior to placement

Italicized words=terms defined in the companion





A

- **Active efforts:** “Active efforts” is an action that is required of the state in caring for an *Indian child*, mandated under the *Indian Child Welfare Act (ICWA)*. While active efforts is undefined in ICWA, it refers to an effort more intense than the legal term “reasonable efforts.” Active efforts applies to providing *remedial and rehabilitative services* to the family prior to the removal of an Indian child from his or her parent or *Indian custodian*, and/or an intensive effort to reunify an Indian child with his or her parent or *Indian custodian*.
- **Adoption:** Adoption is the legal transfer of parental *custody* for a *child* to adoptive parent(s). There are different forms of adoption, and it does not always include *termination of parental rights*. The new kinship network that is formed upon adoption may include birth parents and relatives, past foster families, and other persons significant to the child.
- **Adoption & Safe Families Act (ASFA):** The Adoption & Safe Families Act (ASFA) is a federal law enacted in 1997 that sets timelines and requirements for finding a permanent home for a *child* in temporary *custody*. It is important to note, however, that ASFA does not supercede the *Indian Child Welfare Act (ICWA)* and that ICWA requirements must still be met.
- **ASFA:** Please see “Adoption & Safe Families Act.”

C

- **CASA:** Please see “Court Appointed Special Advocate.”
- **Case plan:** Please see “service plan.”
- **Child:** A child is any person under 18 years of age or any person under 21 years of age who is under state *custody* in the child welfare system. Please see also “Indian child.”
- **Child abuse and neglect:** Child abuse and neglect is defined differently by individual tribes and states. However, the U.S. federal government provides a foundation definition under the federal Child Abuse Prevention and Treatment Act (CAPTA) (42 U.S.C.A. §5106g), as amended by the Keeping Children and Families Safe Act of 2003: child abuse and neglect is “at a minimum, any recent act or failure to act on the part of a parent or caretaker, which results in death, serious physical or emotional harm, sexual abuse or exploitation, or an act or failure to act which presents an imminent risk of serious harm.” Types of child abuse can include physical abuse, sexual abuse and exploitation, and emotional abuse or maltreatment. Types of child neglect can include physical, medical, educational, emotional, and moral neglect.
- **Child Protective Services (CPS) / Protective Services:** Child protective services (CPS) are services that the state provides to look after the safety of children. They are often associated with the involuntary removal of a *child* from an unsafe home; however, CPS also provides services to strengthen and support families.

Words that are *italicized* in a definition are defined in a separate entry in this glossary.

- **Concurrent planning:** Concurrent planning is a practice technique used by social workers that takes place when the worker and the family simultaneously plan for *reunification* and an alternate permanent *placement* if reunification is not possible.
- **Court Appointed Special Advocate / CASA:** A CASA volunteer is a trained community volunteer appointed by a judge to speak for the best interests of an abused and neglected child.
- **CPS:** Please see “Child protective services.”
- **Custodian:** A custodian is a person who has legal *custody* of a *child* under tribal law or custom or under State law or to whom temporary physical care, custody, and control has been transferred by the parent of such *child*. See also the definition of “Indian custodian.”
- **Custody:** There are 2 kinds of custody: legal and physical.
 1. **Legal custody:** Legal custody gives a parent the authority to make the decisions about the children’s health, education and welfare. Joint legal custody allows both parents equal responsibility for such decisions in the children’s lives.
 2. **Physical custody:** Physical custody refers to the time the *child* spends with each parent on a regular basis. Joint physical custody can occur when parents can agree on a plan on their own or with a mediator’s help.

Sometimes, a judge gives both parents joint legal custody, but not joint physical custody. This means both parents have equal responsibility for important decisions in the children’s lives, but, the *child* lives with one parent most of the time and usually has scheduled time with the other parent.

- **Customary adoption:** A customary adoption is a practice, ceremony, or process conducted in a manner that is long-established, continued, reasonable, and certain; considered by the people of a tribe to be binding or found by the tribal court to be authentic, which gives a child a legally recognized permanent parent-child relationship with a person other than the child’s biological parent without a requirement for termination of parental rights (TPR).

