

Recruiting Families for Native American Children

Strengthening Partnerships for Success

As state¹ child welfare systems serve Native American children, it is crucial to have a strong understanding of both best practices and the laws that govern policies and practices for serving Native American children and coordinating with tribes. It is also valuable to recognize the essential tribal relations of Indian people and the cultural and social standards prevailing in Indian communities and families. This publication provides a brief overview of relevant laws, best practices, tips, and considerations for partnering effectively with tribes and recruiting families for Native American children in foster care. We encourage you to review additional resources to ensure that your child welfare system is following both the spirit and specific requirements of the federal Indian Child Welfare Act (ICWA) and other relevant laws as you recruit and support foster, adoptive, and relative homes for Native American children to make it possible to follow ICWA placement preferences.²

Recruiting Families for Native American Children and Implications of the Indian Child Welfare Act

In order to build a pool of foster, adoptive, and kinship families and comply with federal and state laws and agreements with tribes, many states are finding it necessary to recruit more families for Native American children in foster care. An important starting point for thinking about effective ways to recruit, develop, and support families for Native American children is to understand ICWA.³ Understanding ICWA and ensuring that your child welfare system is conducting good practice based on ICWA's principles and requirements will help you have a clearer picture of your recruitment needs and partner effectively with tribes on behalf of Native American children. In addition to the federal ICWA law, your state may have incorporated ICWA requirements into state statutes, policy, or direct agreements with individual tribes.

Some of the key requirements from ICWA to understand when working with, and on behalf of, Native American children are:

- Notification of Indian parents and tribes of state proceedings involving Indian children and their right to intervene
- Placement preferences of Indian children in foster care, pre-adoptive, and adoptive homes

1 In this publication, we refer to “state child welfare systems” in order to differentiate between state systems and tribal child welfare systems. Information for state child welfare systems also applies to other non-tribal child welfare systems, such as county or territorial child welfare systems.

2 See page 2 for additional information about the placement preferences required under ICWA.

3 Please note that this publication is not intended to provide specific guidance on ICWA requirements or compliance or to interpret any federal or state policy.

- Active efforts to prevent the breakup of the Indian family when parties seek to place a child in foster care or for adoption
- Tribal right to intervene in state proceedings, or transfer proceedings to the jurisdiction of the tribe

Implications for Recruiting, Developing, and Supporting Families

Complying with these ICWA requirements may have an impact on your system's specific needs and strategies for recruiting, developing, and supporting families for Native American children. For example, by notifying tribes of proceedings involving Native American children, you may transfer some cases to tribal child welfare systems, meaning that your system may not make placements and placement decisions for some children. For all children in your foster care system for whom ICWA applies, you will need to follow the ICWA placement preferences for Native American children and the specific placement preferences of individual tribes whose children are in your foster care system. Each tribe may have different placement preferences; the only way to know a tribe's placement preferences is to ask. This means that you may find it necessary to increase your capacity to recruit and support Native American families for the Native American children in foster care. Beyond your child welfare system's overall need for a pool of foster and adoptive families who are able to meet the needs, your system will likely be looking for ways to identify placement options that align with the ICWA placement preferences and each tribe's placement preferences.

As described in ICWA:

(b) Foster care or preadoptive placements; criteria; preferences

Any child accepted for foster care or preadoptive placement shall be placed in the least restrictive setting which most approximates a family and in which his special needs, if any, may be met. The child shall also be placed within reasonable proximity to his or her home, taking into account any special needs of the child. In any foster care or preadoptive placement, a preference shall be given, in the absence of good cause to the contrary, to a placement with—

- (i) a member of the Indian child's extended family;*
- (ii) a foster home licensed, approved, or specified by the Indian child's tribe;*
- (iii) an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or*
- (iv) an institution for children approved by an Indian tribe or operated by an Indian organization which has a program suitable to meet the Indian child's needs.⁴*

Adoption and Safe Families Act

Another key federal requirement that has the potential to affect child welfare systems' efforts to recruit Native American foster, adoptive, and kinship families for Native American youth is the requirement in the Adoption and Safe Families Act (ASFA) to conduct criminal background checks for foster and adoptive families. Some potential resource families—including Native American families and non-Native families—may be discouraged from even responding to recruitment efforts because of their concerns or misconceptions about the criminal background check requirements. As your child welfare system seeks to recruit families, you may be able to engage families more effectively by providing clear information in your recruitment messages about the specific background check requirements and where there is flexibility.