D

- **Deposition:** A deposition is a *proceeding* that typically occurs outside of the courtroom. It is a collection of statements of parties involved, and these statements are given under oath. A court reporter may use audio or video-recording equipment to collect the information. The deposition is a way for the opposing attorney to learn about the facts and opinions before a *trial* begins, and it may be used at the time of trial.

E

- **Enrollment in a tribe:** Enrollment in a tribe is registration with a tribe that verifies membership with that tribe. See also “member of a tribe.”
- **Expert witness:** Under *ICWA*, an “expert witness” is someone who can



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provide the court with knowledge of the social and cultural aspects of Indian life to diminish the risk of any cultural bias. The testimony of a qualified expert witness is required in the case of an *Indian child* in order to make a *foster care placement* or *termination of parental rights*. A qualified expert witness can be identified with help from the tribe of the *child*, the BIA, or *Indian* organizations and is meant to be a person with more knowledge than the average social worker or anthropologist.

F

- **Family Group Conferencing:** Family group conferencing is a family-centered, strengths-based, and culturally relevant technique used by social workers to gather a family and other significant people for the purpose of establishing a care plan for a *child*. The meeting is often structured into three phases: information sharing, family alone time, and presentation of the plan. Follow-up conferences may occur if needed.
- **Family preservation:** “Family preservation” often refers to a program that provides services specifically identified for families in crisis whose children are at risk of out-of-home placement. Family preservation actively seeks to obtain or directly provide the critical services needed to enable the family to remain together in a safe and stable environment.
- **Foster care:** Foster care is the provision of temporary parental care and supervision to a *child* typically not related through legal or blood ties. For more information on foster care placements, see also “placement.”

G

- **Guardian ad litem:** A guardian ad litem is an advocate for a child whose welfare is a matter of concern for the court. In legal terms, it means “guardian for the lawsuit.”
- **Guardianship:** Guardianship is an out-of-home *placement* designated by a court between a *child* and caretaker which, in most cases, is intended to be permanent. (The child is no longer a ward of the court.)

H

- **Hearing:** A hearing is a *proceeding* to review procedural issues or other matters before a magistrate, such as a judge, without a jury. While some hearings may follow the same process of a *trial*, other hearings may not have as much formal testimony as a trial and may be more brief. There are seven (7) types of hearings that are often associated with child welfare cases. It is important for parent(s)/*custodian*(s) to be present at each of these hearings, as absence could be taken as a lack of interest in the *child*.
 1. **Emergency hearing / Shelter hearing / Detention hearing:** An emergency hearing occurs within 24-72 hours that the state has taken emergency physical *custody* of a *child* suspected to be a victim of abuse or neglect. The purpose of this hearing is for the court to give official *notice* to the parents about what is happening and to determine what steps the state will follow next with regard to the custody of the child: return to parent(s) or live somewhere else for now. If the court decides the child needs to live



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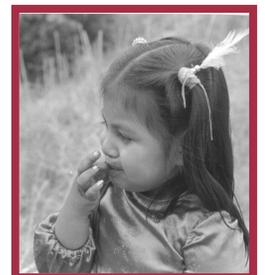
somewhere else, it can make visitation orders so the parent can see the child. The court will also tell the parents where they can get help so the child can come back to them. The court also decides if the state's social services made an "*active effort*" or "*reasonable effort*" to keep the child with the parents.

2. Disposition hearing / Placement hearing: In a disposition hearing the court names the specific place where the *child* will go. This hearing can sometimes be combined with another hearing, to confirm *placement* with a specific family or agency. The initial disposition hearing typically occurs within 14 days after removal of the child.
3. Pre-trial conference / Pre-trial hearing: At the pretrial conference, the court may consider efforts to locate and serve all parties, try to simplify the issues, resolve legal questions, resolve questions about and mark evidence, discuss settlement and mediation, decide whether the *child* will testify at adjudication and under what conditions, establish a reasonable time limit for presenting evidence, consider any other matters that may help resolve the case, and have the parties submit list of witnesses.
4. Jurisdictional hearing / Adjudication: A jurisdictional hearing is one in which the state or the tribe has to



establish sufficient grounds under state or tribal law for the state or tribe to take legal *custody* of the *child*. There are a 3 grounds under which the state can take custody of the child: dependency, neglect, abuse (sexual or physical), and hearings that are on the grounds of dependency are often called "dependency hearings."

- a. Dependency hearing: In a dependency hearing, the state is required to establish that the *child* is dependent instead of abused or neglected. Every state has its own grounds for establishing dependency, however the general meaning of dependency is that through no fault of the parents, the parents are unable to take care of the child, and the child is on his/her own and needs assistance.
5. Review hearing / Status hearing: In a review hearing the state reviews its need to continue jurisdiction over the *child*. It also allows the court to decide whether to continue with family *reunification* services, order additional services, set a date for a permanency hearing, and/or dismiss the case.
6. Permanency hearing / Implementation hearing: A permanency hearing is required under the *Adoption & Safe Families Act of 1997 (ASFA)* and decides a permanent *placement* for the *child* and the future direction of the case. At this hearing, the court makes a permanent plan for the child. The plans can be to place the child with a relative, foster parent, or in a group home; name a legal guardian for the child; or *termination of parental rights* so the child can be adopted. *Reunification* with the original caretakers is not an option by the time this hearing occurs.
7. Termination hearing: In a termination hearing the state court proceeds with the *termination of parental rights (TPR)*. This is like a regular *trial* and may sometimes occur before a jurisdictional hearing or any full-blown trial to develop procedural matters.



Words that are *italicized* in a definition are defined in a separate entry in this glossary.

I

- **ICWA:** Please see “Indian Child Welfare Act.”
- **Indian:** “Indian” is a term used in U.S. federal language, including the *Indian Child Welfare Act (ICWA)*, to refer to any person who is a member of a federally recognized American Indian tribe or Alaska Native village, or who is an Alaska Native and a member of a Regional Corporation. See <http://www.indians.org/> for a list of federally recognized tribes.
- **Indian child:** As defined in the *Indian Child Welfare Act (ICWA)*, an Indian child is “any unmarried person who is under age 18 and is either (a) a member of an *Indian* tribe or (b) is eligible for membership in an Indian tribe and is the biological *child* of a member of an Indian tribe” (U.S.C. Title 25).
- **Indian Child Welfare Act / ICWA:** The Indian Child Welfare Act (*ICWA*) is a federal law passed in 1978 that guides states in their process for *placement* of an *Indian child* that is in their *custody*. This act was passed in response to the alarmingly high rate of Indian children being removed from their homes unnecessarily. It requires that states seek placement for the *child* with that child’s family, tribe, and other American *Indian* homes before looking elsewhere. It generally does not apply to divorce *proceedings*, intrafamily disputes, *juvenile delinquency* cases, or cases under tribal court jurisdiction.
- **Indian custodian:** As defined in the *Indian Child Welfare Act (ICWA)*, an Indian custodian is “any *Indian* person who has legal *custody* of an *Indian child* under tribal law or custom or under State law or to whom temporary physical care, custody, and control has been transferred by the parent of such *child* [italics added]” (U.S.C. Title 25).
- **Involuntary:** In Indian child welfare, this refers to the process by which a parent loses *custody* of a *child* to a state agency and the child is placed in foster care due to *child abuse and/or neglect*. In order to regain custody, the parent and social worker together develop a *service plan* outlining *remedial or rehabilitative services* for *reunification* with the child.

J

- **Juvenile delinquency:** Juvenile delinquency occurs when a person under the age of 18 years commits a violation of the federal or state laws which would have been a crime if committed by an adult; or when noncriminal acts are committed by a juvenile for which supervision or treatment by juvenile authorities is authorized. There are narrow exceptions where the *Indian Child Welfare Act (ICWA)* may apply in juvenile delinquency cases.

K

- **Kinship care:** Kinship care is when a non-parent relative provides parental care and supervision to a *child*.