4 25 U.S. Code § 1915 - Placement of Indian children

Strengthening Your Recruitment, Development, and Support of Resource Families for Native American Children

The following suggestions offer ways to build your child welfare system's capacity to recruit, develop, and support Native American families for children in foster care. Many of these recruitment strategies will be strengthened by conducting them in partnership and with input from tribes. In the final section of this publication, we provide more detailed suggestions on ways to engage and partner with tribes to support your work with Native American children.

Use your quantitative and qualitative data:

- Examine your data on prospective Native American families who have gone through the licensure or approval process to identify any key trends, including points in the process where families are more likely to drop off.
- Gather information from current and prior Native American resource families about why they wanted to be a resource for Native children, what held their interest in continuing to be a resource for Native children, and if they left what the reasons were. By evaluating these answers—looking at both strengths and challenges—you may be able to gauge how to develop or enhance your recruitment, development, and support approaches.

Understand local tribal communities:

- Understand the community from which Native children and their families come. If you are unfamiliar you can make inquiries with the tribe(s).
- Understand the available resources within the tribal community, including formal and informal services and supports. These culturally relevant resources can be particularly helpful when meeting the needs of the children and their resource family.
- Respect tribal customs, values, and beliefs so that children receive these cultural teachings while in your foster care system. By encouraging tribal child welfare programs to participate and assist with the family finding and case planning, you can facilitate culturally relevant services and enrich your own understanding of that tribe's culture and people.
- Talk in a language of strengths and concerns, giving families the appropriate tools to help them make informed decisions. These can include developing a family tree, making genograms, creating service plans that are culturally and family specific, and identifying mentors.

Recognize and address barriers Native American families may face in recruitment and licensure processes:

- Take a critical look at your recruitment, response, family preparation, and licensing or approval processes and materials to see if your messages are welcoming and culturally appropriate. Consider ways in which your system's recruitment and response messages may not be welcoming or appropriate for Native American prospective resource families. Identify areas in which you can be flexible.
- Use feedback from tribal partners and Native American resource families about elements of the family licensure/approval and preparation processes to identify areas that may prevent Native American families from continuing through the process. For example, some licensing requirements may not apply well

to housing arrangements in some tribal communities or may ignore important community customs and supports. In addition, the practice of having younger workers conduct a licensure process that includes asking personal questions of Native Americans who are older may be contrary to important cultural norms.

- Explore ways to provide clear information about the licensure and approval processes, including background check requirements, so that Native American families—and all prospective families—can make an informed decision about whether they will be able to be a resource for a child.

Specific Strategies for Planning and Implementing Family Recruitment, Development, and Support Programs

- Use input from valuable resources such as tribal elders and Native American resource families (both current and past) to help your system develop effective targeted recruitment, development, and support strategies.
- Understand customer service principles for child welfare work and how this affects the recruitment and family development efforts when staff are engaging prospective resource families or those resource families who may need support.⁵
- Review your current data on foster and adoptive families and children in need of foster or adoptive placements to ensure that you understand your recruitment needs for Native American children.
- Use available resources in your community that reach Native American families and tribal communities (e.g., tribal radio stations, tribal newsletters, nonprofit organizations that serve Native American communities).
- Ask questions of each tribe to find new ways to coordinate or partner on recruitment efforts and support for children and families:
 - Are there any tribal/cultural events coming up so you can invite Native children and their resource families to the event? Would it be appropriate to do recruitment activities at the event in partnership with the tribe?
 - What services and resource families do you have available in your community? How can we make referrals for your children in your community?
 - Can you partner with them to do relative searches, license families, place children and support them in their placements, etc.
- Find out if the tribe has its own foster care licensing program. If so, does this program meet the state and federal requirements for licensing? What impact does the tribe's approach to approving or licensing foster, adoptive, or kinship families have on how your agency works with Native American families?
- Ask if the tribe would be interested in partnering in joint efforts for family recruitment, development, and support efforts so the costs to the tribe are minimal but beneficial to both the state child welfare system and to the tribe.