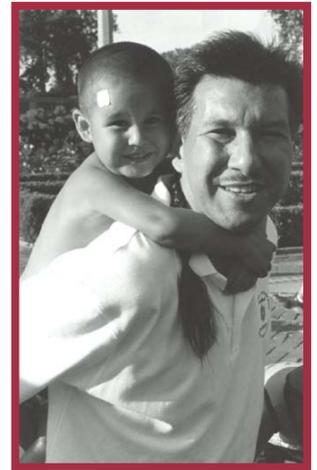
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M

- **Member of a tribe:** The definition of what constitutes membership in a tribe varies from tribe to tribe, and final determination of membership lies with the tribe. Membership can be more inclusive than *enrollment in a tribe*.

N

- **Notice to parent/custodian:** Under the *Indian Child Welfare Act (ICWA)*, states are required to ensure that a parent/*custodian* is notified when their *Indian child* is involved in any involuntary *proceeding* that could lead to a *foster care placement* or *termination of parental rights (TPR)*. The party seeking the foster care placement or TPR is required to notify the parent/*custodian* and the Indian child's tribe by registered mail with return receipt requested of the pending proceedings and of their right to intervene. Additionally, "if the identity or location of the parent or *Indian custodian* and the tribe cannot be determined, such notice shall be given to the Secretary in like manner, who shall have fifteen days after receipt to provide the requisite notice to the parent or Indian custodian and the tribe [italics added]" (U.S.C. Title 25).
- **Notice to tribe:** Under the *Indian Child Welfare Act (ICWA)*, once the state receives *custody* of an *Indian child*, it is required to notify that *child's* tribe(s) by registered mail with return receipt requested that the child is in their custody so that the tribe may decide if it wishes to intervene. Please see also "tribal intervention."



O

- **Out-of-home Placement:** Please see "placement."

P

- **Permanency planning:** In Indian child welfare practice, permanency planning is planning for maintenance of an *Indian child's* sense of belonging to their extended family, their tribe, and their caretakers in a permanent and stable home. This planning includes carrying out a set of goal-directed activities designed to help the *child* live in such a home, offering the child the opportunity to establish life-long relationships with the placement family, extended family, and their tribe. Examples of permanent *placements* include *kinship care*, *guardianship*, *adoption*, *reunification*, conventional or *customary adoption*, and long-term *foster care*.
- **Permanent placement:** Please see "placement."
- **Placement:** A placement occurs when a *child* is brought to live in a home other than his or her original home. The placement of the child may be temporary or long-term in out-of-home care or *foster care*, or it may be permanent. Under the *Indian Child Welfare Act*, placement preferences exist for an *Indian child*. They are in order of preference as follows:
 1. A member of the Indian child's extended family (*Indian* or non-*Indian*);
 2. A foster home licensed, approved, or specified by the Indian child's tribe;
 3. An Indian foster home licensed or approved by an authorized non-*Indian* licensing authority; or
 4. An institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs.

Words that are *italicized* in a definition are defined in a separate entry in this glossary.

Out-of-home/ Foster Care Placements: Placement preferences apply to both voluntary and involuntary *foster care* placements. See definitions for *involuntary* and *voluntary*.

Permanent placement: In Indian child welfare practice, a permanent placement is a permanent and stable home that maintains an *Indian child's* sense of belonging to their extended family, their tribe, and their caretakers.

- **Proceeding:** A proceeding is a process by which legal judgments are administered. Types of proceedings include a *deposition*, a *hearing*, and a *trial*. Child protection proceedings usually take place in a hearing.
- **Protective services:** Please see “child protective services (CPS).”

R

- **Relinquishment of child custody:** Please see “termination of parental rights.”
- **Remedial and rehabilitative services:** Remedial and rehabilitative services are services provided by the state to give support to families to help them become safe *placements* for a *child*. These services are required in the *Indian Child Welfare Act (ICWA)*. The intention of these services is to provide supports to a family to prevent the removal of a child by “rehabilitating” or strengthening the family in their parenting and other related skills, and/or to provide support that assists in “remediating” or correcting the situation in a home that led to the removal of a *child*. These services can include *family group conferencing*, parent counseling, substance abuse counseling, job-skill training, and many other types of services.
- **Residential care:** Residential care is the provision of parental care and supervision to a *child* by a public or private agency in a facility where the *child* lives.
- **Reunification:** Reunification is the *active efforts* of state services to help bring the *child* and family back together after a child has been removed from a home.

S

- **Service plan:** A service plan is an arrangement of services identified by a social worker and family to meet the needs of the *child* and/or parents. Services for the child can include counseling, cultural practices for healing, medical treatment, protective day care, and out-of-home *placement*. Services for both the parents and the child can include *concurrent planning*, *family group conferencing*, counseling, cultural practices for healing, and other *rehabilitative and remedial services*. The service plan may include informal sources of support, like extended family, church, and the tribe. Social workers will have a certain number of face-to-face contacts and home visits with the family, but the level of service varies by family needs, the proximity of services, and the services provided by other agencies. The service plan is time-limited, meaning that goals and objectives must be met within a limited time or the social worker will look at other permanent *placements*.



T

- **Temporary care:** Temporary care is a temporary, safe place that a *child* may be staying at while a permanent *placement* is being sought after. This can include *kinship care*, relative placement, *foster care*, and placement in a care facility.
- **Termination of parental rights (TPR):** Termination of parental rights is a decision by which a parent loses all rights to their *child*. There are two ways a parent's rights to a child may be terminated:
 - **Voluntary TPR:** In a voluntary TPR, the decision to end parental rights is agreed upon by both parents. A child is removed, placed in alternative care, and can be returned upon the parents' request.
 - **Involuntary TPR:** In an involuntary TPR, the decision to end parental rights is made by a court of law and may occur without either parent's consent. A petition must first be filed in a court before it can be ordered. A child is removed, placed in alternative care, and cannot be returned upon the parents' request. Under a *customary adoption*, a modification of parental rights may occur instead of TPR.
- **TPR:** Please see "Termination of parental rights."
- **Transfer of jurisdiction:** Please see "tribal intervention."
- **Trial:** A trial is a *proceeding* to examine disputed questions about facts and law that is presided over by a magistrate, such as a judge, with or without a jury. A trial is usually more formal than a *hearing*. Formal procedures in a trial include opening statements limited to a specific outline, presentation of evidence in a certain order, final arguments, and a final verdict or judgment that usually concludes the trial. A trial can be open to the public. There are several types of trials but they can generally be grouped as "civil trials" or "criminal trials":
 1. **Civil trials:** In civil trials addressing child *custody cases*, allegations of *child abuse and neglect* are not as severe as they are in a criminal trial. The majority of court processes in child abuse and neglect cases are handled in civil trials or hearings. There can be multiple parties in the case.
 2. **Criminal trials:** In criminal trials addressing child *custody cases*, allegations of *child abuse and neglect* are more serious than in civil trials. The seriousness of allegations determines if the state will file it as a criminal case, and the state must be able to prove such allegations. Civil child abuse and neglect cases may proceed simultaneously with a criminal case. Criminal trials have only two parties: the state and the defendant, though there will be similar players as in a civil trial. In most criminal cases the exact punishment will be determined by the judge at a hearing held after the trial.
- **Tribal intervention:** Tribal intervention in a child *custody case* occurs when a tribe acts on its right to participate in a child custody *proceeding*. The *Indian Child Welfare Act (ICWA)* states that "in any State court proceeding for the *foster care placement* of, or *termination of parental rights* to, an *Indian child*, the *Indian custodian* of the *child* and the *Indian child's* tribe shall have a right to intervene at any point in the proceeding [italics added]" (USC Title 25, 1911.C.). This intervention can be wide in its interpretation: the tribe may request to transfer the case to tribal court (a "transfer of jurisdiction") or the tribe may choose to only monitor the case through court records. Transfer of jurisdiction can be requested by either the parent or the tribe. A tribe may intervene at any point in an Indian child custody proceeding.

Words that are *italicized* in a definition are defined in a separate entry in this glossary.