5 For more information on applying customer service principles to child welfare work, including recruitment, development, and support of families, see our publication [Using Customer Service Concepts to Enhance Recruitment and Retention Practices](#).

- Conduct community forums or workshops to raise awareness and understanding of the need for Native American resource families.
- Partner with tribes and organizations that serve Native American communities to hold a recruitment fair.
- Map where Native American children in your foster care system come from when they enter foster care, noting whether the children were on reservation or off reservation so you can target your recruitment and family support efforts to the appropriate geographic areas.
- Develop and support all of your resource families so they have the skills to care for the children in their home, including Native American children.

Consider hiring Native American staff or a staff person with expertise in working with Native American families to build internal expertise, or contracting with organizations that serve Native communities to recruit, develop, and support Native families.

As your child welfare system works on strengthening your recruitment, development, and support of families for Native American children in foster care, keep in mind the role that your contracted providers and partner agencies play in your efforts. Consider whether your agency's contracts and contract management approaches hold contracted providers accountable for complying with ICWA, as it applies to their work, and for working with tribal communities in culturally appropriate ways.

Partnering with Tribes and Tribal Child Welfare Systems

The strategies in the previous section provide ideas for steps that your agency can take to reach prospective Native American families for children in foster care. Partnering with local tribes will help your child welfare system be the most effective at recruiting families for Native American children and youth and complying with ICWA placement preferences and each tribe's placement preferences. The suggestions below provide ideas for ways to establish and strengthen your partnerships with tribes and their child welfare systems.

Key Considerations

Although there are some broad suggestions and key things to keep in mind when working with tribal child welfare systems and tribal governments, one of the most important ideas to note is that each tribe is unique and that there is no one-size-fits-all approach to working with tribes. In order to build truly effective and sustainable relationships with tribes, you'll need to focus on building each relationship based on the specific dynamics, governmental structure, and culture of each tribe.

Many state child welfare systems share that they face challenges in engaging tribal leaders and Native American families and have trouble figuring out how to build new relationships with people and communities. It is important to understand that tribal leaders have many good reasons for being reluctant about engaging with state child welfare systems, including significant historical distrust. Even if your system is currently interested in building strong partnerships in good faith, tribes have likely experienced being excluded, misunderstood, or marginalized by state governments and so may have concerns about investing time to respond to new outreach efforts. Below we provide suggestions for approaches and possible strategies that may help your child welfare system build new relationships or strengthen existing relationships with tribes, in order to support your goal of finding families for Native American children in foster care.

Recognizing and Respecting Sovereignty

A crucial foundation for understanding requirements and best practices for working with tribes is truly recognizing and respecting tribal sovereignty. Tribes are independent governments and each tribe has its own governing laws to oversee their tribal membership and community. Tribes' status as sovereign governments means that your system shouldn't expect to have your partnership with a tribe be the same as partnerships with community groups, counties, or cities. It may be helpful to keep in mind that the relationship between a state and a tribe is actually a government-to-government relationship, and both entities will need to be interested in developing the relationship in order for it to work. As you approach this intergovernmental work, keep the following ideas in mind.

- No two tribes are the same. Expect to develop a unique relationship with each tribe.
- Avoid using cookie-cutter agreements and contracts; if you think it would be helpful to develop formal agreements or contracts, your system should explore negotiating individualized agreements and contracts with each tribe. The process for negotiating these agreements may differ as you work with each tribe, based on the differences among tribes and the relationship that they are interested in having with your agency.
- Respect each tribe as the sovereign government it is, and honor any contracts or agreements that you establish with a tribe. Your child welfare system can help build a strong relationship with a tribe by consistently following through on your commitments and obligations in the agreements you have with the tribe. A key part of this follow-through is ensuring that your staff are complying with the terms of the agreement.