V

- **Voluntary**: In Indian child welfare, this term refers to the process by which a parent consents to *relinquish custody* of a *child* over to a state or private agency. A child may be returned to the parent at her/his request, as long as there is no risk of imminent harm or danger presented. Valid consent of a voluntary placement must be given in writing, recorded before a judge, and executed after the child is ten days old.



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ICWA Resources

For technical assistance, please contact:

U. S. Department of Interior Offices

Bureau of Indian Affairs, Central Office; Assistant Secretary; 1849 C. Street, N.W., Washington, D.C. 20240; 202-208-7163.

Bureau of Indian Affairs, ICWA Response Center, Assistant Secretary, 1001 Indian School Road, NW Albuquerque, NM 8104.

Bureau of Indian Affairs, Southern Plains Regional Office, Regional Director, WCD Office Complex, P.O. Box 368, Anadarko, OK 73005

National Resource Centers

National Indian Child Welfare Association (NICWA): www.nicwa.org
5100 Southwest Macadam Avenue, Portland, OR 97239; 503-222-4044

Native American Rights Fund: <http://www.narf.org/>

For additional resources:

The web links to the list of federally-recognized tribes and to the tribal leaders directory can be located at:

<http://www.bia.gov/DocumentLibrary/index.htm>

The web link to the non-federally acknowledged list of tribes that have filed a petition or letter of intent to become federally-recognized can be located at:

<http://www.bia.gov/WhoWeAre/AS-IA/OFA/index.htm>

The web link to the Tribal Court Clearinghouse which contains the Bureau of Indian Affairs updated Guidelines for State Courts and Services in Indian Child Custody Proceedings (June 8, 2016) can be located at:

<http://www.tribal-institute.org/lists/icwa.htm>

Which Way Do We Go? or MEPA Jeopardy!

Directions: Answer the following questions for your assigned case:

- A. Is this situation potentially a problem?
- B. Why or why not?
- C. Describe the child welfare professional's next steps

Case #1

Baby Jane Doe was abandoned at the hospital. She is a healthy white newborn. The child welfare professional is unable to find a white, legal-risk, foster-to-adopt home, so the baby is kept in the hospital another two days while the child welfare professional calls other agencies in the state.

Case #2

Mr. and Mrs. Winston are an infertile white couple who desire to adopt a healthy newborn. They come to the training and fill out the application. On the application, they indicate that they only want to adopt a white or Asian child.

Case #3

Robert and James are two-year-old African-American twins. They are removed from their mother due to her drug addiction. At the placement meeting, the birth mother requests the children be placed with an African-American family, not a white or Latino family. The children are placed in a group home while the child welfare professional searches for an African-American family.

Case #4

Little Julio is a four-year-old Puerto Rican boy who is the child of migrants. He speaks no English. The child welfare professional takes the child to the identified foster home, but refuses to place the child since no one in the home can speak Spanish.

Resource Guide

References for Curriculum

(Listed in order of appearance in the curriculum)

Kardiner, A. and Ovessey, L. (1951). *The Mark of Oppression*. New York: Norton

Cross, W. E. (1971). "The Negro to Black Conversion Experience: Towards the Psychology of Black Liberation," *Black World*, 20, 13-27

Thomas, C. (1971). *Boys No More*. Beverly Hills: Glencoe Press

Jackson, B. (1976). "Black Identity Development," In L. Gloubshick and B. Persky (eds.) *Urban Social and Educational Issues*, Dubuque: Kendall-Hall, 158-164

Nobles, W. (1976). "Extended-Self: Rethinking the So-Called Negro Self-Concept," *Journal of Black Psychology*, 11(2)

Nobles, W. (1986). *African Psychology: Towards Its Reclamation and Revitalization*. Oakland: Black Family Institute

Williams, R. L. (1981). *Collective Black Mind: An Afrocentric Theory of Black Personality*. St Louis: Williams & Associates, Inc.