Suggestions for Partnering with Tribes to Support Recruitment

The following ideas apply to all levels of child welfare staff, from front-line staff to leadership. The way you apply these ideas may differ slightly depending on your role, but the work of building and sustaining partnerships with tribes should occur across all levels of a child welfare system.

Take responsibility for learning about tribes in your state and reaching out to them:

- Go to the tribes' websites to learn about the tribes' demographics and history and to find out about their social services programs and structure.
- Contact each tribe's Indian child welfare (ICW) director or tribal social services director.
- Make the effort to connect with each tribe. If you don't receive a response from the tribe, call or go meet with them directly. One call does not rise to the level of having made a good faith attempt to make contact.
- If someone in your agency has an existing relationship with someone in the tribe, build upon that relationship.
- Call and ask questions. It might help to list your questions ahead of time so you can be sure that you're asking the questions that are most important for building your understanding.
- Understand the reasons that tribal leaders may not respond to you right away—including historical distrust, past challenges with your agency, and extremely high workloads. Focus on attempting to build a relationship beyond just making a few efforts to make contact with tribal leaders.

- Bring humility to this work and seek to understand each tribe and their priorities, governmental structure, history, and other key information.

Communicate, coordinate, and collaborate:

- Ask each tribe about the best way to contact them and to engage in case management for: joint permanency planning, placement, ICWA notices, family finding, service plan development, etc.
- Communicate with and include tribes at the beginning of new initiatives and changes (e.g., change in legislation, state policy or practice; plans to address cultural competency; development of new staff training approaches; creation of initiatives on improving or monitoring ICWA compliance). Don't wait to just inform tribes after a change or initiative has occurred.
- Correspond in person and ask the tribe if they would like to be added to your system's email lists and other communication vehicles.
- Review our [Diligent Recruitment Navigator](#) tool to identify key discussion questions to explore together with leaders from tribes, particularly tribal child welfare systems.
- Arrange and participate in regularly scheduled meetings (e.g., monthly, quarterly).
 - Meet consistently; don't cancel or let meetings get pushed aside for other priorities.
 - Alternate the meeting locations (between the tribal ICW office and state office).
 - Share or rotate facilitation roles between state and tribal agency leaders.
 - Develop the agenda for each meeting together.
 - Have a lunch together, as a way to build relationships and network.
- In all of your communication with tribes, including meetings, be ready to listen:
 - Key leaders need to be involved.
 - Plan for a long meeting with no interruptions so there is sufficient time to discuss important issues.
 - Do not interrupt.
 - Be open to hearing concerns about your child welfare system and how it currently serves Native American children and prospective and current Native American foster, adoptive, and kinship families.
 - Be ready to have a difficult discussion without getting defensive.
 - Ask what can be done differently and how to make it work for both tribes and the state child welfare system. Respect tribal representatives' expertise on what works best in their tribal communities.
 - Ask how the relationship between the tribe and your child welfare system can help meet the tribe's needs and support the tribe's goals for children and families.
- Invite tribes to participate in relevant advisory committees or planning teams that work on recruitment, licensing, and placement issues.

- Share information on what is happening at the state level that might affect the work you and the tribe are doing together (e.g., changes in leadership or key staff positions, organizational restructuring that affects recruitment or placement work, etc.). Ask tribes about any changes in their tribal government, key staff, or programs that might affect your partnership.
- Invite tribes to events your child welfare system hosts, including foster parent training, staff training, recruitment events, policy-planning meetings, etc.
- Determine whether your materials and trainings are in appropriate languages and are culturally applicable to tribes and Native American families.
- Take the time to meet with tribal contacts one-on-one at their offices to continue learning about tribal programs and services, the needs of the community, and new ways that you could work together on solutions.

Moving Forward

Child welfare systems can and do experience success in recruiting, developing, and supporting families for Native American children in foster care, often through dedicated efforts to build and sustain relationships with tribes and leaders in tribal communities. By seeking new recruitment strategies and strengthening your existing strategies for recruiting, preparing, and supporting families, your child welfare system can expand the pool of families who are able to meet the specific needs of Native American children in foster care and can build your system's capacity to comply with both the spirit and the requirements of ICWA.



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