Akbar, N. (1981). "Mental Disorders Among African Americans," *Black Books Bulletin*, 7(2), 18-25

Baldwin, J. (1963). *The Fire Next Time*. New York: Dial Press

White, J.L. (1972). "Toward a Black Psychology", In R.L. Jones (ed.) *Black Psychology*. New York

Helms, J. E. (1984). "Toward a Theoretical Explanation of the Effects of Race on Counseling: A Black and White Model," *Counseling Psychologists*, 12(4), 153-165

Parham, T. A., (1989). "Cycles of Psychological Nigrescence", *The Counseling Psychologist*, 17(2), 187-226

Cross, W. E. (1978). "The Thomas and Cross Models of Psychological Nigrescence: A Review," *Journal of Black Psychology*, 5, 13-31

Parham, T. A., (1993). *Psychological Storms: The African American Struggle for Identity*. Chicago: African American Images

Resources

Books for Children

(ISBN numbers can be used to easily order books from local bookstores.)

Angel, Ann. (1988). *Real For Sure Sister*. ISBN: 0-9609504-7-8. Ft. Wayne, Indiana: Perspective Press

Banish, Roslyn. (1992). *A Forever Family*. ISBN: 0-6-446116-5 (pbk). Harper Trophy

Bunin, Catherine and Sherry. *Is That Your Sister? A True Story of Adoption*. 1992. Six-year-old tells what is like to be adopted in a multiracial family

Girard Walvoord, Linda. (1989). *We Adopted You Benjamin Koo* ISBN 0-8075-8695-1. Illinois Albert Whitman and Co.

Halpert Kraus, Joanna. (1992). *Tall Boy's Journey*. ISBN: 0-87614-616-7 (pbk). New York: Holiday House

Krementz, Jill. (1982) *How It Feels to Be Adopted*. ISBN: 0-394-75853-6 (pbk). New York: Alfred Knopf

Mandlebaum, Pili. *You Be Me, I'll Be You*. A bi-cultural child decides she dislikes her brown skin. Her father devises a creative alternative.

Pellegrini, Nina. (1991). *Families Are Different*. ISBN: 0-8234-0887-6 (hbk). New York: Holiday House

Simon, Norma. (1976). *All Kinds of Families*. ISBN: 0-0875-0282-0 (hbk). Illinois: Albert Whitman and Co

Turner, Ann. (1990). *Through Moon and Stars and Night Skies*. ISBN: 0-06-443308-0 (pbk.). New York: Harper-Collins

Workbooks and Activity Books for Children

Milord, Susan. *Hands Around the World*, Williamson Publishing, Charlotte, Vt. Plants, stories, crafts, cooking, songs and dances to build cultural awareness

Terzian, Alexandra. *The Kids Multicultural Art Book*. Williamson Publishing, Charlotte, Vt. Roots, rhythms and traditions found in art in a hands-on experience (ages 3-9)

Sevaly, Karen. *International Children*, Teacher's Friend Pub., Riverside, Calif. Customs, costumes and flags of 22 nations

Warren, Jean & McKinnon, Elizabeth. *Small World Celebrations*, Warren Publishing, Everett, Wash. Art, games, songs and snacks to introduce children to holidays and festivals around the world

Books for Parents

(ISBN numbers can be used to easily order books from local bookstores.)

These books contain chapters that discuss transracial/transcultural parenting issues.

Beauvis-Godwin, L. and Godwin, R. (1997). *The Complete Adoption Book*. ISBN: 1-55850-644-6. Holbrook, Mass.: Adams Media Corp.

Comer and Puissant, *Raising Black Children* (1992). Plume Co., NY. ISBN: 2268397.

Hopson & Hopson, *Raising the Rainbow Generation* (1993). Fireside Books, Great Britain. ISBN 0671798065.

Keefer, Betsy & Schooler, Jayne, (2000). *Telling the Truth to Your Adopted or Foster Child: Making Sense of the Past*. Bergin & Garvey, Westport, CT. ISBN: 0-89789-691-2.

Komar, M. *Communicating with The Adopted Child* (1991). Walker & Co., NY. ISBN 0802711243.

Steinberg, Gail and Hall, Beth, *An Insider's Guide to Transracial Adoption*, 1998. Pact Press

